

From: [Hall, Julie \(F&C\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2021/0241 - Peak Wildlife Park, Ellastone Rd, Winkhill - proposed marquee for educational visits, relocated snack shack, covered eating area & agricultural building, rerouting of existing right of way - Rights of Way
Date: 06 May 2021 13:34:31

To whom it may concern

Rights of Way

The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the area of the site proposed for development.

However, the proposals indicate the applicant also wishes to divert footpaths that are within the wildlife park (Public footpaths Nos 87 and 91 Ipstones Parish).

As the proposed development does not impact on the current routes of the public rights of way, it would not be appropriate to divert them using the planning process and the Town and Country Planning Act (Section 257 Town & Country Planning Act 1990: Public Path Order (extinguishment or diversion). Therefore, if the applicant wishes to divert the rights of way across their property, they must apply to Staffordshire County Council under the Highways Act 1980. [Details of how to do so are available on our website here](#)

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,

Julie Hall

[Spatial Information Officer](#)

[Staffordshire County Council](#)

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