
From:
Sent: 09 September 2021 09:21
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC/SM/ SMD/2021/0565 Land Adj The Bungalow High Street - Erection of 1 dwelling - Rights of Way

To whom it may concern.

Rights of Way

The site layout plan shows a right of way running north of the proposed development site. The footpath is Public Footpath No. 8 Kingsley Parish. However, the right of way veers from the legal line as depicted on the Definitive Map of Rights of Way in Staffordshire (please refer to our [Definitive Map webpage](#) for further details).

From the submitted documents it does not appear that the footpath will be directly affected by the development.

The attention of the developer should be drawn to the existence and location of the footpath 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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