

CHESHIRE EAST COUNCIL

PUBLIC RIGHTS OF WAY COMMITTEE

Date of Meeting:	16 th September 2013
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 Knutsford.

1.0 Report Summary

- 1.1 An application was received in August 2004 to add a footpath from King Edward Road to Princess Street, over the Princess Street car park in Knutsford, 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 footpath runs 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 be created under Section 2 of the Local Government Act 2000 in a Deed of Dedication, in the Parish of Knutsford, as illustrated between points A to B on Plan No. LGA/005 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 has been demonstrated by the application to add the footpath 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 be 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 Knutsford

5.0 Local Ward Members

5.1 Councillor Stewart Gardiner, Councillor Olivia Hunter and Councillor Peter Raynes.

6.0 Policy Implications

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 There are currently no required works to be carried out on the ground by the Borough Council. Any future maintenance works required will be resourced by the public rights of way team. The proposed footpath is not a route which will require regular or extensive maintenance works.

8.0 Legal Implications

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 August 2004 to add a footpath in Knutsford to the Definitive Map and Statement. The application is based on long usage of the route by local residents.
- 10.2 The land over which the proposed footpath runs 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 would be dedicated by Cheshire East Council as a public right of way.
- 10.3 The proposed footpath is approximately 80 metres in length and runs through a tarmac car park, linking King Edward Road and Princess Street in Knutsford (as shown on plan no. LGA/005).
- 10.4 The local Councillors have been consulted about the proposal. No comments have been received.
- 10.5 Knutsford 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: Highway & Transport and Assets. Assets have responded to state that they have no objection to the proposal. No comments have been received from Highway & Transport.
- 10.7 The local 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:

Name: Jennifer Tench
Designation: Definitive Map Officer
Tel No: 01270 686158
Email: jennifer.tench@cheshireeast.gov.uk
PROW File: MA 5/230