

**Nicola Gunn**

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**From:** [REDACTED]  
**Sent:** 18 June 2022 17:47  
**To:** Planning  
**Cc:** [REDACTED]  
**Subject:** Lancashire County Council - Public Rights of way response to proposed development - planning app; 3/2022/0500  
**Attachments:** 1 Chatburn.pdf  
**Categories:** To Upload

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**Reference** 3/2022/0500  
**Alternative Reference**  
**Location** Land to the south of Chatburn Old Road Chatburn  
**Proposal** Technical Details Consent for residential development of up to 9 dwellings following Permission in Principle application 3/2018/0582 and appeal APP/T2350/W/19/3223816.  
**Footpaths Affected** **Fp1 Ribble Valley Chatburn (Fp1 3-11-Fp1)**  
**Map Ref** 376631 / 443898  
**Contact** Stephen Kilmartin  
Tel : 01200 425111  
Email : [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)  
**Response Date** 6/9/2022  
**Path File Link** V:\ENVRestrictedPermissions\Public Rights Of Way\02 Path Files\03 Ribble Valley\11 Chatburn\03-11-001-Fp\03-11-001-Fp Planning Applications

**For the attention of Stephen Kilmartin**

Lancashire County Council – Public Rights of Way have identified that **3-11-FP1** runs through the proposed development site and that the site is subject to an application to add a length of public footpath to the Definitive Map of Public Rights of Way. The Proposed Site **Plan PL30** highlights that the recorded digitised line of footpath **3-11-FP1** is affected by several properties and no provision has been provided for the DMMO should it be Confirmed, **as shown on the attached.**

The proposed path causes a conflict with the garden of plot 8 and introduces a sharp dogleg which is not acceptable and may encourage anti-social behaviour and discourage some members of the public from using the path because of concerns regarding safety.

Any deviation or obstruction to the definitive line of the public right of way will trigger to need to apply for a Diversion Order under the provisions of the Town and Country Planning Act 1990 Section 257 (TCPA90 S257). TCPA90 S257 orders are administered by the authority that is considering, or has granted the planning permission, in this instance Ribble Valley Borough Council.

Regarding the tests and criteria for a TCPA90 S257 Order, in addition to whether it is necessary to divert the footpath to enable the development to be carried out, Paragraph 7.15 of Defra Circular 1/09 (version 2 of October 2009) <https://www.gov.uk/government/publications/rights-of-way->

circular-1-09 advises that 'in considering whether or not to confirm the Order, the disadvantages or loss likely to arise as a result of the stopping up of the ways to members of the public generally or to persons whose properties adjoin or are near the existing public right of way should be weighed against the advantages of the proposed Order.'

The detail of the exact alignment of the new route, the construction specification and any association works would need to be agreed with public rights of way before the necessary TCPA90 S257 Order is made. I can advise that the new route must have a minimum width of 2 metres, have a firm properly constructed surface with no gates crossing the route.

- As a result of the above Lancashire County Council – **Public Rights of Way submit an objection to the proposed development**

### **Landscaping**

Any landscaping should be at least 3 metres away from Public rights of ways either within the proposed development site or in close proximity – this is to prevent roots breaking through the footpath surface creating trip hazards and future maintenance issues or overhanging branches creating either health and safety issues or potential obstruction of the footpath.

### **Landownership**

Ownership of land over which public paths run and their adjacent boundaries should be clarified – normally either passed to householders or retained by developer as there is a maintenance liability for hedges adjacent to public paths

### **Ground levels**

Any changes in ground level should take into account Public rights of ways either within the proposed development site or in closure proximity – this is to prevent surface water being channelled near or over a footpath creating a potential flood threat and future maintenance of the footpath.

### **Drainage**

Drainage should ensure that Public Rights of Way are adequately protected from surface water to prevent surface water running alongside or over a right of way creating a flood/future maintenance issue.

### **Temporary closures**

If the proposed application is approved the applicant must ensure that if works relating to the site are likely to cause a health and safety risk to the public that a temporary closure is applied for and in place prior to works commencing. It must also be noted that a temporary closure of the right of way will not usually be processed until any necessary public path order is being processed by the planning authority

### **Diversions**

No construction affecting a public path should be commenced before a public path order has come into effect (made, confirmed and certified where applicable) and Public paths should not be diverted onto estate roads except for short sections where unavoidable

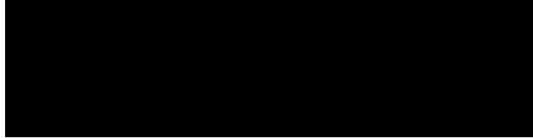
### **Public rights of Way – width specification**

The minimum width for footpaths/bridleways within the site or altered by diversion outside the site are 2m/3m respectively - the minimum is only applicable where the route will not be constrained between 3<sup>rd</sup> party boundaries (which may later become high fences)

Regards

Linda Andersen – Public Rights of Way Officer (Development)

## Lancashire County Council



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