

From: [Rochfort, Paul \(E,I&S\)](#)
To: [Planning \(SMDC\)](#)
Cc: [Hall, Julie \(E,I&S\)](#)
Subject: App ref SMD/2024/0400 (Public Footpath No 1, 2 and 3 Kingsley)
Date: 19 November 2024 15:24:39
Attachments: [E_797212.DOC](#)

Dear Sir/Madam

Please find attached comments on behalf of Public Rights of Way.

The Definitive Map of Public Rights of Way for Staffordshire shows three public rights of way crossing the application site. From the submitted information, it appears one of the routes (Footpath No 3 Kingsley) will be directly impacted by the proposed development

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

Public Footpath No's 1, 2 and 3 Kingsley Parish run across the application site. Public Footpath No's 1 and 2 should not be directly impacted by the development but Public Footpath No 3 will be.

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.

It is essential that this route is diverted in order to fulfil the aims of the application. Failure to do so will most probably lead to the obstructing of a public right of way. 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 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.

The developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public right 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 will need to be formally consulted on the proposed diversion in due course.

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 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, Paul

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