From: Ward, Dominic (F&C) <> 16 August 2019 10:03
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Public Footpath No. 30 Cotton Parish runs to the north of the application site and Public Footpath No. 29 Cotton Parish runs across the application site. It does not appear from the application documents that these rights of way will be affected by the proposals.

The attention of the applicant should still be drawn to the existence of the footpath 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. The applicant 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.

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.

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