

**Town and Country Planning Act 1990 (As Amended)  
Local Highway Authority (LHA) Response**

<b>Application Reference</b>	WNS/2022/0829/MAF		
<b>Proposal</b>	Change of use of stables to mixed use stables and kennels		
<b>Location</b>	Towcester Racecourse London Road Towcester		
<b>Case Officer</b>	Awaiting Case Officer		
<b>Date Consulted</b>	29/04/2022	<b>Date Sent</b>	17/05/2022

Having reviewed the information supplied in relation to this planning application, the local highway authority does not have any comments to make.

Public Rights of Way

Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath/ No RU24 (as shown on attached plan) which runs along the access to the proposed development site as follows:

With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements: -

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.
- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).
- If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at:- [defmap.ncc@westnorthants.gov.uk](mailto:defmap.ncc@westnorthants.gov.uk)  
  
<https://www.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-of-way/Pages/temporary-traffic-regulation-orders.aspx>
- Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided.

*Please do not rely on the position of features on site for an accurate position of the public right of way. This must be taken only from the Current Definitive Map and Statement.*

**Diversion Orders:** The Definitive Map team are responsible for diversions carried out under the Highways Act, however, diversions required under the Town and Country Planning Act are the responsibility of the Local Planning Authority. Please contact [planning.snc@westnorthants.gov.uk](mailto:planning.snc@westnorthants.gov.uk)

Conditions:

Prior to the commencement of works affecting any existing public right of way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.

Notes:

1. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams.

*Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way*

2. The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of WNS/2022/0829/MAF . The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.

West Northamptonshire Council is available, and preferably required, for the involvement, guidance and consultation at all stages of the diversion orders as necessary.

This response is without prejudice to any Public Right of Way which may exist across the site but whose presence is not recorded on the Council's Definitive Map and Statement (2016).

Note Section 257 of TCPA 1990 only applies to PROW as follows; FP's BW's and Restricted Byways. LPA's cannot divert or stop up BOATS; this can only be done at a magistrates court.



Hayley Usher  
Development Management Engineer

For Assistant Director for Highways and Waste  
One Angel Square  
Angel Street  
Northampton NN1 1ED  
Hayley.usher@westnorthants.gov.uk  
www.westnorthants.gov.uk

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*The views, observations, comments and recommendations contained in this response represent those of West Northamptonshire Council as Local Highway Authority and in no other function or authority.*