

Dear Hannah

Rights of Way

The Planning and Sustainability Statement correctly identifies the public rights of way that are with/adjacent to the proposed site:

'8.6.2 There are a number of Public Rights of Way (PRoWs) within the study area. Clifton Campville 0.338 footpath is located adjacent to the Application Site, where it heads north-west to Clifton Lane where it ends. Thorpe Constantine 2 and Clifton Campville 5 are both bridleways that run in close proximity to the southern site boundary. In addition, footpaths Thorpe Constantine 0.461 and 0.462 are located to the south east of the site and runs from the B5493, northwards. Located adjacent to part of the western site boundary is bridleway Clifton Campville 33. Further west are footpaths Thorpe Constantine 0.463 and Harlaston 8. To the south west are footpaths Thorpe Constantine 0.464 and 0.463.'

8.6.3 To the north of the site are footpaths Clifton Campville 34, 30 & 31. To the north-east are footpaths Clifton Campville 32 and Thorpe Constantine 0.457.'

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the paths/bridleways do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths/bridleways to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the rights of way. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the footpaths/bridleways are still able to exercise their public rights safely and that the paths/bridleways are reinstated if any damage to the surface occurs as a result of the proposed development.

Any works to the surface of the rights of way will need discussing with the County Council Rights of Way Team.

8.6.4 states that:

'The proposed development has been carefully designed with large offset buffers from the PRoW with proposed hedgerow, tree and shrub planting to further screen the development as well as the better management of existing vegetation to enhance the screening function in views from local PRoW.'

We would ask that trees/shrubs are not planted within 3 metres of the footpaths/bridleways unless the developer and any subsequent landowners are informed that the maintenance of the them is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue 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 in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Kind Regards,

Julie Hall
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Staffordshire County Council

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