**From:** Rutterford, Beth - E&E [mailto:Beth.Rutterford@Oxfordshire.gov.uk]
**Sent:** 16 April 2019 19:04
**To:** DC Support; Planning; Bob Neville
**Cc:** Rutterford, Beth - E&E; Walther, Katie - Communities
**Subject:** FW: Planning Application Consultation 19/00619/F Response - OBJECTION

Dear Sir/Madame,

Adderbury footpath 5 runs across this development and although I understand that the applicant wishes to divert the Public Right of Way the proposed footpath route is unlikely to be acceptable. Therefore OCC Rights of Way would **OBJECT** to the current application.

The main reasons this proposed route is unacceptable is the route is longer than the original and contains two 90o turns which are often considered to be less convenient to users. One legal test is that a route should not be substantially less convenient to users. The plans also indicate that the path will be fenced out from the garden from the garden of Plot 1. Presumable this will be done using the high close board fencing indicated elsewhere on the site. This sort of fencing is unsuitable as it can create a narrow passage way which can become dark and unpleasant to use. If the path is to be fenced out there must be adequate passing room for users and a useable width of at least 4m would be required as part of the diversion.

The applicant should also be aware than no work should start which may obstruct footpath 5 on its current definitive line until a Public Path Order (diversion) has been confirmed and a diversion application can never be guaranteed until this point.

Applicants must ensure that the public using the route are not put in any danger while the work takes place using a banks man.  It may also be necessary to close the footpaths to the public and an application for a Temporary Traffic Regulation Order (TTRO) would need to be made at least 12 weeks in advance of requiring the closure.

If planning permission is granted then the following conditions must be applied;

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 obstructs 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’s legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Reason: To ensure the legal 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 written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council. 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 written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council. Reason: To ensure the public right of way remains available and convenient for public use

5. Gates / right of way: Any gates provided in association with the development 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. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council. 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

Kind regards

Beth Rutterford

Beth Rutterford - North East

Countryside Access Officer

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