

Wilmcote Parish Council objects to the Stratford-on-Avon Proposed Submission Core Strategy on the grounds that it is not 'sound' and it fails to fully meet the requirements of the National Planning Policy Framework (Framework), Government Guidance, is inconsistent between different parts of the Strategy and does not fully recognise recent statements made in the House of Commons and House of Lords.

It is apparent that the approach taken to promoting recreational use of public footpaths to encourage healthy communities and access to the countryside is not wholly consistent with the Framework, Government Guidance or Government statements which all seek to improve privacy, security and safety of family homes. The family home is a major stakeholder in the community and the policies in the Core Strategy provide no protection for families with a public right of way passing through their home. Children/grandchildren playing in the gardens are at risk. Anyone has the right to walk the footpath through the family at any time of day or night. Privacy, safety and security of families are swept aside in this Core Strategy.

Wilmcote Parish Council **OBJECTS** to the following proposed policies and proposals:

- **Policy CS.7** which proposes the creation of new routes for walking, cycling and horse-riding to improve access to the countryside. This aim is contrary to the principles in Policy CS.1 explained further in paragraph 2.2.1 'the principle recognises the importance of insuring that ALL people should be able to ... enjoy a better quality of life both now and in the future'. This does not recognise the impact such a principle would have on families living in the area. It is not consistent with the principles in the Framework, Government Guidance and Government statements.
- **Policy CS.24** which proposes the encouragement of healthy communities based on the development of open spaces and recreation, explained in paragraph 7.1.9 as including to 'protect and enhance public rights of way and access'. This aim is contrary to the principles in Policy CS.1 explained further in paragraph 2.2.1 'the principle recognises the importance of insuring that ALL people should be able to ... enjoy a better quality of life both now and in the future'. This does not recognise the impact such a principle would have on families living in the area. It is not consistent with the principles in the Framework, Government Guidance and Government statements.

National Planning Policy Framework (Framework)

1. The Framework, published on 27th March 2012, sets out the Government's Planning Policies for England and how these are expected to be applied. It is vital that the policies and proposals contained within emerging development plans are consistent with the objectives and requirements of the Framework.

2. Paragraph 56 of the Framework states that the Government attaches great importance to the design of the built environment and that good design should contribute positively to making places better for people.

3. Paragraph 58 of the Framework sets out six core principles for planning policies including to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

4. Paragraph 69 of the Framework recognises that the planning system can play an important role in facilitating a healthy community and planning policies and decisions should achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

Government Guidance

The Government have established a Guidance document on diversion or extinguishment of rights of way that pass through gardens, farmyards and commercial premises, this Guidance is lodged in the Commons Library. This Guidance applies where a public right of way passes through a garden that forms part of the curtilage of a residential dwelling and establishes a presumption that in such cases the Authority should be disposed to extinguishing the existing way.

Recent Statements in Houses of Commons and Lords

A recent statement by Tom Brake MP, Parliamentary Secretary and Deputy Leader of the House of Commons states, 'we very much sympathise with people's genuine concerns about the problems that can arise from footpaths running through private gardens and farmyards and recognise that we need to find an acceptable solution'. 'Authorities will not be able simply to rebuff or ignore representations from a landowner... guidance that will effectively act as a presumption to divert or extinguish public rights of way that pass through the gardens of family homes...', Hansard, 23rd June 2014, column 78.

The Earl of Lytton recently stated in the House of Lords '...I hope that the Minister will confirm that the Government are apprised of the hugely beneficial opportunities offered by investment in a national rights of way system, not least its eventual rationalisation, making it fit for the twenty-first century and less of a bone of contention.', Hansard, 7th July 2014, column 53.

Policy CS.7 and Policy CS.24

We **OBJECT** to these policies on the following grounds:

1. These policies are inconsistent with other parts of the Core Strategy notably section 2.2 paragraph 2.2.1 where it says 'people should be able to enjoy a better life...'. Where a public right of way passes through the garden of a family home, then the family residing at that home is not able to enjoy a better life.
2. The Framework in paragraphs 56 & 69 state, 'planning policies and decisions should aim to ensure that developments... create safe... environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion'. A family home with a public right of way passing through the garden is not a safe environment as anyone can enter the home at any time. There is a constant fear of crime.

3. The Government have produced a Guidance document, 'Guidance on diversion or extinguishment of rights of way that pass through gardens, farmyards and commercial premises'. This summarises the key framework for policies relating to public rights of way through family homes. The Guidance says that privacy, security and safety are important considerations and that in such cases the authority should be disposed to extinguish the existing way. Government statements say that this Guidance will act as a presumption to divert or extinguish public rights of way that pass through the gardens of family homes.

The SDC Core Strategy does not give a cogent account of public rights of way in linking across its own policies, complying with the Framework, Government Guidance and Government statements. There is the need for an additional Policy which says that it will remove public rights of way from passing through family homes.

Proposed modification to make the Core Strategy 'sound':

Wilmcote Parish Council formally request that full recognition is given to the principles in the Framework, Government Guidance and Government statements. We recommend extension to the Policies CS.7 and CS.24 to rationalise the public footpath network to remove paths that currently pass through the homes of families living in the area. This will then make the Core Strategy 'sound'.

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