

# The Eastleigh Group of the



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2 December 2016

Dear Ms. Errington,

## **RE – APPLICATION O/16/79469 – CHURCH ROAD, BISHOPSTOKE – CONSTRUCTION OF UP TO 30 DWELLINGS**

Thank you for your letter dated 28 November 2016 consulting the Ramblers' Association on the revised documentation submitted with Planning Application Number O/16/79469. We have seen no reason to alter the comments in our letter dated 10 November 2016 but there is a need to make additional comments.

We note the revision of the application area to include a section of the right of way in use.

The letter from i-Transport of 24 November 2016 does not recognise the distinction between what Eastleigh Borough Council may opt to require as the local planning authority under Section 106 of the T&CP Act 1990 and what it may require as the authority making an Order under Section 257 of the 1990 Act. They are two separate procedures not one and the Borough Council has the complete ability to determine what the diversion order may contain in terms of the width and the form of construction of any diverted path and does not have to accept the current position. The case law relating to what the planning authority can require under Section 106 only applies to that part of the network that is outside the scope of the Diversion Order.

Regards

A handwritten signature in black ink that reads "Richard C. Kenchington". Below the signature is a horizontal line.

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

To  
Dawn Errington  
Development Management  
EASTLEIGH BOROUGH COUNCIL  
Eastleigh House  
Upper Market Street  
Eastleigh  
SO50 9YN

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