

From: [Maria Thiam \(Place\)](#)
To: [Planning \(HPBC\)](#)
Subject: RE: Consultation request for Planning Application Ref.HPK/2024/0018
Date: 21 February 2024 13:21:05
Attachments: [2024 02 21 82031081 HPK2024 00018 Plan to support consultation for planning application.pdf](#)

Application Ref: HPK/2024/0018

Proposal: New safe/feed shelter to field for dartmoor sheep and new access gate into field

Location: Land at Tawny Gate Off Cowlow Lane Dove Holes

Thank you for your consultation.

I can advise that Chapel-en-le-Frith Public Footpath No. 44 runs along the east border of the proposed development site, as shown on the attached plan, taken from the Working Copy of the Definitive Map. From aerial photography, it can be seen that the 'grassed pathway' described in the Existing Plan does not quite align with the Definitive legal line of the path, which runs slightly off to the west in the field on the other side of the fencing. The legal line of the path is obstructed by the fencing and has been unofficially diverted to the 'grassed pathway.'

If the applicant would like to divert the footpath and it is needed for the development to take place, they should apply to your council for the requisite diversion. However, if the diversion is not needed for the development to take place, please advise the applicant that they would need to apply to DCC for a diversion under the Highways Act 1980. The relevant information for which can be found on our website.

The Rights of Way Section has no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works. I should be grateful however if you would advise the applicant as follows: -

- The footpath must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path 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.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section

I can confirm that at today's date, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981.

This information is provided without prejudice to any claimed rights, which might subsequently be proven to exist under Section 53 of the Wildlife and Countryside Act 1981.

I hope this information is of assistance.

Kind Regards

Maria Thiam

Rights of Way Assistant – Public Rights of Way

Network Planning - Highways

Place

Derbyshire County Council

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