

Proposed Extinguishment of part of Sandbach Footpath 14

PINS reference number: ROW/3268692

Sandbach Footpath Group - Proof of Evidence

1. Introduction

- 1.1. This Proof of Evidence is submitted by Trevor Boxer, chairman of Sandbach Footpath Group (SFG).
- 1.2. History. Sandbach Footpath Group (SFG) was formed on 12th October 2015 by local people aiming to protect, enhance and improve footpaths in Sandbach and surrounding parishes in Cheshire East. At the time of writing, there are 606 members who are contacted by email and 4800 followers on Facebook.
- 1.3. We have a constitution and hold Annual General Meetings, minutes being kept and made available on the SFG website. One of our achievements recently is obtaining a grant to convert about 50 stiles to kissing gates, so making footpaths more accessible and easier for people with poor knees, worn hips or a dislike of awkward stiles. This one thing has proved to be a huge boon to many people who would not otherwise be able to walk out into the countryside.
- 1.4. SFG have regular walks, on the remaining footpaths in Sandbach, including FP14. We keep records of these walks and can show when and how many people have walked particular paths.
- 1.5. A huge, unexpected benefit of these walks was during the Covid lockdown. When Covid Regulations permitted, we continued with small groups, and this was a lifesaver for some people being the only exercise, fresh air and company they had all week. To see the mental health and general health benefits to people gave great pleasure to all.

2. Planning Applications

- 2.1. In the case of FP14, the original planning application 12/4874C was before the formation of SFG. However, the application did not seem a threat to FP14, various drawings and statements saying FP14 would be retained and that it was a Strategic Footpath Connection. A document late in the chain of website items did ignore FP14, but then a later one went back to FP14 being a Strategic Footpath Connection. It seems almost as if the documents could have been intended to give a false sense that FP14 was safe in the hands of the developers, Persimmon.
- 2.2. 12/4874C was outline planning with all matters reserved but, having clearly stated FP14 was to be retained and was stated and shown on diagrams as a Strategic Footpath Connection, it indicates that FP14 itself was not part of the reserved matters. Having defined FP14 as being retained, it should have stayed that way. Unfortunately, that definition was later ignored.

- 2.3. CEC PRoW had realised that FP14 was in fact threatened and wrote a strong email to the CEC Planning dept (8Jan2013). These emails were apparently ignored, or Persimmon were not made aware of them.
- 2.4. The Decision Notice of 20Nov2013 for 12/4874C, condition 10, clearly and strongly stated that the reserved matters shall incorporate a route for FP14.
- 2.5. The next planning application 13/5239C was identified as reserved matters. There was no attempt to incorporate a proper route for FP14.
- 2.6. CEC PRoW dept wrote several strong emails to CEC Planning offering to help find a solution but apparently, they were all ignored (ref emails of 8Jan2013 was repeated, 19Jun2014). Whether they were ignored by CEC Planning or whether Planning did actually pass on to, or enforce the comments on Persimmon is not known, but the result is that there was no action.
- 2.7. The Decision Notice, for 13/5239C, of 10 July 2015 then stated that the FP14 would require an Extinguishment Order, that can be started now but, it stated the developer MUST NOT build on the footpath. No such order much less any public consultation was forthcoming until 11April2019 when the Extinguishment Order was published. Furthermore, aerial drone pictures and satellite views show that foundations were built over FP14 by 7April2019, thus pre-empting the Order.
- 2.8. Persimmon applied to CEC Planning or to CEC PRoW to extinguish FP14 on 24Jan2019. However, there is a discrepancy between the application and the extinguishment order that needs to be discussed.
- 2.9. None of the planning applications, that followed after 12/4874C and 13/5239C, included action for FP14 (ref. applications: 15/2186C, 16/1495D, 16/1462D, 18/3408D, 20/2067D). They were concerned with issues such as the balancing pond, electric charging points or gas and peat. 12/4874C, condition 10 was never properly discharged or responded to.

3. Extinguishment Order

The Extinguishment Order was dated 11 April 2019. This was well after all the relevant Planning applications were done. 12/4874C (20Dec2012) and 13/5239C (10July2015).

Land Registry showed Persimmon bought the land for £210,000 in June 2002.

4. The Method in this Case

- 4.1. SFG sees the method followed by CEC and Persimmon, where FP14 goes from being strategic and retained, through ignored, and eventually, at a very late stage, to the Extinguishment Order as devious. CEC stated they had no choice but to grant the Extinguishment so that the development could proceed, and also because they had already passed the planning permission albeit, as we can see now, without due consideration of FP14 beforehand. It seems to be a circular process.

4.2. Along the way all advice and objections from CEC PRow dept. were disregarded or not passed to the Planning department or Persimmon. The method seems at best confusingly underhand and at worst downright deceitful. If all developers were to publish reassuring plans, then ignore all advice and build over Footpaths, then it would not be long before all urban footpaths disappeared.

4.3. **Logical Sequence**

Had the method followed a logical sequence with due diligence and consultation, it is likely all parties could have been accommodated. A logical sequence could have been to devise all the plans including the route for FP14 and any diversion or extinguishment necessary, then apply for planning permission, examine the comments and objections sent in and take action as necessary. These comments and objections may well cause the plans to be revised, so the process would be repeated with another planning application and so on until comments sent in were favourable. Then, if action had been agreed with due diligence and a proper planning method, having gone through the democratic process, any action such as diversion or extinguishment could be done.

That way, any extinguishment is some time coming and people can comment and object accordingly. Surely that is better than trying to slip an extinguishment through as a last-minute afterthought, hoping no one will notice or object.

5. **Present situation.**

The area where the extinguishment would be (A to B) is not built on, the foundations having been earthed over and grassed, soon after the objections to the Order were sent in. This is how it should stay. There are local examples where public footpath routes have been preserved within housing estates in green areas, so it can be done and has been done in attractive ways.

6. **Future situation**

If Persimmon were to be allowed the extinguishment, it would create a precedent that all other developers might follow, and all such public footpaths could then disappear. The extinguishment needs to be stopped, the area A to B kept as a Green for the benefit of residents and walkers and FP14 kept open without cul-de-sacs.

Proper clear and explicit planning procedures need to be set up to prevent a repetition.

Approx 1200 words.