

From: [Hall, Julie \(F&C\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2021/0826 - Redundant football pitch, Holt Lane, Kingsley - erection of 7 no 2 bedroom bungalows - Rights of Way
Date: 16 December 2021 15:37:30

Dear Chris,

Rights of Way

The application documents don't recognise the existence of a number of public rights of way that run through/immediately adjacent to the proposed application site. These are:

Public Footpath No. 1 Kingsley Parish
Public Footpath No. 2 Kingsley Parish,
Public Footpath No. 3 Kingsley Parish,
Public Footpath No. 4 Kingsley Parish

The attention of the applicant should be drawn to the existence of these 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 path network.

For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). As the footpaths will need to be diverted to allow the development to take place your council will need to process an Order under section 257 of the Town and Country Planning Act 1990. The County Council will need to be formally consulted on any proposal to divert this footpath.

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. 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.

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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