

THE MAIDS MORETON & FOSCOTE ACTION GROUP

Objections to Discharge of Conditions

Planning Application PL/25/5939/CONDA

OBJECTION TO DISCHARGE: Condition 7 – Adoptable Roads

“The development shall not begin until details of the adoptable estate roads and footways have been approved in writing by the Local Planning Authority”

1. Design SPD, North & Central Planning Areas, para 5.6.6 restricts the use of shared surfaces: -
“The use of shared surfaces will not be acceptable on through roads or roads serving more than 25 properties” (para 5.6.6)

This restriction is consistent with Active Travel England’s policy which says: -

“Shared space may be appropriate in new residential developments. It provides access to a small number of properties where there is no through motor vehicle traffic”. ([Shared space | Active Travel England](#))

The southern block-paving carriageway is a **shared surface** which is both a through road and serves well over 25 properties (58 plots). It double-contravenes the SPD and needs to be redesigned to accord with established safety principles.

2. In the PROW Officer’s consultation letter for the RMA 23/01636/ADP dated 17.11.23, he noted the existing footpath MMT/2/1 would require a formal diversion on 3rd party land for the proposed cycleway to work. To achieve this, he noted the following: -
 - A diversion of the existing footpath needs to be secured under s257 TCPA 1990
 - The existing gate on the existing footpath where it turns to the right towards Foscote Road needs to be relocated to the northern edge of the site where the proposed cycleway would meet the diverted footpath MMT/2/1.
 - The remaining length of the existing footpath heading East down to Foscote Road be upgraded to a bridleway or cycleway to avoid confusion for pedestrians and cyclists.

We attach this letter for your ease of reference (the three paragraphs are highlighted in blue).

None of this has been done. Instead, the current Adoption Plan shows the following: -

- The existing footpath MMT/2/1 remains in its original location but is now **blocked** by the site boundary hedge.
- The proposed new cycleway leads into an open field owned by a 3rd party with no footpath or public right of way beyond. In other words, **it leads nowhere**.
- The existing gate has not been moved to the site boundary.
- There is no evidence that the remaining footpath MMT/2/1 has been upgraded to a cycleway or bridleway.

To have a cycleway leading into an open field is unacceptable, and blocking a public footpath is a criminal offence. This Adoption Plan cannot be accepted until the position is rectified, so the Condition cannot be discharged.

LETTER TO PROW OFFICER

17.11.23



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Date: 17th November 2023

Aylesbury Vale Area Planning

Dear Sir/Madam,

23/01636/ADP | Submission of details of siting, design, external appearance and landscaping for the erection of 163 dwellings pursuant to outline planning permission 16/00151/AOP and discharge of condition 22 (biodiversity net gain) and condition 8 (CEMP) of planning approval 16/00151/AOP | Land Off Walnut Drive And Foscote Road Maids Moreton Buckinghamshire MK18 1QQ

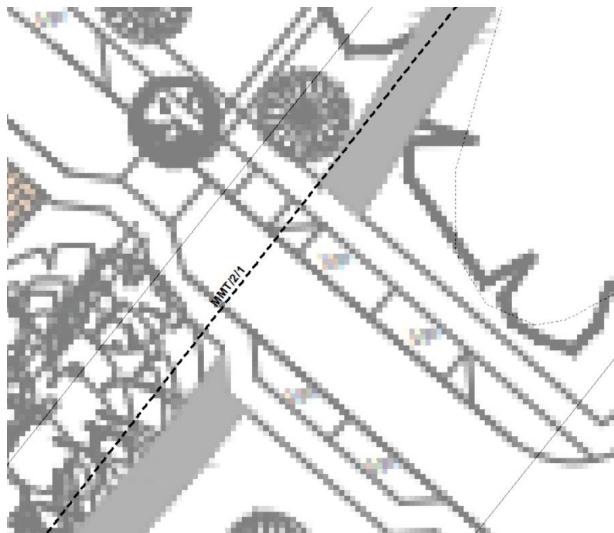
Thank you for your letter of 26th October 2023 consulting the rights of way team.

Further to my previous response on 8th June 2023, the amended plans provided with this consultation contain information relating to condition 9 which I have included below for ease of reference.

9. Prior to the 25th percentage occupation of the dwellings, Public Footpath 2 Maids Moreton Parish shall be resurfaced to footway specification, to a width of 3.0m, under a Highways Act 1980 section 278 agreement, between the footway along Main Street and the development in accordance with drawings to be first submitted to and approved in writing by Buckinghamshire Council.

Reason: To ensure the public footpath (MMT/2/1) connecting the development with Maids Moreton's school, village hall, pub, bus stops and other services is in a suitable condition to safely and conveniently accommodate increased pedestrian and cycle traffic within a residential setting and to ensure greater access for the disabled and to accord with Policies D-MM0006 and T7 of the Vale of Aylesbury Local Plan and with the NPPF.

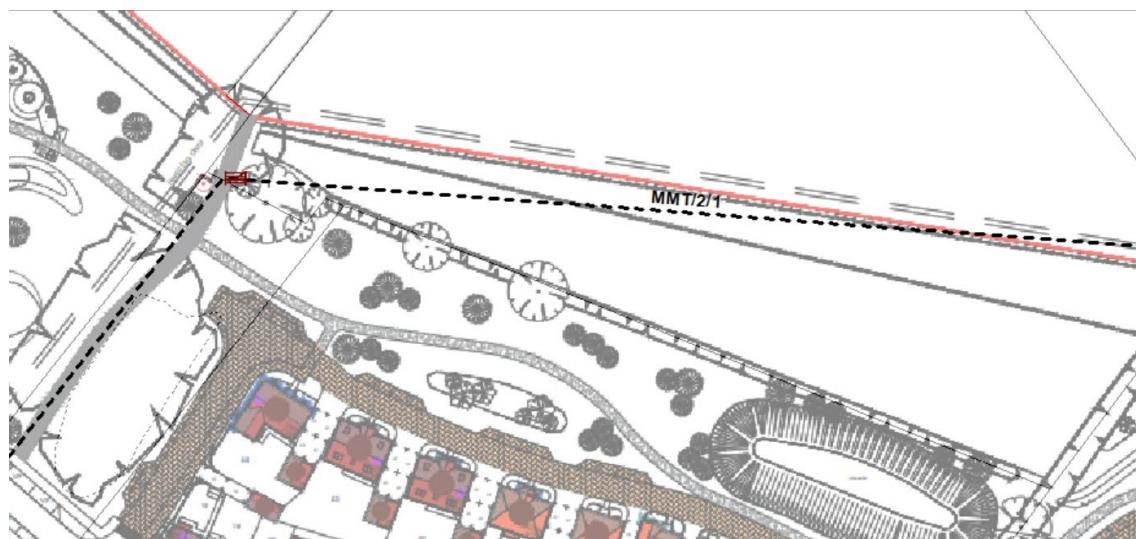
My colleague Matthew Raven has commented on the need to provide a suitable crossing point for the 3m wide footway/cycleway where it crosses the extension to Walnut Drive. I share his concern that turning off the natural, straight route of the cycleway, particularly around parked cars and onto a narrower footway, as the plans seem to suggest, would be inconvenient and increase the risk of collisions (see plan 1 below).



Plan 1 – Dark grey band represents 3m footway/cycleway with road crossing set some 10m to the north-west.

The current alignment of Maids Moreton Footpath No. 2 (MMT/2/1) is sufficiently altered by the development in the amended plans to require a diversion. This can be achieved using s257 TCPA 1990 when “*...it is necessary to do so in order to enable development to be carried out.*” I believe this is *necessary* as there is a new hedge and possibly a fence erected [just south of the red edge] across the footpath on the northern boundary.

However, I’m concerned the footpath appears to shift outside the red edge and possibly onto 3rd party land – see Plan 2. This also requires moving the existing gate, situated between the development and agricultural land, to the north. Further information and/or a revised plan is required to address this matter.



Plan 2 – overlay of site plan and rights of way layer

I note Condition 9 states: “*...resurfaced to footway specification, to a width of 3.0m, under a Highways Act 1980 section 278 agreement.*” Therefore, it is expected details of the cycleway will be included in the ‘Adoption Layout’ plan. I note the cycleway appears white this drawing [see Extract 1]. A revised plan is requested.



Extract 1 - Adoption Layout plan [1 of 2].

Finally, once the footpath is diverted, I recommend it is upgraded to bridleway or cycleway using s25 Highways Act 1980 or the Cycle Tracks Act 1984 to avoid the uncertainty that will arise with new residents being encouraged to cycle on a public footpath.

Yours sincerely,

James Spratley
Strategic Access Officer