

Burnett, James

From: Planning Comments (SMDC)
Subject: FW: SMD/2017/0077 - Public Footpath - Right of Way Officer comments

From: Plant, David (E,I&S) [<mailto:david.plant@staffordshire.gov.uk>]
Sent: 27 March 2017 09:21
To: Jane Curley
Cc: Rochfort, Paul (F&C)
Subject: SMD/2017/0077 - Public Footpath No 6(a) Farley

Hi Jane,

I asked SCC Rights of Way if they had any thoughts on this application as it affected a public footpath.

Please see response below.

I trust this is of use,

Dave

D. R. Plant
Project Engineer (Staffordshire Moorlands and Peak Park)
Staffordshire County Council,
Staffordshire Place 2,
Tipping Street,
Stafford
ST16 2DH

Tel 01785 276702

david.plant@staffordshire.gov.uk

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From: Rochfort, Paul (F&C)
Sent: 24 March 2017 14:30
To: Plant, David (E,I&S)
Cc: Plant, Dawn (F&C)
Subject: RE: External Consultation Letter - App ref SMD/2017/0077 - Public Footpath No 6(a) Farley

Hi Dave

I haven't had chance to look at these documents in full so my comments are based on the plans you have sent.

Rights of Way

The application documents don't fully recognise the existence of Public Footpath No 6(a) Farley which is potentially affected by the proposed works. It appears that the planned works could have

a direct impact on the public right of way and this needs to be addressed before planning permission is given.

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 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 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.

Kind regards, Paul

Paul Rochfort
Principal Rights of Way Officer
Rights of Way
Staffordshire County Council
No.1 Staffordshire Place C/O The Wedgwood Building Stafford
ST16 2LP
Tel. 01785 277241
Mobile: 07976 191054
paul.rochfort@staffordshire.gov.uk
www.staffordshire.gov.uk

-----Original Message-----

From: Transport Dev Control Moorlands (Place)
Sent: 10 March 2017 16:13
To: Rochfort, Paul (F&C)
Subject: FW: External Consultation Letter - App ref SMD/2017/0077

Hi Paul,

We've been consulted on this application at Alton Towers which involves landscaping works which will affect footpath Farley (6).

Are you aware of it and if you've not already been consulted, do you want to make any comment?

Thanks,

Dave

D. R. Plant
Project Engineer (Staffordshire Moorlands and Peak Park) Staffordshire County Council,
Staffordshire Place 2, Tipping Street, Stafford
ST16 2DH

Tel 01785 276702

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-----Original Message-----

From: Place - Transport Dev Control

Sent: 24 February 2017 15:47

To: Transport Dev Control Moorlands (Place)

Subject: FW: External Consultation Letter - App ref SMD/2017/0077

Hi,

Application attached

Bee

Bozena Jakubic
Technical Officer (Road Adoptions)
Staffordshire County Council
Staffordshire Place 2,
Staffordshire Place
Tipping Street
Stafford, ST16 2DH

Telephone 01785 276656
bozena.jakubic@staffordshire.gov.uk
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-----Original Message-----

From: Burnett, James [mailto:James.Burnett@staffsmoorlands.gov.uk]

Sent: 24 February 2017 13:34

To: Place - Transport Dev Control

Subject: External Consultation Letter - App ref SMD/2017/0077

Please find attached document

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