

Stephen
Stephen Kilmartin

*Please check if we have advertised
if not we better do so.*

From: planning
Sent: 18 March 2013 15:33
To: Stephen Kilmartin
Subject: FW: FAO Stephen Kilmartin Application No. 3/2013/0137
Attachments: Submitted_Application_Forms[1].pdf; Location_Plan_6_[1].pdf; Parameter_plan[1].pdf; 30 Whalley.pdf

From: Williams, Stephen (ENV - HEM) [mailto:Stephen.Williams@lancashire.gov.uk]
Sent: 18 March 2013 15:07
To: planning
Subject: FW: FAO Stephen Kilmartin Application No. 3/2013/0137

From: Williams, Stephen (ENV - HEM)
Sent: 18 March 2013 15:02
To: 'planning@ribblevalley.gov.uk'
Subject: FAO Stephen Kilmartin Application No. 3/2013/0137

Steve Williams
 (01772) 533886
 (01772) 530592
stephen.williams@lancashire.gov.uk

Your ref District Planning ref 3/2013/0137
 Our ref PRW 09-14

Dear Mr Kilmartin

PUBLIC FOOTPATH NO. 30 WHALLEY, RIBBLE VALLEY BOROUGH

I write further regarding the above planning application.

From the plan that I have been able to inspect it is apparent that the application area incorporates Public Footpath No. 30 Whalley. I attach an extract of the Definitive Map of Public Rights of Way (First Review) that shows the above public footpath. From the plans that I have been able to inspect on the Ribble Valley Borough website it is not clear whether the application will affect the above Public Footpath though it appears from the parameter plan that the footpath will be crossed by a primary access road.

Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

20/03/2013

The Town and Country Planning Act 1990 has provision for diverting Definitive Public Rights of Way if a diversion is necessary to allow the development to take place. The Highways Act 1980 also has provision for the diversion of Definitive Rights of Way, though with regards to new developments, the Town and Country Planning Act 1990 is the appropriate legislation to use. It should be noted by the applicant that objections may be raised using either of the above Acts. Lancashire County Council will not process a diversion application in relation to these paths in connection with a development proposal.

Should the paths be obstructed during the development or be obstructed after the development has taken place, Lancashire County Council will consider commencing criminal proceedings.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

I would be grateful if you would bring this to the attention of the applicant or if they have any questions relating to the position of the public right of way then they should be directed to the Lancashire County Council Public Rights of Way section.

I hope this is sufficient for your purposes.

Yours sincerely

Steve Williams

Senior Public Rights of Way Officer

Steve Williams
Senior Public Rights of Way Officer
Environmental Projects
Lancashire County Council
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20/03/2013

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