

20/05/2026

Mrs Caroline Payne  
Emery Planning  
1-4 South Park Business Court Hobson Street  
Macclesfield  
United Kingdom  
SK11 8BS

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990**

**Discharge of Condition 18 in relation to SMD/2023/0496**  
**THE OLD BOWLING GREEN LEEK ROAD CELLARHEAD STAFFORDSHIRE ST9 0JQ**

I can confirm that:

**Condition 18: Access suitable for pedestrians onto the Public Right of Way to the North of the site**

Details submitted under the drawing references 26-102-09A and 23-124-01 are deemed acceptable. All other comments / informatives below still apply. Condition is satisfied subject to compliance with these details.

If you have any questions regarding the above please contact  
[Hannah.varley@highpeak.gov.uk](mailto:Hannah.varley@highpeak.gov.uk)

Yours faithfully,

X *B.J. Haywood*

Signed by: Ben Haywood  
Head of Development Services

### **Informatives**

Public Footpath No. 55 Cheddleton Parish runs across the north west corner of the application site.

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

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.

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.

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.

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).

If any public right of way needs 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 \(1/09\)](#). 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.

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: [rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk).

Should this planning application be approved and any right of way require a temporary closure, please see the County Council website for [guidance and an application form](#). **Please note:** a minimum of 8 weeks notice is required for temporary closures)

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

It should be noted, however, that this does not exclude the possibility of the existence of a currently unrecognised public right of way at common law, or because of a presumed dedication under Section 31 of the Highways Act 1980.

It may, therefore, be necessary to make further local enquiries and seek legal advice regarding any physically evident route affecting the land, or the apparent exercise of a public right of way by members of the public.