

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Cheshire West and Chester Council  
(Addition of Public Footpaths No. 12, No. 13, No. 14, No. 15 and No. 16 in the  
Parish of Mollington) Modification Order 2017

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **29 January 2019**

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Town Hall, Northgate Street, Chester CH1 2HJ** on **Wednesday 10 July 2019** at 10.00am.

The effect of the Order, if confirmed as made will modify the Definitive Map and Statement for the area by adding:

Footpath No 12, in the Parish of Mollington commencing at Parkgate Road (A540) at OS grid reference SJ 39326 68738 at a gap to the side of the road bridge and running in a generally south westerly direction for approximately 447 metres through a gap in boundary fencing at its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3890 6860

Footpath No 13, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3890 6860 and running in a generally north westerly direction for approximately 157 metres to a gap in the boundary fencing to its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3872 6872

Footpath No 14, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3872 6872 and running in a generally north westerly direction for approximately 197 metres to a point south of a field boundary at OS grid reference SJ 36876885

Footpath No 15, in the Parish of Mollington commencing at Footpath No 14, Parish of Mollington at OS grid reference SJ 3687 6885 and running in a generally north easterly direction for approximately 140 metres to OS grid reference SJ 3879 6892 then running in a generally northerly direction for approximately 126 metres to OSGR SJ 3879 6905 then

running in a generally north easterly direction for approximately 178 metres to its termination point on Parkgate (A540) at OS grid reference SJ 3892 6918

Footpath No 16, in the Parish of Mollington commencing at the junction with Parkgate Road (A540) at OS grid reference SJ 3892 6918 and running in a generally south easterly direction for approximately 613 metres to its termination point on Footpath 12 Mollington at OS grid reference SJ 3932 6873

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@pins.gsi.gov.uk. Please quote reference number ROW/3212412 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Cheshire West & Chester Council, Network and Environmental Services, Public Rights of Way, Highways Office, Guilden Sutton Lane, Chester CH3 7EX, Monday to Friday between 9:00-4:00pm. Telephone: 01606 271822.

As Cheshire West and Chester Council has indicated that it will not be supporting the Order at the Inquiry, the case for the Order will be presented by Mr Gordon Emery. Mr Emery will be expected to adhere to the following timetable as if he were the Council.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date by [by 26 March 2019]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 7 May 2019]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 12 June 2019]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

**All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.**

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE BOROUGH OF  
CHESHIRE WEST AND CHESTER

The Cheshire West and Chester Borough Council (Addition of Public Footpaths  
No. 12, No. 13, No. 14, No.15 and No.16 in the parish of Mollington) Modification  
Order 2017

This Order is made by the Cheshire West and Chester Borough Council under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement for the Borough of Cheshire West and Chester require modification in consequence of the occurrence of an event specified in;

Section 53 (3)(c)(i), namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this Part applies

The Authority has consulted with every local authority whose area includes the land to which the Order relates.

The Cheshire West and Chester Borough Council hereby order that:

1. For the purposes of this Order the relevant date is the 4 May 2017
2. The Definitive Map and Statement for The Borough of Cheshire West and Chester shall be modified as described in Parts I and II of the Schedule hereto and shown on the map attached to this Order.
3. The Order shall take effect on the date it is confirmed and may be cited as "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No.16 in the parish of Mollington) Modification Order 2017"

THE COMMON SEAL OF CHESHIRE  
COUNTY COUNCIL was affixed this  
fourth day of May  
two thousand and seventeen  
In the presence of:



*Carol Anne  
Carr*

Authorised Signatory

SCHEDULE

PART I

MODIFICATION OF THE DEFINITIVE MAP

Description of paths or way to be added

**Footpath No 12, Mollington**

Footpath No 12, in the Parish of Mollington commencing at Parkgate Road (A540) at OS grid reference SJ 39326 68738 (point A2 on Plan No MO/558A) at a gap to the side of the road bridge and running in a generally south westerly direction for approximately 447 metres through a gap in boundary fencing at its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3890 6860 (point E on Plan No MO/558A)

Width 2 metres

A total length of approximately 447metres

**Footpath No 13, Mollington**

Footpath No 13, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3890 6860 (point E on Plan No MO/558A) and running in a generally north westerly direction for approximately 157 metres to a gap in the boundary fencing to its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3872 6872 (point H on Plan No MO/558A)

Width 2 metres

A total length of approximately 157 metres

**Footpath No 14, Mollington**

Footpath No 14, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3872 6872 (point H on Plan No MO/558A) and running in a generally north westerly direction for approximately 197 metres to a point south of a field boundary at OS grid reference SJ 3687 6885 (point M on Plan No MO/558A)

Width 2 metres

A total length of approximately 197 metres

**Footpath No 15, Mollington**

Footpath No 15, in the Parish of Mollington commencing at Footpath No 14, Parish of Mollington at OS grid reference SJ 3687 6885 (point M on Plan No MO/558A) and running in a generally north easterly direction for approximately 140 metres to OS grid reference SJ 3879 6892 (point G on Plan No MO/558A) then running in a generally northerly direction for approximately 126 metres to OSGR SJ 3879 6905 (point K on Plan No MO/558A) then running in a generally north easterly direction for approximately 178 metres to its termination point on Parkgate (A540) at OS grid reference SJ 3892 6918 (point L on Plan No MO/558A)

Width 2 metres

A total length of approximately 444 metres

### **Footpath No 16, Mollington**

Footpath No 16, in the Parish of Mollington commencing at the junction with Parkgate Road (A540) at OS grid reference SJ 3892 6918 (point L on Plan No MO/558A) and running in a generally south easterly direction for approximately 613 metres to its termination point on Footpath 12 Mollington at OS grid reference SJ 3932 6873 (point A on Plan No MO/558A)

Width 2 metres

A total length of approximately 613 metres

SCHEDULE

PART II

MODIFICATION OF DEFINITIVE STATEMENT FOR CHESHIRE WEST AND CHESTER

RELEVANT DATE: 4 May 2017

PARISH: MOLLINGTON    PATH NUMBER: PUBLIC FOOTPATH No 12

GRID REFERENCE:        From: SJ 39326 68738                      To: SJ 3890 6860

**DESCRIPTION:**

Footpath No 12, in the Parish of Mollington commencing at Parkgate Road (A540) at OS grid reference SJ 39326 68738 and running in a generally south westerly direction for approximately 447 metres to its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3890 6860

APPROXIMATE LENGTH:        approximately 447 metres

WIDTHS:                                width 2 metres

NATURE OF SURFACE:        arable/grass

PATH FURNITURE:                none

SIGNS AND NOTICES:        none

**LIMITATIONS OR CONDITIONS OF USE:**

Gap at OS grid reference SJ 3890 6860 limiting the width between 0.20 to 0.60 metres

**OTHER PARTICULARS:**

Added by "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No. 16 in the parish of Mollington) Modification Order 2017"

RELEVANT DATE: 4 May 2017

PARISH: MOLLINGTON PATH NUMBER: PUBLIC FOOTPATH No 13

GRID REFERENCE: From: SJ 3890 6860 To: SJ 3872 6872

**DESCRIPTION:**

Footpath No 13, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3890 6860 and running in a generally north westerly direction for approximately 157 metres to a gap in the boundary fencing to its termination point on land on the north side of Shelley Road (UX431) at OS grid reference SJ 3872 6872

APPROXIMATE LENGTH: approximately 157 metres

WIDTHS: width 2 metres

NATURE OF SURFACE: arable/grass

PATH FURNITURE: none

SIGNS AND NOTICES: none

**LIMITATIONS OR CONDITIONS OF USE:**

Gap at OS grid reference SJ 3890 6860 limiting the width between 0.20 to 0.60 metres and OS grid reference SJ 3872 6872 limiting the width to 0.7 metres

**OTHER PARTICULARS:**

Added by "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No 16 in the parish of Mollington) Modification Order 2017"



RELEVANT DATE: 4 May 2017

PARISH: MOLLINGTON PATH NUMBER: PUBLIC FOOTPATH No 14

GRID REFERENCE: From: SJ 3872 6872 To: SJ 3687 6885

**DESCRIPTION:**

Footpath No 14, in the Parish of Mollington commencing at a gap in boundary fencing on land on the north side of Shelly Road (UX431) at OS grid reference SJ 3872 6872 and running in a generally north westerly direction for approximately 197 metres to a point south of a field boundary at OS grid reference SJ 3687 6885.

APPROXIMATE LENGTH: approximately 197 metres

WIDTHS: width 2 metres

NATURE OF SURFACE: arable/grass

PATH FURNITURE: none

SIGNS AND NOTICES: none

**LIMITATIONS OR CONDITIONS OF USE:**

Gap in boundary fencing at OS grid reference SJ 3872 6872 limiting width to 0.70 metres

**OTHER PARTICULARS:**

Added by "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No 16 in the parish of Mollington) Modification Order 2017"

RELEVANT DATE: 4 May 2017

PARISH: MOLLINGTON PATH NUMBER: PUBLIC FOOTPATH No 15

GRID REFERENCE: From: SJ 3687 6885 To: SJ 3892 6918

**DESCRIPTION:**

Footpath No 14, in the Parish of Mollington commencing at Footpath No 13, Parish of Mollington at OS grid reference SJ 3687 6885 and running in a generally north easterly direction for approximately 140 metres to OS grid reference SJ 3879 6892 then running in a generally northerly direction for approximately 126 metres to OSGR SJ 3879 6905 then running in a generally north easterly direction for approximately 178 metres to its termination point on Parkgate (A540) at OS grid reference SJ 3892 6918

APPROXIMATE LENGTH: approximately 444 metres

WIDTHS: width 2 metres

NATURE OF SURFACE: arable/grass

PATH FURNITURE: field gate at OSGR SJ 3892 6918

SIGNS AND NOTICES: none

**LIMITATIONS OR CONDITIONS OF USE:**

Field gate at OSGR SJ 3892 6918

**OTHER PARTICULARS:**

Added by "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No 16 in the parish of Mollington) Modification Order 2017"

RELEVANT DATE: 4 May 2017

PARISH: MOLLINGTON PATH NUMBER: PUBLIC FOOTPATH No 16

GRID REFERENCE: From: SJ 3892 6918 To: SJ 3932 6873

**DESCRIPTION:**

Footpath No 16, in the Parish of Mollington commencing at the junction with Parkgate Road (A540) at OS grid reference SJ 3892 6918 and running in a generally south easterly direction for approximately 613 metres to its termination point on Footpath 12 Mollington at OS grid reference SJ 3932 6873.

APPROXIMATE LENGTH: approximately 613 metres

WIDTHS: width 2 metres

NATURE OF SURFACE: arable/grass

PATH FURNITURE: field gate at OSGR SJ 3892 6918

SIGNS AND NOTICES: none

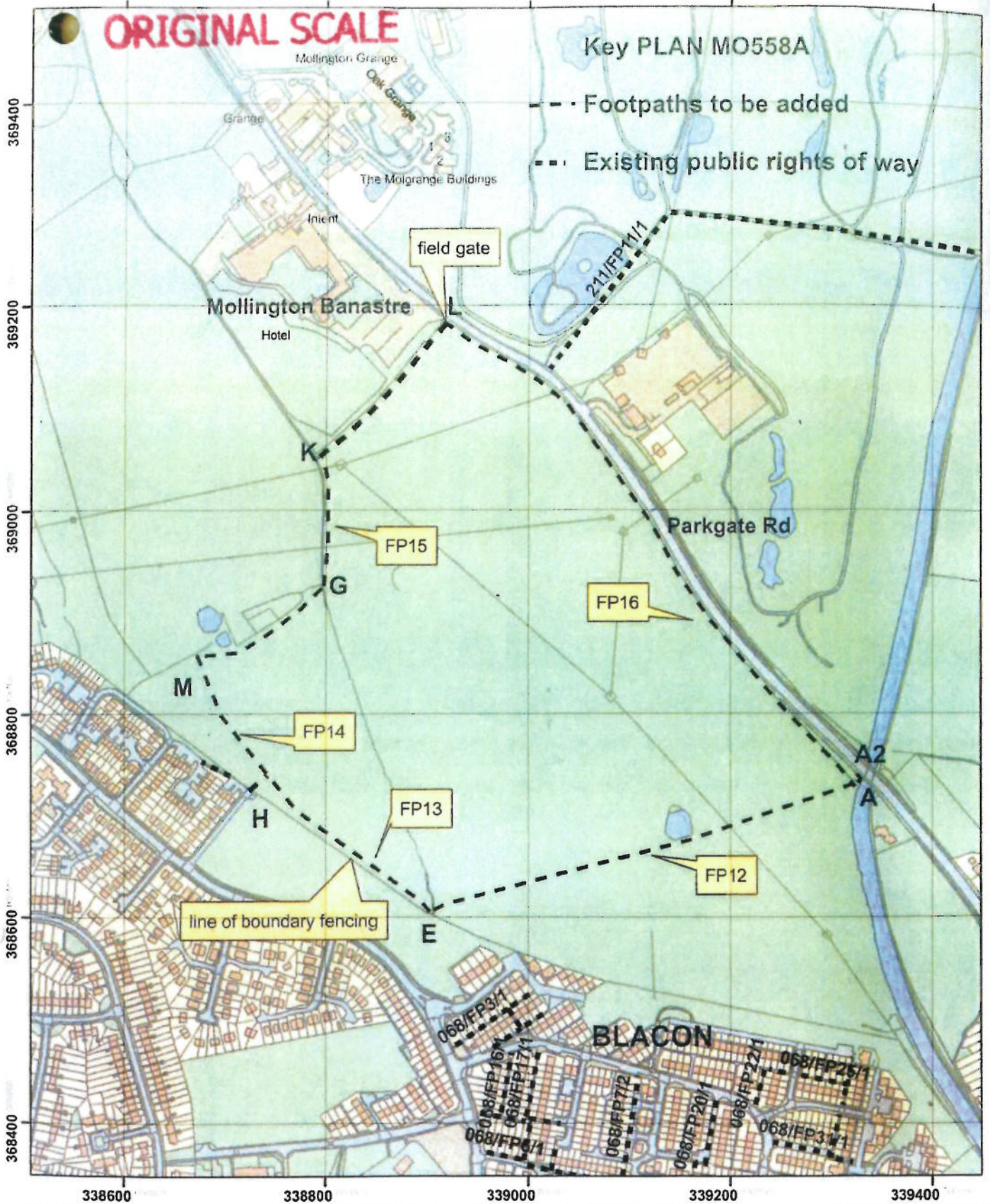
**LIMITATIONS OR CONDITIONS OF USE:**

Field gate at OSGR SJ 3892 6918

**OTHER PARTICULARS:**

Added by "The Cheshire West and Chester Borough Council (Addition of Public Footpaths No. 12, No. 13, No. 14, No.15 and No 16 in the parish of Mollington) Modification Order 2017"

**MAP NOT TO ORIGINAL SCALE**



**Wildlife and Countryside Act 1981**  
**Cheshire West and Chester Borough Council**  
**(Addition of Public Footpaths No12, No13, No.14, No15 and No.16 in the parish of Mollington)**  
**Definitive Map Modification Order 2017**

6204



**Cheshire West and Chester** 1:5,000

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