

Tim Dickinson

From: Hall, Julie (F&C) <julie.hall@staffordshire.gov.uk>
Sent: 04 January 2022 09:50
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC3210SM - SMD/2021/0536 - Land at Barnfields Ind Estate, Sunnyhills Road, Leek - approval of appearance, landscaping, layout & scale to provide 157 residential dwellings - Rights of Way

Categories: Tim

Dear Jane,

Rights of Way

The plans don't recognise the existence of Public Footpath No.1R/2054 which runs just outside the southern boundary of the development.

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. If the path does 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 footpath to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the right 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 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. 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.

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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