

From: [Vicky Killeen \(Place\)](#)
To: [Planning \(HPBC\)](#)
Subject: Planning Application Ref: HPK/2023/0192
Date: 15 June 2023 14:58:16
Attachments: [2023_06_14 Plan to support consultation response HPK20230192.pdf](#)

Application Ref: HPK/2023/0192

Proposal: Construction of 116 dwellings.

Location: Land at Hoghaw, Fairfield, Buxton.

Thank you for your consultation.

I can confirm that Buxton Public Footpaths No. 1 and No. 2 run through the proposed development site, as shown on the attached plan. It is important to point out that the routes of the paths as shown on the plan, are the legal lines of the paths, which may differ slightly from the used lines of the paths on the ground. The used paths may have also acquired rights through established use, and must therefore also be protected.

The proposed path that runs along the inside of the southern boundary of the site (closely following the line of Footpath 1), is labelled 'Bridleway' on the layout plans. As a section of the Key Cycle Network is proposed along the approximate route of this section of Footpath 1, there is a good chance that the footpath will either become a combined pedestrian and cycle path, or that a more fit for purpose cycle path (with less right angles) may need to run alongside the legal line of Footpath 1 in the future. Currently however, footpath 1, as shown on the attached plan, only has footpath status, not bridleway status. Nor does there appear to be any proposals at present to alter its status to that of bridleway.

Any changes to the alignment of either footpath 1 or 2, must only happen following the confirmation of a diversion order. If a diversion is deemed necessary for the development to proceed, the applicant should apply to your council for the requisite diversion.

In addition to the footpaths already mentioned, there is a heavily used, unofficial footpath running along adjacent to the eastern boundary of the site, to then connect with Buxton Public Footpath No. 4, north of the site. As this path is likely to have acquired rights along it, it must also be protected.

As there is currently a lack of clarity about the proposed treatment of the public footpaths in and around the site, further information is required before full comment can be given. Is it the intention to divert either footpath? If not, then amended plans are needed, showing how the legal lines of the paths will be protected. What widths and surfacing are proposed for the paths? How will the safety of path users be protected where Footpath 2 crosses the access road?

In the meantime, I should be grateful if you would advise the applicant as follows: -

- The footpaths must remain open, unobstructed and on their legal alignments and/ or used alignments.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development, which includes the paths remaining on their legal alignments, as shown on the attached plan.
- If required, an application can be submitted for the diversion of a public footpath in advance of planning permission being granted.
- There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.

I hope this information is of assistance.

Kind regards

Rights of Way Assistant
Network Planning - Highways
Place

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