

Area North Committee – 27 October 2010

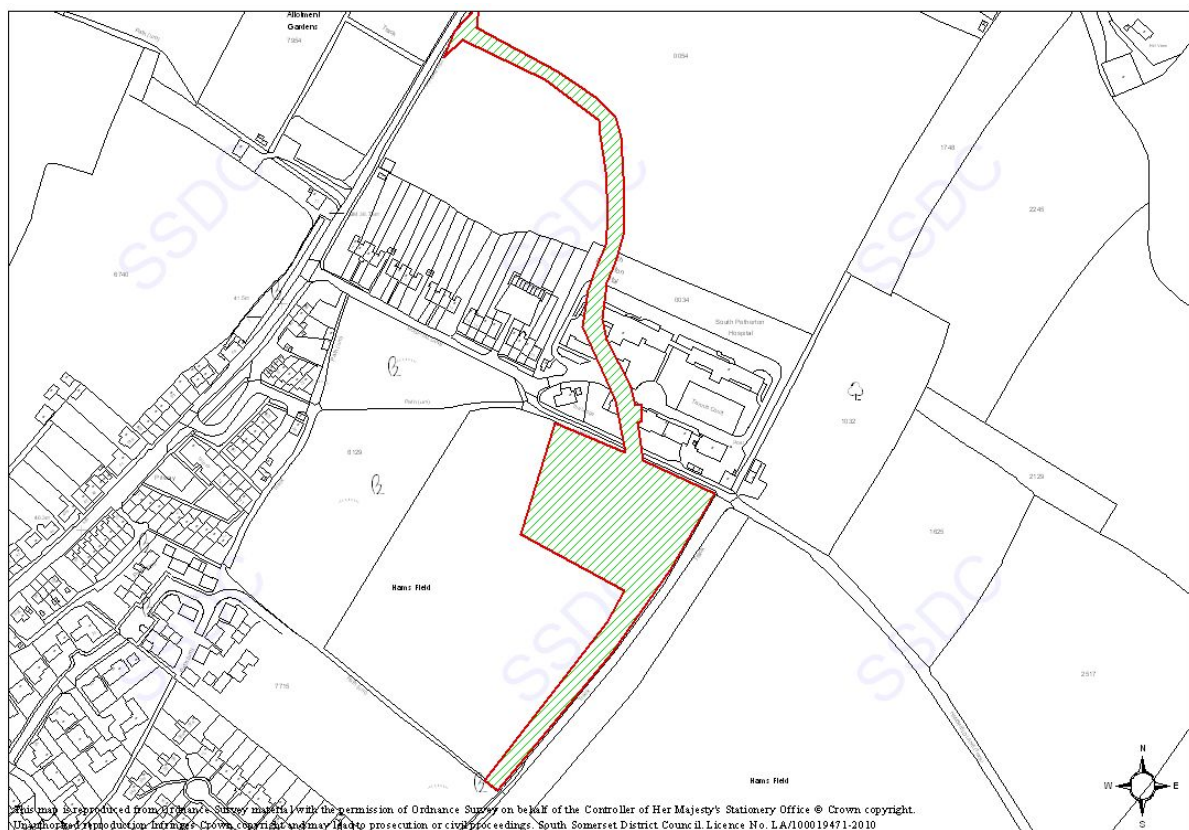
### Officer Report On Planning Application: 10/02346/FUL

<b>Proposal :</b>	The erection of a doctors surgery and pharmacy with associated access and associated works (GR 343910/117224)
<b>Site Address:</b>	Hams Ground, Hamsfield, Lane South Petherton
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Mr Paull Robathan (Cllr) and Mr Keith Ronaldson (Cllr)
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	17th August 2010
<b>Applicant :</b>	Haven Health Properties Ltd
<b>Agent: (no agent if blank)</b>	BRP Architects 1 Millers Yard, Roman Way Market Harborough. Leicestershire LE16 7PW
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Ward Members and Area Chair due the significance of the application.

### SITE DESCRIPTION AND PROPOSAL



The application site is an agricultural field located to the northeast of South Petherton, and falls outside the defined development area. The site is also immediately southwest of South Petherton hospital. The site is restricted to the top, northeast corner of the field; public rights of way run along the northeast and southeast boundaries.

This application seeks permission for the erection of a doctor surgery and pharmacy. Access to the site is proposed via the new hospital access from Pitway Hill, and then across Hamsfield Lane. An alternative access is proposed for construction traffic on a temporary basis along Lightgate Lane and the eastern boundary of Hams Ground.

The proposed building is of reasonably contemporary design with a mix of two storey and single storey elements, and mono-pitched roofs. The proposed materials are a combination of brickwork, render and reconstituted stonework. A landscaped car park with thirty-five parking spaces and cycle storage is also proposed.

An amended site location has been received which includes the proposed temporary construction access along the eastern boundary of Hams Ground within the red line. Additional information has also been submitted in the form of an addendum to the traffic assessment, to incorporate the comments made by the Highway Authority and Rights of Way Officer.

## HISTORY

78221/B: Development of land for residential purposes. Application refused on 15/05/1973.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Policy 19 - Employment and Community Provision in Rural Areas

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy ST9 - Crime Prevention

Policy EC3 - Landscape Character

Policy TP2 - Travel Plans

Policy TP3 - Cycle Parking

Policy TP6 - Non-Residential Parking Provision

Policy MC6 - Location of Non-Shopping Key Town Centre Uses  
 Policy MS2 - Local Shopping and Services

National Guidance  
 PPS1 - Sustainable Development

South Somerset Sustainable Community Strategy  
 Goal 2 - Voluntary and Community Sector  
 Goal 3 - Healthy and Active  
 Goal 4 - Quality Public Services  
 Goal 5 - High Performance Local Economy  
 Goal 7 - Distinctiveness  
 GOAL 8 - QUALITY DEVELOPMENT  
 Goal 10 - Energy

## CONSULTATIONS

**South Petherton Parish Council** - Recommend refusal until the following matters have been resolved:

1. The outside of the building does not match the new hospital or any other building in South Petherton, the Parish Council would like reassurance that the outside of the building will be changed to be compatible with the new hospital
2. Additional car parking should be provided during the construction stage, rather than waiting to see if it will be adequate; 3 per consulting room seems low
3. The impact on the existing pharmacy in South Petherton of having a pharmacy at the doctor's surgery is a concern. Retaining a pharmacy in the centre of South Petherton is an essential part of the village infrastructure and should be 'protected'. Any pharmacy at the surgery should be conditioned to be solely used as a dispensary during surgery hours. It is understood that there are similar models to this already in SSDC.
4. Access via public transport is a very serious consideration for many residents of South Petherton, particularly those who can currently walk to the surgery. It is understood that many who favoured the move to the new site did so on the understanding that public transport would be available. The availability of a public bus service and the Nippy Bus service to the surgery needs to be secured with a condition on the minimum service to be provided longer term
5. The Parish Council would like confirmation that allowing the surgery to be built in a 'greenfield' does not set any precedent for building on greenfield sites elsewhere in the parish
6. Other options for access should be explored e.g. Hospital Lane

**County Highway Authority** - It is clear from the Transport Assessment that the developer has identified the use of Lightgate Lane as the means of access for the temporary construction traffic. Whilst the access arrangements for such traffic could be provided through the new hospital site there are clear benefits associated with this proposal and a justification has been put forward by the developer. However, precautionary measures will need to be provided at the point where the proposed haul road meets the adopted highway so as to minimise disruption and reduce the potential for conflict between commercial traffic and all road users and pedestrians in the residential estate. It should be noted that according to the Somerset County Council road records there is a section of this access that is not highway maintainable at public expense. The applicant has indicated on the submitted plan that Yarlington Homes own this section of track and as such confirmation that permission to gain access via this route will need to be obtained. It should be noted that under no circumstances would the

Highway Authority wish to see construction traffic making use of hospital Lane as a means of access. With regards to the means of access to the site for the customers/users of the surgery the Highway Authority accept that a scheme of works generally in accordance with the scheme shown on the submitted plan drawing no. 25091-002A would be sufficient to prevent vehicles accessing the site via Hamsfield Lane/Hospital Lane. These works will need to be implemented prior to the development being first brought into use. The Highway Authority is satisfied that adequate parking and turning arrangements have been provided within the site to serve the development and prevent harmful competitive parking. As a result, I would advise you that from a highway point of view there is no objection to the proposal, subject to the recommended conditions.

**Area Engineer** - Details of surface water disposal to be submitted for approval.

**Landscape Architect** - Regarding the site, whilst this facility is planned to be constructed in close proximity to the hospital, it will occupy previously undeveloped land. As this is a greenfield site, I would only support development here if we are satisfied that other options within the village have been explored and reasonably discounted, to thus justify this development outside the built curtilage of the settlement. If we find the case is made for this location, then I raise no landscape issue with the form of development, which is primarily single storey, and thus not too obtrusive where viewed as a skyline feature. I also have no issue with the proposed low-level lighting (the detail of which would need to be conditioned). Regarding landscape treatment, I note that the site is enclosed from agricultural land to the south by a native species hedge, which will be retained. No other landscape detail is submitted, though an intent is stated to plant the site with native trees and shrubs; species-rich grassland; and nectar rich borders. I have no issue with this approach in principle, but in practice such schemes are rarely successful unless they have the backing of the user, and a knowledgeable maintenance commitment. Consequently, of the tree and shrub planting, I would advocate the site is demarcated by hedge planting, to thus avoid any solid fencing as a form of demarcation. I note a range of trees is suggested for inclusion both as specimens, and within the hedges (appendix 2) I would advise that rowan, silver birch and wych elm are not considered appropriate as they are not typical of these soils. As for the nectars-rich border planting, I would suggest these are a minor component of a compact cultivated shrub mix for such areas, which works much better in close proximity of buildings. A detailed landscape proposal will be a requirement of this scheme, and this should be submitted pre-commencement.

**Ecologist** - I've checked and am satisfied with the Ecology Report submitted with this application. It doesn't appear to have identified any major wildlife issues. I have no further comments nor recommendations to make.

**County Rights of Way** - I can confirm that there is a public right of way recorded on the Definitive Map which crosses the area of the proposed development at the present time (footpath no. Y24/55) and also a footpath adjacent to the site along Lightgate Lane (Y24/60). We are also in receipt of an application to modify the Definitive Map and Statement to add a Restricted Byway along Hamsfield Lane and upgrade Lightgate Lane to a bridleway. This application has yet to be determined. Development, insofar as it affects a right of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. It is unclear as to whether the development will necessitate the diversion (potentially onto Hamsfield Lane) of footpath Y24/55. However it should be recognised that this is something that we are seeking to achieve regardless of whether it is necessary or not. We are also potentially seeking the upgrading of

Hamsfield Lane and Lightgate Lane to a bridleway and would require the dedication of such rights from the developer under presumed ownership to centre-line of both lanes where the site abuts the lanes. The vehicular access to the site is shown as crossing Hamsfield Lane and the current headland footpath Y24/55. This presents an array of issues that we will need to be fully satisfied that they can be resolved; i.e. how will pedestrians and cyclists access the surgery and pharmacy; what provision is being made to improve this access; how will pedestrian and potentially cycle and equestrian use of Hamsfield Lane (and also private vehicular access rights) be accounted for bearing in mind the proposed development will generate considerable levels of vehicular movement across Hamsfield Lane and the existing footpath. Also how will illegal vehicular use of Hamsfield Lane be prevented. There is also the issue of ownership of Hamsfield Lane and whether the developer can legally build an access road across it. If permission were to be granted, construction traffic should use the access road to the new hospital and not footpath Y24/60 (Lightgate Lane) and the rights of way should be kept open for public use. However should a temporary closure be necessary, it can be obtained from the County Council.

**Rights of Way Officer** - Query over private access across Hamsfield Lane.

## REPRESENTATIONS

NINE LETTERS OF OBJECTION - Have been received, raising concerns over the following issues:

- New pharmacy may threaten the existing pharmacy in the town centre
- Detrimental impact of loss of pharmacy on town centre and neighbouring businesses
- Elderly and infirm who do not live close to site would have to travel further to reach new surgery and pharmacy
- Bus transport proposed is likely to be unpopular due to inadequate timetable and reduced bus services
- Parking proposed seems to be inadequate for the number of people visiting the site
- Pollution and extra fuel consumption as a result of further distance to travel
- Extra traffic along residential approach roads will be hazardous for local residents
- Increased use of the car for unnecessary journeys
- Site difficult to access for people living on opposite side of village
- Conditions should restrict the proposed pharmacy to reduce the impact on the town centre pharmacy
- Proposal is located on a greenfield site, outside the defined settlement limits
- If the site is built on surrounding land would be 'ready meat' for developers
- Colour of materials used to construct the building do not match the hospital building - the two buildings should harmonise with each other
- Survey carried out on patients prior to submission of planning application
- Poor advertisement of planning application
- New surgery and pharmacy will offer no benefit to local residents
- The Design and Access Statement is difficult to comprehend
- The questionnaire results are misleading as many people felt there was no point in filling them in, with the surgery move a foregone conclusion
- What if bus services, Highways and other practitioners withdraw their commitments to the proposal? Unless all aspects are guaranteed, patients would be disadvantaged by a move

THREE LETTERS OF SUPPORT - Have been received, raising the following points:

- Wide consultation in South Petherton and surrounding villages showed heavy support for a new surgery

- Boots, in the centre of the village, has given assurances it will not close, despite the proposal for a new pharmacy at the surgery site
- Bus services will respond to need by adjusting their routes and timing
- Parking facilities are judged to be adequate by recognised standards
- The parking will be a significant improvement from the existing situation where there is no parking at the existing surgery site
- The chemist ought to move up to the proposed site

## CONSIDERATIONS

### Principle

The proposed site falls outside the defined development area for South Petherton and therefore, is subject to restrictive planning policies that protect the countryside. As such it is necessary that the proposal justifies its exception, and meets the criteria of the restrictive planning policies.

The current site of the surgery is in the centre of South Petherton on West Street, in a Grade II\* listed building. As can be expected, the building cannot accommodate modern healthcare requirements and is extremely constrained in terms of expansion given the town centre location, limited flexibility with alterations to a listed property, and the suitability of the old building materials and surfaces.

Alternative sites in the centre of South Petherton that could accommodate the facilities and space required are not available, and two alternative sites outside the development area for South Petherton were discounted due to their restricted size and constraints through unsuitable gradients. Therefore an alternative site close to the hospital site has been proposed. The Primary Care Trust (PCT) have offered their full support and funding for the site adjacent to the hospital, as it offers a cohesive development with healthcare facilities all in one place. The original development scheme of the hospital site included surgery and pharmacy facilities, however, as space was restricted within the site the surgery and pharmacy were omitted from the scheme.

The Design and Access statement offers the argument that the proposed surgery will create a reduction in the need to travel due to an integrated site for primary and secondary care, which will reduce referrals and streamline patient care, in turn reducing travel.

The existing surgery does not just cover South Petherton, it also covers the following areas: Over Stratton, Lopen, Kingsbury Episcopi, Seavington St Mary, Seavington St Michael, Shepton Beauchamp and East Lambrook. When considering the large geographical area covered, the argument that the proposed surgery site will not foster a growth in the need to travel is considered to be a fair assumption, and could offer benefits to patients living outside of South Petherton by being more accessible.

### Pharmacy Facility

The existing hospital site does not have a pharmacy, and hence there are a number of benefits a pharmacy in this location can provide. The primary objectives of a pharmacy in this location would be to support the adjacent GP and clinical services, contributing to an integrated primary care service. The proposed pharmacy would be of benefit and convenience to patients. The provision of a pharmacy in this location would also reduce the need for additional travel from the surgery to the pharmacy and from the hospital to the pharmacy.

The Parish Council and local residents have expressed a concern that the provision of a pharmacy on the surgery site may cause the pharmacy in the town centre to close. The tenant of the town centre pharmacy was approached and offered the tenancy of the proposed pharmacy, however they chose to decline and confirmed they do not intend to move if the proposed pharmacy is approved. The new pharmacy would have a predominantly dispensing role, which would be different from the nature of the existing pharmacy within South Petherton that is high street based and offers a wide variety of services and goods. There are several examples all over the country where a high street pharmacy and a predominantly dispensing pharmacy coexist alongside each other in small communities.

### **Highways**

The proposed access to the site utilises the existing hospital site access from Pitway Hill, and then crosses Hamsfield Lane into the site. An alternative access is proposed for construction traffic on a temporary basis up Lightgate Lane and along a track in Hams Ground running northwards from the bottom southeast corner of the field.

The Highway Authority has not objected to the proposal. It is recognised that the proposed temporary access for construction vehicles up Lightgate Lane offers a number of benefits, and the parking and access layouts proposed for the site are suitable.

The proposal provides 35 car parking spaces (including four disabled parking spaces) and a cycle store for six bicycles. This level of provision is considered to be adequate given the scale of the proposed surgery and pharmacy. The Local Planning Authority would not wish to encourage more parking than is considered necessary, to ensure the overall footprint of the development is kept to a minimum. The applicants have confirmed that the level of parking proposed is more than is currently provided at the Martock surgery, which is adequate despite people using the car park for visits that are not surgery related. It is unlikely that the car park proposed would be used other than by patients, given the site is not close to the town centre.

The draft Green Travel Plan submitted with the application states an intention to secure a bus service from South Petherton to the hospital site adjacent to the surgery. This can be secured by conditioning a Green Travel Plan to be submitted and approved, and is recommended by the Highway Authority. Furthermore the surgery proposes to utilise the existing bus services that run via the hospital site, with two local service routes stopping outside the main site entrance to the hospital.

Discussions have taken place between the Highway Authority, Rights of Way Officers and agents regarding the treatment of Hamsfield Lane and Public Rights of Way. As a result of these discussions an addendum to the Travel Assessment has been submitted. The treatment of the crossing over Hamsfield Lane has been considered carefully, and appropriate treatment of this access has been agreed with Rights of Way and the Highway Authority.

### **Design and Visual Amenity**

The site does not fall within the Conservation Area of South Petherton, and the nearest buildings to the site are of varied age and design. The design of the proposed surgery and pharmacy buildings is reasonably contemporary, with a horizontal emphasis and a series of mono-pitch roofs to minimise the height, and consequently the visual impact of the development in the local area.

The proposed materials are aluminium sheeting for the roof, and hamstone coloured render and reconstituted stonework for the walls. These materials offer a mix of modern and traditional styles found elsewhere in the local area. The hospital has a roof

constructed of similar metal sheeting, and similar examples of render and reconstituted stonework are found throughout South Petherton and surrounding areas. As such the materials are considered to be in keeping with the character of the area.

### **Residential Amenity**

The site is in a reasonably isolated location, well away from the nearest residential property. It is considered the proposal will have minimal impact on the residential amenity of the area.

### **Other Issues**

A local resident has claimed that the planning application was not advertised adequately. The Local Planning Authority consulted in the region of 175 local residents, as well as posting two site notices in public areas close to the site. South Petherton Parish Council also carried out their own advertisement of the application.

Another local resident has claimed the proposal offers no benefit to patients. The benefit that this proposal offers to local residents is access to a range of improved healthcare facilities that have been designed and constructed in accordance with up-to-date requirements.

### **Conclusion**

The arguments put forward in this report overcome a large majority of issues raised by local residents and the Parish Council.

This application is considered to offer justification for an exception of development of land in the countryside, with a sequential approach having been taken in relation to the site selection. As such this proposal does not set a precedent for future development outside development areas.

Having local primary and secondary care located close to each other is a logical way in which to set out these facilities, and should greatly benefit the communities they serve, and contribute in a reduction in the need to travel between the healthcare facilities.

It is considered the proposal meets the requirements of the relevant policies of the Somerset and Exmoor National Park Joint Structure Plan Review, the South Somerset Local Plan and the goals of the Sustainable Community Strategy.

## **RECOMMENDATION**

Permission be granted

01. It is considered the proposal offers adequate justification for development in the countryside in this location. The proposal does not have a detrimental impact on the environment, visual or residential amenity, and the accesses are considered to be acceptable. Accordingly the proposal accords with South Somerset Local Plan Policies ST3, ST5, ST6, EC3, TP2, TP3, MC6 and MS2, and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, 5, 19, 48 and 49.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun within three years of the date of this permission.



Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

03. No development shall begin until a panel of the proposed stone/brickwork has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the building in accordance with Policy ST6 of the South Somerset Local Plan.

04. No development shall take place until samples of the materials to be used in the construction of the guttering, downpipes and rainwater goods of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy ST6 of the South Somerset Local Plan.

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3.

06. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.  
(iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or

shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3.

07. Prior to the commencement of the development hereby permitted a scheme of improvements to the existing Rights of Way infrastructure shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented fully in accordance with such plans prior to the development being first brought into use.

Reason: In accordance with the provisions of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

08. Prior to the commencement of the development, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area. This construction access should also be removed once the construction phase of the development has ceased.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

09. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the development, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. Prior to the development hereby permitted being first brought into use a detailed plans of the design and specification of the proposed highway works generally in accordance with those shown on the submitted plan (DRAW 25091-002A) shall have been submitted to and approved in writing by the Local Planning Authority and shall be been fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. Prior to the development hereby being first brought into use an updated travel plan, shall have been submitted to and approved in writing by the Local Planning

Authority, such travel plan to include a list of elements to promote sustainable travel together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied, or unless otherwise agreed with the said Authority.

Reason: In the interests of promoting green travel, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: P01 Rev A, P02, P03, P03(I) Rev A, P03(II) Rev A, P04 Rev D, 25091-002A.

Reason: For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

01. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied. It is recommended that contact be made with the Highway Service Manager (South Somerset Area Highway Office, Houndstone Business Park, Yeovil, BA22 8RT, Tel No 0845 345 9115) and make arrangements for a joint survey to be undertaken.
  02. Development, insofar as it affects a right of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
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