

David Laskey

From: Helen Booth on behalf of planning
Sent: 27 June 2013 14:14
To: David Laskey
Subject: FW: 3/2013/0476 - Proposed erection of an agricultural livestock building to house dairy cows on cubicals Phase 1 - Higher Highfield farm, Tinklers Lane Slaidburn Lancashire

From: Patel, Uday [mailto:Uday.Patel@lancashire.gov.uk]
Sent: 25 June 2013 09:53
To: planning
Cc: ENV LHS Customer Service
Subject: 3/2013/0476 - Proposed erection of an agricultural livestock building to house dairy cows on cubicals Phase 1 - Higher Highfield farm, Tinklers Lane Slaidburn Lancashire

F.A.O: Stephen Kilmartin,

Planning Application Reference: 3/2013/0476
Grid Reference: 372695 452620
Proposal: Proposed erection of an agricultural livestock building to house dairy cows on cubicals Phase 1
Location: Higher Highfield farm, Tinklers Lane Slaidburn Lancashire

Higher Highfield farm is an existing on going agricultural business with number of assets in terms of existing building and other related infrastructure to sustain the on going agricultural business.

Proposed development is a phase 1 expansion of the existing business to house addition livestock. It is believed that the existing infrastructure available on site will be able to support the new livestock for their daily needs. However, for housing the livestock there is a requirement of new building of approximately 446m² floor area.. Proposal is for the erection of new building adjacent to the existing building to house the live stock. Currently there is a yard area where the proposed building is proposed to be erected. Access to the new building will be from the yard area.

There is an existing access Public rights of way FP16 to the property. The access FP16 forms a junction with Wigglesworth road. There is no change to the existing access to the property. With the proposed development it is anticipated that there will be additional vehicular traffic associated with the new development in terms of vet visits, feed transport vehicles as well as livestock transport vehicles etc. It is anticipated that the current business already uses the existing access to support the such needs and with the proposed development additional vehicular traffic will be catered by the existing infrastructure itself.

It is anticipated that during the time of construction there will be several delivery vehicles as well as construction vehicles traffic on access road FP16 which is a public rights of way.

The proposed development is in a rural area and is unlikely that it will have a significant effect on to the adjacent highway network. However following conditions shall be considered during the planning application approval process.

Conditions related to Public Rights of Way:

- 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.

- 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.
- It is brought to the attention of the applicant that - 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.
- Please contact Mr. Steve Williams (Senior PROW officer – 01772 533886)

Thank You

Uday Patel
(Developer Support - Area East)

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