Williams, Karen

From: Planning Comments (SMDC)
Subject: FW: EC3210SM - SMD/2018/0302 - The Foxhound, Hot Lane, Biddulph Moor - relocation of existing car park

-----Original Message-----
From: Plant, Dawn (F&C) [mailto:dawn.plant@staffordshire.gov.uk]
Sent: 07 June 2018 14:46
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: RE: EC3210SM - SMD/2018/0302 - The Foxhound, Hot Lane, Biddulph Moor - relocation of existing car park

Good Afternoon

Please find below the response from the rights of way team.

The application documents don't recognise the existence of Public Footpath No 120 Biddulph Town Parish which run through the proposed application site. It appears from the planning documents that the development proposals will directly impact on the public rights of way.

The attention of the applicant should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). If the footpaths do need diverting as part of these proposals, the applicant would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert these footpaths.

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.
It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpaths 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

Dawn Plant
Rights of Way Officer
Rights of Way
Staffordshire County Council
2 Staffordshire Place
Tipping Street
Stafford
ST16 2DH

(01785) 277246
(07976) 191057
dawn.plant@staffordshire.gov.uk
www.staffordshire.gov.uk

-----Original Message-----
From: ECU Consultations (Place)
Sent: 06 June 2018 10:39
To: Plant, Dawn (F&C)
Subject: EC3210SM - SMD/2018/0302 - The Foxhound, Hot Lane, Biddulph Moor - relocation of existing car park

Dawn

Please respond by 27 June 2018.

Thank you

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

Record Number : 003/07/01/111284
Title : EC3210SM - SMD/2018/0302 - The Foxhound, Hot Lane, Biddulph Moor - relocation of existing car park

_____

Staffordshire County Council

A Connected Staffordshire where everyone can prosper and be healthy and happy

Find out more by visiting the Staffordshire County Council<http://www.staffordshire.gov.uk/> website.

Sign up for free alerts and newsletters<https://www.staffordshire.gov.uk/Customer-Alerts/Customer-Alerts.aspx> straight to your email or mobile phone to receive county council news and information on topics important to you.

Save time and download MyStaffs mobile app<http://www.staffordshire.gov.uk/Mystaffs> available on Android and iOS

Follow the county council on Twitter<http://twitter.com/StaffordshireCC>,
Facebook<http://www.facebook.com/yourstaffordshire>,
LinkedIn<https://www.linkedin.com/company/staffordshire-county-council> and
YouTube<https://www.youtube.com/channel/UCk2o8SnYpSosduMshvFO8BQ>

_____

Disclaimer

This e-mail (including any attachments) is only for the person or organisation it is addressed to. If you are not the intended recipient you must let me know immediately and then delete this e-mail. If you use this e-mail without permission, or if you allow anyone else to see, copy or distribute the e-mail, or if you do, or don't do something because you have read this e-mail, you may be breaking the law.

Liability cannot be accepted for any loss or damage arising from this e-mail (or any attachments) or from incompatible scripts or any virus transmitted.

E-mails and attachments sent to or received from staff and elected Members may be monitored and read and the right is reserved to reject or return or delete any which are considered to be inappropriate or unsuitable.

Do you really need to print this email? It will use paper, add to your waste disposal costs and harm the environment.