

Birchill Access Consultancy

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OUR REF: DMMO/CE/K& R/15 & 23

Dear Victoria Thomton

Wildlife and Countryside Act 1981: Definitive Map and Statement
Application for the Deletion of Public Footpath No.15 (part) Parish of Rainow, between Charleshead Farm and the Kettleshulme Parish boundary and deletion of Public Footpath No. 23 Kettleshulme

We are a consultancy firm that has been appointed by Cheshire East Council to investigate the above application. We are undertaking the work under the instruction of the council officer Jennifer Miller, Definitive Map Officer 01270 686158.

An application has been made for a Definitive Map Modification Order (DMMO) for the deletion of a public footpath from the Definitive Map of Public Rights of Way. The route is shown on the attached map and runs from Charleshead Farm, Rainow in a generally easterly direction (footpath no.15 Rainow) over the parish boundary into Kettleshulme to Neighbourway Farm, (footpath no.23, to the junction with footpath no.14 Kettleshulme).

The application was submitted to Cheshire East Council in March 2016 and is supported by 13 witnesses; they have either submitted signed statements or have completed evidence forms. In addition, there are a further 7 evidence forms from witnesses who supported a previous application in 1991 for the deletion of Footpath no.23 Kettleshulme; these have been re-submitted as part of this application.

The application also includes a number of maps, documents and historical correspondence. In making an application for an order to delete a right of way from the Definitive Map it is the applicant who must prove that the map is in error by the discovery of evidence, which when considered with all other relevant evidence, clearly shows that a mistake was made when the right of way was first recorded. The evidence will need to be cogent and needs to relate to the situation at the relevant date of the Definitive Map and Statement, namely 1st November 1954.

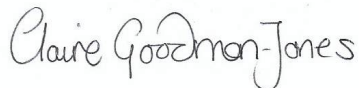
I wish to know whether your Council has any particular view or comment to make and whether you have any evidence which may assist in the investigation of this claim. I would be grateful if you could send any comments in writing to the above postal address or email, quoting the reference number above. **My address and full contact details are on the header at the top of this letter.** Please call me if there anything you don't understand or wish to discuss

Your Parish Council minutes from the early 1950's would be good evidence if they are available. During a previous investigation the attached letter dated 16th March 1993 was sent by the Clerk of Kettlethulme Parish Council, she indicates that no records before 1966 were available. Are you able to clarify this and do you know why the records are not available, were they lost or destroyed? I wish to know whether your organisation has any particular view or comment to make and whether you have any evidence which may assist in the investigation of this claim.

The application is now actively under investigation and all landowners are now being contacted. Once investigations are complete a report and recommendation will be submitted to the Council's Rights of Way Committee. Any comments received will be summarised in the report.

If you do have any evidence/comments to make I'd be grateful if you would send them to me by **27th February 2019**, if I have not heard from you by then I will assume that you have no comments to make on the application.

Yours sincerely



**Claire Goodman-Jones, Bsc (Hons), MIPROW
Birchill Access Consultancy Ltd
Enc**

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