

# Public Document Pack



## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 12 March 2020

**Time:** 2.00 pm

**Venue:** The Council Chamber, Moorlands House, Stockwell Street, Leek

Please find below an additional report which was unavailable when the agenda was published.

### PART 1

14. NOTE - A Late Representations Report will be circulated prior to the meeting i.e. any representations received since this agenda was published. **(Pages 3 - 16)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR & MONITORING OFFICER**

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 12<sup>th</sup> March 2020

FILE REF.	SITE AND DETAILS	PAGE NO.
<b>SMD/2019/0486</b>	<p><b>Saltersford Lane, Alton</b></p> <p>Letter of objection to amended plan raising the following issues:-</p> <ul style="list-style-type: none"> <li>- The amended plans are effectively the same</li> <li>- The developer has ignored the serious concerns raised by three local gentleman who gave evidence to the Committee on 13<sup>th</sup> February</li> <li>- Plot 1 is still too close to Orchard View. The developers own plans show a minimum distance of 11 metres. The rules are blatantly flouted</li> <li>- The car port to Plot 1 is barely 1 metre from the boundary with 6 Gladstone Terrace</li> <li>- The only access route remains woefully inadequate and dangerous.</li> </ul>	
<b>SMD/2019/0695</b>	<p><b>Alton Towers</b></p> <p><b><u>Decision date</u></b> The intial Press Notice and Site Notice did not refer to the fact that the application affects a public right of way. This was rectified during the processing of the application. As a result the decision can not be issued until the expiry of the publicity period, 8<sup>th</sup> April 2020. In the event that new and substantive issues are raised during this time the application will be brought back to the Planning Applications Committee in accordance with usual practice.</p> <p><b><u>Local Highway Authority</u></b> No objection subject to a condition securing a Construction Method Statement detialong times and routes of construction traffic. Advises that it is unlikely that the proposal will generate additional traffic.</p> <p><b><u>County Archeologist</u></b> No objection subject to a condition Advises that this application is supported by a comprehensive Archaeological Desk-Based Assessment (ADBA). The report concludes that whilst no significant archaeological remains have been identified within the proposal site their presence cannot be discounted based on the identification of significant remains of prehistoric to post-medieval date in the wider landscape. The ADBA also notes that the groundworks required within the application site would have an adverse impact upon any buried archaeological remains if indeed they are present. A pre commencement condition is therefore recommended to</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>secure a Scheme of archaeological investigation to include details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.</p> <p><b><u>Environmental Health Officer</u></b> No objection subject to conditions to secure an Environmental Management Plan, a Risk Assessment for contamination, to control noise levels and to secure a Management plan for the operation of the car park.</p> <p>A Noise Assessment was submitted with the application and a Technical Note dated 1<sup>st</sup> March received during the processing of the application. The Environmental Health Officer has considered these documents and largely accepts the conclusions therein. He advises that there are no predicted adverse noise impacts during the construction phase of the development. In terms of operational noise the Assessment indicates that noise mitigation maybe required. It sets out certain measures (speed limit 20mph, no audio systems etc) to ensure that predicted noise levels are not exceeded. The EHO recommends that these should be conditioned as should the requirement to conduct post completion monitoring (after 20 days use) to ensure the background sound levels at the nearest noise sensitive properties to the development site are not compromised. Where it is found noise levels are exceeded the EHO recommends that the condition should require the submission of a Mitigation plan to the Council for its written approval prior to the use of the land for car parking.</p> <p><b><u>Trees and Woodland Officer</u></b> No objection subject to conditions. Advises that the proposed development would not have significant adverse impact on trees and landscape character, nor result in significant adverse visual impact. There would be associated landscape enhancement, and the opportunity to secure a landscape and habitat management plan</p> <p><b><u>Existing trees</u></b> The submitted Tree survey/Arboricultural Impact Assessment identifies that 11 trees would be removed in order to improve/widen the existing access track and provide suitable visibility. Three of these trees are in poor condition and would anyway require removal for arboricultural reasons irrespective of development. The other 8 are of low quality as individuals (Retention Category C). Given the presence of existing woodland generally along the southern edge of the site including to either side of the access track and also opposite along the main spine road, the tree loss and indeed</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>improvement to the access track would not have a significant adverse impact on the overall landscape character and quality of this part of the resort. In order to protect retained trees close to the access use of no dig construction methods together with specification for cellular confinement load bearing system is acceptable and can be secured by condition.</p> <p>There are several other existing mature parkland trees (mainly Oak) dotted across the site, and these are all to be retained. The tree report advises that these have been given a larger Root Protection Area (RPA) than would be normally derived under BS 5837, in recognition of their particular sensitivity. They would be retained within wider undisturbed areas, and their retention would assist in maintaining a parkland appearance to the site, notwithstanding the smoothing/levelling and introduction of artificial surfacing.</p> <p><u>New planting/landscaping</u></p> <p>Against the limited tree removal noted above, the submitted landscaping scheme would involve planting 24 new standard parkland trees (Oak, Pine, Beech, Hornbeam) within and around the proposed improved parking area, with 10 of these targeted at the specific positions of now-absent original parkland trees identified from 1881 survey/map. This would provide appropriate maintenance and enhancement of the existing parkland landscape structure. In addition, some woodland/hedgerow infill planting is proposed at two “thin” locations in the woodland belts surrounding the main application site.</p> <p><u>Landscape and visual impact</u></p> <p>A Landscape and Visual appraisal (LVA) is also submitted. In terms of impact on landscape character (i.e. physical affect on existing features and characteristics forming the landscape, and on their appearance) this concludes that there would be a moderate adverse impact on landscape character at the eastern end of the wider parkland/meadows area of which the application site forms part, due to smoothing/regularising of ground levels, removal of existing grassland vegetation and replacement with reinforced gravel/soil/grassed circulation routes and parking bays. There would also be more visually obvious but intermittent effect on character during periods of use arising from the presence of large numbers of parked vehicles for up to 50 days per year, although it is noted that the site and wider area are already in use for overflow parking for up to 28 days per year under permitted development rights. When not in use, the site would remain open and green. Against these impacts, there would</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>be mitigation arising from proposed new tree planting, maintaining and strengthening the parkland landscape character.</p> <p>With regard to visual impact – i.e. the degree to which the development would be seen in/affect views experienced by visual receptors (people), the applicant's LVA has assessed visual impact from a number of relevant representative receptor viewpoints. From the off-site viewpoints, due to the low key nature of the proposed physical development (ground levels changes, changes to surface composition/materials) combined with the effects of distance and some intervening vegetation, the visual impact would be nil/negligible and neutral. Some of the new parklands trees would be visible once more mature, but this in itself would be a positive visual impact.</p> <p>From the on-site viewpoints along the public rights of way crowing the site, the visual impact would be moderate adverse. However, this would be very localised, and in any case users of these paths would just have passed through, or would be just about to pass through, heavily developed parts of the resort around the hotels, accommodation lodges, high ropes course and associated expansive tarmac car parks. Again it is relevant to consider any visual impacts in the context of the existing temporary 28 day overspill parking use of the site and wider area of the parkland/meadows.</p> <p><b><u>Public Rights of Way Staffs County Council</u></b> Advise that the planning documents incorrectly identify Public Footpath Farley No 6 as Public Footpath Farley No 25. It appears from the planning documents that the development proposals will directly impact on the public rights of way. Large numbers of vehicles parking on this area could be said to be causing an obstruction to users of the path. If the footpaths do need diverting as part of these proposals, the applicant would need to apply to the Council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert these footpaths. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development</p> <p><b><u>OFFICER COMMENT</u></b></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>The effect of development on public rights of way is a material consideration. The NPPF says that the planning decisions should protect and enhance public rights of way. As the Public Rights of Way officer says parking of vehicles on the land could be said to be causing an obstruction to users of the path.</p> <p>The applicant says that the proposal will provide a better surface for the footpaths, that the land is already used for 28 days per annum and that in any event they are intending to discuss a potential diversion of footpath 42 to create amore suitable route around the field. In the event that this is not possible they say that the existing route will be maintained. In order to ensure that the exisitng route is maintained a condition is recommeded to secure an appropriate Scheme to be agreed with the Council. This would still enable the applicant to seek a diversion if they wished but ultimately protects the route of this public footpath.</p> <p>In terms of highway safety, the protection of residential amenity, the landscape and visual impact of the development no objections are raised as detailed above and subject to the further conditions to mitigate impact there is compliance with Polices DC1, DC3, SD4 and T1 of the Core Strategy</p> <p><b><u>Further recommended conditions</u></b></p> <ol style="list-style-type: none"><li>1. Pre commencement of development including site clearance and stripping erection of temporary tree protection</li><li>2. Pre commencement of development including site clearance and stripping specification submission for written approval of the LPA a method statement for special measures for access improvement near trees (no dig cellular confinement system)</li><li>3. Landscaping implementation and maintenance; wider landscape and habitat management plan.</li><li>4. Inclusion of Drg. No. 373/100/19A (1881 Survey Overlaid with 2019 and lost trees) in the list of approved plans, as this is the only plan showing proposed new tree planting positions across the whole site.</li><li>5. Pre commencement of development including site clearance and stripping submission of a Construction and Environmental Management Plan to cover comments from the Envir Health Officer and the Local Highway Authority and to secure protection of the deer park wall during construction as advised by the County Archaeologist</li><li>6. Pre commencement of development including site clearance and stripping submission for written approval of the LPA a Risk Assessment to assess the nature and extent of any contamination on the site.</li></ol>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>7. Any soil importation to be tested for contamination</p> <p>8. Maximum noise levels at nearest noise sensitive receptors not to be exceeded with pre completion testing</p> <p>8. Prior to first use for parking of vehicles submission and written approval of a Management plan to include measures set out in para 10 of the submitted Noise Assessment. Development to thereafter be managed and operated in full accordance with the agreed Plan.</p> <p>9. Scheme to protect the route of footpath 42</p> <p>10. Informative to remind the applicant that the granting of planning permission does not construe the right to divert, extinguish or obstruct any part of the public paths.</p>	
<p><b>SMD/2019/0573</b></p>	<p><b>Priory Hotel, Abbotts Road, Leek, ST13 6EZ</b></p> <p><b>Highways Comments</b></p> <p>There are no objections on Highway grounds to the propose development subject to the following conditions included on any approval:-</p> <p>1. The development hereby permitted shall not be brought into use until the access to the plots within the limits of the public highway has been completed. Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1. T1; in the interests of highway safety.</p> <p>2. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development. Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1. T1; in the interests of highway safety.</p> <p>3. The development hereby permitted shall not be brought into use until the parking area has been constructed, surfaced in a bound material and drained to central gullies such that no water discharges onto the highway in accordance with approved drawing P182-201A, which shall thereafter be maintained and retained for the life of the development. Reason:- To prevent surface water discharging onto the highway</p> <p>4. The development hereby permitted shall not be brought</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>into use until details of the 1.5mx1.5 pedestrian visibility splays have been submitted to and approved in writing by the Local Planning Authority. The pedestrian visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.</p> <p>Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1. T1; in the interests of highway safety.</p> <p><b>NOTES TO PLANNING OFFICER</b></p> <p>The existing footway on the site frontage is 2.6m wide. Visibility splay requirement is 2.4m. All the visibility splay can be provided within the adopted highway.</p> <p>The drawing is not entirely correct in that it does not state the width of the footway but it scales at 3.6m. This measurement includes the strip of bollards between the footway and the car park which is not part of the footway. Nonetheless, adequate visibility can be provided.</p> <p>Three parking spaces are shown for each proposed dwelling. This is in accordance with the draft core strategy parking standards.</p> <p>The parking area scales at 7.2m x 15m (not dimensioned). This provides adequate space for the parking layout shown. A standard parking space is 2.4mx4.8m. This also allows a 5.4m central turning area. This is smaller than would be expected for a public parking area (6m) but is adequate for a private parking area for two dwellings.</p> <p>Any tree within 5m of the highway will need to be planted in a tree pit to prevent damage to the highway from roots. The tree to the north should be planted on the east of the planting bay, away from the highway. There may not be adequate space to plant a tree on the southern planting bed, though tree officer would be better able to advise on this.</p> <p>A bush is shown close to the access on the southern side. Hence the pedestrian visibility splay condition recommended above. This bush should be kept lower than 600mm.</p> <p><b>Proposed Dwelling Dimensions</b></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>Overall ridge height 8.29m Eaves height 5m Overall depth – front to rear 13.5m inc single storey rear lean-to 10.5m excluding lean-to</p> <p><b>Dimensions of adjacent development at Berresford Place</b></p> <p>Overall Height 8.5m Eaves height 5m Overall depth – front to rear 8.5m</p> <p><b>Amended Plans</b></p> <p>Amended plans have been received showing 2 secondary windows introduced to the gable end facing the carpark and a strip of blue brick detailing to add relief to the elevation.</p> <p>The second floor has been revised to provide two single bedrooms with a “Jack and Jill” w.c. arrangement while meeting the min. requirements of 7.5sqm for room area with a head height of 1500mm +. This ensures that the 2<sup>nd</sup> Floor bedrooms meet the requirements of the Nationally Described Space Standards.</p> <p>The overall floorspace of the dwelling already exceeds NDSS requirements.</p>	
SMD/2019/0349	<p><b>Land at Ball Green Farm, Woodhouse Lane, Brown Edge</b></p> <p><b>Stoke on Trent City Council</b></p> <p>“The proposed building would appear to provide a milking facility for an existing farm which currently has 280 dairy cows. No information has been provided on the proposed vehicle numbers associated with the use of this building, including vehicle routes, times etc and whether these journeys would be during peak hours. Given the size of the building, and that vehicle movements associated with this, could impact on the local highway network within Stoke-on-Trent, this local planning authority would object to the proposals on highway grounds”.</p> <p><b>SCC Flood Risk Management Team</b></p> <p>No further comments on the additional information.</p> <p><b>Additional neighbour representations</b></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>5 no. letters/emails of objection have been received in response to consultation on the additional information submitted by the applicant. The following (summarised) concerns are raised:</p> <ul style="list-style-type: none"><li>• Cows from the farm have escaped from the fields onto Bemersley Road causing traffic obstruction and also finding their way onto neighbour's gardens.</li><li>• It is now clarified that the farmer proposes to house 256 cattle metres away from our home despite our original concerns regarding noise and smell which we initially raised in 2018, when it was unclear as to what he was proposing to use the barns for;</li><li>• A retrospective Ecology report going back to before the 18th January 2018 would have been more appropriate which was before the applicant removed approximately 177metres of established hedgerow.</li><li>• The statement by the Ecologist that "tree planting scheme will mitigate loss and provide a net gain for bio-diversity" is misleading to the Planning Committee as the scheme would need to replace those estimated 885 shrubs, or 177 metres before any net gain was achieved.</li><li>• The farmer has already commenced with first stages of this building by ripping out hedgerows, digging and having building materials delivered.</li><li>• The proposed siting is out of convenience rather than absolute necessity. The reasons for not pursuing alternatives are not definitive or measurable.</li><li>• Increased noise which will be detrimental to health and well being of neighbours.</li><li>• Concerns regarding odours and disposal of slurry. The omission of the proposals for the slurry tank is inappropriate and all relevant information is not available.</li><li>• Development is too near to houses and will overshadow these.</li><li>• Should approval be granted but with a condition relating to treatment of slurry, this would be construed as not being open and transparent planning process.</li><li>• The comment that there will be less manure is confusing as the number of cows is not reducing.</li><li>• No plan for management of manure / faeces and other animal waste that will be handled and stored are unacceptable.</li><li>• The development is huge in size and industrial and not in keeping with this community.</li><li>• There is surely a better position for this than the current proposal.</li></ul>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<ul style="list-style-type: none"> <li>• Pollution, pests, vermin and disease.</li> <li>• Additional information (contours and sections) is difficult to interpret without site photographs.</li> <li>• How can the farm be operating now with an existing slurry store of just 356,296 litres, when it appears to already require 896,000? Where is the additional 539,704 being disposed during the closed period.</li> <li>• The farm does not give any consideration to neighbours so increasing the size of the farm will impact greatly on neighbours.</li> <li>• The argument that the farm was there before the house is juvenile and has no place in court – residents have a right to live in peace.</li> <li>• Impact on views and detrimental impact on house price values.</li> <li>• Neighbours' comfort, light and use of property will be severely diminished.</li> <li>• Control and husbandry of farm animals.</li> <li>• Increase in animals, machinery and transport.</li> </ul> <p>3 no. letters of support have also been received which cite the following (summarised) issues:</p> <ul style="list-style-type: none"> <li>• The farm is very considerate of their neighbours and always ensure that their land is well maintained.</li> <li>• Noise from farm vehicles is not an issue.</li> <li>• The farm existed prior to the neighbouring dwellings so why did residents who aren't happy with a working dairy farm on their doorsteps move to this location?</li> <li>• The cattle desperately need a new barn.</li> <li>• The negative comments (and lies) made by nearby residents have affected mental well being of the family.</li> <li>• The proposal will not increase smell or noise.</li> <li>• The proposals will improve animal welfare and health.</li> <li>• The site is the only appropriate area where the proposal can be built.</li> <li>• The proposal will not increase vermin.</li> <li>• No issues regarding wildlife.</li> <li>• No legal right to a countryside view.</li> <li>• The proposals will ensure the future of the farm business and allow it to expand.</li> </ul> <p><b>Applicant's additional information</b></p> <p>The Applicant has submitted a statement in which they wish to emphasize that there are no other sites within the vicinity of the existing buildings on which it would be possible to erect the proposed building. It is necessary in this general location</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>because the remainder of the infrastructure, milking parlour and collecting yard, dairy, concentrates storage, is there. The area to the immediate north is used for silage bale storage and there is a change in levels down to the field, the land to the east slopes in two directions and is not large enough. The field to the north east is the application area where the proposed building has been placed as close as possible to where the land falls away to a hedge and ditch. The field beyond falls away and is, for practical reasons, too far from the existing buildings</p> <p><b>Officer comments</b></p> <p>As noted above, Stoke on Trent City Council raise an objection based on increased vehicle movements to and from the farm as a result of these proposals and the possible impact on the local highway network.</p> <p>In response to these concerns, the applicant's agent advises that the farm already milks a substantial number of cows. The only vehicle movements associated with the production of milk are lorries delivering loads of cattle concentrates which are fed in the milking parlour (existing building) and a milk tanker collecting the daily production. These uses will be exactly as at present and the proposed new building, which is for the better welfare of the cattle and improved running of the dairy unit, will not produce any additional vehicle movements.</p> <p>Furthermore, Staffordshire County Council Highways advised as part of the previous applications for these buildings that, as the proposal is for an agricultural building to house cattle on an existing farm, the impact on the highway would not be considered severe. This is not an industrial unit and Highways would not expect multiple daily HCV movements of a quantity that would give cause for concern.</p> <p>Given the above, it is considered that a refusal of the applications based on the impact on the local highway network would be unlikely to prove sustainable at any subsequent appeal.</p>	
<b>SMD/2019/0320</b>	<p><b>Land at Ball Green Farm, Woodhouse Lane, Brown Edge</b></p> <p>See update for SMD/2019/0349 above.</p>	
<b>SMD/2019/0331</b>	<p><b>Land at Ball Green Farm, Woodhouse Lane, Brown Edge</b></p> <p>See update for SMD/2019/0349 above.</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
SMD/2020/0038	<p><b>Land South East Of A521, A50 BLYTHE BRIDGE BYPASS BLYTHE BRIDGE, STAFFORDSHIRE</b></p> <p><b>Highways Comments</b></p> <p>There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-</p> <p>Before the proposed development is brought into use, details shall be first submitted to and approved in writing by the Local Planning Authority indicating wheel wash facilities and provision of road sweeper. The wheel wash facility and road sweeper shall thereafter be provided in accordance with the approved details and retained for the life of the haul road.</p> <p><b>REASONS</b> To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.</p> <p><b>NOTES TO PLANNING OFFICER</b></p> <p>Woodlands Lane s a private road. The applicant should ensure they have appropriate rights and permissions to construct the haul road and use Woodlands Lane as access.</p> <p>Drawing 12629 202 D refers to reinstatement of damage caused to Woodlands Lane. This should be done, with agreement of the owner/s of Woodlands Lane. The majority of Woodlands Lane where it coincides with the haul route has been resurfaced. However, there is a stretch at the base of the hill which has not been resurfaced. This is breaking up and has a missing stop tap cover. This length should also be resurfaced, subject to agreement with the owner/s of Woodlands Lane.</p> <p>Email dated 02/03/2020 11:01 refers.</p> <p>On document “[1] 12629_202A_Haul Road for Phase 1 - General Arrangement Plan &amp; Construction Details-202”, the application recognises Public Footpath No. 6 Forsbrook Parish which runs from north east to south west. The attention of the applicant should be drawn to the existence of the path and to the requirement that</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 12<sup>th</sup> March 2020**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the applicant would need to apply to Staffordshire Moorlands District Council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).</p> <p>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. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.</p> <p>The use by private vehicles is subject to, 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 are only responsible for the maintenance of this route commensurate with its status as public footpath. If the footpath becomes damaged as a result of vehicular use we reserve the right to take legal action against property owners to request the reinstatement of the path.</p> <p>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.</p> <p>Site visit 06/02/2020</p>	

This page is intentionally left blank