

Public Rights of Way and Recreation

Section 4.10.1 of the Planning Statement states:

The main planning policy that directly relates to development affecting the public rights of way network is policy R11 of the North East Derbyshire Local Plan. The policy states:

*‘Trails and Long Distance Routes will be supported and their routes safeguarded from development likely to affect their integrity. Planning permission will not be granted for development that would lead to the loss of or prejudice the use of a statutory right of way, unless an acceptable alternative route can be provided. **The alternative should be no less convenient or attractive to its users** and be provided prior to the closure of the existing right of way.’*

The planning Statement goes on to say:

4.10.4 The proposed coal extraction operations will result in the temporary closure of Footpath 23 and Footpath 26 at different points over the lifespan of the surface coal mine. Footpath 23 will be closed for the initial 15 to 18 months of the development and Footpath 26 will be closed for the final 15 months of the development. The footpaths will not be closed at the same time which will maintain an east-west link across the Application Site for public rights of way users.

4.10.6 The temporary closure of the footpaths will mean that there will not be a loss or permanent prejudice of a statutory right of way. It is considered there isn't an alternative route across the Application Site other than the two already designated footpaths. The working of the scheme to ensure that the footpaths are not closed at the same time will ensure that the general provision of a route between the A61 and the residential areas to the west of the Application Site is not lost.

Footpath 23 forms part of the long distance Chesterfield Round Walk.

Local residents tend to use the two footpaths for recreation rather than a means of getting from 'A to B'. They go there to exercise both themselves and their dogs and to enjoy the rural scenes and the wildlife.

When Footpath 26 is open users will be faced with views across the overburden bunds and temporary storage mound. These will be in constant use with material being added and removed by large and noisy earthmovers and dumper trucks. A far from pleasant experience that will deter most from using the footpath.

Equally, when Footpath 23 is open during the later phases of the operation users will be forced through a narrow gap immediately adjacent to the coal processing area. Hardly the enjoyable walk most would chose.

Although, technically, at least one public footpath will always remain open, local residents will effectively lose the benefits of both public footpaths for the full three and a half year duration of the scheme - neither could be described as 'attractive' as required by policy R11 of the North East Derbyshire Local Plan.

The applicant's conclusion states:

4.10.8 The development is considered to be compliant with the requirements of Policy R11 of the North-East Derbyshire Local Plan. There will not be a significant impact on the public rights of way provision at the Application Site.

The exact opposite will be the case: **There will be significant impact on Public Rights of Way and the development cannot be considered to be compliant with the requirements of Policy R11 of the North-East Derbyshire Local Plan.**

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