

Sharon Craig

From: Neville, Julie <Julie.Neville@lancashire.gov.uk>
Sent: 17 June 2025 15:59
To: Maya Cullen
Subject: 3/2025/0284 Little Town Farm Chipping Road Thornley PR3 2TB
Attachments: PRoW Overlay.pdf

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Reference 3/2025/0284

Location Little Town Farm Chipping Road Thornley PR3 2TB

Proposal Alterations to vehicular access from Chipping Lane to include widening of access track, creation of pedestrian footpath and erection of fencing.

Dear Maya

Lancashire County Council Public Rights of Way Team raises the following concerns and requests a planning condition should the application be approved.

Comments/Objections

The proposed alterations to the track will obstruct footpath FP0341026 causing a conflict between footpath users and HGVs, 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.

The site plan shows the new path to be at a reduced width of 1meter, which is not acceptable. The minimum usable width of the footpath must be 2 meters between the hedge and the fence finished with a compacted stone or tarmac surface . 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 applied for to the local planning authority. **It is for the Owner/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.

Regarding the tests and criteria for a TCPA90 S257 Order, in addition to whether it is necessary to divert the public footpath/bridleway/restricted byway, 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 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.

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.

Conditions

To ensure the timely diversion / extinguishment of the PRoW and enable the consented development to lawfully progress the following conditions are requested

- Prior to commencement of construction an application for the diversion or extinguishment of the PRoW will be submitted to the Planning Authority.
- Prior to commencement of any phase of the construction requiring the disturbance of the PRoW there will be a confirmed Order for the diversion or extinguishment of the PRoW.

Obstruction

The infringement or 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.

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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