

From:
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2025/0247 - Tean Leys Farm, Tean Leys, Upper Tean - Development of a battery energy storage system (BESS) connecting to the local electricity grid (Amended Plans) - Rights of Way
Date: 08 July 2025 13:55:29

Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way crossing the application site, public rights of way adjacent to the application site, and public rights of way running along the access tracks. From the information submitted it appears they 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 Nos. 5, 7, 9, 12 and 14 Checkley Parish runs across the application site, through the area proposed for the cable line.

Public Footpath Nos. 7, 12 and 43 Checkley Parish and No. 15 Draycott in the Moors Parish runs along the access tracks to the application site (occupying the full width of the tracks between boundaries).

Public Footpath Nos. 1 Checkley Parish and Nos. 14, 27 and 32 Draycott in the Moors Parish run adjacent to the application site.

(Rights of way in Staffordshire may be seen on our online web map here: [Staffordshire County Council Public WebMap](#))

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or their 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. None of the proposed fencing must obstruct a public right of way. Gates on a right of way will only be sanctioned for the purposes of stock control.

NPPF 104. 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.

If any public right of way needs permanently 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.

Where the undertaking of works requires paths to be closed either for workforce or public safety, a temporary closure order (Temporary Traffic Orders) will need to have been applied for in advance to allow the works to take place. The applicant will be required to cover all costs incurred by administering path closures. For information on how to apply and timescales, please refer to our [rights of way webpages](#) for further information. Please note: temporary closure applications require a minimum of 8 weeks notice.

The surface of public rights of way must always be kept in a state of repair such that the public right to use them can be exercised safely. Any damage to the surface that occurs as a result of the proposals will be the responsibility of those undertaking the

works to both monitor and take timely action to resolve and in the case where path closures are necessary, surfaces must be checked and reinstated where required before the path is re-opened. Particular regard will need to be given where heavy vehicles or plant cause damage to surfaces either at the works sites or as a result of gaining access to them.

Any works that affect the surface of a public right of way require discussions with the County Council Rights of Way Team prior to any works commencing. They can be contacted by emailing:

Where private rights exist that allow the use of vehicles along a public footpath, drivers of vehicles must give way to pedestrians. This needs to be reflected in signage on the site. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

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).

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,

**Definitive Map and Spatial Information Officer
Staffordshire County Council**

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