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Highways & Environment Service
Highways Commission
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Our reference Your reference
Gs/prow/dm
mo/CWAC014

Please ask for
Adele Mayer
DDno 01606 271822
adele.mayer@cheshirewestandchester.gov.uk

Date: 11 August 2017

Dear Madam,

Wildlife and Countryside Act 1981, schedule 14; Application to delete Public Footpath 26 Frodsham (ref CWAC014/DMMO)

Please note an application was registered on 16 June 2017 to delete Public Footpath 26 Frodsham from the definitive Map and Statement of Public Rights of Way. The footpath commences from Manley Road at OS grid reference SJ 5233 7639 and runs in a westerly direction along the drive to Warrenhouse and then in a northerly direction to terminate at the location of an old well at OS grid reference SJ 5220 7664 . The application submitted is supported by documents including a 1988 preliminary enquiry for the sale of land at Manley a 1910 Ordnance Survey map and a statement from a witness.

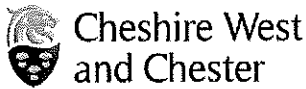
Under the Wildlife and Countryside Act 1981, it is the evidence of whether the public rights were incorrectly recorded that is considered when making the decision on whether an Order should be made.

It is intended that this application commences investigation by 30 October 2017. If you have any comments or evidence of your own to submit please let me know if you are not able to do so within the deadline, note that the date has been set for administrative reasons and can be extended if needed.

Kind regards,
Adele Mayer
Public Rights of Way Officer

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The Definitive Map and Statement (DM&S) is the legal record of public rights of way in Cheshire which proves conclusively, in law, the existence and status of a public right of way. The public rights have legal protection and may only be changed or extinguished by a legal process.

The DM&S is a minimum record of rights that are known to exist. There are often cases where paths not recorded on the DM&S but the rights have been openly used and enjoyed by the public for a considerable time. In such cases, there may be a basis for that route to be added to the legal record to protect those public rights that have been acquired.

Cheshire West and Chester Council has a legal duty to keep the DM&S under continuous review. This means that when evidence comes to light which suggests the map should be changed, the Council must investigate the claim and decide whether or not to change the DM&S.

What is the Application?

An application to change the DM&S can be made by anyone and is registered by the Council and has to be supported by evidence either of documents or witnesses or both. The Council maintains a register of all applications online and on paper (see <http://www.cheshirewestandchester.gov.uk/>)

Processing the Application

There is a consultation with all owner/occupiers/local authorities and detailed investigations are carried out on the evidence that has been submitted. It is important that any information or evidence held by landowners should be brought to the attention of the Officer investigating the case as early as possible.

Your information is important in this investigation in helping to establish the facts. However it must be understood that as this is a public process any communication or notes of meetings etc may be viewed by any other party.

The Report

When investigations are complete a report is written and recommendation made whether on the balance of the evidence an Order should be made. The power to make the decision is delegated to Officers but can be "called in" to committee.

Note that if an application is refused by the Council, the applicant can appeal to the Secretary of State for a direction to make an Order.

If an Order is made

An Order has to be made following the procedures laid down in Schedule 15 of the Wildlife and Countryside Act 1981;

- The order will be sealed by the Council's Solicitor and
- Notice served on interested parties (postal)
- Notice is advertised on site and in a local newspaper
- 42 days are allowed for any objection or representation.



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