

Lynne Baldwin

From: Sutton, Tracy - Oxfordshire County Council <Tracy.Sutton@Oxfordshire.gov.uk>
Sent: 25 April 2023 16:56
To: Planning
Cc: Wayne Campbell
Subject: TCPA response 23/00497/F; Public rights of way Banbury parish footpath 40
Attachments: IMG_20220224_135913935_HDR.jpg; IMG_20220224_135844730_HDR.jpg; IMG_20220224_135858387_HDR.jpg

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Consultation : 23/00497/F

To whom it may concern,

I am writing from the Countryside Access Team at Oxfordshire County Council (OCC) regarding the above application to provide comments in relation to public rights of way (ROW).

RIGHTS OF WAY

- Banbury parish footpath 40

Key issues:

Banbury footpath 40 is a key path in the parishes network. It is used beyond recreation and is especially prevalent for commuting

- The current alignment has been historically restricted in width by surrounding development pressure resulting in a poor quality of path compounded by poorly maintained adjacent fences
- There have been historical issues on the section of path adjacent to this development associated to the proper up keep of the property's' boundary and encroachment of woody vegetation.

Both dilapidated fencing and overgrowing vegetation from this site affects the footpath. There are two unmaintained fences – a chain link fence and a wooden panel fence. I have concern that these fences and overgrown vegetation will continue to hinder the public footpath as the application states 'ALL EXISTING BOUNDARY TREATMENTS TO REMAIN'. Please note that I have considered the green anti climb fence in this response but am not concerned for this as it is maintained to standard and not hindering the public right of access.

Comments: Holding objection subject to clarification of determination of boundary treatment. Please confirm if the development will remove and / or replace the dilapidated fences. Please confirm that the overgrowing vegetation will be removed. Please state the specification of any proposed replacement fencing.

The following conditions also apply:

Conditions (with reasons):

1. **Temporary obstructions.** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. **Reason:** To ensure the public right of way remains available and convenient for public use.

2. **Route alterations.** No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. **Reason:** To ensure the public right of way remains available and convenient for public use.

3. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. **Reason:** To ensure the public right of way remains available and convenient for public use.

4. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team. **Reason:** To ensure the public right of way remains available and convenient for public use

5. **Gates / right of way:** Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way. **Reason:** To ensure that gates are opened or closed in the interests of public right of way user safety

6. **Improvements to routes:** Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate.. No improvements may be implemented without prior approval of the Countryside Access Team. **Reason:** To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development

If it is not possible to keep the definitive line of the footpath open and keep walkers safe during development with mitigation such as warning signage and safeguarding etc., then the Public Right of Way will need to be legally closed via a TTRO (Temporary Traffic Regulation Order). Please be aware that TTRO's are not processed by the Countryside Access Team but I am consulted as part of it. TTROs can have a lead time of 12 weeks from first contact.

The details for this process can be found on our website at:

<https://www.oxfordshire.gov.uk/residents/roads-and-transport/traffic/temporary-road-closures>

If I can be of any further assistance please contact me.

Regards,

Tracy Sutton

Countryside Access Officer (North East)

Oxfordshire County Council

**PLEASE NOTE I MAY NOT BE ABLE TO READ MY EMAILS DAILY DUE TO SITE INSPECTIONS
THANK YOU.**

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Countryside Access Inbox CountrySide@Oxfordshire.gov.uk

For Countryside Access issue reporting: <https://publicrightsofway.oxfordshire.gov.uk>

Web-Site: www.oxfordshire.gov.uk/countryside

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