



Public Rights of Way
Cheshire East Council
2nd Floor, Old Building
Municipal Buildings
Earle Street
Crewe
Cheshire CW1 2BJ

Phone: 01270 686 077
marianne.nixon@cheshireeast.gov.uk

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OUR REF: PROW/MN 090D/597

Dear Consultee

**PROPOSED DIVERSION OF PUBLIC BRIDLEWAY NO 1 AND FOOTPATH NO 6 IN THE
PARISH OF CONGLETON
HIGHWAYS ACT 1980 S119**

An application for the diversion of parts of the above footpath and bridleway has recently been submitted by Mr P Chadwick, Moreton Meadows Farm, Waggs Road, Congleton, Cheshire CW12 4DA.

As you may know under the Highways Act 1980, an appropriate authority is empowered to make a Public Path Diversion Order where it appears to be expedient in the interests of the owner, lessee or occupier of the land crossed by the path or of the public. In addition, in order that the Order is capable of confirmation, the authority must be satisfied that the path will not be substantially less convenient as a result of the diversion and regard must be paid to the effect of the diversion on public enjoyment of the path as a whole. The Council believes that in this case, these tests are met. **If a diversion order is made, existing rights of access for the statutory undertakers to their equipment and apparatus are protected.**

To provide security and privacy to the applicant's property, the proposed diversion route for Congleton Footpath No.6 would take path users away from the applicant's garden, and the proposed diversion route for Congleton Bridleway No.1 would rectify a mapping anomaly by moving the bridleway section several metres to the north along a similar alignment so that it is recorded as the same alignment currently used by the public.

Diversion of Congleton Footpath No.6

The section of Congleton Footpath No.6 proposed for diversion starts at point A and follows a south westerly direction over an unmade path to the garden of Moreton Meadows Farm which it then enters and exits via pedestrian gates at points B and C. From point C, it bears in a south, south westerly direction over a pasture field to terminate at a field boundary (point D).

The proposed new route of Congleton Footpath No.6 would also start at point A but would then run in a southerly direction towards a stream (point F). It would then follow alongside the stream in a west, south westerly direction to point G and then in a south, south westerly direction passing via a kissing gate into a pasture field. It would then run through this field between a fence and the eastern hedged boundary of the field, to terminate at point D.

The footpath section would be 2 metres wide where unenclosed and 2.5 metres wide where enclosed between the fence and hedge, although it is anticipated that the enclosed section would be wider. A 1 metre wide stone surface (sand and hardcore) would be installed along the diversion route due to the presence of boggy areas. It is also the intention to drain the boggy areas as far as practicable. At point D, a steel kissing gate would be installed.

In summary, the proposed new footpath route would follow a line that would:

- Be significantly more enjoyable for users as it would pass through more open landscape and avoid the need to walk through a private garden.
- Would be easier to navigate.
- Would afford improved privacy and security for the applicant.

Diversion of Congleton Bridleway No.1

From its crossing point with Congleton FP6 (point A), the section of Congleton BR1 proposed for diversion follows a westerly direction along an enclosed unmade track for approximately 68 metres to terminate at point E.

The proposed new route would start at point A and would also run in a westerly direction but would be aligned to the north of the current route, and parallel to it such that it would align along the route used by walkers and riders today, and would terminate at point E.

The new section of bridleway would be enclosed to a width of 3 metres.

The diversion of the footpath and bridleway would be made in the interests of the landowner.

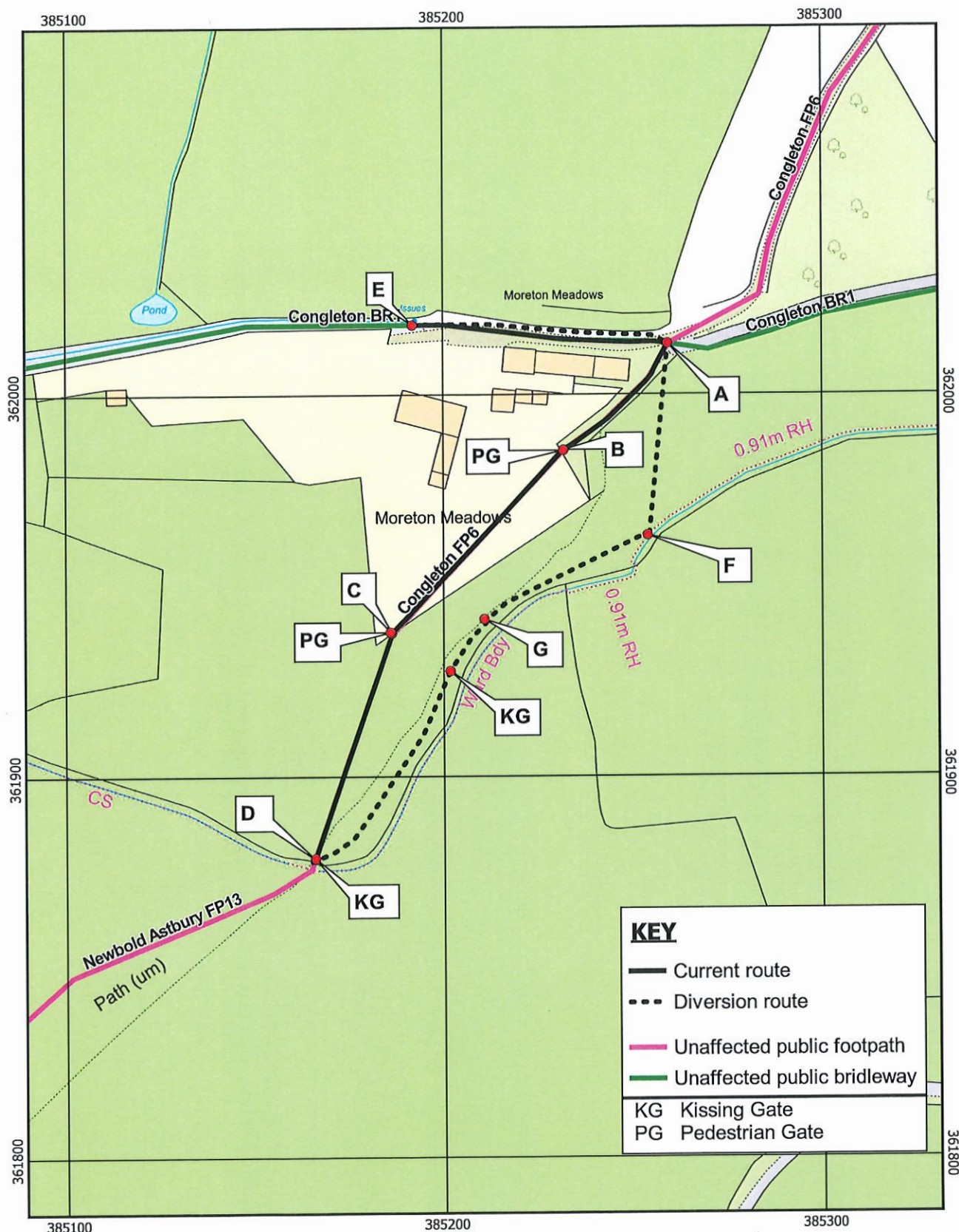
I invite you to submit any comments you may have in relation to the proposal by **Thursday 18th November 2021**. If I have not heard from you by this date, I will assume that you have no objection to the proposal.

Should you want to consider the proposal but are unable to do so by this date, would you please inform me as soon as possible.

Yours sincerely

Marianne Nixon
Public Path Orders Officer

Read our Privacy Notice at www.cheshireeast.gov.uk/prow



1:1250

Proposed diversion of parts of Congleton
FP6 and BR1

This is a working copy of the definitive
map and should not be used for legal
purposes



HIGHWAYS ACT 1980 s119 DIVERSION OF FOOTPATH, BRIDLEWAY OR RESTRICTED BYWAY

Compare the proposed diversion with the present path considering the following-

- Are the end points of the diversion on the same highway or one connected with it?
- Is the diversion substantially longer considering the typical use of the path? For example, as a recreational route or a short cut to shops or a bus stop? If so, by what approximate percentage is the length increased?
- Are walkers exposed to increased dangers from traffic because of the diversion? For example, the exit point has no verge or footway, or is on a bend?
- Is there a significant increase in gradient in using the diversion?
- Is the surface of the proposed diversion at least as good as the original path? If not, how is it worse?
- Does the diversion increase the difficulties for walkers? Do any limitations (i.e. gates or gaps) comply with the Equalities Act 2010?
- Would using the diversion deprive the walker of pleasant views?
- Does the diversion provide a satisfactory and safe link to the nearest public right of way?
- Is there loss of historical character or features?
- Is the diversion a positive improvement to the original route or on an alignment which is only marginally less satisfactory? If not, how could the diversion be made acceptable?

Ensuring the Diversion Will Be Available for Walkers.

Inspectors should walk the whole length of the path, even when only part is subject to a diversion application. Any faults on the rest of the path, such as it being obstructed or out of repair, should be reported. Whilst these are not valid legal reasons to object to the diversion, they need to be drawn to the attention of the highway authority with a view to ensuring that the diversion route is available to walkers. Similarly, if a path providing a continuation from the diversion is obstructed or out of repair, this should be reported.