

Cheshire West and Chester Borough Council
Officer Delegated Report

Application Number	SD084A/FP25 Christleton
Description	Proposed Footpath Diversion Order under Section 119 of the Highways Act 1980
Site address	Public Footpath 25 Christleton
Ward	Christleton and Huntington Ward
Ward Member(s)	Stuart Parker and Mark Williams
Case Officer	Michael Goan (Public Right of Way Officer)

Date 13 August 2025

Recommendation:

- 1) That an Order be made under Section 119 of Highways Act 1980 (**“the 1980 Act”**) diverting Footpath 25 (**“FP25”**) in Christleton on the grounds that it appears to Cheshire West and Chester Borough Council (**“the Council”**) to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path as shown on Plan SD084A (**“the Plan”**).
- 2) That the Senior Manager (Asset and Network) be authorised to take any action considered necessary in respect of the confirmation of the Order duly authorised to be made.

Site Description

1. Christleton FP25 commences in an agricultural field and runs between Christleton Footpath 078/FP3/1 at OS grid reference SJ 4463 6629 (point B on the Plan then running in a generally north/north westerly direction for approximately 175 metres to the junction with Christleton Footpath 078/FP7/1 at OS grid reference SJ 4455 6645 (point A on Plan No SD084A). The path which the public use in this section is made up of loose soil and grass.

Proposal Detail

2. Christleton FP25 is being recorded by a Definitive Map Modification Order: The Cheshire West and Chester Borough Council (Addition of Public Footpath No 25, 26, 27, 28 in the parish of Christleton & Public Footpath No 7 in the Parish of Littleton) Modification Order 2025 which was made on 20th February 2025, the order has not yet been confirmed.
3. The Landowner has objected to this order but will withdraw his objections if Christleton FP25 is diverted to a hedgerow in an adjoining field approximately 130 metres to the west of Christleton FP25. The adjoining field where the Christleton FP25 is to be diverted to is also in the ownership of the Landowner. The applicant, Christleton and Littleton Parish Council, has agreed to this proposed diversion of Christleton FP25.
4. The proposed diversion will commence at Christleton Footpath 078/FP3/1, OS grid reference SJ 44520 66262 (point D on Plan No. SD084A), then running in a generally north/north westerly direction for approximately 115 metres to the junction with Christleton Footpath 078/FP7/1, OS grid reference SJ 44460 66357 (point C on Plan No. SD084A), as indicated by a dashed black line between the points marked C to D on Plan No. SD084A. The path in this section is made up of loose soil and grass.
5. The total distance of the diverted route will be 115 metres and will have a variable width of 1.2 - 1/5 metres throughout.

Consultation

6. Local user groups have been consulted, and no objections have been received.
7. Christleton and Littleton Parish Council have no objection to the diversion.

Relevant Legislation

8. In accordance with Section 119(1) of the 1980 Act it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the public and Landowner, creating a shorter safer route and thus that the test for the making of an order has been satisfied.
9. It is also necessary to consider whether the tests for confirming the order are likely to be satisfied so as not to make an order that is manifestly incapable of confirmation.
10. At the confirmation stage, Section 119(6) of the 1980 Act inclusive of the following factors must be taken into account, whether the path is substantially less convenient to the public as a consequence of the diversion and whether it is expedient to confirm the Order considering:-
 - 10.1. The effect that the diversion would have on the enjoyment of the path or way as a whole,
 - 10.2. The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way, and
 - 10.3. The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.
11. In addition to the matters contained in Section 119 of the 1980 Act, the Council in preparing this report and recommendation, has had regard to a number of other considerations required by law including:-
 - 11.1. the needs of agriculture and forestry and the desirability of conserving biodiversity, flora, fauna and geological and physiological features,
 - 11.2. requirements in relation to disability discrimination, equality, and the prevention of crime and disorder, and
 - 11.3. all material provisions of the Council's Rights of Way Improvement Plan.

12. Where objections to the Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. Where there are no outstanding objections to the Order, it is for the Council to determine whether the Order should be confirmed

Relevant Policies

13. The following policies and protocols are relevant to this application.
 - 13.1. Rights of Way Improvement Plan 2011-16
 - 13.2. Statement of Action BS1 “we will seek to address safety concerns highlighted whilst using the network during consultation”
 - 13.3. Statement of Action E05 “we will follow the Equality Act 2010 to comply with standards for mobility and visually impaired users where appropriate and reasonable”

Assessment and Issues

14. Christleton FP25 is to be recorded on the Definitive Map and Statement as this path has been used by members of the public for over a period of 20 years and the relevant legal tests have been met. Originally this path was alongside a hedgerow. The hedgerow had been removed several years ago for agricultural purposes which meant that Christleton FP 25 now crossed open arable land. The purpose of the diversion is to move the footpath to the field edge beside an existing hedgerow giving the members of the public a safer route to cross the field.
15. There are no significant differences in the views enjoyed from the current routes in comparison with the proposed alternative. The current and diversion paths have similar gradients and connect with the existing public footpaths. It is

considered that the diversion provides a satisfactory alternative to the current path and can be considered as convenient as the current route.

16. Christleton and Littleton Parish Council have been consulted. Support was given for the proposals.
17. In respect of the expediency of confirming an order taking into account the matters mentioned in paragraphs 10 and 11 above, it is considered that there are no material impacts on land currently served by the paths or to be crossed by the new paths which affect the expediency of confirming the proposed order. It is considered that the test for confirming an order will be satisfied in so far as it relates to enjoyment of the new routes.

Conclusion

18. After consideration of the application and the relevant law and policies it is concluded that it is expedient to divert Christleton FP25 as illustrated on the Plan for the benefit of the public and the Landowner.
19. After consideration of the relevant law and policies it is considered that the diversions will not be substantially less convenient to the public. Regard has been given to the effect of the diversions on the public enjoyment of the path, as a whole and the impact on the land.
20. The proposal to divert Christleton FP25 has been consulted upon and we have received no comments back in respect of the diversion.

Associated documents

File SD084A /FP25 Christleton

Plan SD084A

Appendix A.

Google Aerial image (c2025)

Site Photos

Google Aerial image (c2025)



From point A looking south towards point B



From point D looking north towards point C

