From:	Frost, Shona (F&C)
To:	Planning (SMDC)
Cc:	ECU Consultations (Place)
Subject:	RE: EC3210SM - SMD/2018/0061 - Springs Cottage Farm, Thornyedge Road, Bagnall - erection of stable block and maneage - PRoW Response Bagnall 26
Date:	07 February 2018 15:25:06

Dear Sir or Madam

Rights of Way

The application documents don't recognise the existence of Public Footpath No 26 Bagnall Parish which runs through the south eastern corner of the proposed application site to Thornyedge Road. The application documents suggest that the arena will obstruct the line of the right of way. The attention of the applicant 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.

For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). If the footpath does need to be diverted to allow the development to take place, your council will need to process an Order under section 257 of the Town and Country Planning Act 1990. The County Council will need to be formally consulted on any proposal to divert this footpath.

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 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.

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 sincerely,

Shona Frost CGeog (GIS) FRGS
Staffordshire County Council

------< HP Records Manager Record Information >------

Record Number : 003/07/01/105451
Title : EC3210SM - SMD/2018/0061 - Springs Cottage Farm, Thorneyhedge Road, Bagnall - erection of stable block and manege

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