

## Nicola Gunn

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**From:** Neville, Julie <Julie.Neville@lancashire.gov.uk>  
**Sent:** 10 December 2024 17:40  
**To:** Planning  
**Subject:** 3/2024/0981 Meargill Farm Holden Lane Bolton by Bowland BB7 4LZ  
**Attachments:** 3 2024 0981 Overlay.pdf

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**Reference** 3/2024/0981  
**Related Application** 3/2024/0674  
**Location** Meargill Farm Holden Lane Bolton by Bowland BB7 4LZ  
**Proposal** Conversion of and extension of agricultural building to one self-build two-bedroom dwelling and formation of residential curtilage (resubmission of 3/2024/0674)

Dear Planning Department

Lancashire County Council Public Rights of Way Team raises no objection to the application and provides the following.

### Comments/Objections

As was the situation with the previous application, although there is available width through the yard the existing building infringes onto the definitive line of footpath FP0307010 as was highlighted by the overlay. Any obstruction of a public rights of way is a criminal offence and something that would impact the sale and potential value of the property. This being so, the proprietors may wish to consider pursuing a Public Path Order under the provisions of Highways Act 1980 Section 119, administered by Lancashire County Council.

The detail of the exact alignment of the new route, the construction specification and any association works would need to be agreed with public rights of way before the necessary HWA80 S119 Order is made. I can advise that the new route must have a minimum width of 2 metres, have a firm constructed surface with no gates or stiles crossing the new route.

It should also be noted 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 If objections are received and not withdrawn, the Order would need to be referred to the Planning Inspectorate. 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.

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)

### 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 8 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](#)

**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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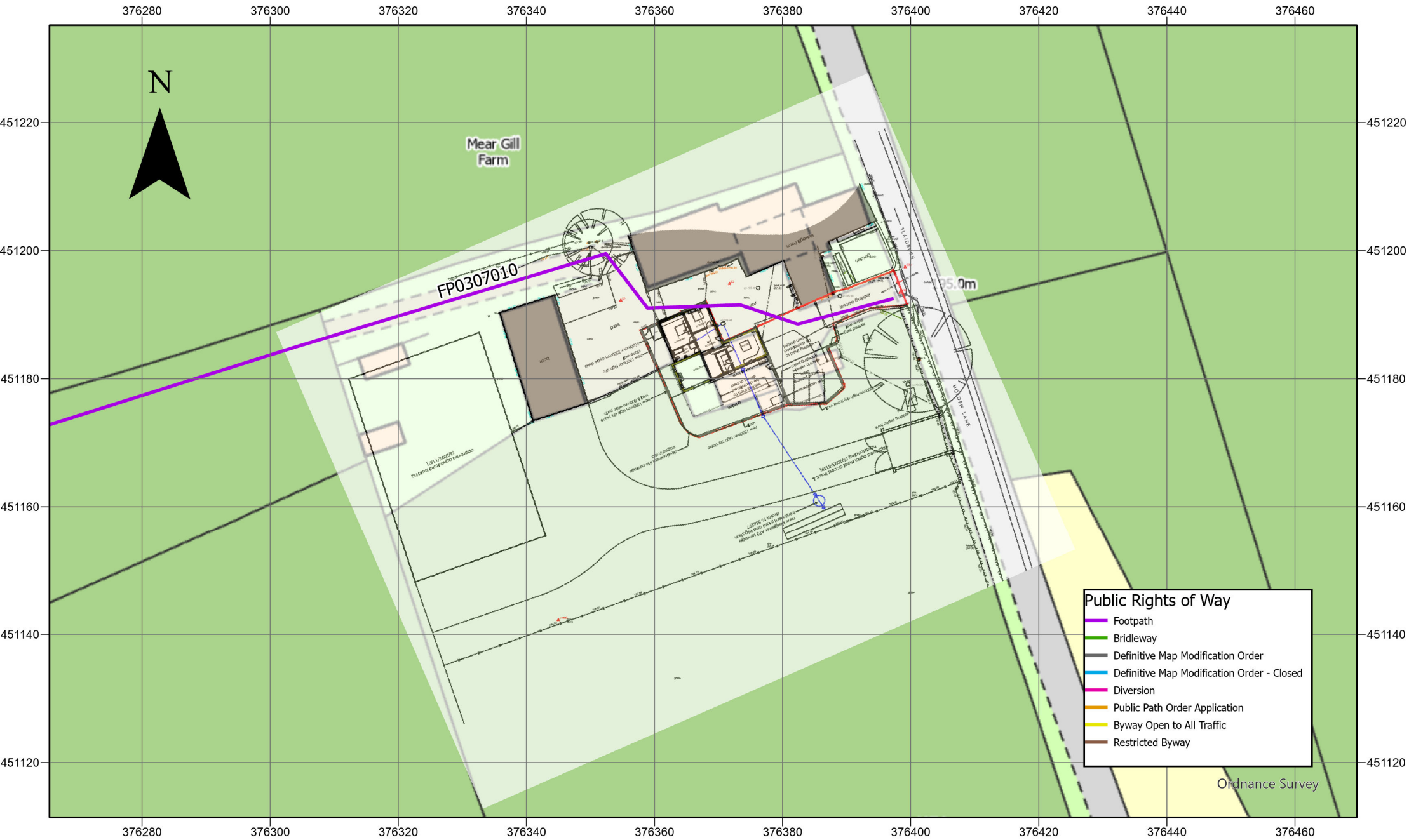
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**Public Rights of Way**  
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**3/2024/0981 Mear Gill Farm Holden Lane Bolton by Bowland BB7 4LZ**

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