

From: [Hall, Julie \(E,I&S\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2024/0536 - Tean Leys Farm, Lower Tean - Environmental Impact Assessment (EIA)
Scoping Opinion for a proposed development of Tean Leys Battery Storage - Rights of Way
Date: 23 December 2024 14:41:12

Dear Chris,

Rights of Way

There are a number of public rights of way crossing/adjacent to the site/site access.

The applicant should undertake a search of the Definitive Map of Rights of Way in Staffordshire (please see our [Definitive Map webpages](#) for further information) to ascertain any rights of way across/adjacent to the site/site access. These should all be depicted on site plans.

The attention of the applicant should be drawn to the existence of any rights of way and to the requirement that 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). This is the case both during the building stage or once the development is completed should the permission be granted. The term obstruction, in this context, applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority, and also to any vehicles parking on the right of way, including those associated with construction.

If a temporary diversion or closure is required on any of the routes then this will be undertaken using the Road Traffic Regulation Act 1984. The highway authority can authorise a temporary closure/diversion for a maximum of 6 months although the Secretary of State does have powers to extend the closures if required.

Permanent diversions of public rights of way require full public consultation and in all cases alternative routes would need to be required which must be as or more convenient than the original route.

The applicant needs to be aware of the legislation and timescales for dealing with these issues. I have therefore attached a link to our relevant guidance and forms:

<https://www.staffordshire.gov.uk/environment/RightsOfWay/Legal/Advice-for-Applicants-wanting-to-submit-a-Public-Path-Diversion-Order.aspx>

Any works that affect the surface of a right of way require discussions with the County Council Rights of Way Team.

Any hedging/trees/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).

Where private rights exist that allow the use of vehicles along a public right of way, drivers of vehicles must give way to: pedestrians (in the case of footpaths), pedestrians, cyclists and horse riders (in the case of bridleways). In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

Kind Regards,

Julie Hall

Definitive Map and Spatial Information Officer

Environment and Countryside
Staffordshire County Council

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