

SOUTHERN PLANNING COMMITTEE – 7 August 2019

UPDATE TO AGENDA

APPLICATION REFERENCE

19/1653C

LOCATION

Land adjacent to Swanick Hall Drive, Off Booth Bed Lane, Goostrey

UPDATE PREPARED

5 August 2019

PUBLIC RIGHTS OF WAY COMMENTS

Comments received on 5 August 2019:

Our previous comments still stand:

If granted consent, the increased vehicular traffic would have a direct affect on Public Footpath Goostrey No. 12, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way (please find a working copy of the Definitive Map attached).

Should the development be granted consent we would recommend that the business owner satisfy themselves that any risk of conflict between vehicles and pedestrians is mitigated through the use of pedestrian refuge passing places, signage, recommended speed limit or other such measures.

Informatives

The Public Rights of Way team would seek the following informatives to be applied to any planning consent granted:

- a) No change to the surface of the Public Right of Way can be approved without consultation with the Public Rights of Way team of the Highway Authority. The developer should be aware of their obligations not to interfere with the Public Right of Way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:
 - i. there is no diminution in the width of the Public Right of Way available for use by members of the public;
 - ii. no building materials are stored on the Public Right of Way;
 - iii. no damage or substantial alteration, either temporary or permanent, is caused to the surface of the Public Right of Way;

- iv. vehicle movements are arranged so as not to unreasonably interfere with the public's use of the Public Right of Way;
 - v. no additional barriers (e.g. gates) are placed across the Public Right of Way, of either a temporary or permanent nature;
 - vi. no wildlife fencing or other ecological mitigation measures are placed across the Public Right of Way or allowed to interfere with the Public Right of Way (note that 'RSJ' solutions may be acceptable); and,
 - vii. the safety of members of the public using the Public Right of Way is ensured at all times.
- b) Any variation to the above will require the prior consent of the Public Rights of Way team of the Highway Authority. If the development will permanently affect the Public Right of Way, then the development must apply for a diversion of the route under the Town and Country Planning Act 1990 concurrent with the planning application process. The attention of developers is drawn to the timescales involved in any Public Right of Way legal process and to the guidance notes available at www.cheshireeast.gov.uk/prow.
- c) The Public Rights of Way team of the Highway Authority will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of a Public Right of Way both during and after development work has taken place.

Please note the Definitive Map and Statement is a minimum record of Public Rights of Way and does not preclude the possibility that Public Rights of Way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as Public Footpaths and Bridleways.

CONCLUSION

The PROW comments are noted. If the planning application had been recommended for approval, an informative could have been added regarding works affecting the public right of way.