From: Hall, Julie (E,I&S) <>
Sent: 11 July 2023 15:46
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: EC3210SM - SMD/2023/0336 - New House Farm, Cotton Lane, Cotton - proposed development of a 35MW PV solar development - Rights of Way

Categories:

Dear Jane,

Rights of Way

It isn't clear from the site layout plan which right of way/proposed diversions are illustrated. All rights of way should be clearly labelled (ie Cotton 52), along with the proposed diversions. It is also quite difficult to see these with all the different layers on the map, so it would be helpful if the rights of way and proposed diversions were depicted on one plan, along with the basic site layout. Rights of way may be seen on our online web map here: Staffordshire County Council Public WebMap

NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent).

The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the footpaths must be able to exercise their public rights safely and at all times and the footpaths be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

As the public rights of way need diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

The County Council Rights of Way Team should be contacted to informally discuss the proposals, prior to the submission of any Section 257 application.

Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form.

Staffordshire County Council has received an application under Section 53 of the Wildlife and Countryside Act 1981 to modify the Definitive Map of Public Rights of Way in this vicinity, just outside the western boundary of the 'Retained Land Boundary': Application reference 017021, to upgrade Public Footpath 56 Cotton Parish to a bridleway. You will need to make further enquiries regarding the status of this definitive map modification order with our legal colleagues on legalrowallocations@staffordshire.gov.uk

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible 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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