From: Hall, Julie (F&C)
Sent: 15 June 2022 12:35
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC3210SM - SMD/2022/0301 - Land adjacent to barn School Lane Bradnop, Staffordshire, ST13 7ND - Erection of new agricultural store - Rights of Way

Categories:

Dear Chris,

Rights of Way

Public Footpath No. 22 Bradnop and Cawdry Parish runs through the proposed development site.

A path is depicted on the plans, but this deviates from the legal line of the footpath. The applicant needs to submit a new plan, showing the correct legal line, as shown on the Definitive Map of Rights of Way in Staffordshire, along with the site proposals. The footpath should also be identified. (Please refer to our Definitive Map webpage for further details)

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 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).

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. The surface of the footpath 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.

Kind Regards,

Julie Hall
Spatial Information Officer
Staffordshire County Council

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