
From: Frost, Shona (E,I&S)
Sent: 15 December 2023 15:08
To: Planning (SMDC)
Cc: ECU Consultations (Place)
Subject: RE: External Consultation Letter - App ref SMD/2023/0594 - Public Footpaths - Checkley Parish 5, 7 and 15

Categories:

Dear Planning Team,

This application is an extension to the two previous applications on this site, the first in 2014 which was approved and the second in 2022 which also appears to have been approved. This third application is for land at the eastern end of the whole application site so the following comments relate only to the portion of land in scope under this application. I have noted at the bottom of the email an issue with the obstruction of a right of way that has occurred as a result of the original 2014 development but that is a separate matter to this application.

The Definitive Map of Public Rights of Way for Staffordshire shows that several public rights of way cross the application site and from the information submitted it appears they will be directly impacted by the proposals.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public right of way Footpath No. 5 Checkley Parish runs across the application site from the River Blithe in the south across the whole extent of the application site to the A50 on the northern side.

Public right of way Footpath No. 7 Checkley Parish from the previous development on the western side to Blyth House on the eastern boundary.

Public right of way Footpath No. 15 Checkley Parish runs across the bird mitigation area of the application site from it's junction with Public footpath no. 5 Checkley Parish at the River Blithe to the south, in a north easterly direction leaving the application site south east of Blythe House.

The public rights of way are shown on page 10 in the Design and Access Statement and on the document BF/613/01. The alignment of the routes shown on these documents are not entirely accurate particularly at the following locations:

- From Access Gate 3 south east across the bird mitigation area. (P.F. Checkley 5)
- P.F. Checkley 7 specifically west of its crossing point with P.F. Checkley 5 and west of Blyth House
- P.F. Checkley 5 from its crossing point with P.F. Checkley 7, north to the proposed hedgerow.

The applicant must ensure that the correct alignment of these rights of way is acknowledged and shown in the planning documents so that the development if

granted does not obstruct the legal public rights. The alignment is available on our interactive map at the link below or via a digital file available from the Definitive Map and Spatial Information Team at the county council.

[Map of footpaths and bridleways - Staffordshire County Council](#)

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.

There are two access gates shown on the documents that appear to potentially obstruct the public rights of way. These are Access Gate 3 and Access Gate 4. We require clarification that these gates will **not** be on the alignment of the public rights of way as they would constitute unlawful obstructions should the application be approved.

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

It is noted that a number of hedgerows and trees are to be planted alongside the existing rights of way. Any trees or shrubs planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority - including maintenance and liability.

If it appears that any of the public rights of way need diverting as part of these proposals, the applicant 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 \(1/09\)](#). In such an instance it is also strongly suggested, in order to avoid 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.

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. 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.

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. No new rights of way are planned by this application.

Previous application SMD/2014/0197 Approved 2014

The already built area of the application site on the south west side has obstructed public footpath no. 14 Draycott in the Moors by the erection of solar arrays across the definitive, legal line of the public right of way. It may be advisable for Staffordshire

Moorlands District Council to formally divert this section onto the alignment that the public are walking on the ground although Staffordshire County Council have not received any complaints regarding the obstruction at the moment. Please contact rightsofway@staffordshire.gov.uk if you wish to discuss this further.

Yours sincerely
Shona Frost



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Definitive Map & Spatial Information, Environment and
Countryside Email:
www.staffordshire.gov.uk

-----Original Message-----

From: Planning (SMDC)
Sent: Thursday, December 7, 2023 1:15 PM
To: ECU Consultations (Place)
Subject: External Consultation Letter - App ref SMD/2023/0594

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