

From: Director – Environment and Waste **ITEM 7**

To: Regulation Committee- Tuesday 22<sup>nd</sup> January 2008

Subject: Application made by Oxfordshire County Council under Section 116 of the Highways Act 1980 to extinguish an ancient track way.

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Summary: To inform Members of the issues and the reason for national media exposure and the future implications for similar cases in Kent.

FOR INFORMATION

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### **Introduction**

1. During the course of last year, an application to the Magistrates Court by the Oxfordshire County Council gained national publicity. The application was made under Section 116 of the Highways Act 1980 and the Oxfordshire County Council had been asked to do this on behalf of the car manufacture BMW ('the landowner'). The reason stated was on the grounds the route was unnecessary and posed security problems. An alternative footway and cycleway adjacent to an existing full highway was to be provided as a replacement.
2. The landowner wanted to stop up a Public Bridleway which ran through its works at Cowley. The reason for the furore however was due to the age of the Bridleway which was known to have been in use and existence since Roman times. There was, in consequence, a massive swell of objection from the public and the application was contested by both the Ramblers Association and the British Horse Society.
3. The application was heard at the Witney Magistrates Court in front of a District Judge who granted the Order.
4. The implication for the County Council is that in the past it (in company with other Local Authorities) has always felt that applications to stop up Public Rights of Way on the basis they were unnecessary would not be successful if a small minority dispute the proposal. However, in this case the Order was granted in the face of massive public opposition and therefore this shows that when considering objections to Public Rights of Way (or indeed Village Green) applications, it is more important to consider the quality and substance of the objections received rather than the quantity or volume.

### **Recommendation**

5. I recommend this report is received for information.

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Background Documents - None