

Statement of Reasons for the Proposed Footpath Diversions

Pre-Order Informal Consultation

Proposed Banbury Footpath No.47 Diversion Order 2022 and Proposed Banbury Footpath No.49 (Part) Diversion Order 2022 under s257 of the Town and County Planning Act 1990

Cherwell District Council (“the District Council”) has the power to make Orders to divert public rights of way under s257 of the Town and Country Planning Act 1990 (“the Act”) as the local planning authority where it is satisfied that it is necessary to divert the footpath in order to enable development to be carried out in accordance with planning permission granted under part III of the Act.

This consultation is being made as a result of Gallagher Estates Limited applying to the District Council to divert Banbury Public Footpath No.47 located on land South of Salt Way and Banbury Footpath No.49 located on land east of the Bloxham Road (A361) and part of Wykham Park Farm, Banbury, both footpaths are located within the Parish of Banbury. The application to divert both footpaths is associated with planning application reference numbers 14/01932/OUT and 21/01245/DISC. These applications relate to the construction of up to 1000 new dwellings together with a mixed use local centre, community uses, primary school and safeguarded additional primary school land, secondary school playing field land, green infrastructure, including formal and informal open space, landscape and amenity space, changing and sports facilities, sustainable drainage systems, new highways, cycle and pedestrian routes, car parking and the formation of a new access and spine road from the A361 Bloxham Road, infrastructure including utilities, engineering works and ground remodelling. In order to facilitate the implementation of the development that has been granted planning permission under the above planning application numbers both existing public footpath routes will require diversions to enable the development on site to be fully implemented.

Background FP47

The definitive route of Banbury Footpath No.47 (shown at point A - B on the attached plan) runs for approximately 273 metres from its junction with Banbury Footpaths No.46 and No.16 leading to its termination point at the Salt Way Restricted Byway (Banbury RUPP 41 and 42). The footpath width is unrecorded, and the current surface is soil.

Background FP49

The definitive route of Banbury Footpath No.49 (shown at point A – B on the attached plan) runs for approximately 132 metres from the Bloxham Road opposite Crouch Cottages, leading south west past Wykham Park Lodge and running generally south to where it terminates at Wykham Lane. The footpath width is recorded on the Definitive Statement of Public Rights of Way as being 6 feet width over the whole length of path, and the current surface is grass.

The planning permission for the development of this site follows the Council’s allocation of this site under our Local Plan. The Local Plan Policy Banbury 17 is to provide a large residential allocation plot to meet the growing housing needs identified in the District. Under the subsequent planning permissions, the council requires the developer to implement improvements to the Public Rights of Way which run across the site to promote accessibility to adjacent areas of development and to maximise the potential for walkable neighbourhoods with new footpaths and cycleways being created that link up to existing networks. Where possible the routes of the Public Rights of Way within the site will be maintained along their existing routes.

Proposed Route FP47

In order to facilitate the development of a new sports pitch and part of the spine road within this section of the development it is proposed to relocate the current route of the footpath. The footpath currently runs diagonally across the site so this proposal will move the route so that it will pass across the south of the proposed new sports pitch where it will turn and head north to where it will cross over a new 2.5 metre wide pedestrian refuge island thus enabling safe passage for all users over the new spine road. The route will then continue in a northerly direction leading between the west of the sports pitch and an existing line of vegetation where it will continue in a northwest by west direction then heading north to where it will meet the existing hedge line running along the Salt Way. The footpath will terminate at an existing open access point already located on the hedge line where it will enable the route to link up and meet the Salt Way restricted byway. This proposal by utilising an existing gap will avoid the need to cut down any trees or vegetation that runs along the Salt Way. Within the open space areas the surfacing will be grassed and within the highway areas the surface will be tarmac with tactile paving and dropped kerbs at the crossing points. The footpath width will be recorded at 4 metres through the area adjacent to the sports pitch, and 3 metres by the section over the school playing fields.

The proposed footpath will commence from its existing starting position shown at point A National Grid Reference (NGR) SP 45245, 38472 as shown on the enclosed draft order map. The route then travels in a general west by north direction for approximately 109 metres to NGR SP 45138, 38497 (point C on the order map), then travelling in a general north by east direction for approximately 81 metres to NGR SP 445157, 38576 (point D on the order map), thence in a general north west by north direction for approximately 22 metres to NGR SP 45146, 38595 (point E on the order map), thence in a general north northeast direction for approximately 29 metres to NGR SP 45158, 38621 (point F on the order map), thence in a general north by east direction for approximately 136 metres to NGR SP 45192, 38754 (point G on the order map), thence in a general northwest by west direction for approximately 34 metres to NGR SP 45163, 38771 (point H on the order map), thence in a general north northeast for approximately 17 metres to NGR SP 45171, 38787 (point I on the order map) where the footpath meets the Banbury Restricted Byway No.41. The alternative route is shown on the order map by a broken black line between points A-C-D-E-F-G-H-I. The unaffected parts of the Rights of Way Network are shown on the order map in broken coloured lines.

Proposed Route FP49

In order to facilitate the construction of a new roundabout on the A361 Bloxham Road, a new balancing pond for highway drainage and to ensure a safe crossing point is created over the new section of highway to be built within this section of the development it is proposed to relocate a small section of the current footpath route. The footpath currently runs from Bloxham Road opposite Crouch Cottages leading south west along the field edge boundary past Wykham Park Lodge and generally south to Wykham Lane where it terminates. This proposal will re-align a small section of the route by moving it marginally east of point A to create a safe route around the new balancing pond to be installed where it will continue to the point where a new highway crossing point will be installed thus enabling safe passage for all users over the new section of highway. The new footpath will have a recorded width of 3.5 metres.

The proposed footpath will commence from the existing Banbury Footpath No.49 shown at point A National Grid Reference (NGR) SP 44132, 38622 as shown on the enclosed draft order map. The route then travels in a general northeast by east direction for approximately 21 metres to NGR SP 44149, 38636 (point C on the order map), then travelling in a general east north east direction for approximately 49 metres to NGR SP 44196, 38651 (point D on the order map), thence in a general north east by north direction for approximately 29 metres

to NGR SP 44212, 38676 (point E on the order map), thence in a general northern direction for approximately 24 metres to NGR SP 44212, 38701 (point F on the order map), thence in a general north north west direction for approximately 44 metres to NGR SP 44189, 38740 (point B on the order map), where the new footpath re-joins the unaffected part of Banbury Footpath No.49. The alternative route is shown on the order map by a broken black line between points A-C-D-E-F-B. The unaffected parts of Banbury Footpath No.49 are shown on the order map in a broken purple line.

In general, we would normally like to see public rights of way being accommodated on their existing legal alignments throughout new developments. This, however, is not always possible to achieve and as in this case due to the number of Public Rights of Way within the site development boundary it has been necessary to agree to take two minimal diversions proposals forward to enable the proposed development to proceed. We have, however had regard to the fact that the proposals should ensure that enhanced routes are provided which will provide greater widths, better surfacing to enable use by all types of users including mobility impaired users and agreed a layout that will maximise the potential for walkable neighbourhoods and enable a high degree of integration and connectivity between the new and existing communities. Both diversion proposals have been agreed with the planning case officer and Oxfordshire County Council's Countryside team.

The District Council has had regard to the following grounds:

- Whether the diversions are necessary in order to enable approved development to be carried out;
- Whether the footpaths are substantially as convenient to the public as a consequence of the diversions;
- The effect with which both diversions would have on the enjoyment of the footpaths or ways as a whole.

The administration and advertising costs the District Council incurs in relation to these diversion applications will be recharged at cost to the applicant.

The District Council welcomes your comments and observations and will review all comments it receives before deciding whether either Order should or should not be made.

We should, however, advise that if any points are raised which relate specifically to the planning permission already granted then these comments shall be disregarded as this informal consultation cannot be used to re-argue the merits of the planning application to which the proposed Diversion Orders relate.

The deadline for receipt of all comments on this application is by **Monday 7 March 2022**

Legal Services (PRoW) - Law and Governance, Cherwell District Council
For and on behalf of Anita Bradley, Director of Law and Governance and Monitoring Officer for Oxfordshire County Council and Cherwell District Council