

# Consultee Comment for planning application 20/00293/OUT

<b>Application Number</b>	<input type="text" value="20/00293/OUT"/>
<b>Location</b>	<input type="text" value="Bicester Gateway Business Park Wendlebury Road Chesterton"/>
<b>Proposal</b>	<input type="text" value="Outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, approximately 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of caf? space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards"/>
<b>Case Officer</b>	<input type="text" value="Caroline Ford"/>
<b>Organisation</b>	<input type="text" value="Legal Services Rights Of Way Officer"/>
<b>Name</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>Type of Comment</b>	<input type="text" value="Comment"/>
<b>Type</b>	<input type="text"/>
<b>Comments</b>	<p>Thank you for consulting us on the above application, having now reviewed the planning documentation contained on DEF/our website we have the following comments: The proposed development will require a part diversion of the Chesterton Public Footpath 161/8 which runs directly across the site as the proposed location of Building 7 will obstruct the current legal alignment of this footpath route. We note the comments in the PRoW statement and the fact that the footpath currently appears to be unused is irrelevant. A copy of the countryside map showing the location of the public footpath will be supplied under separate cover shortly. 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, 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 - please see their website for further information</p> <p><a href="https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/public-rights-way">https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/public-rights-way</a> . 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, a footpath diversion application should be 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 deemed 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: <a href="https://www.cherwell.gov.uk/info/115/planning/476/public-rights-of-way">https://www.cherwell.gov.uk/info/115/planning/476/public-rights-of-way</a> Kind regards Judith Legal Services PRoW JH/013396</p>
<b>Received Date</b>	<input type="text" value="20/02/2020 11:54:06"/>

## Attachments