



Objection to proposed order - 23 February 2024

## Brislington Meadows - Proposed Path Stopping up and Diversion and Definitive Map and Statement Modification Order (No 1) 2024

We wish to object to the proposed Path Stopping up and Diversion and Definitive Map and Statement Modification Order (No 1) 2024. Our grounds are as follows:

### 1. The application is premature.

The applicant, Homes England, was granted outline planning permission on 17 April 2023 following an appeal for non-determination to develop land it owns at Brislington Meadows.<sup>1</sup> The grant was based on this illustrative masterplan.<sup>2</sup>



The Grant was made subject to a number of conditions, including:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority

<sup>1</sup> Appeal Decision APP/Z0116/W/22/3308537

<sup>2</sup> 22\_01878\_P-ILLUSTRATIVE\_MASTERPLAN-3200507



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- before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
  3. No development shall take place until a Phasing Plan of the development has been submitted to and approved in writing by the Local Planning Authority.

There are numerous other conditions ancillary to these main conditions.

To date, no application for approval of reserved matters has been made. In its Proposed Paths Update,<sup>3</sup> Homes England advises that it anticipates its application will be made this summer. However, there is no guarantee that this will happen then or at all. Even if it does, there is no certainty if or when any application it makes will be approved.

Also, there is no certainty that the applicant will adhere to the layout proposed in the illustrative master plan. Either way, the layout proposed may not be the one eventually approved.

Even if the illustrative master plan is approved, we still do not know how any development will be phased.

Given all this, it is too soon to know with any certainty if and when any of these proposed stopping up and diversion orders will become necessary.

### 2. The PROW Team has asked to be involved determining final PROW routes.

In its comments on the outline application, the PROW team observed:

*... it will be important to ensure that the boundary treatments and landscaping around the PROW routes retain as much of an open and green space feel as possible.*

*The PROW Team will require continued involvement in agreeing the finalised alignment of the diverted existing PROW and the other routes to be dedicated as PROW, the diversion order process, and the design of the new routes.*

*Consideration would also need to be given to public access and safety for users of the PROW during construction work. As construction works are likely to require the temporary closure or diversion of the PROW, a Temporary Traffic Regulation Order (TTRO) will be required for the duration of the works on the grounds of safety of the public.<sup>4</sup>*

In light of this, the team requested that it be involved in 'any walking and cycling audit to identify S106 mitigation to upgrade key routes adjacent to the development.'

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<sup>3</sup>

<https://bristolingtonmeadows.co.uk/index.php?timelineid=83&fbclid=IwAR3FTSesITMYp6gAgAdPQqoJpG3ey8m1zEpGmRR0r-Xf7Z1V0HTQBVIxf5U>

<sup>4</sup> 22\_01878\_P-PROW-3338753



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Making this proposed order now will frustrate this request.

### 3. These proposed orders have immediate effect.

Homes England's Proposed Paths Update advises: *'If an order stopping up the current paths is confirmed, they will not be closed until absolutely necessary once the construction of the new homes is underway'* However, the proposed order is drafted in such a way that there will be nothing to prevent Homes England stopping up or diverting any of these paths whenever it chooses.

If, notwithstanding our objections, this order is made, it should at least be made subject to a requirement that no paths will be stopped up or diverted until absolutely necessary when construction eventually begins.