

# Consultee Comment for planning application 21/03759/F

<b>Application Number</b>	21/03759/F
<b>Location</b>	Land East Of The Leys Adderbury
<b>Proposal</b>	Erection of 2 dwellings
<b>Case Officer</b>	Wayne Campbell
<b>Organisation</b>	Legal Services Rights Of Way Officer
<b>Name</b>	
<b>Address</b>	Legal Services Rights Of Way Officer Cherwell District Council Bodicote House White Post Road Bodicote Banbury OX15 4AA
<b>Type of Comment</b>	Object
<b>Type</b>	
<b>Comments</b>	<p>Thank you for consulting us on the above application. The council's policy with regards to any development affecting Public Rights of Way would always be that we would expect the developer to design the existing Public Right of Way within any new development layout. Following consideration of the documents and plans as submitted we note that the proposed development appears to show a proposed diversion of the Adderbury Public Footpath 101/5 which runs directly across the site. An extract of the Definitive Map showing the location of the public footpath is attached for your information and reference. The council's policy with regards to any development affecting Public Rights of Way would always be that we would expect the developer to design the existing Public Rights of Way within any new development layout. The council has a duty to safeguard existing Rights of Way wherever possible. We appreciate that given some footpath alignments this is not always possible to achieve and if a proposed development necessitates a footpath diversion and the circumstances are sufficiently exceptional to merit planning approval being given despite this, then 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 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 an application to divert the footpath is unsuccessful the footpath will have to remain accommodated on its current legal alignment, and this of course can have significant cost/delay implications for the developer. If a diversion application is subsequently deemed necessary, and 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 any 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 proposed alternative route - please see their website for further information <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 advised 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 safely 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 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/013635</p>
<b>Received Date</b>	19/11/2021 12:07:55

**Attachments**

The following files have been uploaded:  
Capture Adderbury FP5.pdf

