

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE:
MONDAY 13 JULY 2020

APPLICATION NUMBER 20/00188/PROW.

PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY EYNHAM
FOOTPATH 206/30 (PART) PUBLIC PATH DIVERSION 2020

(Contact: Stuart McIver, Tel: (01993) 861663)

(The decisions on this matter will be a resolution.)

1. PURPOSE

- 1.1. To seek authority for Officers to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it.
- 1.2. The diversion is necessary to enable a permitted scheme for extension to an existing manufacturing and office building, two storey research and development building and two storey office building, creation of new vehicular access onto B4449 with associated gatehouse, provision of 316 car parking spaces, creation of wildflower meadow and diversion of public footpath. These works would not be compatible with the existing route of the right of way.
- 1.3. The path will remain accessible and enjoyable to the public as a consequence of the diversion.

2. RECOMMENDATION

That the Business Manager Development Management be authorised (i) to make the Order and carry out public consultation, consistent with the drafted Order attached to this report; and (ii) to confirm the Order if it is unopposed.

3. BACKGROUND

- 3.1. Planning permission, dated 4 July 2016 and 14 March 2017, for extension to an existing manufacturing and office building, two storey research and development building and two storey office building, creation of new vehicular access onto B4449 with associated gatehouse, provision of 316 car parking spaces, creation of wildflower meadow and diversion of public footpath – application references 16/02369/FUL and 17/01114/FUL.
- 3.2. As a result of the implementation of the planning permissions, it will be necessary to divert a section of footpath 206/30, as described in the [attached](#) draft order.
- 3.3. An initial application to divert the footpath was submitted in 2016, but was withdrawn following objections to the proposal. Prior to re-submission the applicant engaged with the Parish Council on the new proposal and address the primary concerns, of keeping the dismantled railway line within the path, and avoiding the path flooding alongside the Chilbrook.
- 3.4. The resulting proposed route follows the junction of flood zone 2 and 3 areas, leaving the zone 2 land available for the applicants use.
- 3.5. A consultation exercise has been completed. A summary of responses is as follows:
 - Ward Councillor: suggested a more direct route may be more sensible (from point N to a point approx. 50 metres further west from point E) rather than doubling back on the route.
 - Cadent/National Grid: no objection.
 - Eynsham Parish Council: the proposal is generally acceptable as it follows the historic railway line which is of paramount importance.

- Oxfordshire County Council Countryside Access and Countryside Records Teams: the diversion would create an inconvenient alignment between Points N and Point E compared to the existing path. However, it is recognised that the diversion options are limited and it is understood that many local walkers wish to retain the east-west walk along the old track. The Countryside Access Team and Countryside Records Team have no objection to the diversion.
- 3.7 The proposed footpath route is longer than existing and takes an indirect route, the proposal is a result of local engagement and is supported by the community for retaining access to an important local area. This is recognised and accepted by the County Council Team as referred to in their response
- 3.8 Whilst there is necessity to divert the existing route for development purposes, the proposed diversion route both navigates the flood zone areas and provides a sought after and amenable route for the length of the old railway as supported by the Local Parish.

4. FINANCIAL IMPLICATIONS

The applicant has agreed to pay the Council's costs in respect of the application and also for the cost of advertising the order and subsequent notice of confirmation. The law does not permit the Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an order is the subject of an objection.

5. ALTERNATIVES/OPTIONS

The Council may refuse to make the diversion.

6. REASONS

See section 3

7. PROCEDURAL MATTERS

- 7.1. Officers are seeking authority to make and consult on the Order and to subsequently confirm the Order if unopposed. If objections are raised, it will not be possible for the Local Planning Authority to confirm the Order. In these circumstances the Order and any objections to it will be considered by the Planning Inspectorate on behalf of the Secretary of State.
- 7.2. The Inspectorate does not consider the need for the development to which the Order relates. However, account must be taken of the effect of the Order on those entitled to the right which would be affected.

Phil Shaw
Business Manager Development Management

(Author: Stuart McIver, Tel: 01993 861663; Email: stuart.mciver@publicagroup.uk)

Date: 1 July 2020

Background Papers:

Draft Public Path Diversion Order

Planning permissions 16/02369/FUL and 17/01114/FUL

TOWN & COUNTRY PLANNING ACT 1990 SECTION 257

WEST OXFORDSHIRE DISTRICT COUNCIL

Eynsham Footpath 206/30 (Part)
PUBLIC PATH DIVERSION ORDER 2020

THIS ORDER is made by West Oxfordshire District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates to enable development to be carried out in accordance with planning permission applied for under Part III of the Town and Country Planning Act 1990 namely:

- The extension to existing manufacturing building, erection of two storey manufacturing and office building, two storey research and development building and two storey office building. Creation of new vehicular access onto B4449 with associated gatehouse. Provision of 316 car parking spaces, creation of wild flower meadow and diversion of public footpath; and
- Construction of new two storey research and development building, in connection with previously approved manufacturing campus, creation of wild flower meadow and diversion of public footpath.

BY THIS ORDER:

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be diverted as provided below.
- 2 There shall be created to the reasonable satisfaction of Oxfordshire County Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The diversion of the footpath shall have effect on the date on which Oxfordshire County Council certify that the terms of Article 2 have been complied with.
- 4 Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

The entire width of that length of Eynsham Footpath 206/30 running from OS Grid Ref SP 44282 20888 (Point A) in a southerly direction for approximately 36m to SP 44282 20885 (Point B) then in a westerly direction for approximately 102m to SP 44272 20885 (Point C) continuing in a southerly direction for approximately 13m to SP 44272 20884 (Point D) then in a westerly direction for approximately 24m to SP 44266 20884 (Point E) as shown between Points A – B – C - D - E on the plan attached to this Order.

PART 2

A new footpath running from OS Grid Ref SP 44282 20888 (Point A) in a westerly direction for approximately 2m to Point H then in a general north-westerly direction for approximately 14m to SP 44281 20890 (Point I) continuing in a general westerly for approximately 18m to SP 44279 20890 (Point J) continuing in a general north-westerly direction through SP 44275 20894 (Point K) for approximately 122m to SP 44268 20895 (Point L) continuing westerly for approximately 86m to SP 44260 20895 (Point M) then in a general south westerly direction for approximately 27m to 44258 20893 (Point N) before returning in a south east direction for approximately 129m to SP 44266 20884 (Point E) re-joining the footpath numbered 206/30 on the Definitive Map for the Parish of Eynsham shown on the Order Plan annexed hereto and shown by a bold dashed line between points A - H – I – J - K – L – M – N - E.

The width of the new footpath is 2.5m between Point A and Point E

MAKING OF ORDER

DATED DAY OF 20

THE SEAL OF WEST OXFORDSHIRE)
DISTRICT COUNCIL WAS HEREUNTO)
AFFIXED IN THE PRESENCE OF)

Chairman

Authorised Officer

Date Made:

20

WEST OXFORDSHIRE DISTRICT COUNCIL

EYNHAM FOOTPATH 206/30 (PART)

PUBLIC PATH DIVERSION ORDER 2020

442600.000000

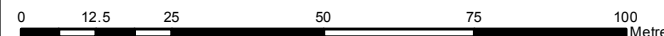
442700.000000

442800.000000

442900.000000




443000.000000

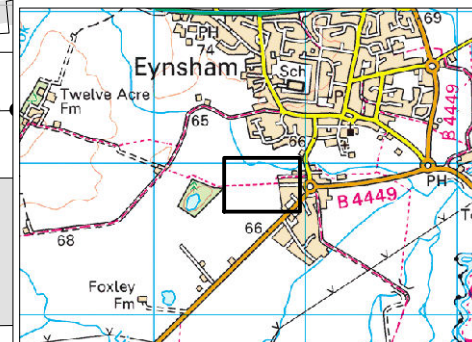
© Crown copyright and database right 2016 Ordnance Survey.



Town and Country Planning Act 1990
Section 257

**Public Path Diversion Order
Eynsham Footpath No. 206/30**

-  Existing Footpath 206/30 to be diverted.
A-B-C-D-E Length= 206m
-  Proposed Footpath diversion
A-H-I-J-K-L-M-N
Length= 397m
-  Route of unaffected Footpath (Eynsham Footpath 206/30)



208900.000000

208800.000000

208700.000000

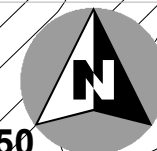
442600.000000

442700.000000

442900.000000

443000.000000

1:1250



Date made:

West Oxfordshire District Council
Woodgreen
Witney
Oxfordshire
OX28 1NB

Tel: 01993 861000
Fax: 01993 770255



WEST OXFORDSHIRE
DISTRICT COUNCIL

Drain

Chil Brook

Tor Cottage

El Sub Sta

1 to 5

7 8

6

9 10

11

12

13

Agriculture

Oasis

Park

Chillbrook