

From: [REDACTED]
Sent: 07 May 2024 18:17
To: Planning
Cc: [REDACTED]
Subject: 3/2024/0190 Lower Alston Farm Riverside Ribchester PR3 3XS
Attachments: 3 2024 0190 Overlay.pdf

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Reference 3/2024/0190
Location Lower Alston Farm Riverside Ribchester PR3 3XS
Proposal Proposed engineering works to form an open silage clamp (three walls and slab only)

Dear Planning Department

Lancashire County Council Public Rights of Way objects to the application and offers the following comments.

Comments/Objections

The proposed silage clamp will obstruct bridleway BW0335064, as shown on the attached overlay, requiring a Public Path 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 the Public Rights of Way Team before the necessary TCPA90 S257 Order is made. I can advise that the new route must have a minimum width of 3 metres, have a firm properly constructed surface with no gates or stiles crossing the new route.

It is important for the developer to note that the Public Path Order must be made and confirmed before the development (in so far as it affects the public rights of way) is commenced. It should also be noted that the TCPA90 S257 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 If objections are received and not withdrawn, the Order would need to be referred to the Planning Inspectorate for decision so the timescales for commencement of the part of the development that affects the public bridleway should take that into account. With regards to the timing of the development and the diversion of the public bridleway, please note that the legal alignment of the right of way will not change until the appropriate legal Order has come into effect and it should be noted that there can be no guarantee of the success of

any Public Path Order. Any disturbance of the existing route, without the appropriate confirmed Public Path Order would be liable to enforcement action taken against the developer. **It is for the Developer/Applicant to apply to the planning authority to make a Diversion or Stopping up Order.**

I would advise that the Order Map notation is as described in Schedule 1 of The Town and Country Planning (Public Path Orders) Regulations 1993 and please also request that Lancashire County Council are consulted on the draft Order Map and Order wording and be named as the certifying authority.

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 either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.

Landscaping

Any trees or bushes need to be at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.

Temporary closure

If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.

Diversion

If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.

Obstruction

A public right of way should not be used to store materials, vehicles or machinery and if found to do so would be deemed an obstruction and the applicant would be subject to enforcement proceedings to remove.

Publicity of Application

All 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
FB: www.facebook.com/LancsECP
Public Rights of Way Reports ProwReports@lancashire.gov.uk

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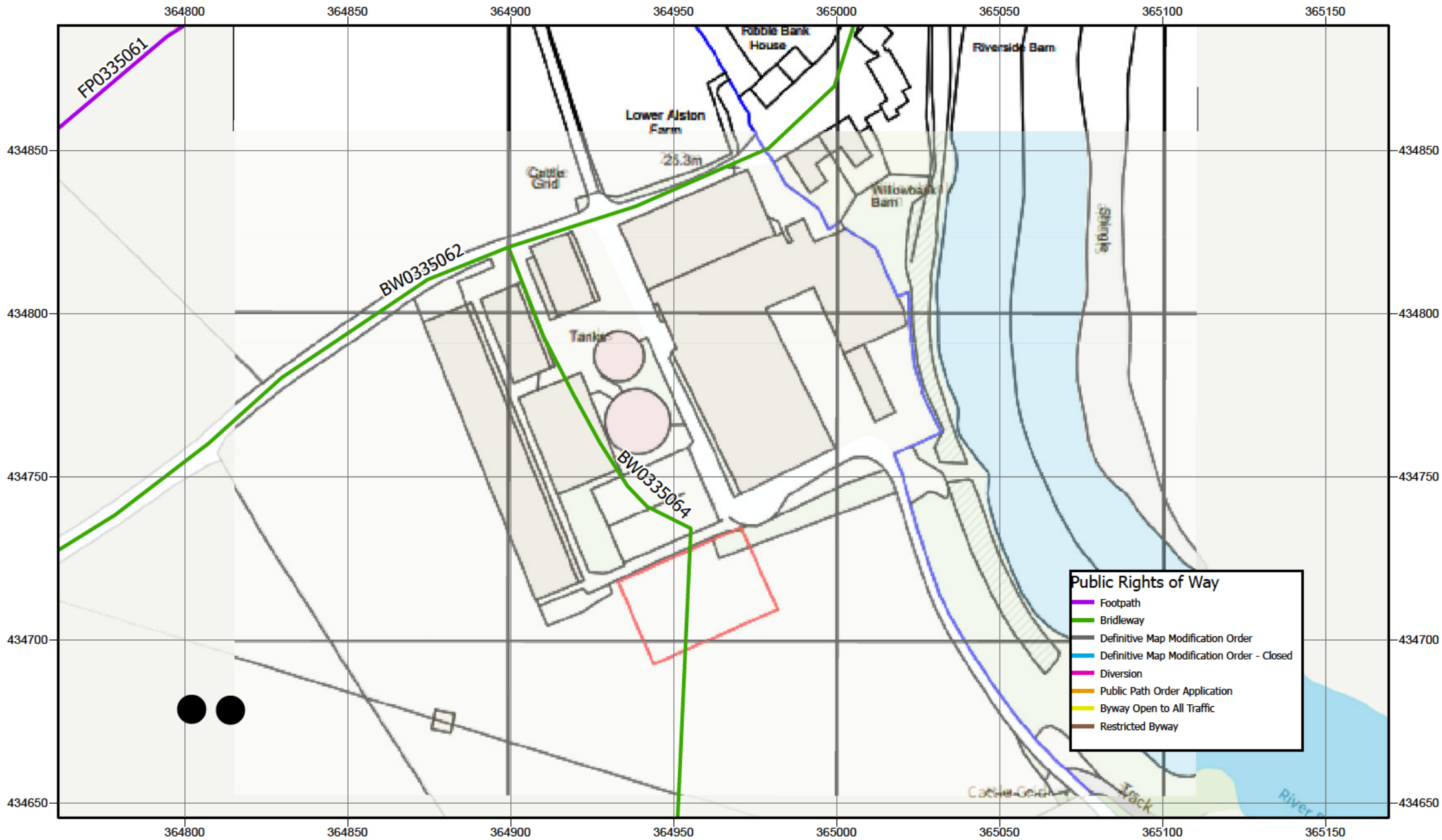
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Public Rights of Way

- 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
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