

[REDACTED]

From: Hall, Julie (F&C) [REDACTED]
Sent: 25 February 2022 13:34
To: Generic - DC Consultation
Cc: ECU Consultations (Place)
Subject: EC3210LD - 22/00333/FUH - The Crofters, Potters Croft, Clifton Campville, Tamworth - installation of 2 no replacement windows to rear - Rights of Way

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Dear David,

Rights of Way

Public Footpath No. 18 Clifton Campville runs east of the proposals, along Potterscroft.

It does not appear from the submitted documentation that the footpath will be impacted by the proposals.

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times.

The applicant needs to be reminded that although the road to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

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
Spatial Information Officer
Staffordshire County Council

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