

From: [Berry, Ailsa](#)
To: [Planning Comments \(SMDC\)](#)
Subject: FW: EC3210SM- SMD/2021/0418 - Land South East of A521 Uttoxeter Road, Draycott in the Moore - residential development of 200 dwellings - Rights of Way
Date: 19 January 2022 14:34:06

From: Hall, Julie (F&C) <julie.hall@staffordshire.gov.uk>

Sent: 19 January 2022 14:30

To: Berry, Ailsa <Ailsa.Berry@highpeak.gov.uk>

Subject: RE: EC3210SM- SMD/2021/0418 - Land South East of A521 Uttoxeter Road, Draycott in the Moore - residential development of 200 dwellings - Rights of Way

Hi Ailsa,

I think these were the last comments I sent (November):

Rights of Way

- Although public rights of way are marked on submitted plans, they aren't identified. All future plans submitted that show rights of way should identify the routes. (If you wish to see public rights of way on a map in Staffordshire, please visit our [interactive mapping facility](#). (Please note, this is for information only. It is not the Definitive Map.))

- Planning Statement, Section 3.19 states that:

'The PRoW along the northern and eastern boundary of the site will also be retained and incorporated into the proposed development; subject to a separate section 257 application, providing pedestrian access to the north onto woodlands Lane and to the wider surroundings at the outer end of the PRoW to the east...'

The footpath is Public Footpath No. 6 Forsbrook Parish.

As the path does need diverting as part of these proposals the developer will 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 the proposal to divert this footpath. 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).

The proposals should be discussed with the County Council Rights of Way Team at the earliest possible opportunity.

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.

Please note that Rights of Way Circular 1/09 (section 7.8) recommends that *"In considering potential revisions to an existing right of way that are necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic"*.

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.

Thanks,

Kind Regards,

Julie
