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| **Final Order Decision** |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 3 November 2022** |

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| **Order Ref: ROW/3280392** |
| * This Order is made under Section 119 of the Highways Act 1980 and is known as The Cheshire East Borough Council (Footpath No. 2 (Part) Parish of Eaton) Public Path Diversion Order 2019.
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| * Cheshire East Council submitted the Order for determination to the Secretary of State for Environment, Food and Rural Affairs.
* The Order is dated 21 February 2019. The Order was the subject of an interim decision dated 16 March 2022 in which the Inspector proposed to confirm the Order subject to modifications which required advertisement.
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| **Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.** |
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Procedural Matters

1. Usually, the Inspector who proposes modifications to an Order would make the final determination. However, in this case the original Inspector, Martin Small, has retired from his employment with the Planning Inspectorate and I have been appointed by the Secretary of State to make the determination.
2. The effect of the Order, if confirmed with the modifications previously proposed, would be to divert part of Footpath No. 2 from its current alignment to a new route to the west, with the alignment of the diverted route amended at Point J. The modifications proposed were made at the request of the Order Making Authority.
3. In the interim decision dated 16 March 2022, Inspector Small proposed to confirm the Order subject to the modifications described in paragraph 2 above. As the modifications proposed in the interim decision would affect land not affected by the Order as submitted, Inspector Small was required by virtue of Schedule 6, Paragraph 2(3) of the Highways Act 1980 to give notice of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications.
4. No representations or objections were received following advertisement of the notice and deposit of the associated documents relating to the proposed modifications.

###### Conclusions

1. Bearing in mind the above, I conclude that the Order should be confirmed subject to the modifications set out in paragraph 16 of Inspector Small’s interim decision dated 16 March 2022.

###### Formal Decision

1. I confirm the Order subject to the following modifications:

In the Order Schedule

In Part 2: Description of new Path or Way:

* Amend the NGR for point J in the Order from SJ 8553 6519 to SJ 8555 6518.
* Amend the distance between point I and J on the Order Map from 73 metres to 81 metres.
* Amend the distance between point J and E on the Order Map from 144 metres to 125 metres.
* Amend the total length from 485 metres to 474 metres.

On the Order Map

* Amend the alignment of the diverted route at Point J as shown on the modified Order Map

Claire Tregembo

Inspector

