

The Eastleigh Group of the



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Telephone (023) 80693655 (Mobile 07929213208)

10 November 2016

Dear Ms. Errington,

RE – APPLICATION NUMBER O/16/79469 – LAND AT CHURCH ROAD, BISHOPSTOKE – RESIDENTIAL DEVELOPMENT OF 30 UNITS

Thank you for your letter dated 9 November 2016 and for consulting the Eastleigh Group of the Ramblers' Association on the above application.

The location shown on the plans is one of those which we Ramblers call anomalies – locations where the Definitive Map does not record the location of the path on the ground. There are around 400 of these in Hampshire and six in Eastleigh Borough. See the plan below which is an extract from the Definitive Map where you will see where Footpath 732 Bishopstoke is located on the Definitive Map and in red dashes I have added the location of where the footpath has been on the ground for at least 30 years. I have also added an extract from Google Earth with the digital mapping overlain. There has been no pressure on Hampshire County Council to rectify the Definitive Map but legally the obstructions on the purple route constitute illegal obstructions of the public highway and the landowner by retaining them is guilty of a criminal offence. The appropriate course of action is for the landowner to make an application to Hampshire County Council or Eastleigh Borough Council to have the route diverted to the alignment actually in use thereby enabling the Definitive Map to be corrected and this could be done under Section 119 of the Highways Act 1980 in the absence of a planning application. If it was done in association with an application for development of the site, the application could be made to Eastleigh Borough Council under Section 257 of the Town and Country Planning Act 1990. For our guide to these provisions see <http://www.eastleighramblers.org.uk/Rights%20of%20way%20and%20development.pdf>

The Borough Council and the applicants should be aware that in order to divert a path the application has to be made by the landowners of both the existing and proposed routes. The application area does not include the route currently in use and both parties will need to be certain that owners of that route are prepared to permit the diversion proposed in Paragraph 3.3.3 of the Transport Statement. The applicant should be reminded that it would be a criminal offence for them to erect any structures on the current alignment on the Definitive Map, or to disturb the surface of the highway without the approval of the highway authority until such times as a diversion order has come into effect.

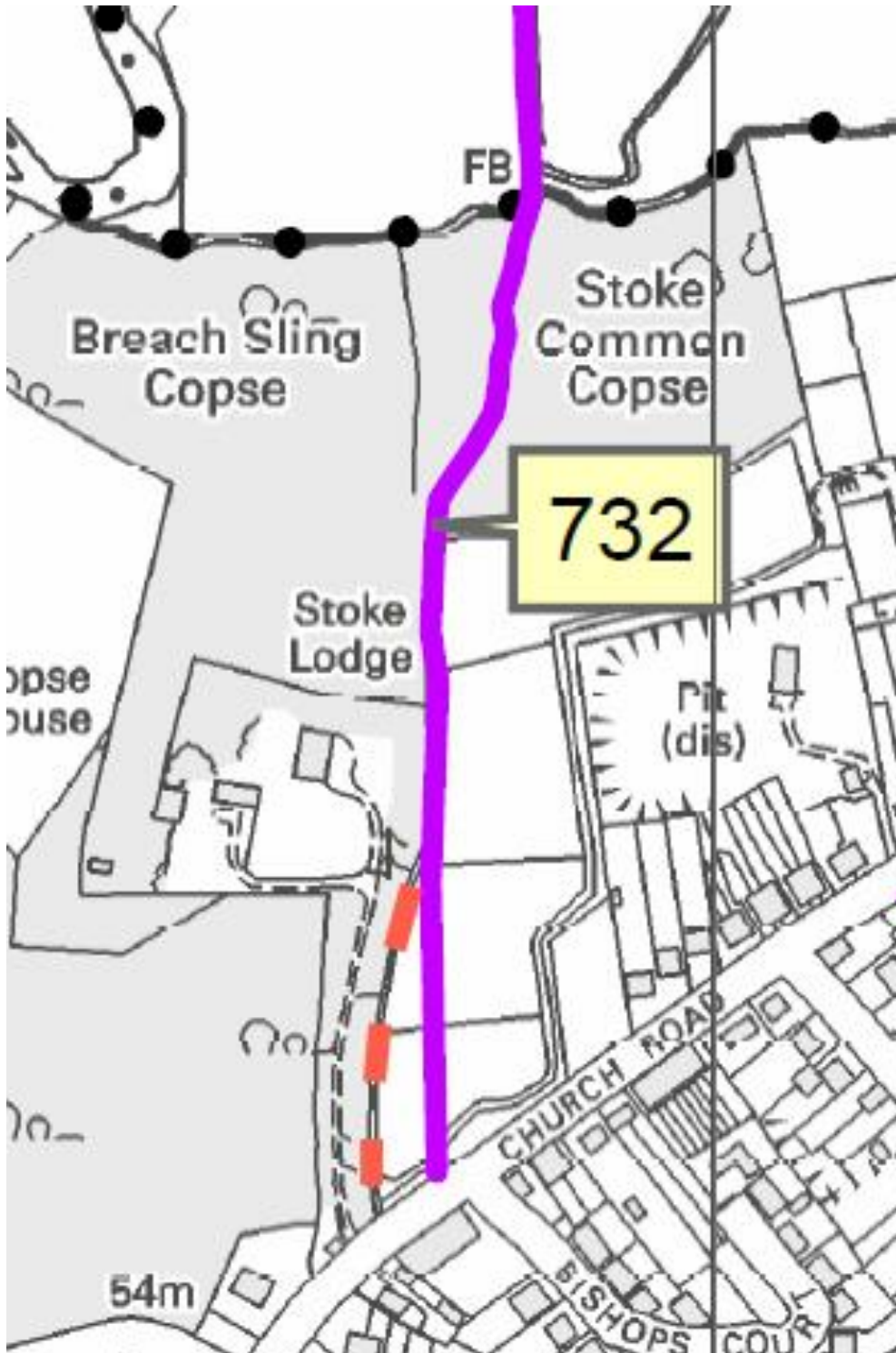
The route on the ground is an extremely well-used footpath as it forms the only access from Stoke Common to the valley floor of the River Itchen and if this field is to be the subject of development we would request you to make sure by an express condition that the setting of the footpath in use remains an attractive one and does not become a path flanked on both sides by fences or walls. At present views of the field give it an open character – long routes between walls or fences can be intimidating to those of a nervous disposition.

The Group promotes rambling by organising 150 walks a year and protects rights of way and defends the beauty of the countryside within the Borough of Eastleigh. Registered Charity No 1093577, part of The Ramblers' Association, company limited by guarantee, registration number 4458492

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It will be essential to ensure the levels of the development adjoining the path in use are not higher than the path to prevent surface water run off to the path. We consider it would also be appropriate to require the applicant to bear the cost of surfacing the path with pervious material to a standard acceptable to the highway authority which could be secured as part of the diversion order.



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ramblers
at the heart of walking



Yours sincerely

Richard C. Kenchington FRICS IRRV (Hons)
Footpath Secretary
EASTLEIGH RAMBLERS

To
Dawn Errington
EASTLEIGH BOROUGH COUNCIL
Eastleigh House, Upper Market Street
Eastleigh, Hampshire SO50 9YN

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