Rural County

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Planning Support
Staffordshire Moorlands District Council
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ST13 6HQ

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Please ask for: Paul Rochfort

Our Ref: EC3210SM PR/SG Your Ref: SMD/2016/0648 Date: 21 November 2016

Dear Sirs

Land Adjacent to 20 Caverswall Road, Blythe Bridge
Proposed Two Storey Dwelling with Integral Double Garage
Rights of Way

The Illustrative Layout Plan fails to recognise the existence of Public Footpath No 4(a) Forsbrook which runs adjacent to the proposed development site.

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The developer also needs to confirm that they have a private right to use the footpath with vehicles in order to access the property. If there is a private right to use with vehicles then

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the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission. The use by private vehicles is subject to, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Yours faithfully

Paul Rochfort
Principal Rights of Way Officer