

Response to question raised by Councillor Rachel Jenkins at the full Council meeting held on 25th July 2018

Park Road, Hagley

As you are aware, the Council may take enforcement action if development is built without planning permission or in breach of a planning condition. Government guidance states that Councils need to justify action by showing there is harm caused to the public by the breach and that action is a proportionate response to the breach. Fundamentally, enforcement action is discretionary.

Worcestershire County Council has been working with McCarthy and Stone with the aim of opening the footpath. However, issues with the retaining structures constructed by McCarthy and Stone and the layout of the footpath has meant that adoption by WCC via a Section 38 278 Agreement cannot now happen as the County will not permit adoption of an asset which would leave the Highway Authority with on-going maintenance issues with corresponding costs and liability.

In order to overcome this, McCarthy and Stone now intend to construct and retain the footpath in their ownership but will be working to the standards suggested by County that would usually lead to technical approval. These details have now been submitted and formally approved by the District Council on 5 September 2018. I envisage McCarthy and Stone will commence works over the next few weeks to implement this scheme. The contact at McCarthy and Stone is in direct dialogue with the Development Management Manager and providing regular updates.

Given these circumstances and the advanced stage of negotiation, taking enforcement action at this stage is disproportionate. I am confident works will commence as per the timescales detailed above.

Councillor Kit Taylor