

Your Ref: S62A/22/0005  
Our Ref: 54246  
Date: 1<sup>st</sup> December 2022



Essex County Council

CC: (by email)



Paul Crick  
Director for Highways  
and Transportation

To: The Planning Inspectorate  
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## Recommendation

Application No. S62A/22/0005  
Applicant Mr Andrew Smith  
Site Location Canfield Moat, High Cross Lane West, Little Canfield, Dunmow, Essex, CM6 1TD  
Proposal Erection of 15 new dwellings

The rural location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Inspectorate when assessing the overall sustainability and acceptability of the site.

The documents accompanying the application have been duly considered. There are a number of outstanding issues that need to be addressed prior to the Highway Authority being able to consider the acceptability of the proposals.

**From a highway and transportation perspective therefore, the impact of the proposal is NOT acceptable to the Highway Authority for the following reason:**

1. The applicant has not demonstrated that the proposal would be acceptable in terms of highway safety. The proposal indicated alterations to the existing access which will affect its geometry and potentially visibility splays, for which they have not provided any details. The proposal is therefore contrary to policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of Uttlesford Local Plan.

2. The applicant has not acknowledged or accommodated the existing Definitive Public Right of Way footpaths no 14 and no 16 (Little Canfield) affected by the development. The intensification of the site will increase traffic along the private road which is also a Public Right of Way (PROW no.14) as well as a proposed access on PROW no16, this will adversely impact on the pedestrians using the PROW. The proposal is therefore contrary to policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of Uttlesford Local Plan.

The following information will need to be provided before the Highway Authority will be in a position to consider the acceptability of the proposals;

- i. A detailed drawing showing the alterations to the existing access on High Cross Lane West.
- ii. A visibility splay drawing for the proposed altered access on High Cross Lane West. This should include the Highway Boundary and any additional information relating to the visibility splays such as speed surveys etc.
- iii. A swept path analysis drawing demonstrating that the proposal will safely accommodate the refuse vehicles used by Uttlesford District Council, at the High Cross Lane West junction.
- iv. As far as can be ascertained from the submitted drawings appropriate turning area to accommodate refuse vehicles has not been provided. This should be provided in accordance with the Essex Design Guide accompanied by a swept path analysis showing that a refuse vehicle can enter and leave the site in forward gear.
- v. A correction to the red line plan is required to show the connection to the Highway and include a Highway Status search to determine the routes and widths of the PROWs affected.
- vi. Acknowledgment of PROW no14 and no16 (Little Canfield) on all the proposed plans as well as any measures that will mitigate the hazard to the PROW users. The proposed access on Footpath no 16 (Little Canfield) does not appear to be necessary and will only intensify the vehicular use of the PROW, the applicant should consider removing this additional access.

**Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.**

Informative:

- i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no. 14 and no 16 (Little Canfield) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant

and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- ii. A footpath is a highway over which the public has a right of way on foot. In this regard the County Council are obliged to ensure that the surface of the right of way is safe and suitable for the public users but are not responsible for making good damage or wear and tear on paths that has been caused by those exercising their private rights. The County Council is also not responsible for providing access suitable for the private rights. For instance, if a public footpath or bridleway forms vehicular access to land or property, we have no duty to ensure it is suitable for vehicles, because a public footpath or bridleway carries no public vehicular rights.

In such instances, residents or landowners possessing private rights for vehicular access are entitled to make this access useable for their purposes, but all works must be approved in advance by the Highway Authority, and only suitable contractors may be used, because the right of way is a highway

- iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [REDACTED] or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

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