

From: [REDACTED]
Sent: 03 June 2020 14:05
To: BENTLY, Alan
Subject: RE: HBW 26

Alan,
3m and a maintenance agreement for the future would be worthwhile progress and I think I would be hard put to maintain objection.
For your assistance, does culverting the drain require EA licence and spec?
[REDACTED]

----- Original Message -----
From: "BENTLY, Alan"
To: [REDACTED]
Sent: Tuesday, 2 Jun, 2020 At 14:24
Subject: RE: HBW 26

Dear [REDACTED]

Good to hear from you.

I will see whether we can agree a wider path, and I can understand your point about the hedge. When I visited a fortnight ago the hedge was fairly well kept. I will ask if they will accept a 3m usable width, as that should help. I will also look out the Postlip maintenance agreement as it would be a good idea to tie up maintenance responsibility to all future owners. Personally I'd prefer that they don't enclose it, and I was clear they would need our agreement to do so.

If I am able to gain these concessions will you be content to withdraw your objection?

Many thanks

Alan

From: [REDACTED]
Sent: 31 May 2020 17:01
To: BENTLY, Alan
Subject: RE: HBW 26

Alan,

I don't see how we, the public, are 'gaining' from the proposed diversion?.

The public stand to lose a path across the farm yard, (substituted by the landowner in lieu of the definitive route 50 years ago) which is unenclosed

and passing through field gates offering a width of at least 3m!

Two metres is a derogatory width in this day and age. It is fractionally more than that for field edge paths through crops!

As we are considering the creation of public access for the future I consider an enclosed surface of 2m unacceptable.

To avoid contact with the boundary hedge or fence, or with each other, walkers need room to pass and repass comfortably. Particularly so if perhaps leading

a child by the hand or assisting an elderly family member or slightly disabled walker.

The council's initial proposal was 2.5m which I declined and suggested a minimum of 3m - still barely wide enough for an enclosed path.

The new path will be bounded alongside the garden by a fence to preserve 'privacy and security'. It is unrealistic to expect this to be a 'low panelled fence'

and will, without doubt, be at least 2m high. This, together with the hedge as the opposite boundary is likely to provide a short dismal section of path without

benefit of drying wind and sunlight,

I note that the landowner will undertake future maintenance of the enclosed section of path but I would be happier if this is a binding agreement on future owners of the property? I recall a suitable agreement being incorporated in a diversion order at Postlip Mills Winchcombe path AWB 24?

Where will 3m width, if agreeable, be measured from, as I recall the boundary hedge being large, wide and unruly?

I maintain my objection to any proposal of less than 3m available width for public use along the diverted path.

Regarding the enclosure of paths, I attach for your interest, a copy of the opinion provided by the council's legal department several years ago.

regards,

[REDACTED]

----- Original Message -----

From: "BENTLY, Alan" <Alan.BENTLY@gloucestershire.gov.uk>

To: [REDACTED]

Sent: Tuesday, 26 May, 2020 At 15:17

Subject: RE: HBW 26

Good afternoon [REDACTED]

I don't seem to have a phone number for you, so have taken to email, which loses something in its nuances.

Anyway, here goes.

What I think we can gain is a surfaced 2 metre wide path alongside a hedge which they will maintain (the path surface and the hedge, where enclosed). They have said they probably only want to enclose the section alongside the garden, the surfacing was Martine's idea as it floods somewhat (as does the present path) and would become

7.2.3

very muddy. The landowner would pay for all necessary works to make up the path and discuss any enclosure with us.

I think overall it would be an improvement, plus we've agreed the principle of only hand gates (not kissing gates) where structures are needed, allowing easier access for all along the path.

How does that sound?

Happy to discuss, my mobile number is [REDACTED].

Alan

From: [REDACTED]
Sent: 20 May 2020 16:45
To: BENTLY, Alan
Subject: HBW 26

Alan,

I had hoped to catch you before you visited the site.

I don't know [REDACTED], but got on very well with [REDACTED] when we were both objectors to diversion proposals by [REDACTED] some years ago.

At that time [REDACTED], regrettably I have forgotten her name, seemed quite happy with the path across the yard. But since then I suspect [REDACTED] has ideas of grandeur - which may include moving out of 'farming' and demolishing the barns!

Therefore, at an appropriate moment (if you are agreeable) announce that you have had helpful discussion with the sole objector who may be prepared to withdraw all opposition in exchange for an excellent diverted route.

The description provided by [REDACTED] in her Statement of Reasons is, in my view very doleful, and unacceptable to me at present.

As you have to accept the new route (and maintain it in future) are you happy with it running along the culverted stream?

No doubt you might seek a maintenance agreement to take care of that?

If the stream is covered I assume the trees and shrubbery may be removed which would leave a bare concrete block wall of the adjoining barn as one (uninviting) boundary but [REDACTED] mentions the path being enclosed with the hedge along SE boundary.

This would be preferable - but who to maintain it in future?

She describes the other boundary (along the garden) as 'a low panelled fence to afford some privacy'. I have no doubt that this would rapidly be raised to 2 metres!

The next section is to be enclosed by post and rail with mesh infill 'to keep dogs out'. This would also prevent any grazing of the surface. Who to maintain?

You can see my fear of yet another 'slummy' path arising in the countryside. So I press for a wider path of at least three metres - to allow for the unusable parts close to the boundaries. I would also expect there to be no limitations along the enclosed sections other than a hand gate at the field end (mobility scooters can't negotiate kissing gates!

Maintenance agreements, of the culvert and enclosed sections, would appease me as would a wide 'welcoming' access to the path from the roadside.

Were I to meet [REDACTED] (which I won't because she doesn't seem to like me - how odd), I would probably be so bold as to suggest shrubbery in addition to the 'low panelled fence' which, in time, would enhance her garden surrounding as well as the footpath boundary. Green and copper beech would be very nice in the longer term!

Lastly, my argument to an Inspector (in necessary) would be that the public must derive positive benefit from the diversion.

Also that in ignoring the obstructing barns as 'temporary circumstances' (Blue Book 4ed p 181) the comparisons would be between an open cross field path and the proposed much less convenient diversion.

I hope that you may find this helpful,

7.2.3

best wishes,



Think before you print - only print this email if absolutely necessary.

This email and any attachments are strictly confidential and intended for the addressee only.

If you are not the named addressee you must not disclose, copy or take any action in reliance of this transmission and you should notify us as soon as possible.

This email and any attachments are believed to be free from viruses but it is your responsibility to carry out all necessary virus checks and Gloucestershire County Council accepts no liability in connection therewith.

From: [REDACTED]
Sent: 31 May 2019 15:27
To: [REDACTED]
Cc: [REDACTED] Bourton-on-the-Water Parish Council
Subject: Public Footpath HBW 26 Tagmoor Bottom.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [REDACTED],

On behalf of the Open Spaces Society, I object to the current diversion proposal on the grounds that the proposed path, A-C-D, will be longer, right angled and enclosed between a hedge and fence. This will render the right of way less direct and substantially less convenient for users than the definitive path it will replace.

Importantly, for many years since the definitive path was obstructed, the public have become used to following the alternative path provided along the edge of the barnyard which rejoins the definitive path within a short distance.

This path provides straightforward access from the corner of Marshmouth Lane and the junction with HBW 27. It has a firm level surface and the benefit of being shielded from the dwelling by shrubbery and distance. Which is not the case from the proposed route passing the rear of the bungalow.

sincerely,
[REDACTED] OSS.

[REDACTED]

From: [REDACTED]
Sent: 15 May 2019 15:21
To: [REDACTED]
Subject: RE: HBW26
Attachments: Statement of reasons.pdf; HBW 26 Tagmoor Hollow.pdf

Hi [REDACTED]

I decided to start again with the consultations for this diversion as time had got away from me and it seemed unfair to just pick it up from where it was left. I have for a while now been submitting a statement of reasons with the pre-order consultations setting out a case for making an order. Hopefully [REDACTED] has forwarded the attachment as well, if not I have attached a copy.

Regards.

[REDACTED]
**Public Rights of Way
Public Path Order Officer**
Gloucestershire County Council
5th Floor West, Block 5, Shire Hall, Westgate Street, Gloucester GL1 2TG
Tel: 01452 328172
e-mail: [REDACTED]@gloucestershire.gov.uk

Go to www.gloucestershire.gov.uk to find information on any County Council service. It couldn't be easier to find information instantly and in some cases apply for services online.

From: [REDACTED]
Sent: 15 May 2019 15:05
To: [REDACTED]
Cc: [REDACTED]@oss.org.uk
Subject: HBW26

Dear [REDACTED],
[REDACTED] at OS has copied the below email to me. Should it mean anything to me please?
best wishes,
[REDACTED]

From: [REDACTED] [[mailto:\[REDACTED\]@gloucestershire.gov.uk](mailto:[REDACTED]@gloucestershire.gov.uk)]
Sent: 15 April 2019 12:17
To: [REDACTED]
Subject: Public Path Diversion Order under S119 of the Highway Act 1980 of footpath HBW 26 at Tagmoor Hollow, Bourton on the Water

My apologies for resubmitting this consultation, the application had unfortunately been overlooked due entirely to me.

Would you have a look through the attached document and let me have your comments by the end of May 2019 please. Do get in touch if you require any further information.

Kind regards.



Public Rights of Way

Public Path Order Officer

Gloucestershire County Council

5th Floor West, Block 5, Shire Hall, Westgate Street, Gloucester GL1 2TG