



Your ref: 22/03868/OUT

10 August 2023

Linda Griffiths  
Principal Planning Officer (Major Developments)  
Communities Directorate  
Cherwell District Council

**SENT BY EMAIL**

Dear Linda,

**22/03868/OUT – Land adjacent to Salt Way and west of Bloxham Road, Banbury**

Thank for your time on site last week which we hope you found helpful. Further to this meeting, I am writing in relation to your queries regarding the construction access and our ability to provide pedestrian linkages.

**Construction Access**

As you are aware, Oxfordshire County Council's Highway response identified a preference for the existing concrete access track to Crouch Farm to be utilised as an access for construction of the proposed development. This would avoid additional construction traffic using the estate roads in the Redrow development to the north as the balance of that development is built out and would respond positively to concerns raised by the residents.

We are aware that the owner of 2 Crouch Cottages has raised concerns regarding the proposed construction access along the existing farm track which is located to the south of 2 Crouch Cottages.

The owner has contested whether the applicants (Barwood Development Securities Ltd and Mr Mark Horgan), have sufficient ownership rights to utilise the existing track for construction vehicles.

The entirety of the track is in the ownership of the joint applicant Mr Mark Horgan, with 2 Crouch Cottages only having an easement over part of the track in order to facilitate access to the garage. This easement does not preclude our ability to utilise the track for construction vehicles. For clarity, we provide plans of the extent of Mr Mark Horgan's ownership at Appendix 1.

The owner of 2 Crouch Cottages has also raised concern regarding the safety of using the track for construction purposes due to pedestrian movements between the Redrow scheme and the area of public open space. We consider that this can be adequately managed through a construction traffic management plan and is therefore not an impediment to the temporary use of the track by construction traffic.

Indeed, in its deliberation of planning application 16/02598/F for a new access track to serve Crouch Farm (to replace the existing track now proposed for construction traffic), the officer report stated that there was 'no realistic likelihood of there being particular conflict' between vehicles using the existing access track and residents utilising the open space, with particular reference to 'a wide area of visibility on each side for any pedestrians walking over the track to access the balancing pond area'.

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At this Outline stage, it is clear that there are multiple safe options available for managing the construction traffic at the site, whether this be via the access track, the Redrow scheme or another route, and we would suggest that the details be determined through the discharge of a standard pre-commencement CEMP planning condition. The scale of the proposed development means a construction access will only be required for a period of approximately 18 months.

## **Pedestrian Linkages**

It was queried onsite whether the applicants have sufficient rights to provide vehicular and pedestrian linkages from the planning application site, through to the neighbouring Redrow development scheme and areas of public open space.

As explained, the landowner and joint applicant Mr Mark Horgan, was also the owner of the land now being developed by Redrow and as such, retained the necessary rights for access.

The Transfer Plan has been provided at Appendix 2 and I can confirm that the transfer allows us to provide up to two access points/corridors of 11m in width between points A and B on the attached plan. As such, we have sufficient rights to provide the vehicular access along the northern boundary of the application site.

In terms of the north-eastern pedestrian / cycle link, the Redrow scheme is delivering a pedestrian path linking the public open space to the development, with the path routing over the existing track. We therefore have sufficient rights to link into this footpath to deliver a direct link into the Redrow scheme to the north and the POS to the south.

In terms of the proposed eastern link, having looked at the transfer documents, no legal agreement is in place to enable us to provide a link between our site and the public open space to the east. As such, it is considered that this will need to remain as a 'potential link' on the plans for the purposes of this outline application.

We do note however, that a link to the public open space is provided via the north-eastern pedestrian link, the difference in distance being less than 100m. As such, should this additional link not be provided, we do not consider that it would have a detrimental effect on connectivity between the two schemes.

## **Access Track in Perpetuity**

The existing track is still being utilised by Crouch Farm and under the planning permission for the southern access, there is no formal requirement for the use of the existing track to cease. However, it is envisaged that the majority of farm traffic will utilise the new southern access track.

As such, whilst not a matter considered within the submitted planning application currently, the owner would be willing to include the existing track into the red line of the application, so it can form part of the public open space for the development scheme. This would then remove the owner's rights of access over this track in perpetuity and remove any potential for future pedestrian / vehicle conflict in this area.

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The eastern most part of the track will still be subject to the easement benefitting 2 Crouch Cottages and also Redrow have access rights to facilitate maintenance of the SUDs pond / POS, however, the majority of the track can be included within the POS to the benefit of existing and future residents. We consider that this would result in much improved position and is a clear and tangible benefit to the wider public. We would be pleased to discuss this further with the Council if it is receptive to this suggestion.

We hope that the above provides sufficient clarity on ownership and access rights. However, please contact us or our agent, Keith Fenwick, should you require any further information.

Yours Sincerely,

*Jenny Davies*

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## Appendix 1: Access Track Ownership Details

Extent of Ownership Title of Crouch Farm (Land Registry Title No. ON261530), owned by Mr Mark Horgan (joint applicant):



Zoomed in to show Mr Mark Horgan's ownership of track:





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Land Registry Title No. ON283640 – land within the ownership of Mr Mark Horgan (joint applicant):



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## Appendix 2: Transfer Plan

