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**From:** [REDACTED]  
**Sent:** 10 July 2024 17:52  
**To:** Planning  
**Subject:** 3/2024/0039 Land to the rear of Maycroft Cottage and Chipping House Cottage Hesketh Lane PR3 TH  
**Attachments:** 3 2024 0039 Overlay.pdf

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**Reference** 3/2024/0039  
**Location** Land to the rear of Maycroft Cottage and Chipping House Cottage Hesketh Lane PR32TH  
**Proposal** Proposed drilling of six boreholes for ground source heating purposes and associated underground pipework

Dear Lyndsey

Lancashire County Council Public Rights of Way neither supports or objects to the application and provides the following.

**Comments/Objections**

The definitive line of footpath FP0312025 passes through Maycroft House and curtilage of Maycroft Cottage, as shown on the attached plan, not along the permitted walked route between Chipping House Cottage and Maycroft House. Any obstruction of a public rights of way is a criminal offence and something that would impact the sale and potential value of the properties.

The creation of the boreholes and their subsequent existence should not impact users of the permitted walked route. That being so, measures such as a banksman and/or fencing around the boreholes to alert users of the potential dangers from the works and associated machinery should be addressed within the risk assessment to ensure the safety of pedestrians until the permitted path is reinstated to an equal, if not improved, surface condition of that prior to the works.

Whilst there is a safe and usable alternative route for footpath FP0312025 the County Council would consider enforcement against the obstruction of the right of way to be a low priority, however the situation would change should the permitted route become obstructed.

Given the existence of an alternative route the proprietors obstructing the right of way may wish to consider pursuing a Public Path Order under the provisions of Highways Act 1980 Section 119, administered by Lancashire County Council. An application to divert a public right of way under Section 119 of the Highways Act 1980 can be made by emailing the Public Path Orders Officer [adrian.ibison@lancashire.gov.uk](mailto:adrian.ibison@lancashire.gov.uk)

It is advised that the HWA80 S119 procedure includes a statutory period for objections. If objections are received and not withdrawn, the Order would need to be referred to the Planning Inspectorate for determination and the legal alignment of the right of way will not change until the appropriate legal Order

has come into effect. It should be further noted that there can be no guarantee of the success of any Public Path Order.

### **Ground level/drainage**

Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.

### **Publicity of Application**

All planning applications that affect a public right of way (footpath, bridleway or byway), must be publicised by site notice in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

Regards

Public Rights of Way

Planning & Environment

Lancashire County Council

W: [www.lancashire.gov.uk](http://www.lancashire.gov.uk)

FB: [www.facebook.com/LancsECP](https://www.facebook.com/LancsECP)

Public Rights of Way Reports [ProwReports@lancashire.gov.uk](mailto:ProwReports@lancashire.gov.uk)

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- ▨ Borehole Rigg Access
- ▨ Pilot Houses
- - - Indicative Borehole Location
- Full Planning

- Public Rights of Way**
- Footpath
  - Bridleway
  - Definitive Map Modification Order
  - Definitive Map Modification Order - Closed
  - Diversion
  - Public Path Order Application
  - Byway Open to All Traffic
  - Restricted Byway



Public Rights of Way  
 PROW@lancashire.gov.uk  
 01772 530317

3 2024 0039 Land to the rear of Maycroft Cottage and Chipping House Cottage Hesketh Lane PR3 2TH

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