



Officer Decision Notice

The following decision has been taken under the Council's Constitution as amended.

Decision Maker: Highways and Environment Services Manager

Decision in matter of: Wildlife and Countryside Act 1981 – Section 53
Application for a Definitive Map Modification Order, Public Footpath 7 Cuddington (Malpas)

Decision:

1. It is confirmed that an application report in respect of the above-mentioned matter ("the Report") has been prepared and Notice given to the Ward Member on 20 October 2021 in accordance with paragraph 14 of section B5 –committee Procedure Rules of the Council's Constitution ("the Call-In Procedure").
2. It is confirmed that the Report has not been called-in for decision by the Planning Committee in accordance with paragraph 14.2 of the Call-In Procedure.
3. Accordingly, the Highways and Environment Services Manager pursuant to the powers set out above and to paragraph 14.9 of the Call-In procedure does hereby confirm the recommendation contained in the Report (reproduced below) as a decision of the Council.

The Recommendation:-

(1) The application made to Cheshire West and Chester Borough Council ("the Council") to modify the Definitive Map and Statement ("the DM&S") be accepted in part on the grounds of discovery of evidence that a section of the line of Public Footpath 7 Cuddington (Malpas) ("FP7") was incorrectly recorded on the DM&S. The proposed line of the footpath between B to C on Plan number MO568A ("the Plan") is refused for a recommended line shown between points D to E on the Plan.

(2) An Order be made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") to modify the DM&S by the extinguishment of part FP7 as shown between points A to D on the Plan and the subsequent addition of a footpath to the DM&S for FP7 as shown between Points D to E on the Plan and that the requisite notice of the making of an Order be given.

(3) The Highways and Environment Services Manager be authorised to take any action considered necessary in respect of the confirmation of the Order hereby authorised to be made.

Signed  (Highways and Environment Services Manager)

Name...Sue Begley

Date 23/11/21

Contact Officer : Adele Mayer, Prow Asset Management Officer