



Staffordshire County Council
Town and Country Planning Act 1990
Development Management Procedure Order 2015

To: Staffordshire Moorlands
 Staffordshire Moorlands District Council
 Moorlands House
 Stockwell Street
 Leek
 ST13 6HQ

Application Type: FULL

Applicant:

D & A Clowes Holt Lane, Kingsley, Staffordshire, ST10 2BA

Officer: Tracey Lunn

Our Reference: SMD20220148

District Reference: SMD/2022/0148

Date Received: 04-May-2022

Date Responded: 23-May-2022

Particulars of Development:

Infilling of steep sided linear depression on grassland with clean construction waste to provide a level safe surface for farm vehicles

Location of Development:

High View Farm, Holt Lane, Kingsley, Staffordshire, ST10 2BA

Recommendation Summary: Conditional

Site Visit Conducted on: 09-May-2022

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Holt Lane within 215 metres either side of the site access for the previous five years.

Background;

The site is located off Holt Lane, a C classified road (Road No. C151). Along the section of Holt Lane fronting the site, Holt Lane is subject to a speed limit of 60 mph, streetlighting is present and a footway on the north-east side.

Holt Lane connects the villages of Kingsley to Kingsley Holt and primary route of A0052 to A0521 as well as serves a primary school, playing fields, residential properties, and farms.

Public Footpath No 1 and 2 Kingsley Parish run through the proposed application site.

Description of Proposal;

Infilling of steep sided linear depression on grassland with clean construction waste to provide a level safe surface for farm vehicles.

Comments;

The proposal is for the infill of a depression of grassland within land at High View Farm. The land is to be infilled with approx. 4000m³ of clean construction waste to provide a level safe surface for farm vehicles.

Access to the proposed site will be via the existing vehicular access to High View Farm and will continue to the site through fields, crossing public footpaths No.1 and No.2 Kingsley Parish and is detailed on submitted Drawing No. HHKE 01A Site Location.

It is considered the proposal would not have a detrimental impact on the highway. I therefore have no objection to the proposal (application number SMD/2022/0148) subject to the following condition:

Before the development hereby approved is commenced a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include:

- The management and routing of construction traffic;
- Specify the types of vehicles;
- Construction and delivery hours; and
- Measures to remove mud or debris carried onto the highway.

Note to Planning Officer:

The condition above is requested in order to understand how the site will be developed, how and when construction materials will be delivered, and measures to remove mud/debris from the highway, to reduce the likelihood of highway danger.

It is noted that the Public Footpath No 1 and 2 Kingsley Parish run through the proposed site. The Staffordshire County Council Public Rights of Way Officer's comments are below (these comments are based on plan Drawing No. HHKE 01A Site Location).

Public Footpath No 1 and 2 Kingsley Parish which run through the proposed application site. It appears from the planning documents that the development proposals will not directly impact on the public rights of way, however, it appears that vehicular access will be required, and these vehicles will cross the above public rights of way.

The attention of the applicant should be drawn to the existence of the 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 paths. For further information, the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). If the footpaths do need diverting as part of these proposals, the applicant 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 these footpaths.

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. In this case the footpaths may require a temporary closure or temporary diversion while the works take place. For further details see attached. (Temporary closure/temporary diversion information/application form supplied separately)

It is important that users of the path 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 surface of the footpaths must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

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.

Commissioner for the Built County
On behalf of the County Council
As Highway Authority