



KEY

- Site boundary
- Strategic landscape
- Development
- Proposed school site
- Proposed employment area
- Proposed community centre
- Proposed sport pavilion/ parking
- Proposed primary and secondary roads spine road
- Proposed 4m wide primary cycleway
- Proposed 3.5m wide primary cycleway
- Proposed 3.5m wide secondary cycleway
- Proposed 2m wide primary footway
- Proposed 2m wide secondary footway
- Diverted Public Right of Way
- Proposed 3m wide bridleway
- Existing Public Right of Way
- Indicative tertiary roads accessing parcels
- Proposed raised table
- Proposed public squares
- Existing vegetation
- Proposed woodland
- Proposed hedging
- Proposed standard trees
- Proposed avenue
- Proposed orchard
- Proposed allotment area
- Proposed 6-10 m wide swale
- Proposed SuDS pond
- Proposed Sheepfold entrance pond
- Proposed ditch
- Proposed NEAP
- Proposed LEAP
- Proposed SIP
- Proposed BMX track
- Retail
- Bring site
- Nursery
- Approximate location of the pumping station

REVISIONS
D 09_04_2019 MP
Updated to reflect the current
proposal of the PHIRMA
E 17_12_2020 CG
Updated with latest planning
approved plot developments
(Swansley and Sheepfold)

To: Cambridgeshire County Council acting as agent for the Local Planning Authority

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT
A PUBLIC RIGHT OF WAY**

Name of applicant: Lindsay Cordall (Agent)
Address Randall Thorp LLP, Canada House, 3 Chepstow Street
Manchester, M1 5FW
Tel. (work) 0161 228 7721 Tel. (home) n/a

I hereby apply for the diversion of the footpath known as
Cambourne Footpath 7 under s.257 of the Town and Country Planning Act
1990 and undertake, if an order for the diversion of the path is made, to carry out
such work on the diverted route of the path as may be required to bring the path into
a fit condition for public use to the satisfaction of the County Council (the Highway
Authority), prior to the confirmation of the order.

(*Delete the term that does not apply.)

Signed



Date 6th December 2019

Consent of other landowner/s and other requirements

Written consent of any other landowner/s affected by your proposed diversion (for
both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be
found at the end of this application form. The County Council will require all of these
to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with
the relevant Parish Council and local user groups, and must append copies of any
correspondence to this application

The path to be diverted

Parish: Cambourne. No: Footpath 7
From Swansley Farm OS grid ref. TL 304601
To Ermine Street OS grid ref. TL 299596
General description of path: unsurfaced route over agricultural land

Landowner – *please provide a map showing landownership/other interests*

Name: Cambourne West Consortium
Address: c/o Randall Thorp LLP, Canada House, 3 Chepstow Street, Manchester, M1 5FW

Lessee/tenant

Name : not applicable
Address: Not applicable

Occupier

Name: not applicable
Address: not applicable

Reasons for the diversion

Local Planning Authority: South Cambridgeshire District Council

Planning application No: S/2903/14/OL and S/4161/19/RM

Date of Planning Permission: 29/12/2017

Description of proposed development:

2350 dwelling residential development, including new schools, community facilities, sports fields, retail and employment land. Also, Country Parks, wetlands, wildflower meadows, woodlands, play areas, orchards and allotments.

The proposed new route of the path

Please enclose a signed and dated plan, preferably at scale of not less than 1:2,500 and based on an Ordnance Survey map.

From Swansley Farm OS grid ref. TL 304601

To Proposed bridleway OS grid ref. TL 299596

General description of new path: Diverted footpath to follow route through new country park via new rolled stone path and shared pedestrian/ cyclepath. See attached plan for route.

Landowner

Name: Cambourne West Consortium

Address: c/o of agent, see above

Lessee/tenant

Name: not applicable

Address: not applicable

Occupier

Name: not applicable

Address: not applicable

Other Legal Interests

Please give details of any other person(s) having a legal interest in the land over which the right of way is to be diverted, for example other landowners, mortgagees or other persons having an easement over the land:

not applicable

Has the written consent of all such persons been obtained?

Yes/no [Delete as applicable]

The consents must accompany this application, together with a map showing all ownership and legal interests.

Pre-application consultations

Please append copies of all correspondence with user groups and the relevant Parish/Town/City Councils. Have any objections been raised?

None

Works

Following receipt of this application, if not already undertaken, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path. These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2m to be provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

Coming into operation of an alternative route

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Rights of Way Team acting on behalf of the Highway Authority (Cambridgeshire County Council) has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

Recovery of fees and costs

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, as set out in the Cambridgeshire Highway Records Guide which contains a Schedule of Charges that are available at www.cambridgeshire.gov.uk/highwaysearches;
- staff travelling expenses @ 45p per mile plus VAT;
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council or District Council, but the County Council will expect the applicant to provide their own legal representation at the inquiry. Please note that both Councils reserve the right to decline to proceed to a public inquiry for an opposed order.

For further information see the County Council's guidance:

- *Guidance and Check List for Public Path Order Applicants*
- *Public Rights of Way – A guide for planners and developers* available on our website at

<http://www.cambridgeshire.gov.uk/rightsofway>

Highways Service – Asset Information Definitive Map Team: Data Protection Privacy Notice

We collect and use information about you - such as your name, address, email address, telephone number, and payment details - so that we can provide you with our services acting in our capacity as the Highway Authority and Commons Registration Authority under the Commons Registration Act 1965, Highways Act 1980, Wildlife & Countryside Act 1981, Town & Country Planning Act 1990, Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Commons Act 2006.

Full details about how we use this data and the rights you have around this can be found in our privacy notice at www.cambridgeshire.gov.uk/privacy. If you have any queries, please contact the Data Protection Officer at data.protection@cambridgeshire.gov.uk. The national regulator for Data Protection is the Information Commissioner's Office: <https://ico.org.uk/>

Statement

I hereby agree to put the new route(s) into a fit condition, as approved by the Council, for use by the public within 28 days of a request by the Council to do so.

I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed:

A handwritten signature in black ink, appearing to be 'G. De' followed by a long horizontal stroke.

Date 6th December 2019

Public Path Diversion Orders – Cambridgeshire County Council requirements for making an order

Diversions

- Pre-application consultations have been carried out with the prescribed bodies
- Where possible, a suitable alternative path is provided for every path that is to be stopped up under s257 Town & Country Planning Act 1990
- The proposed new routes of paths are reasonably convenient to the public when compared with the original routes
- The Parish Council does not object to the proposals
- No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal.
- The proposed new route is not less convenient for maintenance than the original
- The maintenance burden on the County Council of the new route is no greater than that of the original. If the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council as Highway Authority
- A minimum width of 2m is provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. In exceptional cases, e.g. cross-field paths, it may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.
- That all works needed to bring the new route of the path into a suitable condition for use by the public are carried out at the expense of the landowner and to the Highway Authority's specifications, unless otherwise agreed.

Pre-application consultations

Applicants are advised that prior to formally submitting their diversion or extinguishment application to the Rights of Way & Access Team, they must complete informal consultations with the prescribed bodies (list attached). This will identify at an early stage whether the proposal is likely to be accepted by the public, and all responses received should be attached to the application form.

List of Statutory Consultees

NB Please select the relevant Ramblers Association Group for your area. Be aware that it may be appropriate to consult more than one group if your location is near one or more RA-represented areas.

The relevant Parish Council	
Ramblers Association 2 nd Floor Camelford House 87-97 Albert Bank LONDON SE1 7TW	Mrs Alysoun Hodges East Cambridgeshire Ramblers Group 88 West Fen Road, Ely CB6 3AA e-mail: paul@paulhodges.wanadoo.co.uk NB <i>Except for the parishes listed under Newmarket Ramblers</i>
Auto-Cycle-Union Auto-Cycle-Union House Wood Street RUGBY CV21 2YX	Steve Rossin Huntingdonshire Ramblers Association 6 De Beche Close Papworth Everard CAMBRIDGE CB23 3UP Email: steve.hel@btinternet.com
Open Spaces Society – Cambridgeshire Mrs Alysoun Hodges 88 West Fen Road Ely CB6 3AA e-mail: paul@paulhodges.wanadoo.co.uk	Dr R & Mrs J Moreton Joint Footpath Secretaries South Cambridgeshire Ramblers Association Group 23 Emery Street CAMBRIDGE CB1 2AX
Open Spaces Society 25A Bell Street HENLEY-ON-THAMES RG9 2BA	Mr G Thomas Fenland Ramblers Association Coach House 6 Chapel Road WISBECH PE13 1RH
Byways and Bridleways Trust 57 Bowers Mill, Branch Road, Barkisland, HALIFAX HX4 0AD e-mail: notices@bywayandbridleway.net	Paul Cutmore Cambridge City Ramblers Group 12 Topcliffe Way CAMBRIDGE CB1 8SH e-mail: ptcutmore@cix.co.uk
British Horse Society Stoneleigh Deer Park KENILWORTH CV8 2XZ	Phil Prigg Newmarket Ramblers Group 1 Edgeborough Close Kentford NEWMARKET CB8 8QY
Lynda Warth British Horse Society Access and Bridleways Officer for Cambs 53 Bar Lane Stapleford Cambridge CB22 5BJ e-mail: lyndawarth@hotmail.co.uk	Newmarket RG covers the following parishes in Cambs: <i>Ashley, Brinkley, Burrough Green, Cheveley, Chippenham, Dullingham, Kennett, Kirtling, Snailwell, Stetchworth, Westley Waterless and Woodditton</i>

Our Ref: S/4161/19/RM
Portal Ref: PP-08146891

4 May 2020



John Brindley
Cmyk
Cmyk, 6 The Gavel Centre, Porters Wood,
St Albans, AL3 6PQ

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

www.scambs.gov.uk | www.cambridge.gov.uk

Dear Sir/Madam

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
Application for Approval of Reserved Matters

Proposal: Reserved Matters for Strategic Landscaping for phase 1 following outline planning permission S/2903/14/OL. The Outline application was EIA development and an Environmental Statement was submitted.

Site address: West Cambourne Proposed Development Site Sheepfold Lane
Cambourne Cambs

Your client: N/A

Further in the above matter, please find enclosed our formal decision notice relating to your client's application for approval of reserved matters. Please be sure to remind your client that the scheme should be carried out in line with the approved plans. This will avoid the need for any enforcement action.

Making changes to the approved plans

In the event that you wish to change your proposal, please contact your case officer who will advise you whether it is possible to do so under a section 73 variation of condition application, or whether a new reserved matters submission is required. In either case you will have to complete a form and provide fresh drawings.

Important information regarding conditions

If you have been granted Planning Permission / Listed Building Consent / Advertisement Consent you may wish to get started immediately, however it is always important to carefully read the decision notice in full before any work begins.

The majority of planning decisions have conditions attached. Some conditions request further information that requires approval by the Local Planning Authority before any

development takes place ('pre-commencement'). All conditions are set out on the decision notice.

Under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is a criminal offence to carry out unauthorised works to a listed building. Under Section 9 of the Act, a person shall be guilty of an offence should they fail to comply with any condition attached to the consent.

How do I discharge the conditions

Please note that the process takes up to eight weeks from the date the Local Planning Authority receives a valid application. Therefore it is important to plan ahead and allow plenty of time before work is due to commence.

You need to fill in a form to submit your request to discharge conditions, and accompany the relevant details/samples. You can download the necessary form by using the following link: <https://www.greatercambridgeplanning.org>

Alternatively you can submit an application to discharge the conditions through the Government's Planning Portal website: <https://www.planningportal.co.uk/applications>. Please note, The Planning Portal refers to it as 'Approval of details reserved by a condition'.

When the required information has been submitted you will receive a reference and an acknowledgement letter. Once the Local Planning Authority is satisfied that the requirement of the condition have been met you will receive a formal notification that the conditions have been discharged.

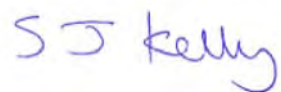
Appeals against conditions

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/planning-inspectorate> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

We value your feedback

We value your feedback and would like to know your views about the planning process you experienced, including the service you received from us. Your views are important to us and they will help us improve the experience we can offer you. The link below takes you to a survey which will take a couple of minutes to complete.
<https://forms.scams.gov.uk/PLANNINGFEEDBACKFORM/launch>

Yours faithfully

A handwritten signature in blue ink that reads "SJ Kelly". The letters are cursive and fluid.

SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire



**SOUTH CAMBRIDGESHIRE
DISTRICT COUNCIL**

Town & Country Planning Act 1990

**NOTICE OF APPROVAL OF RESERVED MATTERS
SUBJECT TO CONDITIONS**

**Reference
Date
Decision**

**S/4161/19/RM
of 4 May 2020**

John Brindley
Cmyk
Cmyk, 6 The Gavel Centre, Porters Wood, St Albans, AL3 6PQ

The Council hereby APPROVES RESERVED MATTERS for:

Reserved Matters for Strategic Landscaping for phase 1 following outline planning permission S/2903/14/OL. The Outline application was EIA development and an Environmental Statement was submitted.

at

West Cambourne Proposed Development Site Sheepfold Lane Cambourne Cambs

In accordance with your application received on 29 November 2019 and the plans, drawings and documents which form part of the application subject to the conditions set out below.

Conditions

- 1 The Strategic Landscape Elements hereby approved shall be commenced within 2 years of the date of this permission.

Reason: In accordance with s91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development, hereby approved, shall be carried out in accordance with the submitted plans which relates to Strategic Landscape Elements shown on:

RT_656DB_02E Ph 1 RMA Swansley Park Southern Entrance
RT_656DB_03D Ph 1 RMA Swansley Park South and Meadow
RT_656DB_04E Ph 1 RMA Swansley Park Greenway
RT_656DB_05E Ph 1 RMA Wetlands
RT_656DB_26D Sheepfold Central Spine
RT_656DB_27D Ph 1 RMA Sheepfold Squares
RT_656DB_28D Sheepfold Lane inc North Bund
RT_656DB_62E PH1 RMA Planting Schedule

Reason: To define the permission and to ensure satisfactory development of the site in accordance with Policies of the South Cambridgeshire Local Plan 2018, and the aims and objectives of the National Planning Policy Framework as a whole.

- 3 This Reserved Matters Approval relates solely to the areas outlined in red as detailed on plan reference RT_656DB_01F Phase 1 RMA (Site Location Plan).

Reason: To define the permission and the extent of the Reserved Matters consideration.

- 4 No more than 50% of the ponds within the wetland area should be covered by macrophytes to allow sufficient natural light into the pond.

Reason: To ensure that the development enhances the biodiversity value of the site in accordance with policy NH/4

- 5 Before the preparation of above ground works for the development hereby approved, full details of play areas for Phase 1 of the development including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be fully implemented in accordance with an implementation programme which will have been submitted to and approved in writing by the Local Planning Authority before occupation of the 50th dwelling. The approved play areas shall be so retained solely for the purposes of children's recreation.

REASON: In the interests of ensuring that sufficient amenity space is provided on the development site for the future occupiers of the dwellings having regard to Policy SC7 of the South Cambridgeshire Local Plan 2018, and paragraph 96 and 97 of the National Planning Policy Framework 2019.

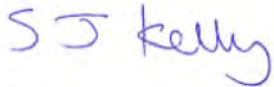
Informatives

- 1 Notwithstanding the approved plans detailed in condition 2 of this approval, the technical specification relating to highway construction details do not form part of this permission as these relate to highway adoption requirements as this is a separate legislative process.
- 2 The Reserved Matters Submission, hereby approved, satisfies the requirements of the following conditions of the outline planning permission S/2903/14/OL (subject to the implementation of the agreed details) in relation to the land as defined by Condition 4 above:
only subject to the implementation:
 - o Cond 5 - Reserved Matters - layout, scale, appearance,
 - o Cond 8 - Design code compliance
 - o Cond 16 - Tree protection
 - o Cond 22 - Walking and cycling provision

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plan(s) is/are kept on the planning application file.

Authorisation

Authorised by:



SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Date the decision was made: 4 May 2020

Working with the applicant

The LPA positively encourages pre-application discussions. Details of this advice service can be found at <https://www.greatercambridgeplanning.org>. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraph 38 of the National Planning Policy Framework.

General Notes

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Equality Act 2010 and the Equality Act (Disability) regulations 2010, the British Standards Institution BS8300:2009 “Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice” and to Approved Document ‘M’ “Access to and use of buildings”, volumes 1 and 2 of the Building Regulations 2010 and to Approved Document ‘B’ “Fire Safety”, volumes 1 and 2 of the Building Regulations 2010, in request of guidance on means of escape for disabled people. The development should comply with these requirements as applicable

It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.

The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Appeals to the Secretary of State

- 2.1 The applicant has a right to appeal to the Secretary of State against any conditions of this approval, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN
Telephone 0303 444 5000 or visit
<https://www.gov.uk/planning-inspectorate>

- 2.2 If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your

local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** of the date of this notice, whichever period expires earlier.

- 2.3 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 2.4 The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Before starting work

It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

Street Naming and Numbering

In order to obtain an official postal address, any new buildings should be formally registered with South Cambridgeshire District Council. Unregistered addresses cannot be passed to Royal Mail for allocation of postcodes.

Applicants can find additional information, a scale of charges and an application form at www.scambs.gov.uk/snn. Alternatively, applicants can contact the Address Management Team: call 08450 450 500 or email address.management@scambs.gov.uk.

Please note new addresses cannot be assigned by the Council until the footings of any new buildings are in place.

Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>

Memorandum of Agreement for the processing of Public Path Orders between Cambridgeshire County Council and South Cambridgeshire District Council.

This Memorandum outlines agreement reached between Cambridgeshire County Council [The County Council] and South Cambridgeshire District Council [The District Council] concerning the processing of Public Path Orders under the Town & Country Planning Act 1990 in Cambridgeshire.

In this Memorandum 'Public Path Orders' refers to all orders that effectively divert, create or extinguish a public right of way.

Legislative Framework

The Highways Act 1980 and the Town and Country Planning Act 1990 enable both District and County Councils to undertake and process Public Path Orders. Orders made under the Highways Act 1980 can be made by either authority. Orders made under the Town and Country Planning Act 1990 can only be made by the appropriate planning authority. However, the planning authority may contract out the processing of such orders to suitably qualified contractors. The County Council has a statutory duty under the Wildlife and Countryside Act 1981 to modify the Definitive Map in order to show any changes to the route of a path effected by a public path order under either Act. The two authorities already have an Agreement regarding public path orders made under the Highways Act 1980 whereby the County Council undertakes to assess and make all orders requested under that Act through to confirmation if the applications meet the legal tests.

Public Path Orders under the Town and Country Planning Act 1990

The County Council will make all orders under the Town and Country Planning Act 1990 where they are the Planning Authority. The District Council will be consulted on these orders due to their status as a statutory consultee.

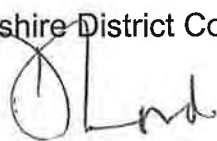
The County Council will receive applications from the public for public path orders which are required under the Town and Country Planning Act 1990 on behalf of the District Council. The County Council will process the order according to the procedure set out in the Appendix. The County Council will recover its costs from the applicant direct. No charges shall be made by the County Council to the District Council or by the District Council to the County Council for any aspect of making or confirming the order.

Signed on behalf of Cambridgeshire County Council by:-

Name..... *C. H. Kemp*
Job Title..... *DIRECTOR OF HIGHWAYS + ACCESS*
Date..... *26th JAN 2007*

Signed on behalf of South Cambridgeshire District Council by:-

Name..... *DAVID LORD*
Job Title..... *ASST. SOLICITOR*
Date..... *20th February 2007*



Memorandum of Agreement –Cambridgeshire County Council and South Cambridgeshire District Council - Public Path Orders

Appendix – Procedure for public path orders under the Town and Country Planning Act 1990 where Cambridgeshire County Council acts as agent for South Cambridgeshire District Council

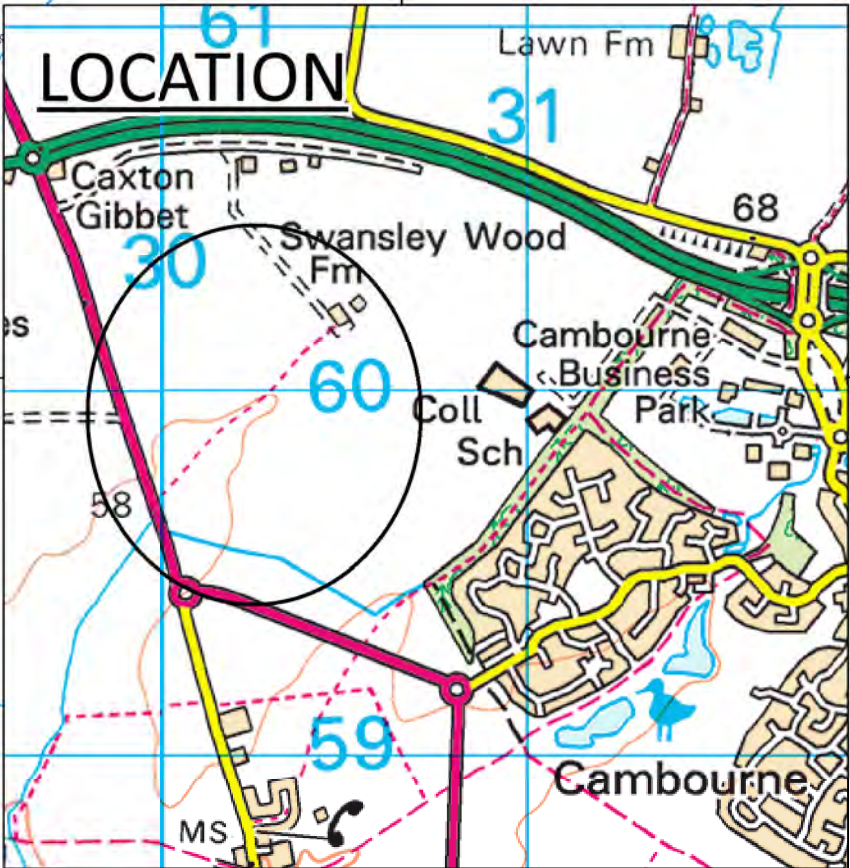
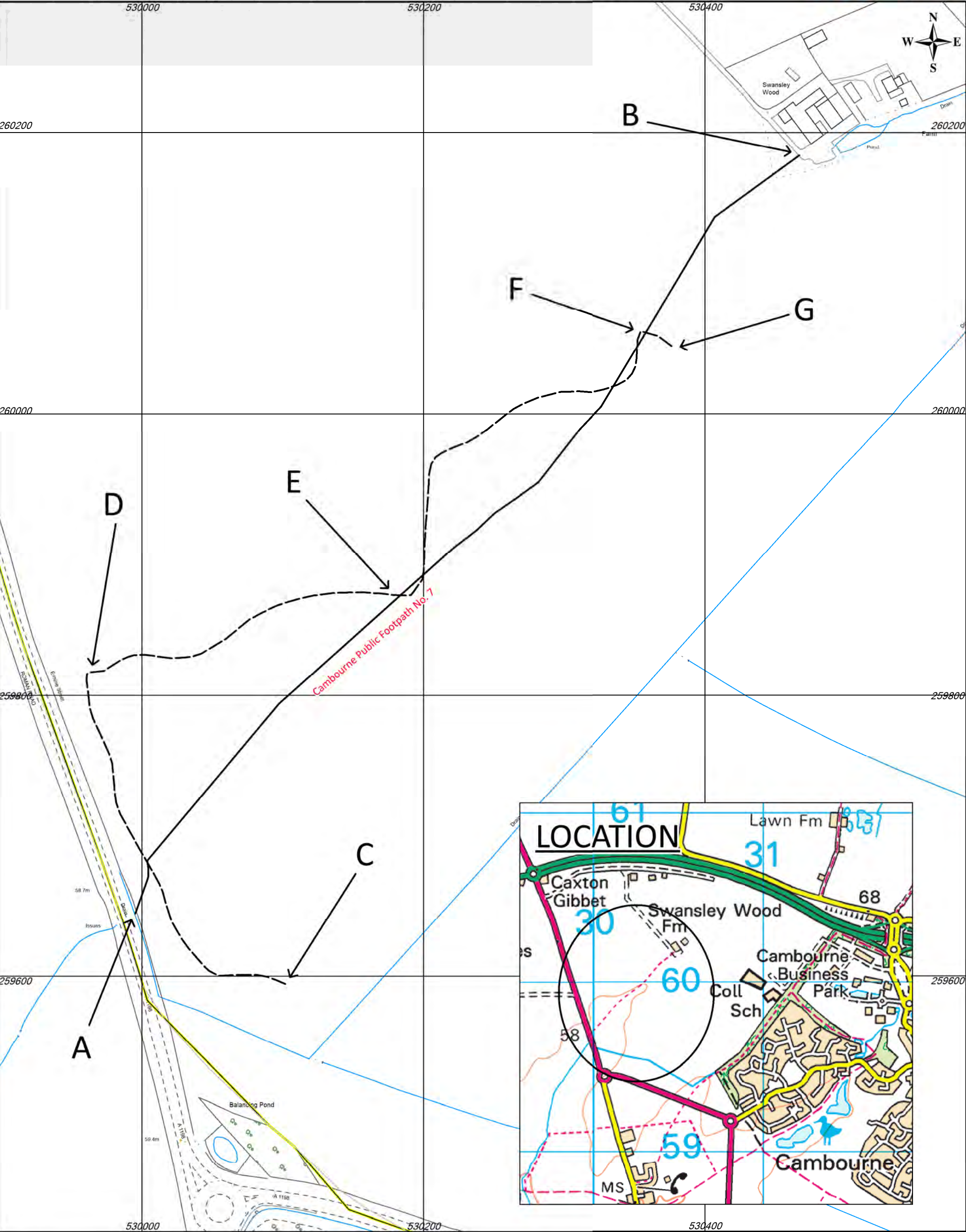
- Application made direct to Cambridgeshire County Council
- Cambridgeshire County Council formally notifies South Cambridgeshire District Council of application and timescale for processing application
- South Cambridgeshire District Council arranges slot on relevant committee agenda for consideration of report
- Cambridgeshire County Council carries out formal consultations on the proposed diversion, writes report and prepares a draft order and order map
- South Cambridgeshire District Council Planning Committee considers the report and determines whether the order should or should not be made
- South Cambridgeshire District Council seals the draft order and order map if order is to be made
- Cambridgeshire County Council processes the publication of the order
- If no objections, South Cambridgeshire District Council confirms the order and Cambridgeshire County Council processes the publication of the confirmation
- If objections, South Cambridgeshire District Council and Cambridgeshire County Council jointly agree whether or not to submit order to Planning Inspectorate (Secretary of State) for determination

Costs

Cambridgeshire County Council will recoup the costs of making the order direct from the applicant.

The local authority is not permitted to recharge to the applicant the costs of sending an opposed order to the Planning Inspectorate. Therefore, if South Cambridgeshire District Council wishes to submit an order to the Planning Inspectorate, it will meet the Cambridgeshire County Council's costs in doing so or submit the order itself and meet its own costs.

The risk of having to meet these costs should mean that South Cambridgeshire District Council only resolves to make orders where it was reasonably confident that the order would not attract objections. The onus lies with the applicant to provide a diverted route that is acceptable to all parties (including reviewing the proposed diverted route if, after consultations, their original suggestion is not acceptable).



From: [Stringer James](#)
To: [REDACTED]
Subject: RE: Application to divert Cambourne Public Footpath No. 7
Date: 28 August 2020 15:59:44
Attachments: [Pages from S_2709_18_DC-Approved_Design_Code-4271645.pdf](#)
[image004.png](#)

Hi Lynda,

Attached is an extract from the Approved Site Wide Design Code. The circular bridleway is a committed element of that design code and is shown by the brown line around the edge of the development. The existing and proposed PROW, which are subject to this application, are also shown. However the alignments are slightly out but it gives you a general idea of where they are in reference to the wider development.

The full Site Wide Design Code can be found on SCDC planning website:

<https://applications.greatercambridgeplanning.org/online-applications/applicationDetails.do?activeTab=summary&keyVal=ZZZY1KOITV317>

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



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From: Lynda Warth [REDACTED]
Sent: 28 August 2020 15:24
To: Stringer James <James.Stringer@cambridgeshire.gov.uk>
Subject: RE: Application to divert Cambourne Public Footpath No. 7

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Hi James

I am struggling to work out exactly where this path is proposed to be on the new development. Is it part of the new bridleway network? At 4m wide I am assuming it is although that's not mentioned in the application.

Do you have a plan of the proposed RoW network for the development showing this path?

Regards,

Lynda

From: Stringer James <James.Stringer@cambridgeshire.gov.uk>

Sent: 28 August 2020 11:49

Subject: Application to divert Cambourne Public Footpath No. 7

Dear Consultee,

Cambridgeshire County Council, acting as agents for South Cambridgeshire District Council, has received an application under Section 257 of the Town and Country Planning Act 1990 to divert Public Footpath No. 7 in the parish of Cambourne.

Please see the attached letter and plan for further details.

I would be grateful if I could receive any representation you wish to make by **18th September 2020**.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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From: digdatSupport
To: [Stringer James](#)
Subject: RE: Application to divert Cambourne Public Footpath No. 7
Date: 01 September 2020 10:41:25

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Good morning,

Many thanks for your email.

Having checked the maps I can confirm that Anglian Water has no record of any of its wayleaves, easements or assets that would be affected by your proposals and therefore would have no objections to your proposals.

If in the meantime I can be of any further assistance please do not hesitate to contact me.

Kind Regards

Robert Chapman
digdat Support Team



www.digdat.co.uk

From: Stringer James <James.Stringer@cambridgeshire.gov.uk>
Sent: 28 August 2020 11:57
Subject: Application to divert Cambourne Public Footpath No. 7

Dear Consultee,

Cambridgeshire County Council, acting as agents for South Cambridgeshire District Council, has received an application under Section 257 of the Town and Country Planning Act 1990 to divert Public Footpath No. 7 in the parish of Cambourne.

Please see the attached letter and plan for further details.

I would be grateful if I could receive any representation you wish to make by **18th September 2020**.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

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Huntingdon, PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



Cambridgeshire County Council
Stanton Way Depot
Huntingdon
PE29 6PY

Virgin Media
Field Services
Units 1-12
Broad Lane
Mayfair Business Park
Bradford
Yorkshire
BD4 8PW

Tel: 0870 888 3116 Opt 2
Fax: 01268 468557

Plant Enquiry Ref: VM.1171011
Your Letter Date: 28.08.2020
Your Ref: NA
Date: 01.09.2020

Dear Sir /Madam

Enquiry Location: Cambourne Public footpath No.7

Thank you for your enquiry regarding work at the above location.

Virgin Media and Viatel plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.

Should your request be in relation to a Residential New Development, Virgin Media would like the opportunity to assist with your diversionary quote and serve your site free of charge, offering your customers the fastest widely available broadband speeds on the market up to 500Mbps.

For Commercial New Developments our team can also be reached through the below link, ensuring future businesses to your site are connected to our fibre network.

Simply head over to www.virginmedia.com/developer and fill in the enquiry form and a member of our New Developments team will be in touch within 48 hours.

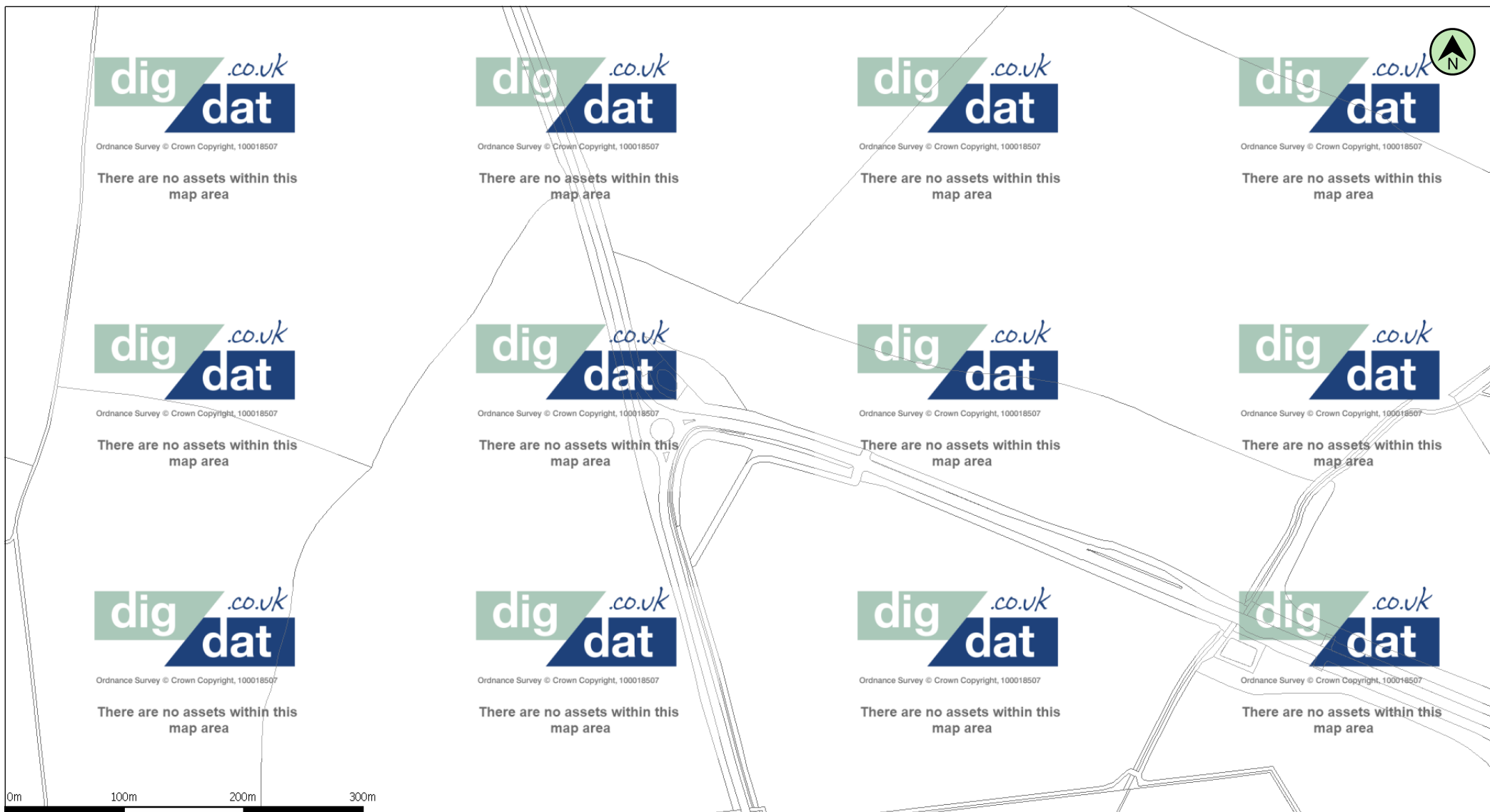
You will also find useful information about additional benefits to you and your site, plus a handy 'developers guide' can be downloaded with detailed installation requirements.

Or if you prefer to talk, please call the New Developments team on: 0800 408 0088 Option 2

Yours faithfully,

National Plant Enquiries Team
Email: plant.enquiries.team@virginmedia.co.uk

Please note: National Plant Enquiries Team (Bradford) cover and respond to plant enquiries for all ex ntl: Telewest franchise areas.



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Important Information - please read The purpose of this plan is to identify Virgin Media apparatus. We have tried to make it as accurate as possible but we cannot warrant its accuracy. In addition, we caution that within Virgin Media apparatus there may be instances where mains voltage power cables have been placed inside green, rather than black ducting. Further details can be found using the "Affected Postcodes.pdf", which can be downloaded from this website. Therefore, you must not rely solely on this plan if you are carrying out any excavation or other works in the vicinity of Virgin Media apparatus. The actual position of any underground service must be verified by cable detection equipment, etc. and established on site before any mechanical plant is used. Accordingly, unless it is due to the negligence of Virgin Media, its employees or agents, Virgin Media will not have any liability for any omissions or inaccuracies in the plan or for any loss or damage caused or arising from the use of and/or any reliance on this plan. This plan is produced by Virgin Media Limited (c) Crown copyright and database rights 2020 Ordnance Survey 100019209.

Duct, Trench



Chamber



Cabinet



stephy.jaison@virginmedia.co.uk

VM.1171011





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Duct, Trench



Chamber



Cabinet



stephy.jaison@virginmedia.co.uk

VM.1171011



From: [REDACTED]@openreach.co.uk
To: [Stringer James](#)
Subject: RE: Application to divert Cambourne Public Footpath No. 7
Date: 02 September 2020 08:20:46

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Good Morning James,

Thank you for your enquiry, this has now been registered on our systems with a reference of ACTS 841376

A local Repayments engineer will contact you within 20 working days regarding your scheme.

If you have not heard from a repayments engineer after 20 working days please do not hesitate to contact us again at Networkalterationsuk@openreach.co.uk Please quote the reference we have supplied and we will escalate to the appropriate office.

Kind Regards,

The Network Alterations Team

Openreach is delivering fibre broadband services to communities across the UK as well as installing and maintaining the communications infrastructure that links homes, businesses, public and voluntary sector organisations to their Communications Providers' networks.

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British Telecommunications plc

Registered office: 81 Newgate Street London EC1A 7AJ Registered in England no. 1800000

From: Stringer James [mailto:James.Stringer@cambridgeshire.gov.uk]

Sent: 28 August 2020 11:57

Subject: Application to divert Cambourne Public Footpath No. 7

Dear Consultee,

Cambridgeshire County Council, acting as agents for South Cambridgeshire District Council, has received an application under Section 257 of the Town and Country Planning Act 1990 to divert Public Footpath No. 7 in the parish of Cambourne.

Please see the attached letter and plan for further details.

I would be grateful if I could receive any representation you wish to make by **18th September 2020**.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot,
Huntingdon, PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



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From: Roger Moreton
To: [Stringer James](#)
Cc: [REDACTED]
Subject: Re: Application to divert Cambourne Footpath 7
Date: 23 September 2020 15:57:00
Attachments: [image003.png](#)

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Dear James,

Proposed diversion of Cambourne footpath 7

Many thanks for your helpful response, which I will circulate to our Committee.
I feel that you have answered most of our queries.

If there are any further comments, I will pass them on to you in due course.

Thank you again for your consultation.

Kind regards,

Janet Moreton

R.B. & J Moreton
Joint Footpath Secs for South Cambs District,
Ramblers' Cambridge Group

From: Stringer James <James.Stringer@cambridgeshire.gov.uk>
Sent: 23 September 2020 15:16
To: 'Roger Moreton' [REDACTED]
Subject: RE: Application to divert Cambourne Footpath 7

Dear Janet,

Thank you for your response.

In short, yes your interpretation of the proposed diversion is correct. The diverted path would commence at a new roundabout being constructed on the A1198 to serve the Cambourne West development. The path would when run around the new Swansley Lake and into a landscaping

area known as "The Wetlands". The path would terminate at an adopted shared use pedestrian and cycle path which itself connects the main link estate road with "The wetlands" and continues to the "Sheepfold" area of the development in the north. It is not proposed that the public footpath would terminate at a permissive path, or that users would need to use permissive access to get to existing facilities in Cambourne. It is also proposed that a perimeter public bridleway will be dedicated at a later stage of development around the entire perimeter of the Cambourne West site linking to the existing perimeter bridleway around Lower and Greater Cambourne.

With regard to the surfacing, it has been proposed by the applicant to install a 1.8m wide compacted gravel path, similar to what you would expect at a Country Park or Nature Reserve. The wider landscaping of the area is subject to planning permission granted by South Cambridgeshire District Council.

If you have any further representation you would like to add, I would be grateful to receive it as soon as reasonable.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



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From: Roger Moreton [REDACTED]

Sent: 11 September 2020 22:03

To: Stringer James <James.Stringer@cambridgeshire.gov.uk>

Subject: Application to divert Cambourne Footpath 7

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Dear Mr Stringer,

This is in reply to your e-mail of 28 August 2020, relating to the application received by Cambridgeshire County Council , to divert Cambourne footpath 7 onto a route illustrated on an attached plan. We understand that the diversion is proposed under TCP Act 1990 s. 257, to allow the Cambourne West development.

First, I must apologise for the delay in replying. Our Committee does not actually meet in these difficult times, and consultations are by e-mail. Also in this particular case, it was difficult to relate the diversion map to the enclosed general plan proposed for West Cambourne. Fortunately, a member of our Committee who keeps a watching brief on South Cambridge's planning matters was able to find a clearer map in his computer archives. I have to say that because of the obscurity of the present route of Cambourne 7 in one huge arable field, a majority of our Committee were not familiar with the path on the ground. It was felt that a site visit at this stage would not serve any useful purpose.

There is a general approval for the diversion of the path in principle, so that in future it could offer a pleasant and useful recreational route to the residents of Cambourne, and to walkers in general. Our planning expert has tried to work out exactly where the proposed path goes: I quote (with my parentheses)

"I think the proposed path runs around the pond (Point C) by the main road (Ermine St), northwards, then cuts just south of the proposed Woodfields Primary School, and wiggles back and forth a bit before dumping pedestrians in or near some woodland called The Wetlands, on the edge of Swansley Park . The farm itself will presumably be reachable only from the farm drive from the A428."

It would be helpful to have your assurance that our interpretation of the map is correct. Do you have any information on the proposed surfacing of the route, and landscaping?

Another member of the Committee is especially concerned that the proposed new route should be part of a useful circuit, running back towards the centre of (Great) Cambourne, and entirely available along public rights of way (with no permissive links). The outline planning information we have seen suggests much of the development is of course housing. Have you any comments on the access through and between parts of the estate?

We would be very glad to have answers to these queries. Were this your "formal " consultation, I would say we are registering a holding objection. However, hopefully further information will resolve perceived difficulties.

Yours sincerely

Janet Moreton

R.B. & J.Moreton
Joint Footpath Secretaries
South Cambridgeshire District
for Ramblers' Association, Cambridge Group

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Non-Motorised User Routes Adoption Criteria - Public Path Order Applications and Proactive Cases under the Highways Act 1980 (except s118A and 119A), the Town and County Planning Act 1990, and other Acts as appropriate						
Subject area	Criteria		Maximum available score	Scheme	Notes	
	No.	Item (SOA = Statement of Action in ROWIP)				
Consultations	1	Pre-application consultations have been carried out with the prescribed bodies.	Pass or Fail	Pass	TBC	
Consultations	2	The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Director Highways & Access as to whether or not that is appropriate.	Pass or Fail	Pass	The existing path was available on the ground until the beginning of 2020. The path is currently subject to a Temporary Traffic Regulation Order (TTRO) until August 2020.	
Consultations	3	No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal. If the County Council consider the objection to be irrelevant, this will class as a pass.	Pass or Fail	Pass	TBC	
Width	4	A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, the County Council may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.	Pass or Fail	Pass	The minimum widths will be met in this case	
Maintenance & Financial	5	If maintenance liability is significantly greater than existing, the landowner has agreed to undertake or fund future maintenance.	Pass or Fail	Pass	The additional structures proposed on this path are to be retained by the landowner and will not become publically maintainable.	
Equalities impact - Gaps & Gates	6	The proposed route would have no stiles or gates, or allows for access for people with mobility issues.	Pass or Fail	Pass	Whilst gates are proposed, these are design to be in a chicane arrangement so to avoid them having to be opened on each occasion.	
Equalities impact	7	Significant negative impact on a class of user - Equalities Act	-2	0	N/A	
Equalities impact	8	Significant increase in accessibility - Equalities Act	2	1	The existing path is a cross field path which is subject to annual ploughing and cropping. As a result of the land use change and this diversion, the path will follow a level, constructed path which will be fully accessible.	
Maintenance & Financial	9	Proposal would enable financial savings for Authority, e.g. obviates need for new bridge, resolves long-standing maintenance problems	4	0	N/A	
Maintenance & Financial	10	The proposed alternative route or routes are not less convenient for maintenance than the original route(s).	2	2	The proposed route is more accessible owing to the new development and will be constructed to a suitable standard to mitigate the liabilities placed upon the Highway Authority.	
Use of Land	11	The effect the order would have on the land served by the existing path and the land across which the alternative path would run, or on the land across which the new path will run if a	2	2	The site is subject to approved planning permission and it is therefore clearly the Order in necessary to implement that approved permission.	
Connectivity	12	The proposed alternative route or routes are substantially as convenient to the public as the original.	3	3	The additional length of path is considered to be substantially as convenient to the public. The improved surface, land use change from cross-field path to unbound hoggin and clear unobstructed width are all considered to be more convenient to the public.	
Connectivity	13	User enjoyment	3	2	The changing landscape is likely to have an impact on user enjoyment, however this is relevant to the permission of the development not the sole change to the PRoW network. The design and location of the proposed path within landscaping areas is likely to have a positive impact on user enjoyment.	
Connectivity	14	There are no other reasonable or viable alternatives	2	2	It is not considered that there is any other reasonable or viable alternative that would satisfied the various demands of a Public Path Creation.	
Connectivity & Enjoyment	15	A suitable alternative path is provided or is available for every path that is to be diverted or entirely stopped up, which maintains or improves the usefulness of the Rights of Way network	2	2	This criteria is considered to have been met.	
Consultation	16	Support from local communities	3	2	The proposal did not receive any objection during pre-order consultation	
Biodiversity Duty	17	Significant negative impact on biodiversity	-2	0	N/A	
Promoted route	18	Route will be on a promoted way eg. National Cycle Network, Ouse Valley Way	1	0	N/A	
Consolidation of data	19	Proposal would enable consolidation of records to provide accurate asset data and facilitate enhanced service delivery e.g. connectivity with other highways	1	1	The existing path terminate at a dead-end with no onward connection. The wider development and this diversion will allow for the path to terminate and a (to be) adopted street. It also allows for a more descriptive definitive statement to be recorded with a legally recorded width which will assist with future service delivery.	
Determination of widths	20	Proposal will enable the definition and recording of path widths, particularly where there is currently no recorded width	3	2	The existing path does not have a recorded width on the Definitive Statement, this process would allow one to be recorded.	
Limited time	21	Limited window of opportunity E.g. landowner goodwill or S106 Agreement	3	3	This proposal is associated with, and is necessary because of the approval of planning permission for the Cambourne West development.	
Route at risk of development on urban fringe	22	Route is on fringe of a built-up area and therefore at risk from development, e.g. Being used as an access way.	3	1	Whilst the proposed path is set out within the approved planning permission, the opportunity to have it recorded on the Definitive Map and Statement is now and such opportunity may not be available in the future.	
		Total Score /30 (Pass mark 70% i.e. 21)	30	23		

Scoring notes: A scheme must reach the threshold of 70% of maximum score in order to be adopted. However, schemes will still have to undergo their relevant legal process e.g. Public Path Orders through the formal consultation process, and may later be abandoned in accordance with the Council's Public Path Order Policy.

There are six Pass/Fail criteria relating to County Council requirements that must be met in order for an application to be considered. If an application fails one of these criteria, it fails regardless of its numerical score. Officers will then revert to the applicant to discuss their options.

For the numerically scored criteria, a 70% threshold must be met in order for an application to be taken forward. If an application passes the Pass/Fail criteria but fails the 70% numerical threshold, it will not proceed and officers will revert to the applicant to discuss their options.

If the maintenance liability incurred would be significantly greater than the existing, an application may still pass if a solution is agreed, such as a commuted sum or an agreement for a third party to maintain the route instead.

**HIGHWAYS
MEMORANDUM**

To : James Stringer
Asset Information Definitive Map Officer
From : Richard Lumley
Assistant Director, Highways
Date : 17/03/21
Reference : P103
SUBJECT : Report on the proposed diversion of Cambourne Public Footpath No. 7

With reference to your report of 16th March, I agree with your recommendation that the proposed diversion of Public Footpath No. 7 Cambourne is acceptable to Cambridgeshire County Council as Local Highway Authority.

This approval should be reported to South Cambridgeshire District Council as Local Planning Authority to allow them to make a formal decision on whether or not to make a diversion order under Section 257 of the Town and County Planning Act 1990.



Richard Lumley
Assistant Director, Highways