

CHESHIRE EAST COUNCIL

PUBLIC RIGHTS OF WAY COMMITTEE

Date of Meeting:	17 December 2012
Report of:	Public Rights of Way Manager
Subject/Title:	Local Government Act 2000 Section 2 Deed of Dedication for a New Public Footpath in the Parish of Poynton with Worth.

1.0 Report Summary

- 1.1 An application was received in October 2002 to add a footpath and two short link footpaths in Poynton with Worth to the Definitive Map and Statement. The application is based on long usage of the routes by local residents.
- 1.2 The land over which the proposed footpaths run is owned by Cheshire East Borough Council. Due to the lengthy and costly timescales involved when dealing with Definitive Map Modification applications, it is considered that the most efficient and cost effective way to proceed with this is by means of a Deed of Dedication under the Local Government Act 2000 Section 2.

2.0 Recommendations

- 2.1 A public footpath and two link footpaths be created under Section 2 of the Local Government Act 2000 in a Deed of Dedication, in the Parish of Poynton with Worth, as illustrated between points A to B on Plan No. LGA/002, and that public notice be given of this dedication

3.0 Reasons for Recommendations

- 3.1 Section 2 of the Local Government Act 2000 provides local authorities with a power to take any steps which they consider are likely to promote or improve the economic, social or environmental well-being of their local community.
- 3.2 The requirement for the footpath and the two link footpaths has been demonstrated by the application to add the footpaths to the Definitive Map and Statement. Due to the lengthy and costly timescales involved when dealing with Definitive Map Modification Orders, a deed of dedication is considered the most efficient and cost effective way to proceed with this proposal.
- 3.3 In considering these proposals, regard has to be given to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features and it is considered that there will

no adverse effects on the basis that the proposed scheme will be adding a footpath to the Definitive Map which is already in use by the public.

4.0 Wards Affected

- 4.1 Poynton East and Pott Shrigley.

5.0 Local Ward Members

- 5.1 Councillor Howard Murray and Councillor Jos Saunders.

6.0 Policy Implications including - Climate Change, Health

- 6.1 The proposal supports the following policies and initiatives of the Cheshire East Rights of Way Improvement Plan 2011-2026:

- Policy H3: Public rights of way and green infrastructure: Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety or access to green spaces. Initiative: 'Leisure routes for cyclists, horse riders and walkers'
- Policy H2: Promotion of active travel and healthy activities: Work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities. Initiative 'Public information on the public rights of way network'

- 6.2 The development of new walking, cycling and horse riding routes for local residents and visitors alike is aligned with the Council's objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles) and the Council's commitment to the Change4Life initiative.

7.0 Financial Implications

- 7.1 Some minor clearance works are required on the proposed footpath which will cost approximately £200. Thereafter, any maintenance works required will be resourced by the public rights of way team. The proposed footpaths are not routes which will require regular or extensive maintenance works.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Under Section 2 of the Local Government Act 2000, a local authority has the power to do anything to improve the economic, social or environmental wellbeing of their area. In accordance with this power, the Council may enter into a Deed of Dedication to create a public right of way.
- 8.2 The path will become a public footpath and maintainable at the public expense on the date that the Deed of Dedication is sealed.
- 8.3 Under Section 2 of the Local Government Act 2000, there is no statutory right for objection to the proposal.

- 8.4 The use of the powers under Section 2 of the Local Government Act 2000 fall within the general powers of this Committee which are described in the Constitution: "The Public Rights of Way Committee shall discharge all the functions of the Council in relation to all matters relating to public rights of way."

9.0 Risk Management

- 9.1 Not applicable.

10.0 Background and Options

- 10.1 A Definitive Map Modification application was received in October 2002 to add a footpath and two short link footpaths in Poynton with Worth to the Definitive Map and Statement. The application is based on long usage of the routes by local residents.
- 10.2 The land over which the proposed footpaths run is owned by Cheshire East Borough Council. Due to the lengthy and costly timescales involved when dealing with Definitive Map Modification applications, it is considered that the most efficient and cost effective way to proceed with this is by means of a Deed of Dedication under the Local Government Act 2000 Section 2. This means that the footpath and the two link footpaths would be dedicated by Cheshire East Council as public rights of way.
- 10.3 The proposed footpath is approximately 340 metres in length and runs through a small wooded area, linking Anglesey Drive and Towers Road (Poynton-with-Worth FP65), it runs parallel to London Road North (as shown on plan no. LGA/002). There are also two short footpath links joining with London Road North and London Road North Service Road (also indicated on plan no. LGA/002).
- 10.4 The local Councillors have been consulted about the proposal. No comments have been received.
- 10.5 Poynton Town Council has been consulted about the proposal. At the time of writing the report no comments had been received.
- 10.6 The following services in Cheshire East Council have been consulted regarding the proposal: Highways and Transport; Legal Services; Assets; Streetscape and Bereavement Services. Each service has responded to state that they have no objection to the proposal.
- 10.7 The user groups have been consulted. No comments have been received.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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