

08/06/2023

**Re: Planning Ref 23/01233/OUT OS Parcel 4347 East of Pipal Cottage, Oxford Road, Kidlington.****The Proposal**

Outline application (with all matters except access reserved for future consideration) for the demolition of existing buildings and the erection of up to 800 dwellings (Class C3); a two form entry primary school; a local centre (comprising convenience retailing (not less than 350sqm and up to 500sqm (Class E(a))), business uses (Class E(g)(ii)) and/or financial and professional uses (Class E(c)) up to 500sqm, caf? Or restaurant use (Class E(b)) up to 200sqm; community building (Class E and F2); car and cycle parking); associated play areas, allotments, public open green space and landscaping; new vehicular, pedestrian and cycle access points; internal roads, paths and communal parking infrastructure; associated works, infrastructure (including Sustainable Urban Drainage, services and utilities) and ancillary development. Works to the Oxford Road in the vicinity of the site to include, pedestrian and cycle infrastructure, drainage, bus stops, landscaping and ancillary development

**Response**

I am responding to this application on behalf of The British Horse Society (BHS), the UK's largest equestrian charity with nearly 119,000 members representing the UK's 3 million horse-riders. The Society's primary objectives include protecting and securing the provision, protection and preservation of rights of way and of access for ridden and driven horses over public roads, highways, footpaths, bridleways, carriageways, public paths and other land. The BHS is a statutory consultee for Public Path Orders.

The Society has concerns about this application relating to **Bridleway no. 229/9/30 running east from Oxford Road along the Water Eaton access track, and continues north to Islip**; an unmetalled public right of way that is used extensively by walkers, runners, horse-riders and cyclists.

The National Planning Policy Framework requires that "Planning policies and decisions should protect and enhance public rights of way and access." (para 100.) Other requirements for public rights of way are set out in Department for Environment Circular 1/09, and include Section 7.2: "The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered."

1. Vehicles that are lawfully using the bridleway must give way to any members of the public walking, riding or cycling along the bridleway. It is unclear on the map in the Planning Statement how the bridlepath will proceed from the Play/Games Area to the toucan crossing on the main road. If this is to be along or across drives through the development then the relevant right of way signage will be needed, and consideration of the surface needed, as tarmac is not a suitable surface for bridleways, two leaflets may be found in the Structures and Surfacing area at [Access and bridleways advice | The British Horse Society \(bhs.org.uk\)](#)
2. There is no mention as to how the bridal path will run through the Games/Play area as to whether there will be signage, or a separated route.

3. This could have been an excellent opportunity to expand the provision for Equestrian users, as has been done for pedestrians and cyclists, by providing access to Cutteslow Park.
4. Although a toucan crossing is mentioned there are no details as to the locating of the signal controls for equestrian users. The BHS has recommendations for the distance and type of controls best used at [Access and bridleways advice | The British Horse Society \(bhs.org.uk\)](#)
5. The definitive route of the bridleway must be maintained along the line recorded on the Oxfordshire Definitive Map (<https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/public-rights-way/public-rights-way-online>).

It is noted that "Temporary diversions may be necessary" although the exact details are not provided. This bridle path must be kept clear of obstruction and available for public use during construction, should this application be approved. If this is not possible, then the applicant must apply for a Temporary Closure Order, and provide an alternative route for bridleway users for the duration of the closure.

6. Finally, there must be no change to, or work done within the surface of the bridleway without prior approval from Oxfordshire County Council Rights of Way Department, as the Highway Authority for public rights of way. Any resurfacing of the Bridleway should comply with BHS advice on SURFACES, which can be found in the 'Recommendations for standards and specifications of structures and surfaces' section of the webpage at [www.bhs.org.uk/accessadvice](http://www.bhs.org.uk/accessadvice).

## Conclusion

The Society considers therefore that permission for this application should be refused unless the applicant can provide further detail on their development plans for the work that will be needed to maintain the bridleway.

Should such proof be provided, and should the Planning Authority be minded (notwithstanding the impact on the safety and amenity of the public using the Bridleway) to approve this development, we ask that planning consent should be subject to the following Conditions:

1. That the bridleway should be maintained in a condition suitable for use by walkers, horse-riders and cyclists, and that no repairs or other work to modify or change the surface of the bridleway should be carried out on without prior approval from Oxfordshire County Council as the Highway Authority for Public Rights of Way.
2. That adequate measures should be implemented to ensure the safety of public using the bridleway. (This might for example include the provision of signage advising vehicular traffic to give way at all times to walkers, horse-riders and cyclists.)

Reasons for both Conditions: to protect the amenity and safety of public using the bridleway on foot, horse-back and bicycle.

Please do not hesitate to contact me if you require further information or wish to discuss any of these matters in more detail. I would be happy to meet with officers and the applicants to investigate ways of overcoming the objection. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice. Yours sincerely

Yours sincerely

*Sophie Vagg*

Sophie Vagg

Access Field Officer – South Region

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