

Mr Nick Tustian
Chief Executive
Eastleigh Borough Council
Eastleigh House
Upper Market Street
EASTLEIGH
SO50 9YN

23 April 2018

Our ref: VG/AE/ES/01

Dear Mr Tustian

DEVELOPMENT OBSTRUCTING BRIDLEWAY NO. 724 AT BISHOPSTOKE

I am writing as Chief Executive of the Ramblers about a matter in which we would be grateful for your assistance. It concerns the long-term unlawful obstruction of a public right of way — Bridleway No. 724 at Bishopstoke — by new development.

Bridleway no. 724 is an attractive path, used primarily though not exclusively for recreation. The general locality is one of the most attractive of areas within the Borough, including ancient woodlands. The route (which being a bridleway has a right of way on foot and on bicycles as well as on horseback) is relatively easy to use, running on vehicular farm tracks. It is the sort of path which connects residential communities with the countryside beyond, instrumental in encouraging people to enjoy the benefits of walking, improving their own health, the environment, and the local economy. It is a direct off-road route between Bishopstoke and Fair Oak, and is part of a small localised network of bridleways. Most local rights of way are footpaths only: but the bridleway status of this one makes it valuable for cyclists as well.

The trouble is that a development has blocked a section of the bridleway, unlawfully.

The Ramblers supported the proposal to divert this bridleway, subject to legal procedures being followed first. But while legal procedures to divert the path were commenced, they cannot be completed since the promised new route to be provided by the developer is not in place. This was to have been provided as a result of a 'Section 106 agreement', the express terms of which required the owner (now Bellway Homes Limited) to complete the agreed bridleway link prior to the occupation of the first dwelling on the site.

I am specifically concerned by three aspects of this case:

- (i) that the Council has thus far not been able to enforce the terms of the agreement;
- (ii) that the Council did not intervene when Bellway Homes excavated the definitive line of the bridleway, fencing off the route and then built two houses, walls and fences on the definitive line without waiting for a diversion order to be implemented; and
- (iii) that Bellway Homes Limited — now that the last house is occupied and Bellway are engaged in the last remaining works — have constructed a bridleway but apparently without it complying with the specification contained in the planning permission. Until a bridleway is constructed to a satisfactory standard, the diversion order cannot be brought into effect by certification.

I would be grateful if you could let me know what steps the Council plans to take to enforce the terms of the Section 106 agreement, in such a way that the route will be physically constructed to an acceptable standard.

In addition, I would be grateful to hear what plans the Council has to ensure that the general issue of rights of way being affected by development is addressed effectively in future, not least as some 17,000 houses are planned between 2011 and 2036 for the Borough of Eastleigh alone.

I look forward to hearing from you in due course.

Yours sincerely



VANESSA GRIFFITHS
CHIEF EXECUTIVE