From: Neville, Julie

Sent: 26 September 2024 16:29

To: Planning Cc: Paulson, Ros

Subject: FW: 3/2024/0622 Writtenstone Farm Writtenstone Lane Longridge PR3 2ZN

Attachments: 3 2024 0622 Overlay.pdf

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Reference 3/2024/0622 and 3/2024/0623

Location Writtenstone Farm Writtenstone Lane Longridge PR3 2ZN

Proposal Planning permission and Listed Building Consent for proposed conversion of

barn 1 to two-storey, four bedroom dwelling; demolition of outbuilding 1 and construction of new double garage; construction of new roof and conversion of outbuilding 2 to form single-storey incidental domestic hobby

space; creation of new vehicular access, garden and landscaping; new

sewage treatment plant and diversion of public footpath

Dear Planning Department

Lancashire County Council Public Rights of Way Team neither supports nor objects to the plans subject to the following.

Comments/Objections

The application proposes to divert footpath FP0302021, which currently runs through the curtilage of the farm, as shown on the attached plan. A Public Path Order under the provisions of the Town and Country Planning Act 1990 Section 257 (TCPA90 S257) are administered by the authority that is considering, or has granted the planning permission, in this instance Ribble Valley Borough Council.

The Public Right of Way Team request further details on the exact alignment of the new route and the construction specification of the proposed diversion for agreement 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 or stiles crossing the new route alignment.

Regarding the tests and criteria for a TCPA90 S257 Order, in addition to whether it is necessary to divert the public 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.'

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 incudes 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 footpath should take that into account. With regards to the timing of the development and the diversion of the public footpath, 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 obstruction of the existing public rights of way would be a criminal offence. It is for the Developer/Applicant to apply to the planning authority to make a Diversion or Stopping up Order.

If the proposed alternative route is not within the ownership of the applicant consent from the landowner/s for which the new route will pass must be sort for the Public Path Order to be progressed.

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 discharged 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 should 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. Further details on closure can be found at Request a temporary closure of a public right of way - Lancashire County Council

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

Any obstruction of the existing public rights would be a criminal offence, as such the right of way should always remain clear, not to be excavated nor used to park or store materials, vehicles or machinery.

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

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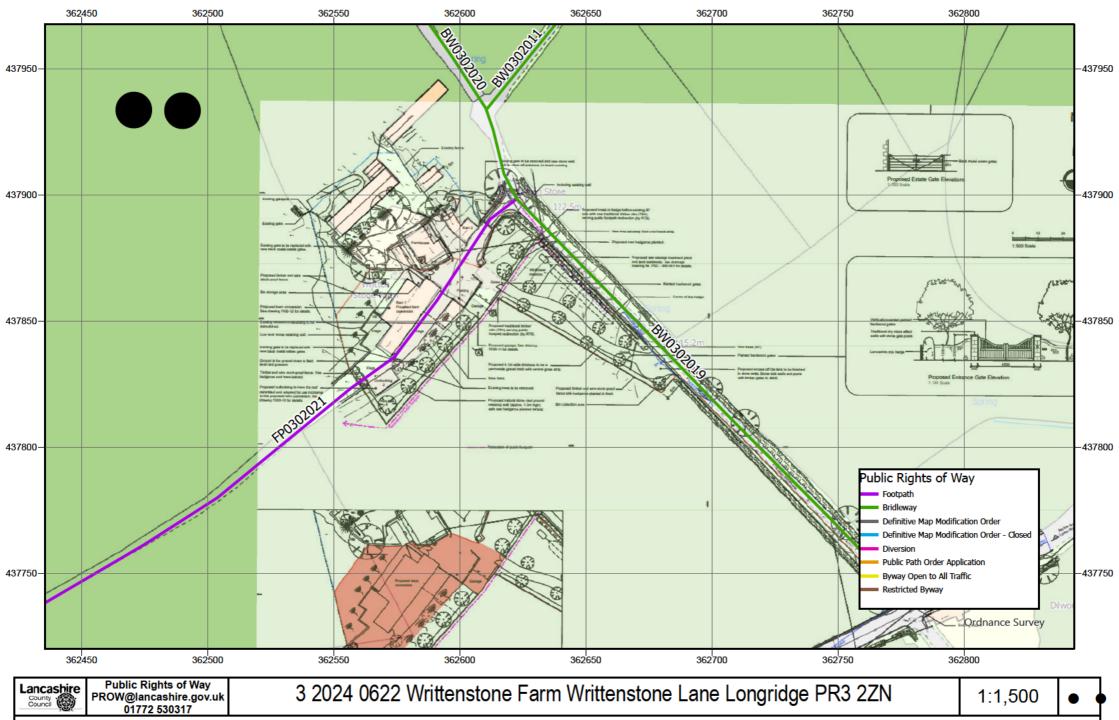
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