

Altman, Rebecca

Subject: FW: PROPOSED DIVERSION OF FOOTPATH NOS 701 ANF 702 FAIR OAK AND HORTON HEATH
Attachments: 20240818 - To Dawn Errington.pdf; 20241231 - AMENDED Overall Site Plans - Sheet 3 (1).pdf

Sent: 08 January 2025 15:12

Cc: Alan Marlow <atmarlow444@gmail.com>

Subject: PROPOSED DIVERSION OF FOOTPATH NOS 701 ANF 702 FAIR OAK AND HORTON HEATH

To
Joanne Stenning and Rebecca Altman
EASTLEIGH BOROUGH COUNCIL

We have attached the "One Horton Heath Site Wide Infrastructure Delivery - Overall Site Sheet 3" which was included in Planning Application F/23/96631 on 31 December 2024.

We have also attached our letter of 18 August 2024 which we sent in response to the application. Please refer to paragraph 3 which seems to be being ignored.

The plan indicates the intention to implement a diversion which is referred to in words on the plan. Unless the planning application is amended to show the red line as including the full extent of the diversion it will not be possible for your Council to use this application as a basis for making an Order under the Town and County Planning Act. If this remains the case it would be necessary for a further planning application relating to the footpath diversion proposals to be submitted and approved before an Order can be made and processed and confirmed before the physical works could be undertaken.

Further as the diversion of a right of way is a material matter the local planning authority should not consider or approve an application which does not include full details of the proposed works that will be needed to be completed before the diversion is certified as being complete under the prescribed form for an Order. Provision of this information is required to ensure that the public whose rights of way are to be affected have as part of the planning process the right to have full information of the proposals to enable them to comment or object to these proposals and the local planning authority has the obligation to consider those representations as part of its responsibility to process the planning application correctly. Further the Order has to contain details of the planning application which enabled the Order to be needed and the detail is required so that if the Order is confirmed there is no doubt as to what works have to be completed before the certificate that brings the diversion into effect can be issued.

This email has been copied for information to Alan Marlow, Hampshire Area Footpath Secretary for the Ramblers' Association.

Regards

Richard C. Kenchington FRICS IRRV(Hons)
Footpath Secretary of the Eastleigh Ramblers
2 Pavilion Close,

