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**Sent:** 24 October 2023 19:50  
**To:** Planning  
**Cc:** imogen.hopkins@cherwell-dc.gov.uk  
**Subject:** TCPA 1990 Application 23/02716/DISC; Public rights of way Bourton parish footpath 8

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

Application Consultation

Application No.: 23/02716/DISC

I am writing from the Countryside Access Team at Oxfordshire County Council (OCC) regarding the above planning application for comments on the affected public rights of way.

**Public rights of way Bourton parish footpath 8 (138/8/10)**

Key issues:

- Figure 1 of the proposed SuDS scheme and PBA1A (2) differ
- A surface water drainage network is shown to cross the footpath on PBA1A (2)
- A swale and surface water drainage system is shown in the immediate vicinity of the footpath on PBA 1

**Recommendation:** Oxfordshire County Council (Countryside Access Team), as the Local Highways Authority, notify the District Planning Authority that they have a **holding objection** to the granting of planning permission considering the above key issues, expanded on below.

Please send confirmation of which plan is up to date. I request the following information as appropriate for which plan is to be used:

- The plan PBA1A (2) proposes the surface water drainage network to cross the footpath. Please demonstrate how the path will be affected during construction and occupation.
- The SUDS scheme plans (Figure 1) shows the swale and surface water drainage system to be in the immediate vicinity of the footpath. Please demonstrate how the path will be affected during construction and occupation.

If planning permission was approved the following conditions would apply:

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

Correct route of public rights of way: Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground. The Definitive Map and Statement is available online at

[www.oxfordshire.gov.uk/definitivemap](http://www.oxfordshire.gov.uk/definitivemap)

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. You can find the reference numbers of paths on our online map. These will be needed to complete the TTRO application forms

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>

Please contact me should I be of any further assistance.

**Tracy Sutton**

Countryside Access Officer (North East)

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