

## **DOCUMENT REFERENCE 4**

### **Dorset Council (Public Footpath 24 (Part), 160, 161 (Part), 162 and Public Bridleway 21 (Part), Weymouth) Public Path Diversion Order 2020**

#### **Statement of Dorset Council Containing Comments on the Objections**

##### **Objections to the Order**

1. There were six objections to the Order, one of which was subsequently withdrawn. Copies of the outstanding five objections are included in **Document Reference 3**. These five objections are summarised as follows:

2. Objector 1. Mr. Ian Beech. In subsequent correspondence Mr. Beech has confirmed his intention to maintain his objection. Mr. Beech has opposed the Diversion Order on the following grounds:

- (i) The development should have provided for the retention of the existing paths without the need for their being diverted.
- (ii) The proposed paths will run on footways within the estate.
- (iii) Concerns for dog fouling on the proposed paths.
- (iv) The detrimental effect of the diverted paths on wildlife habitats.
- (v) The detrimental effect of the diverted paths on homes and the privacy of occupants of houses adjacent to the proposed paths.
- (vi) The increase in distance of the proposed paths in comparison with the existing.
- (vii) Other issues raised by this objector appear to relate to the process of the work being carried out to construct the development.

3. Objector 2. Ms. Tasha Pancherz. It is noted that Ms. Pancherz has moved from the address given in her objection letter, but an e mail, containing a different surname, (Tasha Beech), has been received. This e mail confirms the intention of Objector 2 to maintain her objection. This objector has opposed the diversion order on the following grounds:

- (i) The development should have provided for the retention of the existing paths without the need for their being diverted.
- (ii) The proposed paths will run on footways within the estate, rather than on grass as at present.
- (iii) Concerns for dog fouling on the proposed paths.
- (iv) Concerns for high fencing alongside proposed paths.

- (v) The increase in distance of the proposed paths in comparison with the existing.
- (vi) Other issues raised by this objector appear to relate to the process of the work being carried out to construct the development.

4. Objector 3. Ann. This objector has given her first name but no surname. An email address has been supplied. This objector has responded to confirm that she intends to maintain her objection. Objector 3 has opposed the diversion order on the following grounds:

- (i) The path has been used by the objector's family for many years. (No information has been provided as to which path).
- (ii) Objects to the positioning of the notices of the making of the Order.

5. Objector 4. Ms. Hayley Dandy. This objection was received by letter, which did not include a postal or email address. The words 'local resident' are next to the name on the letter. It has not been possible to contact Objector 4 to discuss her reasons for opposing the order. This objector has opposed the diversion order on the following grounds:

- (i) The development should have provided for the retention of the existing paths without the need for their being diverted.
- (ii) The proposed paths will run on footways within the estate rather than on grass.
- (iii) Concerns for dog fouling on the proposed paths.
- (iv) Concerns for the detrimental effect of the diverted paths on wildlife habitats.
- (v) Other issues raised by this objector appear to relate to the process of the work being carried out to construct the development.

6. Objector 5. This objection was received by letter, which did not include a postal or email address. The name of the objector is difficult to make out from the signature on the objection letter. It has not been possible to contact Objector 5 to discuss her reasons for opposing the Order. This objector has opposed the diversion order on the following grounds:

- (i) The proposed paths will run on footways within the estate rather than through fields.
- (ii) Concerns for the privacy of occupants of houses.
- (iii) Concerns for dog fouling on the proposed paths, and conflict between residents and path users as a consequence.
- (iv) Concerns for the detrimental effect of the diverted paths on wildlife habitats.

(v) Other issues raised by this objector appear to relate to the process of the work being carried out to construct the development.

### **Comments on objections to the order**

7. The Council must consider whether it is necessary to divert the paths to enable development to be carried out. It is clear that this legal test is met in this case.

8. Objectors 4 and 5 have not provided any contact details. It has not been possible to correspond with these objectors in order to discuss their concerns, and, whilst their reasons for objecting to the order are noted, the Council asks that less weight is given to these two objections as a consequence.

9. Objectors express concerns for the built-up nature of the environment through which the new paths will run, in that the paths will be on footways next to roads within the site rather than on grass paths within a rural setting. The development is taking place on a greenfield site, which is allocated for development in the local plan. It is thus inevitable that there will be a change in character to at least parts of the paths to be provided within the development as a result of any proposal to divert them. The land crossed by the paths will alter from an open, undeveloped field to a housing development. The allocation policy in the local plan, 'Policy WEY11 Land off Louviers Road', states that "pedestrian links and wildlife corridors should be provided through the developments connecting to Lorton Valley Nature Park and adjoining areas of open countryside", and this is what the proposals do. Within the constraints of the development for which planning permission has been granted the Order seeks to provide suitable replacements for the existing paths. The proposed alternative routes for Footpaths 160 and 161 run through open space to the south of the built-up area and provide for a circular route within the site.

10. Concerns have been made with regard to the proximity of the paths to dwellings. Parts of the proposed routes run along paths and pavements which mainly, where they are in proximity to dwellings, are to the front of properties, where it is normally expected that there will be some public activity and potential overlooking from those using roads and pavements, however the potential for some overlooking to the front of properties will be from people passing on foot, (or by car), and will be of a transient nature and not of such a degree as to be considered unacceptable.

11. The merits of the development, including the impact on the public rights of way, and public access more generally, was considered and approved by the Council in the granting of planning permission. The Council considered that the overall benefits of the proposal, including the provision of Affordable Housing, outweighed any negative impacts of the development, including that upon the amenity, convenience and safety of the public. The proposed paths would not disadvantage the public and would provide safe and convenient routes through the development.

12. Objectors have referred to work taking place on the site of the development. Whilst development on the site has begun, the construction program has taken into account the existing rights of way, and no dwellings have been constructed on the lines of the paths subject to the order.

13. Objectors have raised concerns with regard to fences adjacent to the proposed paths. The fencing in the areas adjacent to the footpaths are low fences, whereas the fences around the gardens of dwellings are taller but set back from the routes. The plan at **Document Reference 14** shows details of the boundaries within the development.

14. The points regarding dog fouling and mud are noted. Persimmon Homes have agreed to provide dog bins and associated signage on the site, with the maintenance and emptying of bins being carried out by the residents' management company which will take over the responsibility for the maintenance of the development once it has been completed.

15. One objector refers to the positioning of the notices of the making of the Order. These were placed on lampposts and other structures at the ends of the paths subject to the Order, and were displayed in accordance with legislative requirements.

16. Several objectors have referred to an increase in distance of the proposed paths in comparison with the existing paths. The lengths of the paths subject to the Order are as follows:

Bridleway 21: A-A2: BW21=105m

A2-A3-A4-A5-A6-A1-A=106m

Footpath 24: E-F: FP24 =146m

E-E1-E2-E3-M-F: Alternative FP24=147m

Footpath 160: X-F: FP160=176m

A-F: Alternative FP160 = 178m

Footpath 161: T-G-H-I-J-K-L-F= FP161=448m

M-M1-N-O-P-P1-Q-Q1-R-S-T: Alternative FP161=330m

Footpath 162: A-E: FP162 =174m

A1-B-C-D-E1: Alternative FP162=152

Footpath 163: P-U-V= 63m (Additional Length of Footpath)

17. The approved site layout has taken into account the provision of alternative paths to replace those to be diverted. The layout reflects the need for replacement paths that are convenient for members of the public and for those who will be resident in the new dwellings.

18. The lengths of alternative paths for Bridleway 21, Footpath 24 and Footpath 162 are similar to the lengths of path to be diverted. Footpath 160 would be diverted to run through the open space to the south of the built-up area, and whilst it is acknowledged that as a consequence of the Order an additional distance of approximately 34 metres would be necessary for a pedestrian travelling between the ends of the path (between points F and X), this is not considered to be unduly inconvenient or substantial. Footpath 161 currently takes a circuitous route, and the alternative footpath reflects this circular route as well as providing a convenient route within the built- up area and the open space. The creation of the additional footpath to be numbered Footpath 163 provides for a link between Footpath 161 and the unaffected length of Bridleway 21 to the north of the site. A link between Footpath 161 and Bridleway 21 does not exist at present, and in this way the Order would significantly enhance the convenience and usefulness of Footpath 161. The Council is satisfied that the paths to be provided by the order retain a network of paths through the site that reflects, as far as possible, the existing paths and the proposed changes are not considered to be inconvenient to path users.

19. Several objectors have expressed concerns that there will be a detrimental effect on wildlife as a consequence of the diverted paths. The environmental implications of the development and public access within the site has been fully addressed as part of the granting of planning permission.

**Concluding remarks:**

20. Section 257 of the Town and Country Planning Act does not provide a mechanism whereby objections to the Order may re-open considerations inherent in the grant of planning permission. None of the objections put forward contains information which challenges the test of the necessity to divert the paths to enable the development to be carried out. Whilst work has begun on site, Persimmon Homes has sought Counsel's opinion and has been advised that the development has not been 'substantially completed'.

21. In summary, the alternative routes to be provided by the Order are suitable replacements for the existing footpaths and bridleway that would be diverted by the Order, and the diversion of the paths is necessary to enable the development to take place.