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From: Neville, Julie <Julie.Neville@lancashire.gov.uk>
Sent: 26 February 2025 13:40
To: Planning
Cc: Paulson, Ros
Subject: 3 2025 0027 Colliers Farm Whalley Old Road Billington BB7 9LF
Attachments: 3 2025 0027 Overlay.pdf

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Reference 3/2025/0027
Location Colliers Farm Whalley Old Road Billington BB7 9LF
Proposal Proposed construction of a steel portal-framed agricultural building for livestock.

Dear Planning Department

Lancashire County Council Public Rights of Way Team objects to the application and provides the following.

Comments/Objections

The proposed agricultural building will obstruct footpath FP0306029, 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 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.'

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 2 metres, have a firm constructed surface with no gates or stiles crossing the new route. If required for stock control the limitation of a self-closing pedestrian or kissing gate to BS 5709:2018 standards would be permitted.

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 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.

It is advised 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.

Conditions

The Public Rights of Way Team requests the following conditions to address our objection to the application and to ensure that the development, should it receive consent, may progress. In our view the conditions requested meet the tests for imposing planning conditions in national policy: They are necessary relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Public Path Order Trigger Points

Prior to the commencement of development an application for the diversion or extinguishment of the PRoW will be submitted to the Planning Authority.

Reason: To ensure the timely diversion / extinguishment of the PRoW and enable the consented development to lawfully progress.

Prior to the commencement of any phase of the development requiring the disturbance of the PRoW there will be a confirmed Order for the diversion or extinguishment of the PRoW.

Reason: To ensure the timely diversion / extinguishment of the PRoW and therefore enable the consented development to lawfully progress

Prior to the occupation of the building to be constructed on the original alignment of the PRoW the new route of the PRoW will have been provided to the certifiable standard, certified by the Highway Authority and the Definitive Map and Statement amended to reflect the new alignment of the PRoW.

Reason: To ensure the timely provision of the new route in the interests of the amenity of the public.

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 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](#)

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.

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

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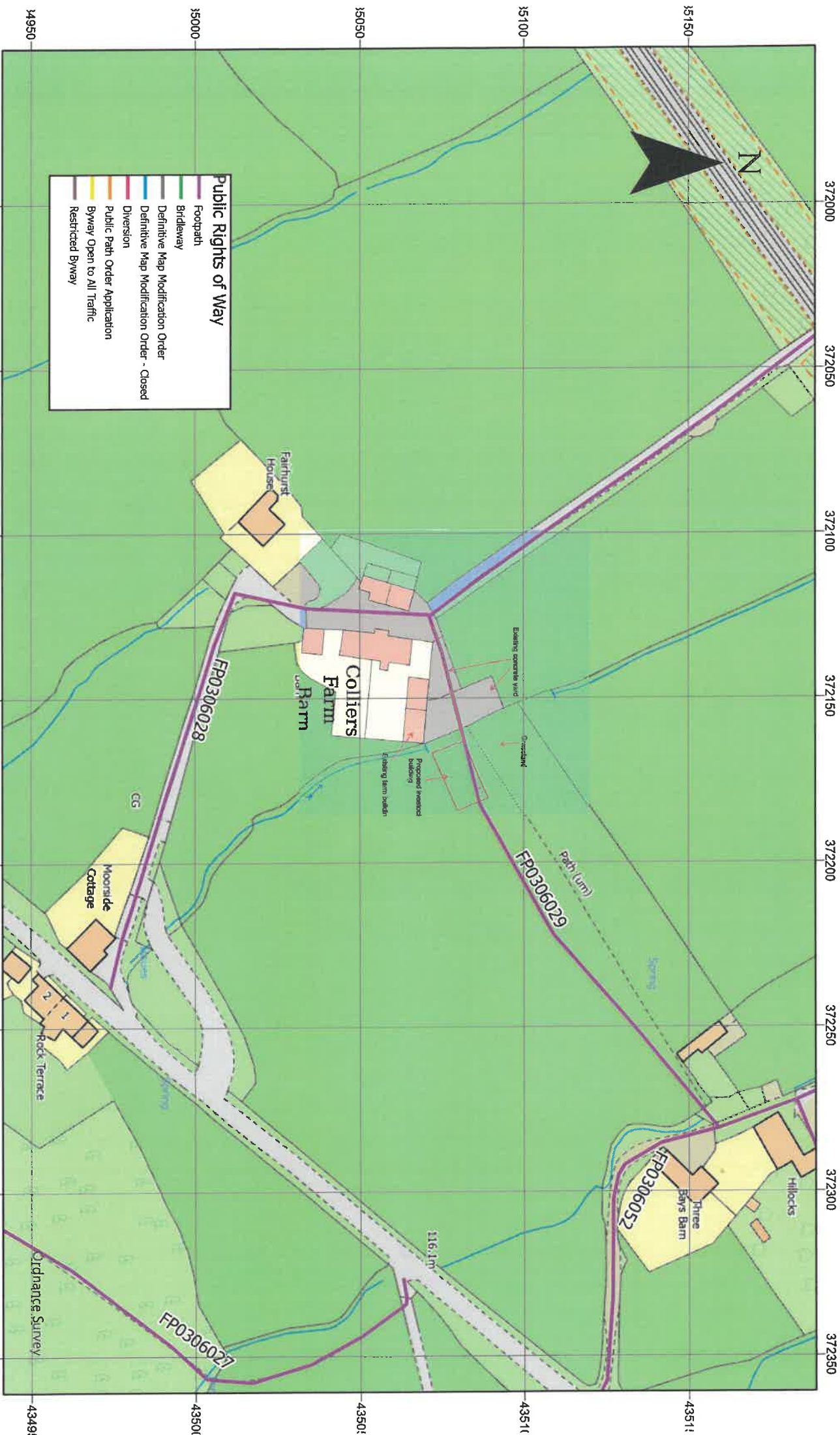
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- Public Rights of Way**
- Footpath
 - Bridleway
 - Definitive Map Modification Order
 - Definitive Map Modification Order - Closed
 - Diversions
 - Public Path Order Application
 - Byway Open to All Traffic
 - Restricted Byway

