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RECEIVED

29 MAR 2022

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YOUR REF: ROW/3289798

Staffordshire Moorlands District Council Public Footpath Number27 (part) (Parish of Caverswall)
Diversion Order 2021

STATEMENT OF CASE FOR MARTYN ARCHER

Contents:-

Grounds.

Response comments to Council's Statement of Case.

Document 01. GOV.UK Guidance: Public Rights of Way: landowner responsibilities

Grounds.

I object to the Order on the grounds that the new route will reduce user enjoyment of the path by substantially lowering the diversity and quality of views.

The path will be changed from going across an open field to being bordered between property boundaries for 40m and then for the next 28m it will be behind the planned building development. This will dramatically lower the diversity and quality of views.

The existing path is in a straight line but the new path turns a corner which will create a hidden turn.

Having a grassed footway and hedges to the sides, the new path would need to be regularly maintained by the landowner to avoid overgrowth and trip hazards. The regularity of this maintenance would be difficult to control without continuous resource from The Highways Authority.

The diversion is more advantageous to the site development.

The diversion is downgrading the footpath by not being equal to or better than the existing route for user enjoyment.

Response comments to Council's Statement of Case.

Document 03: Page 4: The Council responds as follows: Bullet point beginning: The Highways Authority are responsible for

See enclosed Document 01: Page 2: Keep public rights of way clear of obstructions.

web-link: www.gov.uk/topic/outdoor-access-recreation/rights-of-way-open-access Section: Public rights of way: Public rights of way: landowner responsibilities Contents - Keep public rights of way clear of obstructions

The Highways Authority will not be directly responsible for the maintenance of the footpath, this is the duty of the landowner. The Highways Authority have a responsibility to make sure landowners/occupiers carry out these duties in order to keep a footpath clear. Due to hedges, it would be very difficult to maintain the 2m width of this path without continuous maintenance and would need much more than a level to simply keep it clear.

27 March 2022

Coronavirus (COVID-19) (/coronavirus)
Latest updates and guidance

1. Home (<https://www.gov.uk/>)
2. Access and rights of way (<https://www.gov.uk/topic/outdoor-access-recreation/rights-of-way-open-access>)

Guidance

Public rights of way: landowner responsibilities

As the owner or occupier of land with a public right of way across it, you must keep the route visible and not obstruct or endanger users.

From:

[Natural England \(/government/organisations/natural-england\)](https://www.gov.uk/government/organisations/natural-england)

Published

11 September 2014

Last updated

7 December 2015 —

Applies to England

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- Livestock on land crossed by a public right of way: banned animals
- Spraying on land crossed by a public right of way
- Creating, closing, upgrading, downgrading or re-routing public rights of way
- Problems with public rights of way

These rules apply to agricultural or any other land.

Find out if there's a public right of way on your land

Your local authority (national park authorities, county councils, some district councils, metropolitan boroughs or unitary authorities) will normally have a 'definitive map' of your area showing public rights of way. Definitive maps (<https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>) are a legal record of public rights of way in 4 categories:

- footpaths
- bridleways
- restricted byways
- byways open to all traffic

Keep public rights of way clear of obstructions

As the owner or occupier of land with a public right of way across it, you must:

- avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire
- make sure vegetation does not encroach onto the route from the sides or above, bearing in mind the different clearances needed for users of different types of route, for example by horse riders

Obstructing a public right of way is a criminal offence. The highway authority has the right to demand you remove any obstruction you cause. If you don't, the highway authority can remove the obstruction and recover the cost from you.

You must not disturb the surface of byways, restricted byways and unsurfaced public roads, eg by cultivating.

Field-edge and cross-field public rights of way

You must not cultivate (eg plough) footpaths or bridleways that follow a field edge. The minimum width you need to keep undisturbed is:

- 1.5 metres for a field edge footpath
- 3 metres for a field edge bridleway

You should avoid cultivating a cross-field footpath or bridleway. If you have to cultivate make sure the footpath or bridleway:

- remains apparent on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway, and is not obstructed by crops
- is restored to at least the minimum width so that it's reasonably convenient to use within:
 - 14 days of first being cultivated for that crop
 - 24 hours of any subsequent cultivation, unless a longer period has been agreed in advance in writing by the highway authority

Waymarking and warning signs

If official waymarking leaves it unclear where a public right of way goes, you may add informal waymarks to remedy this so long as these are not misleading.