
From: Hall, Julie (F&C)
Sent: 30 September 2021 07:53
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC3210SM - SMD/2021/0610 - Land East of Froghall Road, Cheadle - outline app for up to 228 dwellings

Categories:

To whom it may concern

Rights of Way

The documents recognise the existence of Public Footpath No. 40 Cheadle Parish and Public Footpath No. 94 Kingsley Parish and which run along/just outside the boundary of the proposed development site

The attention of the developer 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 network. If the paths do need diverting as part of these proposals the developer 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 the rights of way. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their 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 paths 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. We would ask that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

Any works to the surface of the footpaths will need discussing with the County Council Rights of Way Team before works begin.

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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