

From: Tina Newell
Sent: 14 July 2021 12:04
Subject: DC/21/03406

Good morning

I am unable to make the following comment direct on your website. Please would you make the comment :

DC/21/03406 Application for consent to display an advertisement(s). Installation of 2 no flags and 1 no post mounted sign Land South of Pretyman Avenue. After consideration all Councillors resolved to SUPPORT this application in principle subject to clarification on the location of the signs: the location on the plans did not agree with the location of the photographs.

Best wishes

Tina

Tina Newell
Parish Clerk Bacton

From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 29 Jun 2021 01:03:17

To:

Cc:

Subject: FW: MSDC Planning Consultation Request - DC/21/03406

Attachments:

From: GHI PROW Planning <PROWplanning@suffolk.gov.uk>

Sent: 29 June 2021 11:59

To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/21/03406

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: Land South Of, Pretyman Avenue, Bacton – DC/21/03406

Thank you for your consultation concerning the above application.

The proposed site does contain a public right of way (PROW): Footpath 13 Bacon. The Definitive Map for Bacton can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Bacton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

The proposed site also contains claimed PROW. This is where a formal claim has been made for a route to be added to the Definitive Map, but it has yet to be investigated and determined by Suffolk County Council. **It is important that a claimed route is treated as if it is a recorded PROW until the claim has been fully investigated and determined.** This is to avoid a situation arising where a claimed route is obstructed by development and is later confirmed as a PROW, which could be very contentious and costly for the landowner to resolve.

We do not object to this proposal, however the Applicant must ensure that the proposed flags etc are sited so that they do not obstruct the legally recorded line of FP13. The Applicant MUST also take the following into account:

1. PROW are divided into the following classifications:

- Public Footpath – only for use on foot or with a mobility vehicle
- Public Bridleway – use as per a public footpath, and on horseback or by bicycle
- Restricted Byway – use as per a bridleway, and by a ‘non-motorised vehicle’, e.g. a horse and carriage
- Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. **PROW MUST remain open, unobstructed and safe for the public to use at all times**, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed as per point 4 below.
3. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.
4. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of

Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW, or seek a temporary closure –<https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

5. **To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible** to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
6. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
7. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/

Thank you for taking the time to consider this response.

Public Rights of Way Team

Growth, Highways and Infrastructure

Suffolk County Council

Phoenix House, 3 Goddard Road, Ipswich IP1 5NP

PROWplanning@suffolk.gov.uk

Your Ref:DC/21/03406
Our Ref: SCC/CON/2863/21
Date: 7 July 2021
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Daniel Cameron

Dear Daniel,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/03406

PROPOSAL: Application for consent to display an Advertisement(s) - Installation of 2no. flags and 1no. post mounted sign

LOCATION: Land South Of, Pretyman Avenue, Bacton, Suffolk

Notice is hereby given that the County Council as Highway Authority make the following comments:

The current proposal would not have a detrimental impact on the highway network at this location. Therefore, SCC does not wish to raise any objection to DC/21/03406 under highway safety grounds.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure