



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Uplands Area Planning Sub-Committee</b> <b>DATE 7<sup>th</sup> October 2019</b>
Report Number	<b>AGENDA ITEM NO. 5</b>
Subject	<b>PUBLIC PATH EXTINGUISHMENT APPLICATION AT JUBILEE LANE MILTON UNDER WYCHWOOD</b>
Wards affected	Milton-under-Wychwood
Accountable officer	Chloe Jacobs [Career Grade Planner] Tel: 01993861697 Email: <a href="mailto:chloe.jacobs@publicagroup.uk">chloe.jacobs@publicagroup.uk</a>
Summary/Purpose	<p>To seek authority for Officers to make a Public Path Extinguishment Order under Section 118 the Highways Act 1980 and carry out the required statutory consultation.</p> <p>The application for the extinguishment has been made by the landowner/developer as it is not needed for public use.</p>
Annexes	Annex A - Draft order attached
Recommendation/s	That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the drafted Order attached to this report and return the application to the committee to consider the further test of prior to confirmation of the Order.
Corporate priorities	
Key Decision	No
Exempt	No
Consultees/ Consultation	None

## **1. BACKGROUND**

- 1.1 Planning permission was granted on appeal 22 May 2018 for the “the erection of nine dwellings with associated infrastructure and landscaping” at Land off Jubilee Lane, Milton Under Wychwood OX7 6JZ – application ref: 17/01174/FUL (appeal ref: APP/D3125/W/17/3189184)
- 1.2 An application was submitted to divert 2 existing footpaths on the site by virtue of a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990. This application was brought before the committee on 1 Apr 2019. The Public Path Diversion Order was made, but due to an objection the application is currently unresolved.

## **2. MAIN POINTS**

- 2.1 An application was submitted by the Parish Council to Oxfordshire County Council to modify the Definitive Map to include a claimed footpath on the site.
- 2.2 An application was submitted to extinguish the claimed footpath on the basis that as a result of implementation of the planning permission, it would be necessary to extinguish the footpath under Section 257 of the Town and Country Planning Act 1990. This application was withdrawn at the applicants request following a minor amendment to the planning permission.
- 2.3 The path is currently subject to a temporary closure for the purposes of Health and Safety.
- 2.4 To resolve the matter the applicant submitted a Section 118, Highways Act 1980, application to extinguish the claimed footpath.
- 2.5 Before making any extinguishment Order, it must appear to the Council expedient to stop up the path or way on the ground that it is not needed for public use.
- 2.6 Considering that there are two other footpaths on site and, despite being the subject of a S257 application, two footpaths will remain from the entrance to the field at Frog Lane to the exit at Jubilee Lane, it is officers’ view that the legal test is met.
- 2.7 An informal consultation exercise was completed and expired 11<sup>th</sup> July 2019. Further comments have been received from both the applicant and the Parish Council (Please find attached). The issue of necessity has not been addressed by the objectors.
- 2.8 Members are requested to confirm that they are happy for officers to proceed on the proposed basis and carry out the required statutory consultation upon it.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 None

**4. LEGAL IMPLICATIONS**

4.1 Please ensure that you send this report to the Monitoring Officer

**5. RISK ASSESSMENT**

5.1 None

**6. CLIMATE CHANGE IMPLICATIONS**

6.1 None

**7. ALTERNATIVE OPTIONS**

7.1 None

**8. REASONS**

8.1 Pursuant to Section 118 Highways Act it appears to the Council expedient to stop up the footpath on the ground that it is not needed for public use.