
From: Hall, Julie (E,I&S)
Sent: 11 October 2022 14:29
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC3210SM - SMD/2022/0245 - Land opposite 1 Dorian Way, Endon - proposed detached new build bungalow - Rights of Way

Categories:

Dear Arne,

Rights of Way

Public Footpath No. 64 Endon Parish runs along Dorian Way; along the western boundary of the proposed development site, and heading northwards.

The public footpath is mentioned in the Design and Access statement, but not identified: 'The land currently is home to a footpath which will need to be extinguished to allow for the development. However, the footpath will be diverted to the rear of the development and alongside the Brook'.

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

As the path needs 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.

It is advised that the proposals are discussed with the County Council Rights of Way Team.

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

Definitive Map and Spatial Information Officer Staffordshire County Council

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