

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOWLANDS AREA PLANNING SUB-COMMITTEE:**

**MONDAY 10 DECEMBER 2018**

**APPLICATION NUMBER 18/02187/POROW**

**PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY 312/35 AT LAND  
SOUTH OF NEW YATT ROAD, NORTH LEIGH**

**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

**(Contact: Phil Shaw, Tel: (01993) 861687)**

(The decision on this matter will be a resolution)

**1. PURPOSE**

To seek authority for Officers to make a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990 and to carry out the required statutory consultation upon it.

**2. RECOMMENDATION**

That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the proposed diversion illustrated in the attached plan.

**3. BACKGROUND**

3.1. Planning permission for reserved matters was granted on the 13 March 2018 for the erection of 76 residential dwellings together with access, associated parking and landscaping – application reference 15/01934/OUT and 17/02463/RES.

3.2. As a result of the implementation of the planning permission, it will be necessary to divert a section of footpath 312/35 (Part), as indicated in the attached Plan. Accordingly, the application for the diversion has been made to enable a permitted scheme for development which would not be compatible with the existing route of the right of way.

**4. PROCEDURAL MATTERS**

4.1. At this stage Officers are only seeking authority to make the Order and consult upon it. If objections are raised during the formal consultation process 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.

4.2. 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.

**5. ALTERNATIVES/OPTIONS**

The Sub-Committee may decide whether or not to authorise the making of the Order.

## **6. FINANCIAL IMPLICATIONS**

The report has no financial implications.

Giles Hughes  
Head of Planning and Strategic Housing

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Date: 27 November 2018

Background Papers:  
None

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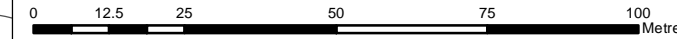
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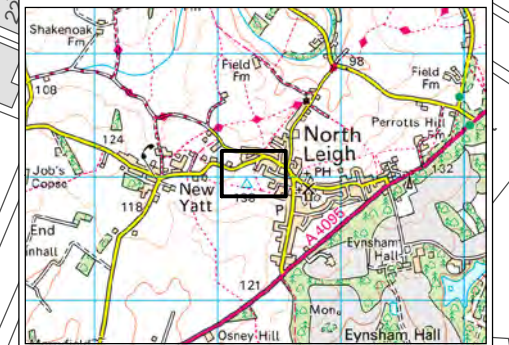
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Town and Country Planning Act 1990  
Section 257

**Public Path Diversion Order  
Footpath No. 312/35 (Part)**

-  Existing Footpath 312/35 to be diverted. A-E Length= 160m
-  Proposed Footpath diversion A-B-C-F-G-H-I Length= 155m
-  Route of unaffected Footpath (Churchill Footpath 312/35)
-  Route of unaffected Footpath (Churchill Footpath 312/23)



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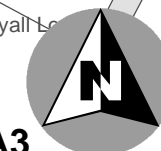
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