

From: [Frost, Shona \(E,I&S\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: RE: EC3210SM - SMD/2024/0055 - Land South of Cellarhead Substation & West of Rownall Rd, Wetley Rocks - erection of flexible energy facility - revised information - Public Footpath Nos. 49, 58, 59 and 60 Cheddleton Parish
Date: 08 May 2024 15:23:36
Attachments: [image001.png](#)

Dear Declan
Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way crossing the application site, a public right of way running along the access road to the north and along the proposed emergency vehicle access to the south adjacent to the boundary. From the information submitted, it would appear that all these public rights of way are directly impacted by the proposals. Our formal response is that we **ACCEPT** this application subject to the following:

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

Public rights of way Footpath Nos. 58 and 59 Cheddleton Parish run across the application site – F.P. 58 diagonally and then westward from the northern boundary of the site to the western edge and F.P. 59 from F.P. 58 eastwards to the boundary of the site, continuing through Grassey Lane Farm to Rownall Road.

Public right of way Footpath No. 60 Cheddleton Parish runs along the access lane to the application site (occupying the full width of the lane between boundaries).

Public right of way Footpath No. 49 Cheddleton Parish runs along the proposed emergency access track to the application site (occupying the full width of the track between boundaries), adjacent to the application site along the southwestern boundary to Rownall Road.

It is essential that Footpath Nos. 58 and 59 are diverted in order to fulfil the aims of the application. The applicant has indicated proposed diversion routes on the replacement Footpaths Plan submitted on 23rd April however, the proposed diversion route running southwest from F.P. 59 runs through a pylon which is unacceptable. This route must be altered to go around the pylon at a distance of at least 5 metres on all sides. Failure to divert Footpath Nos. 58 and 59 and not altering the proposed diversion route which runs through the existing pylon, will lead to the obstructing of the public rights of way.

The granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or 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.

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). In such an instance 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.

Users of the path must be able to exercise their public rights safely and at all

times, and the paths 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 public right of way, drivers of vehicles must give way to pedestrians. This must be reflected in appropriate warning signage both during the construction and once the site is complete, should this application be granted. This needs to be in place on both Footpath Nos. 60 and 49. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

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 not received any application under Section 53 Wildlife and Countryside Act 1980 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.

Kind regards
Shona Frost



My normal working days are Tuesday to Thursday.

From:

Sent: Tuesday, April 23, 2024 10:30 AM

To:

Subject: EC3210SM - SMD/2024/0055 - Land South of Cellarhead Substation & West of Rownall Rd, Wetley Rocks - erection of flexible energy facility - revised information

Shona

Please respond by 14 May 2024.

Thank you

-----< Content Manager Record Information >-----

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