

M/23/01711/OUT - Public Rights of Way Consultation Note

05/02/2024

Land At (Os 7500 5952) Berrow Green Road Martley

Thank you for the opportunity to view the above planning proposal.

We are grateful that the Public Rights of Way (PRoW) have been considered in this outline proposal. Martley parish footpath MT-698 runs through the red line boundary, starting in the southwest corner and running in a generally north-easterly direction, please see the attached illustrative plan.

The Indicative Master Plan shows the intention to divert footpath MT-698. The applicant should note that Public Path Diversions, undertaken to facilitate development, are processed by the Local Planning Authority (Malvern Hills District Council); it will be for them to determine the legal validity of any such application. This process is distinct from the planning procedure in that it requires separate public consultation and should be pursued at the earliest opportunity.

Page 21 of the Design and Access Statement suggests that it is unlikely that the amenity of the PRoW can be protected, however, given that the Indicative Masterplan includes the provision of a footpath along the northern and western boundaries, we suggest that this may be a more suitable location for a diversion.

Despite the longer route, the applicant should note the National Planning Policy Framework, last updated 5 September 2023 by the Ministry of Housing, Communities and Local Government, particularly paragraph 100, '*...planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*'. This route would also increase accessibility for PRoW users, given the likelihood of vehicle encroachment along footways – maintaining the desired 2000mm width for Public Rights of Way.

We have no objection providing the applicant takes note of the above and observes the following obligations to the Public Rights of Way:

- **The Public safety of those using the right of way must be ensured at all times.**
- **There must be no diminution in the width of the rights of way available for use by the public.**
- No disturbance of, or change to, the surface of the paths, or part thereof, should be carried out without our written consent.
- Building materials must not be stored on the rights of way.

- **Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.**

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if Public Safety demands a temporary closure, application should be made at least 8 weeks in advance to: The Public Rights of Way Mapping Team at prowclosures@worcestershire.gov.uk. Obstructing a Public Right of Way without a formal closure constitutes an offence under the Highways Act 1980.

No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual *public* use.

The developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. WCC would recommend that Public Rights of Way (PROWs), potentially affected by planned works, are clearly designated on all associated planning maps, diagrams or schematics as a matter of course.

The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

Tom Cording

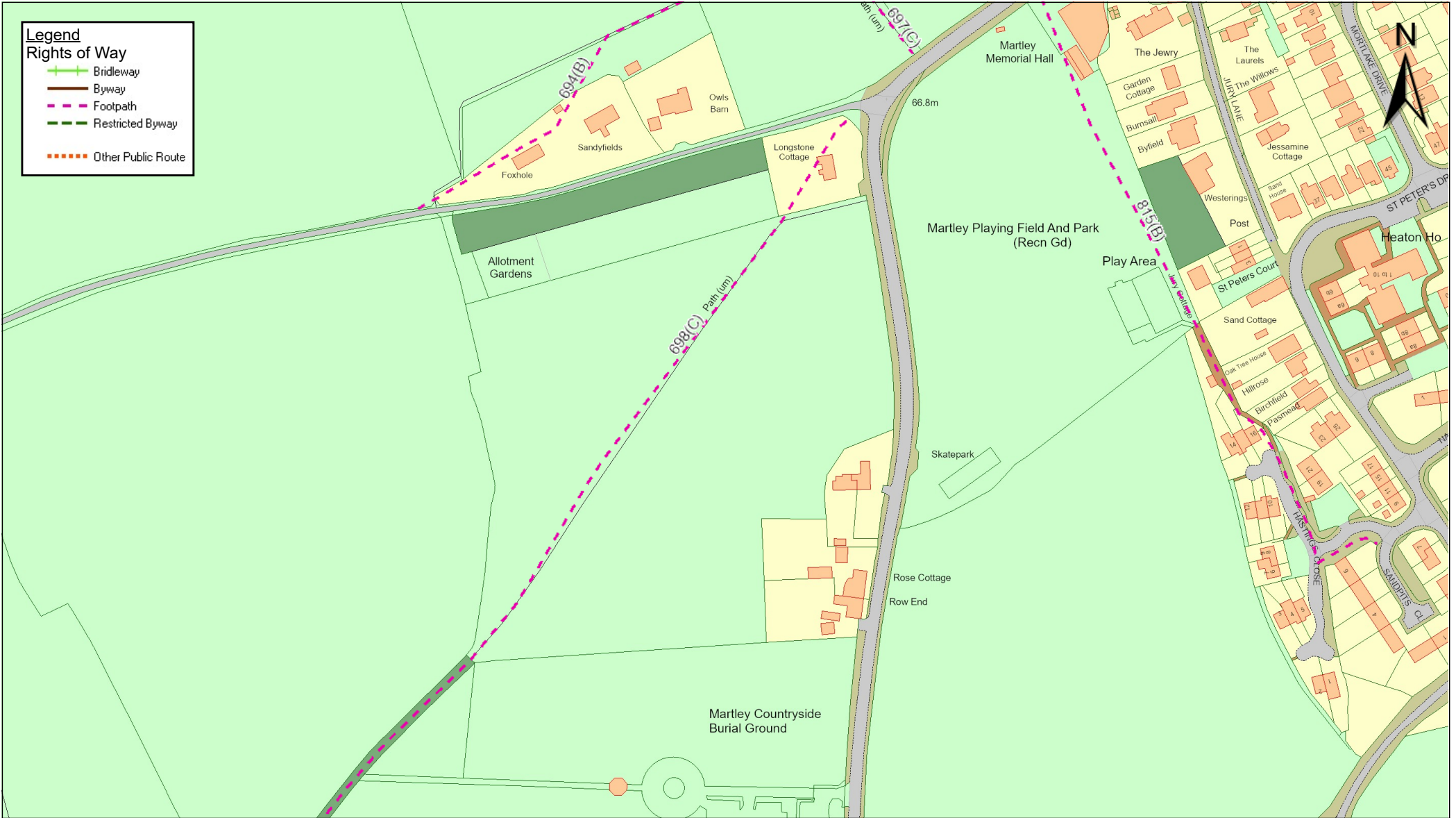
Mapping Officer

Public Rights of Way Team

Worcestershire County Council

Worcester Woods Country Park, Wildwood Drive, Worcester WR5 2LG

Email: Tcording@worcestershire.gov.uk



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Ordnance Survey AC0000809204.

0 20 100 200 metres

M/23/01711/OUT - Illustrative plan. Not definitive.

Indicative Scale: 1:2,500

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Countryside Service
Worcester Woods Country Park
Wildwood Drive
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