

## Officer Decision Notice



Cheshire West  
and Chester

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

**Decision Maker:** Eraina Smith (Senior Manager Asset and Network)

**Decision in matter of:** Wildlife and Countryside Act 1981 Section 53 relating to a Definitive Map Modification Order relating to Ness Acre (CWAC-007)

**Ward Member:** Vacant (currently Councillor Simon Eardley as neighbour member)

**Decision:**

1. In December 2014 an application was made to the Council by the Wirral Footpaths and Open Spaces Preservation Society ('the Applicant') under section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a Public Footpath to the Definitive Map and Statement as shown as a dashed black line between point A and point B on Plan MO/570 (plan annexed hereto).
2. An independent Public Rights of Way consultant was engaged by the Council on the matter and their report recommendation was to refuse the application (report annexed hereto) and the Council acted accordingly.
3. The Ward Member at the time and the Councils Director of Transport and Highways were jointly notified of the above on 21 October 2024.
4. The Applicant was notified of the Council's decision to refuse on 7 November 2024.
5. The Applicant subsequently appealed to the Secretary of State for direction upon notification from the Council of the refusal.
6. On 5 November 2025 the Secretary of State directed in writing to the Council that the Order be made (letter annexed hereto).

**The Recommendation:-**

1. The Order referred to above now be made under section 53(2)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a Public Footpath to the Definitive Map and Statement as shown between point A and point B on the Plan MO/570 and that the requisite notice of the making of an Order be given.
2. The Senior Manager Asset and Network be authorised to take any action considered necessary in respect of the confirmation of the Order hereby authorised to be made.

**Signed**

(Eraina Smith (Senior Manager Asset and Network))

**Name** Eraina Smith

**Date** 19<sup>th</sup> January 2026

Contact Officer: Michael Goan, Public Rights of Way Officer