Online Comment

Application	H16-1267-18
Location	Land within/adjacent:Lincs Gateway Business Park, and and south: Fen End Lane Spalding PE12 6FY
Proposal	Commercial development comprising a B1 office building of 1,026 sq m, 8 small business units of 240 sq m in B1 and / or B8 use, and enabling residential development of 43 houses comprising 12 x 2-bed, 29 x 3-bed and 2 x 4-bed, landscaping, access routes, car parking and associated infrastructure

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Name	Rights of Way & Countryside Access
Address	Environmental Services - Andy Savage Lincolnshire County Council Unit 7, Witham Park House LN5 7JN
Date Submitted	07-01-19
For/Against	Objections

PLANNING APPLICATION REFERENCE NO: H16-1267-18
LOCATION: Spalding Public Bridleway 894

Thank you for your communication dated 4th January 2019 regarding the above application.

The Definitive Rights of Way Map shows Spalding Public Bridleway 894 affecting the development site. If you require a extract from the Definitive Map, please contact me.

Whilst the showing of a path on a Definitive Map is conclusive evidence as to its existence and status, the reverse is not necessarily true. However, anyone claiming a path not shown on the Map to be a Public Right of Way must prove his claim by submitting sufficient suitable evidence of the path's free and uninterrupted use by the public as the public before it can be considered for inclusion on the Map. Alternatively, some sort of documentary evidence (such as a Parish Enclosure Award) that the path had been dedicated as a right of way would suffice. However, we are not aware in this office of any such evidence.

Comments:

1. It is disappointing to note that the proposals seek to urbanise this Public Bridleway by aligning the new estate road on the same route as the Public Bridleway. It must be born in mind that, if the route incorporates an adopted estate road, the use of footways by horse-riders and cyclists is unlawful. Clearly, if the bridleway is aligned with the estate road then horse-riders and cyclists will have a much poorer experience and be at increased danger as a result of this proposal. I therefore have no option than to object to this proposal until an alternative route for the Public Bridleway is provided. This could be provided within some Public Open Space on a different alignment if diverted utilising your authority's powers under the Town and Country Planning Act.
2. While I suspect that use of the bridleway by horse-riders is minimal, the current route is an 'off highway' route that keeps walkers and cyclists away from vehicular traffic.
3. I do not believe that the bridleway's wider use has been considered. The bridleway is a recreational resource that would be used for dog walking (a development of this size could easily expect a dog per household requiring a walk twice per day) by people from this proposed development and the adjacent housing estate or as a part of a longer walk.
4. During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazards by any such works.

Should there be any doubt about being able to comply with these conditions, please advise the applicant to contact Andy Savage or Jonathan Stockdale at this office on 01522 782070 before starting any work.