SMD/2019/0568 - Land at Rownall Farm, Wetley Rocks - installation of ground mounted solar farm - Bagnall Footpath No 38- Cheddleton Footpath No 19Rights of Way

The application form and plans recognise the existence of Public Footpath No 19 Cheddleton and No 38 Bagnall Parish which runs through the centre of the proposed development site. The applicant also recognises the existence of other public rights of way which run along the boundary of the proposed site. The attention of the developer should be drawn to the existence of the footpaths 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 developer will need to apply to your Council under section 257 of the Town and Country Planning Act 1990 should they need to divert the footpath(s) to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert this footpath(s). 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 should be noted that there is a barn situated over the line of Public Footpath no 19 Cheddleton. It is not clear whether the barn has previously received permission to be built from SMDC or whether it has been constructed illegally. This proposal represents an opportunity to regularise the situation by diverting Footpath No 19 Cheddleton on to the route walkers are now accustomed to using along a track to the north of the barn, providing landowner consent can be achieved.

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 is only responsible for the surface of the footpath for pedestrians not vehicles, and the applicant should be made aware of this.

Paul Rochfort

Principal Rights of Way Officer

Rural County

Staffordshire County Council