

**Application Number:** 4/23/2329/0F1, Infill of covered farmyard Fleming Hall, Gosforth

**Countryside Access Team Comments:**

Public Right of Way FP409011 passes through the farmyard (See attached plan).

Section 7.7 of Policy **ENV6 – Access to the Countryside** within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way shown on the attached plan.
- The Public Right of Way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or to temporarily close it has been confirmed.
- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

**John Duffy, Countryside Access Officer**

**Date:** 13/12/23