

Consultee Comment for planning application 19/02550/F

Application Number	19/02550/F
Location	Land to the east of M40 and south of A4095 Chesterton Bicester Oxon
Proposal	Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping
Case Officer	Clare Whitehead
Organisation	Legal Services Rights Of Way Officer
Name	
Address	
Type of Comment	Comment
Type	
Comments	<p>Thank you for consulting us on the above application, having reviewed the planning app documentation we have the following comments: Our comments supplied for the scoping application still remain relevant and should also be considered as part of this full application. "We note that there is a proposal to divert the public footpath route 161/6 which runs directly through the site. The applicant should be advised that the granting of planning consent that requires a Public Path Order (PPO) does not guarantee that a PPO will be made or confirmed. PPO and planning consent are two separate processes. If the application to divert the footpath is unsuccessful the footpath will have to remain accommodated on its current legal alignment. Prior to the applicant submitting a PPO application to us, they are advised to undertake their own extensive consultation in regards to the proposed footpath diversion with affected parties including but not limited to adjacent neighbours to the property, the local Parish Council, the Ramblers Association and Oxfordshire County Council's (OCC) Countryside team and Highways. Evidence that this consultation has been undertaken will need to be provided to us as part of the required justification statement for the diversion. OCC's Countryside team should be consulted further with regards to providing approval of the proposed new alignment, agreed footpath width, footpath surface to be laid and to discuss any new way-marker signage or footpath furniture that may be required on the alternative route. The applicant is asked to note that the district council can only take a PPO application forward if the diversion is required to enable approved development for which this authority has granted planning permission". Furthermore, with regards to the full application we are unable to ascertain from the submitted plans where the proposed footpath diversion will be located on site as there is no mention of this on the proposed site plan. We can see that the proposed buildings will totally obstruct part of the current legal alignment of the footpath route and as such if planning permission is subsequently granted the applicant would need to ensure that a footpath diversion application is submitted at the earliest opportunity and before any building works commence which would cause an obstruction of the current legal alignment. A temporary diversion Order may be required on site to enable development works to commence as legally the footpath route cannot be obstructed or stopped up until a Diversion Order has been made and confirmed. A temporary diversion application (TTRO) should be made to OCC's highways team if this is necessary. The district council have a duty to safeguard existing rights of way wherever possible. If a proposed development necessitates a footpath diversion and the circumstances are sufficiently exceptional to merit planning approval being given despite this, we may be prepared to accept a diversion application. However, for a diversion application to proceed successfully, the applicant must ensure that an enhanced Public Right of Way route is provided which must not substantially inconvenience any user and the new route must be accessible to all types of footpath users. The applicant is advised to view our website page for further information on the PPO process, please follow the attached link: https://www.cherwell.gov.uk/info/115/planning/476/public-rights-of-way Kind regards Judith Legal Services PProW JH/013396</p>
Received Date	04/12/2019 12:01:08
Attachments	