



**Committee and Date**  
**Council**  
**14 December 2023**

Item

Public



**LOCAL GOVERNMENT ACT 1972, SECTION 101  
 FORMAL APPLICATION TO ADD A BRIDLEWAY IN THE PARISH OF WOORE  
 AND TO UPGRADE FOOTPATHS TO BRIDLEWAY STATUS IN THE PARISH  
 OF BUERTON IN CHESHIRE EAST**

**DELEGATION TO CHESHIRE EAST COUNCIL TO INVESTIGATE AND  
 DETERMINE THIS CROSS BORDER CLAIM**

<b>Responsible Officer:</b>	Mark Barrow, Executive Director Place		
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<b>Cabinet Member (Portfolio Holder):</b>	Robert Macey		

**1. Synopsis**

A claim has been made to add a public bridleway and to upgrade footpaths under the provisions of the Wildlife and Countryside Act 1981 crossing the border between Shropshire and Cheshire East. Authority is therefore sought for Cheshire East Council to undertake the investigation and determination of this cross border claim.

**2. Executive Summary**

- 2.1. Under the provisions of the Wildlife and Countryside Act 1981 the British Horse Society have made a claim to amend the Definitive Map of public rights of way by upgrading footpaths in Cheshire East and to add a bridleway which forms the outlet in Shropshire. Authority is sought to delegate the power to investigate and determine the whole claim to Cheshire East Council under the Local Government Act 1972, Section 101.
- 2.2. The majority of the claim lies within Cheshire East and they wish to determine this application as a priority due to potential development in the area. Therefore, it would be sensible for one authority to deal with the entirety of the route, including the small section which runs into Shropshire.

- 2.3. Authority is sought to delegate the power to investigate and determine the claimed footpath additions and bridleway addition to Cheshire East Council under the Local Government Act 1972, Section 101.

### **3. Recommendations**

- 3.1. Shropshire Council delegates the function of determining the formal application to upgrade footpaths and add a bridleway in the Parish of Woore in Shropshire and Buerton in Cheshire, to Cheshire East Council, as the claimed routes link with each other.

## **Report**

### **4. Risk Assessment and Opportunities Appraisal**

- 4.1. The main risk to Shropshire Council would be if Cheshire East determine their part of the claimed route in advance of Shropshire determining the connecting part of the claim as this would create an anomalous route on the map. As the evidence supplied in support of the application is the same it is sensible for one authority to determine the entire claim. Cheshire East have authority to determine the claim in its entirety and have agreed to do so if Shropshire formally delegates the function to them, to investigate the connecting section within Shropshire Council's area.

### **5. Financial Implications**

- 5.1. Shropshire Council has a statutory duty to keep the Definitive Map under review and undertake the making of legal orders when required. Reasonable costs will be met by Cheshire East Council from their existing budgetary provision to investigate and determine these claims. Shropshire Council may be asked to contribute to advertising costs if an order is subsequently published and provide officer support should any resulting order require determination this would be managed through existing revenue budgets.

### **6. Climate Change Appraisal**

- 6.1. It is recognised that the use of the public rights of way network supports local active travel reducing the effect of motorised vehicles within local areas. This claim if successful will add to the network in this area that the general public can use. There is no effect on renewable energy.

### **7. Background**

- 7.1. An application has been made to Shropshire Council under Section 53 of the Wildlife and Countryside Act 1981 for the addition of an alleged public bridleway from the eastern termination of Public Footpath 21 in the Parish of Buerton Cheshire East at the County Boundary with Shropshire to the northern termination of the application route at the junction with Audlem Road. The application was submitted by a representative for the British Horse Society. The application falls within the Parish of Woore, Shropshire.
- 7.2. An application has also been made to Cheshire East Council under Section 53 of the Wildlife and Countryside Act 1981 to upgrade footpath 21 and 22 within the parish of Buerton in Cheshire East. These routes connect to the alleged bridleway in Shropshire. The application was submitted by the same British Horse Society representative.
- 7.3. A copy of the plan showing the alleged bridleway route, in both Shropshire and Cheshire East is attached at Appendix 1. The section marked C-D is in Shropshire and A-B-C is Cheshire East. A plan showing the general location of the claimed routes is attached at Appendix 2.
- 7.4. The applications lodged with Cheshire East Council and Shropshire Council form one continuous route.
- 7.5. An anomaly, therefore, would occur if Cheshire East Council were to determine in favour of the applicant to upgrade the footpaths on their side of the border before Shropshire Council were able to make a decision on the application for the addition of the bridleway claim, which forms the outlet on Shropshire Council's side of the county border.
- 7.6. Historical evidence has been submitted in support of the entire claim.
- 7.7. Officers are recommending that the Council delegates the function to investigate and determine the formal application on the Shropshire side to Cheshire East Council. This is considered to be the most practicable and efficient way of dealing with the claim which if successful forms a continuous cross border route.
- 7.8. Under Article 11 of Shropshire Council's Constitution, The Council or Cabinet, in order to promote the economic, social, or environmental well-being of its area, may:
  - (a) enter into arrangements or agreements with any person or body;
  - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;and
  - (c) exercise on behalf of that person or body any functions of that person or body.
- 7.9. The power to delegate non-executive functions (which these are) is reserved to Council under Article 11.4 of the Council's Constitution.
- 7.10. This report is to delegate to Cheshire East Council the function relating to the Formal Application in the Parish of Woore in the interests of expediency, so that the claim, under the Wildlife and Countryside Act 1981, can be determined at the same time as the connecting claim in Cheshire East.

## 8. Conclusions

8.1. The most expedient way to progress these cross border claim, is for one, authority to undertake the full procedure. This report seeks a formal delegation to Cheshire East Council to be able to determine the above mentioned s.53 applications, as the claims form a continuous route across the Cheshire East/Shropshire border.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

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**Local Member:** Cllr Roy Aldcroft

### **Appendices**

Appendix 1 – Plan showing routes claimed.

Appendix 2 – Location Plan

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