



The Old Meon Valley Railway Line

**Complaint to Local Government Ombudsman about
project undertaken by Hampshire County Council**

Complaint to Local Government Ombudsman

This complaint is being made on behalf of the Meon Valley Old Railway Line Users Group, an informal collection of around 2,600 people who use the old railway line.

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Complaint against: **Hampshire County Council**

Address: **The Castle, Winchester, Hampshire SO23 8UJ**

Nature of complaint: **Works on the old Meon Valley railway line / Meon Valley Trail**

Nature of complaint / Introduction

The old Meon Valley railway line (or as Hampshire County Council has rebranded it “The Meon Valley Trail”) is a much-loved 11-mile bridleway stretching from the village of West Meon to Knowle Junction, near Fareham.

It runs along a stretch of the disused Alton to Fareham railway line which was closed in 1962 as part of the Beeching cuts and has been enjoyed by walkers, horse riders and cyclists for around 40 years.

Between 2014 and 2015, Hampshire County Council, together with its partner the South Downs National Park, undertook a project to “upgrade” the old railway line using £400,000 of public money.

However, as this document will demonstrate, it is now apparent that Hampshire County Council and the South Downs National Park rushed through the project having undertaken no proper consultation, without planning permission, having inadequate communication with stakeholders, weak management and, when faced with questions and criticism, the two authorities chose to attack or ignore their critics rather than try to address their concerns. Furthermore, Hampshire County Council and the South Downs National Park have placed inaccurate information in the public domain and misinformed the media.

This document, largely based on information obtained from the South Downs National Park, and, to a lesser degree Hampshire County Council, under the Freedom of Information Act, sets out some of the key criticisms and explains how £400,000 of public money has been spent on a project that was at worst unnecessary in scale and, at best, poorly delivered.

It also reveals many areas where Hampshire County Council has failed to engage with the public or address their concerns, breached the terms of the Freedom of Information Act and sought at every stage to ignore genuine concerns, something which ill-befits a public body. A willingness to engage properly with concerned users could have helped to avoid this complaint.

Areas of concern detailed in this document

- Lack of proper consultation
- Concerns raised over works and specific important details
- The surface
- No planning permission
- Lack of transparency over lack of planning permission
- Ownership of the railway line
- Bridleway status change
- Wasting public money
- No valid badger licence
- Unsuitable surface for horse riders
- No archaeological survey
- Deceptive publicity
- Poor complaint handling
- Delays in replying to Freedom of Information Requests
- Refusal to answer Freedom of Information Requests
- Monitoring critics' Facebook posts
- An incomplete project

Lack of proper consultation

Hampshire County Council claimed a 'consultation' was carried out in 2013 before any work began on the old Meon Valley railway line yet it has become clear that no formal consultation took place.

The County Council repeatedly made much of the "consultation" or "public consultation exercise" inferring that it was comprehensive and that local people had been properly informed of the work it was planning to carry out. ^{See appendix page 1} This was wholly misleading.

In response to an FOI request in July 2015 Hampshire County Council changed its position. An official stated: "I can confirm that while there is no single document which can be described as the result of a consultation, the County Council undertook a range of informal communications in 2013 and 2014 with interested parties. Public engagement and consultative exercises with regards to the Meon Valley Trail have taken place over many years." ^{See appendix page 2}

This is very different to what a spokesman for Hampshire County Council's partner in the project, the South Downs National Park, told the press early in 2015: "A full consultation was held in 2013. All the work being undertaken is as a result of comments received" or that Hampshire County Council said in a press release: "We consulted the public early in 2013 about what improvements they might like to see on the Meon Valley Trail, and around 600 people responded." ^{See appendix page 1}

This figure of 600 was also incorrect and HCC's website currently says: "Around 450 people commented in early 2013 on the improvements they might like to see on the Meon Valley Trail." <http://www3.hants.gov.uk/meonvalleytrail>

But as recently as June 19th 2015 Hampshire County Council, via a statement by Councillor Andrew Gibson, Executive Member for Culture, Recreation and Countryside, was still claiming that "a public consultation" had been carried out before works began. <http://www3.hants.gov.uk/hantswebnewslist.htm?id=681241>

Following a Freedom of Information request Hampshire County Council finally provided a copy of this "consultation" and it transpired that it was actually a report of possible options for the old railway line and the "consultation" was limited to a simple online survey conducted using the free website Survey Monkey.

The fact that no proper consultation took place is confirmed in Hampshire County Council own Decision Report (Title: LSTF2NP and Cycling Ambition Grant (CiNP) Meon Valley Trail Cycle Route/Bridleway up-grade which simply refers to it as a "Study". ^{See appendix page 53}

Despite this, a press statement issued by Hampshire County Council on June 19th 2015, once again referred to a "public consultation" having taken place. <http://www3.hants.gov.uk/hantswebnewslist.htm?id=681241> It repeated the inaccurate

number of responses.

In an Internal Review of an FOI request submitted by a concerned user of the old railway line, a HCC solicitor stated: *"The County Council tasked 'Walk England' with the development of the survey and the consultation to be undertaken. 'Walk England' carried out the task as they saw fit. The County Council does not have a copy of the consultees, nor does the County Council have a copy of the responses. The County Council only holds a copy of the 'Walk England Report'."* See appendix page 2

However, an email from Anne England, Managing Director of Walk England, to another concerned user of the old railway line on August 20th stated: *"We were not contracted to carry out a public consultation. We were asked to investigate opportunities to develop and promote the Meon Valley Trail. We used 3 highly regarded experts each with over 20 years' experience to carry out the work, to a methodology developed by us and agreed by Hampshire CC.*

"As part of this methodology we agreed to talk to as many local businesses and users as possible, and to set up an online survey to collect views from those we were unable to meet. The survey was promoted on Hampshire CC's website and links were sent to all local user groups who were asked to share it with their members.

"The project was completed 2 years ago. As I have already stated the data we collected is not in a format that can be released to the public." See appendix page 2

In an email the project's manager David Deane told Winchester City Council Deputy Leader Councillor Vicki Weston that there was a "Public Consultation exercise carried out during early 2013 - 588 people responded with their comments on what they would like to see."

We believe officer reports may have misled elected members. For example in HCC Decision Report (Title: LSTF2NP and Cycling Ambition Grant (CiNP) Meon Valley Trail Cycle Route/Bridleway up-grade "Emails of support were received by those [parish councils] who took the opportunity to respond." which may have amounted to just one email. See Appendix page 54.

Concerns raised over works and specific important details

Lack of proper consultation and no planning permission (which would have triggered formal notification letters to local residents and businesses affected by the work) meant information about the extent and exact nature of the work was inadequate.

In April 2014 a resident emailed project manager David Deane and said: "I've been reading with interest about the work being done on the Meon Valley Trail. I note in a couple of documents you say adjoining landowners have been written to. The trail runs directly through our garden and we haven't had a letter." See Appendix page 5

On December 9th 2014, Tony Williams, whose private home was once Droxford Station, contacted Hampshire County Council Chief Executive Andrew Smith and stated: "I was told on a number of occasions that I would be consulted on the works being done in the vicinity of our property. Indeed, the co-ordinator of the works did contact me by both letter and

email on a couple of occasion and offered a site meeting. I accepted this but have heard no more from him despite a number of chasing emails.” See Appendix page 5

In an email to Hampshire County Council’s Alison Perry dated December 19th 2014 Mr Williams said: “Mr Deane suggested a meeting and I readily agreed and asked him to propose some dates. Despite various chaser emails I never heard from him again.

“Accordingly the failure to organise the meeting was entirely due to the default (sic) of Mr Deane and his failure to reply to email was at best discourteous. Your comment that no works were deemed necessary by my property is inconsistent with Mr Deane’s original emails.” See Appendix page 5

On July 7th 2014 a West Meon resident emailed Project Manager David Deane and said: “We are extremely concerned with the proposed development of West Meon Railway Station and Yard which is located at the rear of our property and adjacent to historic Barrack Field which was an encampment site for the battle of Cheriton.

“There has been a distinct lack of public consultation by the South Downs National Park Authority and the Parish Council. Surely residents of Barrack Field, Kingsley House, Woodmans Farm House and Bolt House whose properties immediately adjoin the proposal should have been contacted personally.” See Appendix page 6

The resident also questioned whether an environmental Impact Assessment had been undertaken before the “extensive tree felling” and raised other concerns including “the likelihood of increased traffic on narrow, single track Station Road.”

The Surface

Corhampton and Meonstoke Parish Council requested details of the surface. None was forthcoming. Both the project’s manager and information posted on signs on the railway line referred to “chippings” which many people assumed meant wood chippings rather than scalping’s - the base surface used in road building. See Appendix page 7

“The statements from SDNPA and HCC talk about a surface of chippings,” Hampshire County Council Councillor Sean Woodward wrote in an email to HCC’s Jo Heath on April 3rd 2015. “which I and other interpreted as wood chippings presumably produced on site from trees being removed to widen the trail. The picture attached appears to show scalping’s. If so then they compact to a surface with all the give of concrete. This means that it will be foolhardy and dangerous to canter a horse on the trail which has been the custom for many years. After all (sic) nobody is going to walk the entire length of the trail and horses, cyclists and walkers have co-existed safely for generations.” See Appendix page 7

On January 30th 2015 Councillor Vicki Weston, Deputy Leader of Winchester City Council contacted Hampshire County Council for details of the proposed surfacing but did not receive any specific reply to her question. See Appendix page 7

Hampshire County Council’s own surfacing expert suggested several different surfaces might be needed over the 10 mile railway line. He said: “Consideration needs to be given to different

user groups as some options may be less suited to cycles/horses/walkers than others, particularly on steep hillsides. It is possible a combination of surfacing options may overcome particular problems.” Despite this expert advice, the project nevertheless went ahead with a single surface, against this recommendation. ^{See Appendix page 7}

The British Horse Association was told that no new material had been imported south of Droxford. Yet, based on eyewitness reports we believe that this statement is inaccurate. See: <https://www.youtube.com/watch?v=shaYfy4-ZIY>

No Planning Permission

Hampshire County Council and its partner the South Downs National Park decided no planning permission was required for all or part of the works they intended to carry out on the Old Meon Valley Railway Line.

Meon Valley Old Railway Line Users Group sought the advice of local planning consultant Richard Stone who advised them that planning permission *was* required for all of the works carried out.

He consulted HCC and advised them of his findings. The Authority responded by saying the works were covered by the General Permitted Development Order (GPDO) paying reference to part 12, schedule 2. ³⁴⁻⁴⁷

Mr Stone explained that if that was applicable it had restrictions, in that the work should not exceed 200 cubic metres. Having failed to convince Mr Stone, the Authority quoted part 13, schedule 2, again, he argued the Council had misdirected themselves as this related to footpaths adjacent to a road.

As the Council would not accept that planning permission was required an opinion was provided by a leading planning barrister (Wayne Beglan), who concurred with Mr Stone. ^{See Appendix pages 18-23}

A complaint ^{See Appendix pages 49-50} was made to Winchester City Council that a breach of planning control had occurred, the Enforcement Team advised they were in a compromising position as they acted for the SDNP in enforcement matters. The legal team advised no planning permission was required.

With the consensus of opinion going against the views of the Council, they took the new stance that they were the planning authority and could decide if a breach had occurred and whether any form of action was needed. In this case no action was considered necessary.

It was later pointed out to the Council's that trees had been cut down in the Meonstoke conservation area which also was a breach.

Due to the amount of public interest in these works the councils should have applied to themselves for planning permission which would have allowed for proper consultation by the various statutory bodies to ensure wildlife and fauna were protected.

Subsequent investigations have shown that parts of the land are not owned by either Council which further confirms that schedule 2 parts 11, 12 and 13 are not relevant to the works.

The ombudsman is respectfully asked to find that planning permission should have been applied for and suggest that a retrospective application is made and the views of the public are taken account of relating to the finished surface. Costs should be reimbursed for the barristers' opinion.

Interestingly a full planning application was submitted by [Hampshire County Council's partner in the Meon Valley Trail project] the South Downs National Park for similar project it undertook to upgrade the Centurion Way in West Sussex.

Lack of transparency over planning permission

Both Hampshire County Council and its partner, the South Downs National Park (ironically, the planning authority for the area) decided that its Meon Valley Railway Line upgrade project did not require planning permission despite it being a major project affecting many people and parts of which go through a conservation area.

Under the Freedom of Information Act, the Meon Valley Old Railway Line Users Group asked for a copy of the legal advice that the SDNP and HCC had received which led them to this conclusion.

They have both said that it is not in the public interest to disclose this information.

Initially, the SDNP said the information was subject to Legal Professional Privilege and refused to answer citing S.42 (Legal Professional Privilege exemption) of the FOI Act saying "it is the opinion of the Authority that the public interest is not served by the disclosure of this information"

The Meon Valley Old Railway Line Users Group asked the SDNP to review this decision believing that there was overwhelming public interest in disclosing the legal advice which said the works on the Meon Valley Trail could be classed as permitted development or similar and did not require planning permission.

This is clear by the number of people this matter affects (it is a 10 mile stretch of disused railway line), allegations that consultation on the matter before work began didn't take place and that people living by were not notified that work was going to start or were not told specific details of the work being undertaken.

Concerns have been raised that the work carried out would not be allowed if it had been done by individual residents or businesses. The planning system could be brought into disrepute by lack of transparency in this matter. Public bodies need to be seen to be accountable and to have regulations applied in the same way as the public and other parties they are formed to serve.

This was supported by advice from the Information Commissioner's Office which states:

“additional weight may be added to the above factor if the following issues are relevant in the particular case: large amount of money involved; large number of people affected; lack of transparency in the public authority's actions; misrepresentation of advice that was given; selective disclosure of only part of advice that was given.”

In response to SDNP then said it had made a mistake. It said: “it has become apparent that no legal advice in relation to the Meon Valley Trail has been received by this Authority from Hampshire County Council and therefore the application of the S.42 exemption was made in error. “

The Meon Valley Old Railway Line Users Group then pointed out that Winchester City Council (which undertakes most planning matters on behalf of the SDNP) said it had seen a copy of the legal advice and named the SDNP official who had been sent a copy.

On June 5th 2015 the SDNP finally confirmed that it had received legal advice from Hampshire County Council: “I can confirm that the e-mail referred to in your e-mail dated 3 June is indeed held by this Authority.

“I apologise for the confusion that has arisen in regard to this matter. I believe this confusion has arisen as the legal advice you have referred to was in fact not provided by Hampshire County Council Solicitors to the South Downs National Park Authority, but rather to another Hampshire County Council Department. The advice was then sent on to the SDNPA by an Officer of Hampshire County Council.”

The SDNP then again refused to publish the legal advice, citing the same Professional Privilege it had mistakenly applied before saying “the Authority is satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosure.”

Hampshire County Council also said it did not have the legal advice saying: “We do not hold this information as there has been no legal advice given by Hampshire County Council's solicitors regarding the current work being carried out on the Meon Valley Trail, or associated planning matters, on behalf of the SDNPA, to SDNPA or to Winchester City Council.”

When it was pointed out that Winchester City Council said it had seen a copy of the legal advice and named both the Hampshire County Council solicitor who wrote it and the HCC who received it, it changed its mind.

It then said: “The County Council can confirm that the email referred to by David Townsend was comprised of legal advice provided by the County Council's legal service to an internal County Council department and not to SDNPA or Winchester City Council as set out in your information request. As stated in our initial reply, the County Council has not provided legal advice to SDNPA or to the City Council.

“The legal advice was subsequently shared by our internal department with SDNPA on a confidential basis. The County Council considers that the advice remains subject to legal professional privilege.”

Both the South Downs National Park and Hampshire County Council are currently maintaining that it is not in the public interest to release its legal advice. The Office of the Information Commissioner currently (September 18th 2015) supports the view that legal protection privilege outweighs the public's right to the information, but this is likely to be tested by a tribunal as it is certainly in the public interest to determine how a planning authority can decide that its own project doesn't require planning permission, effectively making it police its own decision.

However, senior County Councillor Sean Woodward has expressed concern that no planning permission was sought. In an email from to Hampshire County Council's Countryside Department's Jo Heath dated April 3rd 2015 he stated: "Given that this is an engineering operation does it have deemed planning consent from either SDNP or HCC?" See Appendix page 7

Ownership of railway line

Hampshire County Council conceded in a Freedom of Information response request dated September 8th 2015 concedes that it does not own all the old Meon Valley Railway Line. It said: "We are only in a position to confirm property interests of the County Council. If you require information about non-County Council ownership then you will need to contact the Land Registry in first instance.

"The County Council's ownership of the former railway comprises the following:

- A continuous section between the former station at West Meon in the north and the sidings at Mislingford in the south.
- A 1km section at southern end, between Knowle Junctions and Webbs Land Farm.

"I have enclosed a map which details the parts Hampshire County Council own in red, there are also small pockets of red which is land that is part of the Highway, so these are around the bridges."

However, a HCC Decision Report (Title: LSTF2NP and Cycling Ambition Grant (CiNP) Meon Valley Trail Cycle Route/Bridleway up-grade) states: "HCC own and manage approximately three-quarters of the full length of the trail including the platforms at Wickham, Droxford and West Meon." See appendix page 51

Bridleway status change

A Deed of Dedication is an order the authority owning land can create to donate the land to public use and its status. Hampshire County Council has chosen to use Deed of Dedication which also doesn't allow for public objection of the dedication. They have changed the right of way to a Restricted Byway.

<http://documents.hants.gov.uk/ccbs/countryside/Deposit1043-LandatMeonValleyRailPath-Soberton-Scan.pdf>

On this document there is no listing of the shared private owners butting up to the HCC owned boundaries of the trail. They also have (highlighted red) indicated ownership of a

larger portion than they own on the map which accompanies the document.

On speaking with the private owners, they have stated they were not informed of the change to a Restricted Byway - and they are concerned about illegal use by motor vehicles as it has been widened to three meters to accommodate the minimum requirements for Restricted Byway width. They are also concerned the individuals using the HCC-owned section as a Restricted Byway would then continue on to their land.

Wasting public money

The project undertaken was **not the best value option** according to Hampshire County Council and South Downs National Park themselves and that the project was only undertaken because it "will make use of [a] funding and resource opportunity available."

This statement was made in HCC/SDNP's "Project Initiation Document" See Appendix page 9 obtained under the Freedom of Information Act, said that five options for the railway line were investigated and that "Make safe", referring to falling trees, was the "Best value in terms of long-term spend" and would "address safety concerns."

However, the only benefit cited in the option HCC and the SDNP chose "Using this infrastructure plan" was that it "will make use of [a] funding and resource opportunity available."

We believe that this desperate "dash for cash" was due to Hampshire County Council failing in its statutory duty to manage the bridleway over many years. See Appendix page 51

The project was rushed and lacked effective management. This is confirmed in the project's Risk Register which states that the project had an "accelerated timeline" and which warned that this could "adversely impact on quality of project outcomes." See Appendix page 10

This accelerated timeline – and the problems which have resulted – were due to bid to secure government funding to create a project which Hampshire County Council and SDNP's own Project Initiation Document (PID) says was not good value, as detailed above.

A better use of a £400,000 pot of money which was supposed to be spent on a cycle route could have been to create a new cycle route rather than damage a much-loved bridleway either within Hampshire or elsewhere.

Cost

The project has cost taxpayers around £400,000 with £65,000 set aside for signage alone, which we believe is a wholly excessive amount of money for a rural bridleway. There was considerable talk of public consultation over the specifics of signage. This has not happened, nor has any signage been erected. See Appendix page 10

No valid badger licence

Hampshire County Council applied for a Badger licence from Natural England. The Licence

was for work undertaken between 14th October 2014 to 30th November 2014. See appendix pages 11 and 13-17.

Each year December to July, Badgers are most vulnerable. The work was granted to be carried about with restrictions.

The Licence period allowed this work to be done outside that vulnerable period, however Hampshire County Council carried out the heavy coppicing in January 2015, and, we believe, later used a Bomag Vibro Tandem 30 Tonne Roller along the “entire length of the track” in April 2015. A dead badger was found at Sett 3 on 5th April 2015.

We do not understand why Hampshire County Council went to the trouble of obtaining a licence then chose to allow it to expire and, we believe, undertake work outside the licenced period.

When a member of the public made enquiries to the police, following the discovery of the deceased Badger at Sett 3 HCC’s/SDNP’s project manager David Deane gave this response to PC Butcher of Hampshire Police in an email: “As discussed earlier, please find attached licence for works taking place 15 October to 30 November 2014. Please also find attached a survey of badger sets on the Meon Valley Trail.

“Felling work was completed some time ago (see the attached badger licence). In terms of surfacing works, this has not been completed on this section, nor will it be carried out without consent from Natural England. You may have noticed that there are many inaccurate reports that claim a new surface has been constructed. However in reality (for the section south of Droxford) all that has been done is the mud been pushed to one side. We have carried out no work to the integrity of the path or bank whatsoever that would disturb the badgers.

“The dead badger was found and had been photographed by our contractor as they found it last week. Concerned that if the badger were removed from site that it could be misconstrued as an attempt to hide evidence of malpractice, the badger was taken off the path and left to one side in plain site (sic). The badger was a juvenile and it would indicate that it was fatally injured by another badger, as it common at this time of year. Please let me know if you would like a copy of the photographs.” See Appendix page 11

On the 2nd June 2015 Martin Montague and Richard Stone of the Meon Valley Old Railway Line Users Group attended a meeting at the council offices in Winchester. David Deane stated categorically on two occasions “the whole track, had been rolled with a 40 ton roller, from end to end”. Richard then asked him to confirm this factually once more time in front of everyone present and he did. Once we then mentioned the Badger sets he was told “not to comment any further.”

We believe police enquiries are continuing and the Badger Trust is now pursuing the matter.

Unsuitable surface for horse riders

Under the section entitled “Who will benefit”, Hampshire County Council and the South

Downs National Park's Project Initiation Document makes no mention of equestrian users.
See Appendix page 12

In a tweet sent on March 12th 2015, Trevor Beattie, Chief Executive of Hampshire County Council's partner in the project the South Downs National Park indicated that he thought the work being undertaken was to create a cycle path. He tweeted: "The cleared route of the old Meon Valley Railway ready for surfacing, the cycle route opens in July @sdnpa @TheMVT" See Appendix page 12

The project was managed by South Downs National Park's Cycling Projects Officer.

Veterinary physiotherapist Charlotte Williams (BA (Hons) DC (OCC), MNVAVP, BHSAI, said: "The surface is extremely hard and many of the stones, particularly those between Cutts Arch and the bridge by the Hurdles in Soberton are large and angular, causing horses and dogs (as well as human walkers!) to experience considerable discomfort through the soles of the feet and their paw pads.

"From a professional point of view as a Veterinary Physiotherapist, I have seen an increase in the number of horses and dogs, which have used the railway line, suffering from bruised feet. Furthermore, the unevenness of the surface due to the size of the stones causes horses to experience difficulty in maintaining their foot balance thus resulting in noticeable jarring through the horses' backs and hind limbs, particularly through their lumber regions, sacroiliac joints, hocks and fetlocks.

"Similarly, the majority of dogs I have observed walking along the railway line have either moved awkwardly and unevenly along the surface or have opted, as soon as they are let off the lead, to walk along the tree lines on either side of the railway line or through the fields alongside, obviously preferring not to traverse an uncomfortable surface.

"Perhaps, it would be possible to remove the larger, angular stones completely and replace some of the surface with a more-forgiving texture or, as I believe from discussing the subject with many of my clients, most of the regular users of the railway line would be satisfied if the stones were removed completely from the railway line so that the new compacted surface underneath could soften naturally and provide a surface which is agreeable to walkers, cyclists and horse riders but one which should prove to be an excellent all weather surface too.

"Unfortunately, the surface at present, even with the more recent alterations to some areas, is unusable for the majority of horse riders, therefore, there is a massive increase of horses on the local roads and there is no longer a safe, secluded path for the numerous younger riders in this area. This problem must be addressed before a serious accident occurs."

The surfacing work on the old railway line has resulted in less use by equestrian users than before – and local riders now use roads. This is likely to result in conflict with LTP3 Priorities and Policy Objectives: 14: Policy Objectives: "Improve road safety (through delivery reduction and speed management." See Appendix page 54

No archaeological survey

There are reports of the discovery of a Roman villa in Droxford which we believe should have been surveyed before work on the old railway line was carried out. See Appendix page 8

Deceptive publicity

When concerns were raised about the project, the project's manager attempted to manipulate independent groups like the Cycling Touring Club by asking them to defend its project. See Appendix page 8

A press statement released in June 2015 in the name of Councillor Andrew Gibson, Executive Member for Culture, Recreation and Countryside (see <http://documents.hants.gov.uk/countryside/MVTCommentbyCllrGibsonJune2015.pdf>) was followed up by the Hampshire Chronicle newspaper. The article, quoting Cllr Gibson, inaccurately asserted that "people, including the campaign group, seem happy with" the surface. http://www.hampshirechronicle.co.uk/news/13372325.Controversial_bridleway_works_nearing_completion/?ref=mr&lp=6

This statement is one of several where we believe elected members may have been given inaccurate information by officers.

Poor complaint handling

There has been considerable public concern over the work carried out on the old Meon Valley railway line and Hampshire County Council has dealt with complaints and concerns in a very defensive and high-handed manner.

Instead of seeking to work in partnership with individuals and the Meon Valley Old Railway Line Users Group, HCC has reacted with arrogance and obfuscation that doesn't befit a public body funded and theoretically accountable to the public.

Communications expressing concerns about the work received generic response such as: "The content of your email has been noted by the relevant officers. At the moment we are not able to respond to individual correspondence about the Trail. Please see our web site for current information and answers to some Frequently Asked Questions: <http://www3.hants.gov.uk/meonvalleytrail>" See appendix pages 24-28

Responses to this (pointing out inaccuracies in statements on the HCC website) were met with a bizarre ban on accepting further correspondence: "The County Council has dealt with a great deal of correspondence from individuals relating to the Meon Valley Trail over the last few months. As a direct result, the County Council has published additional information and Committee reports on this matter on its website (Hantsweb). Accessed via the following link:- <http://www3.hants.gov.uk/meonvalleytrail>

"The County Council believes that they have responded fully to all the issues that have been raised.

"In consultation with the relevant officers, the department has decided to review any

correspondence relating to the Meon Valley Trail in line with its 'Unreasonable Complainant Behaviour' policy. This is not something that the department or the County Council wishes to implement but the continued correspondences have placed very heavy demands on the Countryside Team and has deflected their resources from undertaking their normal tasks, and dealing with enquiries from other members of the public.

"Your emails will be read but not acknowledged, if any new issues are raised that have not previously been responded to then they will be considered accordingly.

"The restriction will last for 12 months and then be reviewed. Once the review has taken place you will be advised of the County Council's decision as to whether or not it is necessary to keep the restriction in place."

Delays in replying to Freedom of Information Requests

Hampshire County Council breached the Freedom of Information Act on more than one occasion by failing to respond to Freedom of Information request within the statutory timeframe as set out in section 10 of the law. See:

<https://ico.org.uk/media/for-organisations/documents/1165/time-for-compliance-foia-guidance.pdf>

On at least one occasion a response to an FOI request only came after Hampshire County Council was **told** to reply by the Information Commissioner's Office. See Appendix page 29

Refusal to answer Freedom of Information Requests

Those Freedom of Information requests answers did not always provide the answers to the questions asked and therefore, as is standard. Hampshire County Council then decided to refuse to answer any further Freedom of Information citing such requests as "manifestly unreasonable" See Appendix pages 29-32

It refused to carry out an Internal Review of this decision, as is mandatory in the Freedom of Information Act. See Appendix page 33

Yet the same letter also confirms that matter has caused much public concern and complaint "with over 280 emails relating to members complaint, comment and questions raised by the public."

This clearly begs the question: As so much public concern has been raised into the project itself, the management of it and the result achieved, then why did Hampshire County Council not engage properly and deal with the concerns of council taxpayers rather than the opposite, wasting more time and resources in dealing with complaints.

Ironically it was Hampshire County Council officers who (at a meeting in Wickham in April) said they would prefer to deal with a very small number of people from the Meon Valley Old Railway Line Users Group. Consequently most FOI requests were sent on behalf of the group by one individual. The group was informed of this via Facebook and it was hoped that this would ensure that, as action was taking place to address their concerns, other people would

refrain from putting in their own FOI requests, although, the group is informal and it is obviously not possible to guarantee this. To assume that any FOI requests on this subject have been submitted "in concert" would be incorrect.

Arguably, if Hampshire County Council had engaged with the public correctly (and applied for planning permission, which would have allowed comments prior to work beginning) then it would not find itself in the position it is in. This may account for the amount of contact from members of the public on this matter and is, perhaps, a lesson to be learned in future.

Also it could be argued that by having somebody making FOI requests on a matter of deep concern, the results of which are analysed and information then disseminated could help to avoid other FOI requests on the matter.

Ironically the original Walk England study referred to earlier, suggest that HCC set up a Friends of the Meon Valley Trail. The irony is, had HCC and the SDNP, taken up this suggestion, it could have consulted effectively and harnessed the support of many of those people unhappy with the work done on the old railway line, to aid fund-raising, publicise the route and recruit volunteers for ongoing maintenance.

Monitoring critics' Facebook posts

In a response to a Freedom of Information Request dated July 24th, Hampshire County Council admitted it had been monitoring the posts made by people on a closed, members-only page the social media site Facebook.

Perhaps in an attempt to intimidate, in rather an Orwellian statement it said: "The Council is also aware that you are active in a Facebook Campaign regarding the issue." It went on to accuse the requestor of "acting in concert with other like-minded individuals to make requests and complaints to the Council."

We believe the council taxpayers of Hampshire and in the United Kingdom generally will be gravely concerned that public money is being spent monitoring the social media posts of members of taxpayers concerned about the waste of public money and mismanagement of a major project.

We live in a democracy and the Facebook group was formed spontaneously by individuals concerned about the work being done (possibly illegally) by a public body. Furthermore, the Information Commissioner's Office says: "In most cases, authorities should consider FOI and EIR requests without reference to the identity or motives of the requester. Their focus should be on whether the information is suitable for disclosure into the public domain, rather than the effects of providing the information to the individual requester."

In addition, using language more commonly used in relation to those undertaking criminal activity, rather than, as stated before, taxpayers concerned about the waste of public money and mismanagement of a major project, the letter referred to "you and your associates."

The letter also referred to “like minded” individuals, when the County Council presumably mean “council taxpayers” and members of the public.

An incomplete project

Perhaps given the way the project has been managed, it is no surprise that the project is unfinished, despite Hampshire County Council asserting that it has been completed with Councillor Andrew Gibson, Executive Member for Culture, Recreation and Countryside at Hampshire County Council saying in a press release: “I am extremely pleased to say that the improvements to date have been completed as planned.”
<http://www3.hants.gov.uk/hantswebnewslist.htm?id=686643> <http://www3.hants.gov.uk/hantswebnewslist.htm?id=681241>

Disingenuously, this press release also confirmed what the Old Meon Valley Railway Users Group had been saying: that the surface was not fit for purpose (although the statement only specified a certain area). The statement said: “a decision has been taken to contract additional work on defined stretches of the Trail, at the request of The British Horse Society.”

Cllr Gibson conceded that the British Horse Society’s Director of Access had “made some recommendations which could further improve the route for the benefit of equestrian users.

“In light of this we will be enhancing the surface north of Cutts Arch by adding some additional stone quarry dust. The main objective for this is to help the surface bed in more quickly. We hope to undertake these works whilst we still have the good weather and we will only need to temporarily close sections for a few days.” This work has yet to take place.

In addition:

- 1) There is no signage, although we would not have wanted to see £65,000 of public money spend on signage on the railway line. Effective signage must be achievable for a much smaller sum.
- 2) Triangle of grass at Stocks Lane, Meonstoke, used to store contractor’s gravel still has a large amount left on it. See appendix page 56
- 3) Motorised vehicles can still access the old railway line in places and no arrangements have been made to improve this situation.

Summary

We are complaining for a number of reasons as summarised here:

1. No planning permission was either sought or obtained by Hampshire County Council or the South Downs National Park for the extensive works carried out (despite SDNP being a planning authority.)
2. The surface of the route is of a poor quality and is not a surface usable by all as was meant to be the case.
3. Hampshire County Council has misled the public about a proper consultation being carried out.
4. Hampshire County Council has breached the Freedom of Information Act.
5. Hampshire County Council has refused to answer some Freedom of Information Requests (complaint to the ICO is already underway)
6. Elected members of the Council may have been given inaccurate or misleading information.
7. Hampshire County Council has failed to engage fairly with complainants.

What is expected to resolve the complaint?

1. Retrospective planning permission obtained for the entirety of the works and improvements. This should include the widening, resurfacing, as well as all new access points.
2. Unlawful surfacing either being removed or done to a suitable standard as agreed with us representing the needs of all affected user groups.
3. Taking responsibility for their actions with regard to interfering with badger setts and using heavy machinery without a license.
4. Ensuring proper consultation is carried out in future for similar project. This could be achieved through a planning application.
5. Ensuring that in future the County Council engages effectively and constructively with the public, even when criticised.
6. Striving to ensure that media releases and statements to the media are accurate
7. Ensuring that the information given to councillors speaking on behalf of the authority is accurate.

Sources

We believe we have referenced all quoted material but any information not included can be supplied.

Most material received under the Freedom of Information Act can be seen in full at: <http://mvrlug.wordpress.com>

Appendix page 1

The project began in 2013 with an assessment of the potential of the Trail which included asking people their opinions on what they would like to see through a public questionnaire, a focus group held in West Meon which included a number of local horse riders and interviews with people who have an interest in the trail. This public consultation exercise brought in comments from many different types of users, including equestrians, both local and from further afield, and also from local businesses. The net results of the consultation suggested a desire for the Trail to become a shared use, spinal route that people could use both to access the wider countryside of the South Downs National Park, and to link to the local villages and amenities as a safe, off-road alternative to the busy A32.

Source: May FOI, Page 90: Letter from HCC's Alison Perry to [name redacted]

through a successful bid to central Government. We consulted the public early in 2013 about what improvements they might like to see on the Meon Valley Trail, and around 600 people responded, and we have continued to keep people informed of

Extract from HCC press release

- Hampshire County Council who are leading on the project carried out a full consultation in 2013 before any work began. We hope that in time everyone will learn to share it.

Extract of email to members of the South Downs National Park Authority

A full consultation was held in 2013. All the work being undertaken is as a result of comments

Appendix page 2

The County Council tasked 'Walk England' with the development of the survey and the consultation to be undertaken. 'Walk England' carried out the task as they saw fit. The County Council does not have a copy of the consultees, nor does the County Council have a copy of the responses. The County Council only holds a copy of the 'Walk England Report'.

Extract of HCC FOI Internal Review 18.8.15

We were not contracted to carry out a public consultation. We were asked to investigate opportunities to develop and promote the Meon Vally Trail. We used 3 highly regarded experts each with over 20 years experience to carry out the work, to a methodology developed by us and agreed by Hampshire CC.

Extract of email from Anne Clark, Managing Director of Walk England, 20.8.15



The "full consultation" was based on a free Survey Monkey survey

Appendix page 3

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

From: [REDACTED]@gmail.com

Sent: 23 April 2014 00:51

To: Deane, David

Subject: Meon Valley Trail

Hello, David.

I've been reading with interest about the work being done on the Meon Valley Trail. I note in a couple of documents you say adjoining landowners have been written to. The trail runs directly through our garden and we haven't had a letter so if you have a copy of this you could send me I'd be grateful. We are in Wickham so maybe the letters for this area haven't been sent out yet. I'm sure our neighbours (who also own their parts of the trail) would have said if they'd had letters.

I wonder if work to maintain the bridges in public ownership is being planned. The bridge nearest us needs some cosmetic attention to the brickwork.

Has the work for each part of the trail been planned out in any detail, or are you working out what needs doing only as you approach a new stretch of the line?

Kind regards.

Source: Jan FOI 9, page 62

We are extremely concerned with the proposed development of West Meon Railway Station and yard, which is located at the rear of our property and adjacent to historic Barrack Field which was an encampment site for the battle of Cheriton

There has been a distinct lack of public consultation by the South Downs National Park Authority and the Parish Council. Surely residents of Barrack Field, Kingsley House, Woodmans Farm House and Bolt House whose properties immediately adjoin the proposal should have been contacted personally, rather than discover the details on the Parish Council notice board.

We would be grateful if you could provide comments on the following issues:

1. Firstly one would ask what the objectives of this expensive project are and what funds are available for it and the necessary subsequent maintenance of the site?
2. Was an Environmental Impact Assessment undertaken before the extensive tree felling, if so may we have sight or a copy of this document? We also understand that if an additional car park is to be developed yet more trees will be felled and the site levelled.
3. Approximately six years ago extensive work was undertaken by HCC at significant cost to form a larger formal car parking area and upgrading the footpath with scalplings. This work appears to have been overlooked in the proposed development; without doubt extending the existing parking area both easterly and westerly would make greater economic sense rather than create another large car park sited nearer residential property, please see attached photographs
4. Has a cost benefit analysis been undertaken with the development planned and if so by whom and could we also have site of any document?
5. Approximately ten years ago at least forty "travellers" occupied this site for over three months with the attendant environmental problems and attempted burglary. Following their eviction from the site two barriers were installed to prevent further incursions. A low level barrier on the site which is now proposed for car parking and a high level barrier at the entrance to the site, these have been an effective deterrent. It is therefore surprising that the plans now propose to move the high level barrier further into the site and remove the low level barrier entirely, thus making the entrance and the overall site vulnerable to non authorised parking or camping!
6. The proposed development is on relatively high ground some 15 metres above the adjacent resident's properties this will generate considerable noise. This will further add to the disturbing incessant motor cycle noise through the village.
7. The project will also generate increased traffic in Station Road, which is a designated single track narrow lane
8. Security is of concern both to Kingsley House and Barrack Field which have already been burgled; access was gained from the disused railway site.

Kind regards

Appendix page 5

Second, I was told on a number of occasions that I would be consulted about the works being done in the vicinity of our property. Indeed, the co-ordinator of the works did contact me by both letter and email on a couple of occasions and offered a site meeting. I accepted this but have heard no more from him despite a number of chasing emails. This is very disappointing as I would very much like to have been involved in the works. It is particularly disappointing given that it appears that no works have been done immediately behind my property whereas this would have been an ideal opportunity to open up some interesting views for those using the Meon Valley Trail. As works are continuing I hope it's not too late to be consulted and would be happy to have a site meeting with whoever you think appropriate.

Extract of email from Droxford resident Tony Williams to HCC CEO Andrew Smith, 9.12.14

Mr Deane suggested a meeting and I readily agreed and asked him to propose some dates. Despite various chasing emails I never heard from him again. Accordingly the failure to organise the meeting was entirely due to the default of Mr Deane and his failure to reply to emails was at best discourteous. Your comment that no works were deemed necessary by my property is inconsistent with Mr Deane's original emails and the state of the trees in the immediate vicinity, where I have warned the Council before of their poor state

Extract of email from Droxford resident Tony Williams to HCC's Alison Perry 19.12.14

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

From: Tony Williams <tony.williams@bt.com>
Sent: 23 April 2014 00:51
To: Deane, David

Subject: Meon Valley Trail

Hello, David.

I've been reading with interest about the work being done on the Meon Valley Trail. I note in a couple of documents you say adjoining landowners have been written to. The trail runs directly through our garden and we haven't had a letter so if you have a copy of this you could send me I'd be grateful. We are in Wickham so maybe the letters for this area haven't been sent out yet. I'm sure our neighbours (who also own their parts of the trail) would have said if they'd had letters.

I wonder if work to maintain the bridges in public ownership is being planned. The bridge nearest us needs some cosmetic attention to the brickwork.

Has the work for each part of the trail been planned out in any detail, or are you working out what needs doing only as you approach a new stretch of the line?

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8. Security is of concern both to Kingsley House and Barrack Field which have already been burgled; access was gained from the disused railway site.

Kind regards

Appendix page 7

specification. This material used is likely to be chippings so that the route is accessible to all users whilst in keeping with it's rural setting.

Source: SDNP / HCC poster put on railway line

The statements from SDNPA and HCC talk about a surface of "chippings" which I and others interpreted as wood chippings presumably produced on site from the trees being removed to widen the trail. The picture attached appears to show scalping. If so then they compact to a surface with all the give of concrete. That means that it will be foolhardy and dangerous to canter a horse on the trail which has been the custom for many years. Afterall nobody is going to walk the entire length of the trail and horses, cyclists and walkers have co-existed safely for generations.

Extract of email from Cllr Woodward to Jo Heath 3/4/15 Source: FOI May, page 93

From: Vicki Weston [mailto:vicki.weston@winchester.gov.uk]
Sent: 30 January 2015 15:32
To: Rights of Way Central
Subject: Re: Meon Valley Trail Upgrade

Can you please let me know what surfacing material will be used.

Many thanks

Cllr Vicki Weston
Deputy Leader Winchester City Council and Portfolio Holder for Built Environment
Ward Councillor Swanmore and Newtown

Source: FOI Jan, Page 54

All surfacing options will require regrading/reprofiling of the track, possibly with localised in-filling/levelling around tree roots etc. Some options will be more susceptible to surface scour than others; most surfacing options will also require drainage measures; some options may fulfill drainage and surfacing roles. Consideration needs to be given to different user groups as some options may be less suited to cycles/horses/walkers than others, particularly on steep hillsides. It is possible a combination of surfacing options may overcome particular problems.

Extract of email from Patrick McKenna to David Dean Source: Jan FOI 9, page 51 21

LEGAL

Given that this is an engineering operation does it have deemed planning consent from either SDNP or HCC?

Extract of email from Cllr Woodward to Jo Heath 3/4/15 Source: May FOI, page 93

Sorry, it's been a very busy day today so in my haste I forgot to mention the fact that this railway line is also believed to run over the site of a large Roman Villa that has recently been discovered in Soberton. You can clearly see this structure from the picture I have attached, please note the extremely close proximity of the railway line that runs either right next to it, or right over it. It would need investigating properly by trained archeologists prior to any works being carried out that could effect this potentially significant find.

Please see attached picture and feel free to contact me for further information, National Heritage need to be informed of the location of this Villa so they can access the historical importance of it and protect it if required.

Willfully damaging this possibly significant structure is not in the public interests, I therefore ask you to stop all works on the line until you have considered all the factors I have raised

Source: Email dated 2.4.15 to Tim Squire and David Deane from Martin Montague

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

From: David Deane

To:

Sent: Tuesday, April 07, 2015 3:33 PM

Subject: Meon Valley Trail

Hi ***

I hope all is well and you've had a nice Easter. I'm writing to ask a favour and I will be very grateful if you could help. As you might have seen a protest group has been set up that opposes the works being carried out on the Meon Valley Trail. One of the many inaccurate things that have been suggested by this group is that the route did not need improving and that and that cyclists have not been consulted. Would it be possible please if you could put together a statement from the CTC in regards to our communications and how the removal of the muddy surface will help all users please?

If you've any questions, please let me know (also note I now have a work mobile phone as per below.)

With best wishes,

Dave

David Deane

Cycling Projects Officer

Tel: 02392 572672

Mobile: 07714614381

E-Mail: David.Deane@southdowns.gov.uk

South Downs National Park Authority

Western Area Office, Queen Elizabeth Country Park, Hampshire, PO8 0QE

www.southdowns.gov.uk | [facebook](#) | [twitter](#) | [youtube](#)

Source: May FOI, Page 21

7 OPTIONS APPRAISAL

7.1 Options Investigated

Option Description	Benefits	Costs	Risks
'Do nothing'	Easier short term option Preference of some local residents	Significant on-going maintenance costs	Public danger of falling trees Unable to promote on large scale due to liability concerns Will not address problems of drainage Will not fulfil aspiration for this to become an important non-vehicular route into the South Downs
'make safe'	Address safety concerns	Best value in terms of long-term spend	Although the roof will be safer it will not be at it's full potential and therefore will not be used
Use this infrastructure plan	Will make use of funding and resource opportunity available	As detailed in Gant chart – total £400,000	Support from some members of the local community to changes to the route <i>Risk register</i>
Only utilise Volunteers	Much lower cost	Maintenance costs are likely to be ongoing	Reliability and ability to utilise volunteers for range of tasks
Just complete certain	Lower cost, smaller	Lower	Many aspects of project depend on each other –

Extract of Project Initiation Document (PID)

10 APPENDIX 5.1 – PROJECT COSTS

12.1 Costs

See Gant Chart for further detail

Funding Sources	
LSTF	£85,000.00
CINP	£315,000.00
Total	£400,000.00

Stations/Gateways	£18,000.00
Felling	£38,000.00
Flailing	£3,500.00
Drainage	£40,500.00
Surfacing works	£130,000.00
Bridges	£82,500.00
Signage	£65,000.00
Interpretation	£15,000.00
Communication Plan	£0.00
Branding/Identity	£5,000.00
Public Notifications/Publications	£0.00
Administration	£2,500.00
Project Management	£0.00
Total	£400,000.00

Source: Jan FOI 2 “Project Initiation Document”

When will the restored trail be fully open?
 The improvements are nearing completion and the fully restored trail will reopen this July.

Joanna Glyde
 Senior Media Officer
 South Downs National Park Authority

Tel: 01730 819252 | Mobile: 07557 853277
 South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH
www.southdowns.gov.uk | [facebook](#) | [twitter](#) | [youtube](#)

Source: Jan FOI 3, page 59

16	12/11/2012	Ability of users/business to respond in timely manner	The project has an accelerated timeline so as to be completed within programme tolerances. The business might not be able to respond to such a fast paced project which could protract delivery or adversely impact on quality of project outputs
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Source: FOI 6: “Risk register” page 2

Appendix page 11

From: David Deane
Sent: 07 April 2015 17:17
To: 'william.butcher@hampshire.pnn.police.uk'
Cc: 'Heath, Jo'; 'sarah.manchester@hants.gov.uk'; Alison.Perry@hants.gov.uk; Elliott.Rowe@hants.gov.uk
Subject: Meon Valley Trail
Attachments: Licence documents reference 2014-722-SPM-WLM.PDF; Additional Licence Conditions.pdf; Covering Letter.pdf; Meon Valley Railway Badger Sett Survey.pdf

Dear PC Butcher,

As discussed earlier, please find attached licence for works taking place 15 October to 30 November 2014. Please also find attached a survey of badger sets on the Meon Valley Trail.

Felling work was completed some time ago (see the attached badger licence.) In terms of surfacing works, this has not been completed on this section, nor will it be carried out without consent from Natural England. You may have noticed that there are many inaccurate reports that claim a new surface has been constructed. However in reality (for the section south of Droxford) all that has been done is the mud been pushed to one side. We have carried out no work to the integrity of the path or bank whatsoever that would disturb the badgers.

The dead badger was found and had been photographed by our contractor as they found it last week. Concerned that if the badger were removed from site that it could be misconstrued as an attempt to hide evidence of malpractice, the badger was taken off the path and left to one side in plain site. The badger was a juvenile and its wounds indicate that it was fatally injured by another badger, as is common at this time of year. Please let me know if you would like a copy of the photographs.

Hopefully the attached documents will give you information required.

Kind Regards,

Dave

David Deane
Cycling Projects Officer
Tel: 02392 572672
Mobile: 07714614381
E-Mail: David.Deane@southdowns.gov.uk
South Downs National Park Authority
Western Area Office, Queen Elizabeth Country Park, Hampshire, PO8 OQE
www.southdowns.gov.uk | [facebook](#) | [twitter](#) | [youtube](#)

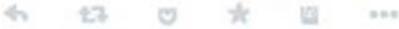
Source: May SDNP FOI

4. Who will benefit (young, old, individuals, organisations etc.)	SDNPA – meeting core purposes and duty HCC – improving access to countryside Local communities Local businesses Cyclists Families Wheelchair users
---	--

Source: Jan FOI, page 142

 **Trevor Beattie**
@TrevorBeattie ⚙️ Following

The cleared route of the old Meon Valley Railway ready for surfacing, the cycle route opens in July @sdnpa @TheMVT





RETWEETS 4 FAVORITES 2 

Source: Twitter, 7:14 AM - 12 Mar 2015

Date: 16 October 2014
Our Ref: 2014-722-SPM-WLM
Your Ref: C178889



Customer Services
Wildlife Licensing
First Floor
Temple Quay House
2 The Square
Bristol
BS1 6EB
T: 0845 601 4523
F: 0845 601 3438

Mr Elliott Rowe
Hampshire County Council, Queen Elizabeth Country Park
Gravel Hill
Horndean
Waterlooville
Hampshire
PO8 0QE

Dear Mr Elliott Rowe,

PROTECTION OF BADGERS ACT 1992

Your application for a Setts interference in relation to exclusions for development purposes (excluding live digs) licence:

WML-A24 - Setts interference in relation to exclusions for development purposes (excluding live digs and householder applications) has been granted.

Your Licence numbered 2014-722-SPM-WLM is attached and it is valid from 15 October 2014 to 30 November 2014.

Please ensure that you have read and understand all of the conditions and notes applicable to the licence and that you comply with them at all times.

Failure to do so could result in you committing an offence. Please note that most wildlife offences carry a maximum penalty not exceeding level 5 on the standard scale (currently £5000) and/or 6 months in prison.

Please also ensure that you submit all necessary returns information. Your return is due on 14 December 2014.

Source: May SDNP FOI

Additional Licence conditions:

AC1 - Prior to the start of operations the section of disused railway within a minimum distance of 20 metres of any known sett entrances must be clearly marked using coloured tape, string, paint, or other markers. Any further setts which are discovered during the operation must be similarly marked as soon as their presence becomes known.

AC2 - Within the marked area no burning is to be carried out and no stumps are to be removed. Fuel, oil, and chemicals must not be stored or applied within the marked area (with the exception of any materials used specifically for resurfacing the path).

AC3 - Any soil or other material cleared from the disused railway must be placed at least five (5) metres away from any sett entrances and must not obstruct access to sett entrances.

AC4 - Any sett entrances which become blocked must be unblocked immediately and left unobstructed at the end of each day's work.

AC5 - Heavy, wheeled machinery must not be driven or parked over any sett entrances.

Source: May SDNP FOI

to the west of the SDW and one on the line of the path. The hole in the line of the SDW was apparently not being used, but there was evidence of badger activity at the entrance of at least two holes on the north side of the path and well worn paths along the fence line bordering the wooded hedge line. There was also the smell of fox suggesting that there may be joint occupation. The number of active holes suggests this is not a main sett location but may be used as a satellite or outlier sett.



Sett 2 hole on line of the South Downs Way



Sett 2: Active hole on north side of the South Downs Way



Sett 2: Probably active hole on the north side of the South Downs Way



Sett 2: Probably inactive hole on the north side of the South Downs Way

2.3 Sett 3

This is a significant main sett located just south of Droxford. It comprises at least eight holes to the east of the railway and a further 3-4 on the western side. Badger holes are dug into the side of a railway embankment and there is evidence that these have undermined the track bed of the railway line causing subsidence. Corrugated plastic pipes have been installed under the line of the railway, possibly in an attempt to provide the badgers with a crossing and prevent further digging and subsidence. These are now heavily distorted and no longer provide any possible passage for badgers. The number of active holes present was not counted but there was evidence of badger activity at most sett entrances with dispersed bedding, recently disturbed spoil mounds, trampled badger paths and dung pits in evidence.

Considerable disturbance. Other types of sett may be classified as annex, subsidiary, or solitary according to how they are used and how important they are to the social group.

Badgers do not hibernate but they often stay below ground for long periods in winter, especially during very cold or wet weather. Badgers mate throughout the year but pregnancy starts around the end of November or early December when the previously fertilised embryos implant into the sow's uterus. Often only the most dominant sow in a family group will produce cubs, usually two or three per litter. These are born underground, usually towards the end of January or beginning of February, emerging for the first time after about eight weeks. The cubs remain dependent upon the sow for a further few weeks while they are weaned and learn how to fend for themselves. For these reasons, disturbing badgers in setts and damaging setts should be avoided completely between the beginning of December and the end of June.

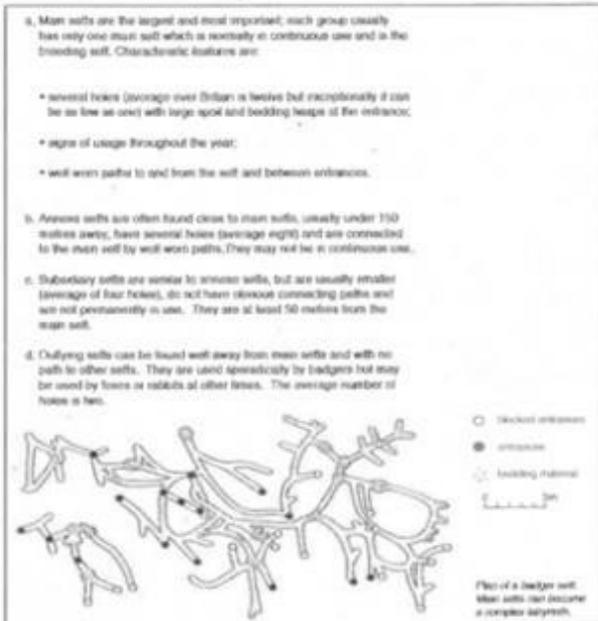


Figure 1: Badger sett structure (from Forestry Commission Guidance¹)

¹ <http://publications.naturalengland.org.uk/publication/73034>

4.5 Working methods

It is important that work near to any of the identified badger setts avoids causing them damage or disturbance. This will include planning the location of storage and stock-pile areas and vehicle parking sites away from sett locations. Passage of vehicles across the sett locations should also be kept to a minimum, in particular, passage of heavy vehicles over Sett 3 should be avoided by working from either side of the set location.

4.6 Vegetation management

Tree felling has been recently undertaken around several of the Setts. This has probably not caused any significant disturbance but has reduced their cover and made them more visible. Care should be taken in future to ensure vegetation management maintains a degree of screening to the badger setts. This may require progressive coppicing and thinning of the woodland over a number of years to allow coppice regrowth to thicken gradually around the setts.

Source: May SDNP

THE OLD MEON VALLEY RAILWAY LINE

ADVICE

1. I am asked to advise as to whether certain works (“the Works”) undertaken by or on behalf of the Hampshire County Council (“Hampshire”) and/or the South Downs National Park Authority (“SDNPA”) require planning permission in light of Parts 9, 12 and 13 of Schedule 2 of the General Permitted Development Orders of 1995 or 2015¹ (“the Orders”).

Summary of advice

2. For the reasons set out below I have concluded that the Works do require planning permission.

Reasons

3. The Works, in essence, comprise works to some 10 miles of track along the length of the Old Meon Valley Railway line. In undertaking the Works the following steps were taken:

¹ The 2015 order came into force on 15 April 2015. I have assumed the Works were substantially undertaken prior to that date and so applied the 1995 Order in the first instance, but where relevant I have taken into account changes in the Order which might affect a decision on whether to enforce now.

- a. The existing surface was excavated, scraped and removed and replaced by a new surfacing material which is plainly different to that existing before;
 - b. The width of the track has more than doubled from under 2 metres in width to 4 metres;
 - c. The excavations now form small banks at the side of the new track;
 - d. The laying of the new surface over such an extended area has changed the character of the area by reason of the type, covering and extent of the new stones;
 - e. In addition, new drainage ditch run offs have been installed outside the extended width of the track;
 - f. There has been partial width surfacing where no a previous track did exist, and full width surfacing where the surface was previously mud²;
 - g. The operations have altered the existing camber of the track;
 - h. The construction of timber steps has also cut into the banks.
4. An essential question is whether the Works are mere works of "*maintenance or improvement*" of an existing track.
 5. Thus, to fall within Class A of Part 9 of the 1995 Order – repairs to unadopted streets and private ways - such works must be (a) for the maintenance or improvement of the street or way; and (b) carried out within the boundaries of

² This appears to be common ground – see the letter of 2.2.15 describing the Works.

the street or way.³ Class E to that Part of the 2015 makes materially identical provision.

6. To fall within Part 12 – development by local authorities - the works must (a) be to items falling within the description of given in Class A⁴; (b) by for the maintenance, improvement or other alteration of those items. In any event, for the first limb of Part 12 to apply the works must not exceed 200m³.
7. The old Part 13 has now moved to Part 9 Class A (above).

Discussion

Part 9

8. The parties agree that the leading guidance in relation to what may be repair or improvement is found in Cowen v Peak District National Park Authority (2000) 79 P&CR 457, CA. It is a matter of planning judgment. But that judgment must be exercised on correct principles and it must lead to a reasonable result. It is clear from Cowen that:
 - a. "*improvements*" are limited to changes which do not alter the basic character of the thing which is improved [10].
 - b. The nature (and potentially location) of the way are important to assessing whether works are works of improvement of that way [11].

³ The analogous provisions of the 2015 Order are broader. Part 9 is now headed "Development relating to roads". For works to fall within Class A of the 2015 Order they must be (a) carried out by the highway authority; (b) for the maintenance or improvement of the road; (c) be to land within the boundaries of a road (insofar the road is not a highway)

⁴ Acknowledging that A(b) has a catch-all of "similar structures or works". In my view those words must be construed ejusdem generis by reference to the earlier list of items in A(b). In other words, to fall within the catch-all an item would have to be of a similar type.

9. In my clear view it cannot reasonably be said that these works are works for the “*maintenance or improvement*” of an existing track. It is important to look at the cumulative effect of the changes described above. Taking them together, and bearing in mind the length, increased width, differing camber, the new and different surfaces, new drainage arrangements, and the altered appearance of the track; it would in my view be nonsense to describe the works as either works or maintenance of mere improvement of the existing. Applying normal language, it is the making of a new track of (in at least material part) a different kind to that existing before. That conclusion is only strengthened if, as I understand it, the track is not intended or designed to carry vehicles (by way of contrast to the track in Cowen). It is a way for use by walkers and horses.

10. Moreover, considering the increase in width which, as I understand it, amounts to a doubling of the width of the track, it cannot be said that the new track falls within the boundaries of the existing way.

Part 12

11. As I understand it Winchester City Council and/or SDNPA (the relevant local planning authorities) have founded their view as to the lawfulness of the Works on this Part of the Order.

12. In my clear view Part 12 cannot apply. On any fair reading the Works do not fall within the kinds of works being described in Part 12. It is notable that roads and ways are dealt with elsewhere in the Orders. The Works are not works for a small ancillary building, works or equipment on land required for the exercise of the functions of Hampshire or SDNPA. The reference to

works or equipment in Class A has to be read in the context of what has gone before – the reference to small ancillary buildings, as well as the list of items which is found in A(b), all of which help to provide the statutory context of what Government was by the Order deciding could be done without even seeking planning permission.

13. Even if Part 12 was capable of applying to the Works they are, 15 times the size of what would be permitted by reference to the 200m³ cap.

14. Insofar as Hampshire contend that cap cannot be applied, to my mind that rather demonstrates the inaptness of relying on Part 12 to suggest that a track some 15,000m long does not require planning permission due to this Part. In that vein, Hampshire has suggested – and I agree - that the condition in A.2 only applies to A(a). To contend that the Works fall within A(b) Hampshire would have to persuade the local planning authority that the track was a “*similar structure or work*” to a lamp standard, information kiosk or public shelter. The reference to “*associated infrastructure*” in the new version of A(a) found in the 2015 Order is plainly to that required for, for example, the erection of the lamp standard. It is not for the construction of a 15,000m track. Again, in my view, it is simply nonsense to suggest that such a track falls within the descriptions of works provided in Part 12.

Part 13

15. The same essential problem confronts Hampshire in relying on Part 13 as relying on Part 9: The Works are simply not works of maintenance or improvement.

16. Whilst Hampshire have suggested in their email of 13.4.15 that Part 13 also authorises works may be undertaken outside the boundary of the existing highway that is not a full statement of Part 13. As set out above, any such works must still relate to improvement and maintenance of the highway, and the work must adjoin the boundary and must be for the improvement and maintenance of the existing highway. Thus, for example, for more than doubling of the width of the highway is not capable of falling within this definition. It amounts to creating a newer much broader highway, rather than merely improving the old highway.

17. Lastly, as has been observed, such works must be carried out by the highway authority. In my clear view that does not mean physically undertaken by the highway authority as an agent for another, but rather done by the highway authority in the discharge of its own statutory functions. As I understand it in this case the former has occurred. If so, Part 13 cannot be relied upon for that reason alone.

Conclusion

18. For those reasons I have reached the clear view that the Works are not permitted development and accordingly require planning permission.

WAYNE BEGLAN

CORNERSTONE BARRISTERS

29 May 2015

Appendix page 24

From: [Rights of Way Central](#)

Sent: Monday, 22 June 2015 12:36

To: [REDACTED]

Dear Sir/Madam

Contact with Hampshire County Council relating to the Meon Valley Trail

The County Council has dealt with a great deal of correspondence from individuals relating to the Meon Valley Trail over the last few months. As a direct result, the County Council has published additional information and Committee reports on this matter on its website (Hantsweb). Accessed via the following link:-

<http://www3.hants.gov.uk/meonvalleytrail>

The County Council believes that they have responded fully to all the issues that have been raised.

In consultation with the relevant officers, the department has decided to review any correspondence relating to the Meon Valley Trail in line with its 'Unreasonable Complainant Behaviour' policy. This is not something that the department or the County Council wishes to implement but the continued correspondences have placed very heavy demands on the Countryside Team and has deflected their resources from undertaking their normal tasks, and dealing with enquiries from other members of the public.

Your emails will be read but not acknowledged, if any new issues are raised that have not previously been responded to then they will be considered accordingly.

The restriction will last for 12 months and then be reviewed. Once the review has taken place you will be advised of the County Council's decision as to whether or not it is necessary to keep the restriction in place.

If you believe the County Council is being unreasonable in advising you that they may implement its Unreasonable Complainant Behaviour policy you have the right to contact the Local Government Ombudsman, their advice line is 0300 061 0614, alternatively you can write to them at the following address:

Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

Yours sincerely

Countryside Access Team
Culture Communities and Business Services
Hampshire County Council
Castle Avenue
Winchester
SO23 8UL
"Connecting People with Hampshire's Countryside"
www.hants.gov.uk/countryside

Appendix page 25

From: [REDACTED]
Sent: 19 June 2015 14:39
To: Rights of Way Central
Subject: Re: Meon Valley Trail

Dear Sir,

Thank you for this pathetic reply to my email. I have raised several points which need addressing. I have just read a load of inaccuracies and spin written by Cllr Gibson that was printed in the Hampshire Chronicle this week. He needs to look into the whole problem and get his facts right. All replies given by the HCC are standard replies and not taking on board the serious damage done to the Meon Valley Trail.

What steps are being taken to remove the large stones north of Brockbridge? What is being done to make safe the descent going north at Peake Road and the descent coming south onto Stocks Lane?

Regards,

[REDACTED]
Sent from Windows Mail

From: [Rights of Way Central](#)
Sent: Friday, 19 June 2015 13:47
To: [REDACTED]

Dear Sir/Madam

Thank you for contacting the County Council about the Meon Valley Trail.

The content of your email has been noted by the relevant officers. At the moment we are not able to respond to individual correspondence about the Trail. Please see our web site for current information and answers to some Frequently Asked Questions:

<http://www3.hants.gov.uk/meonvalleytrail>

Kind Regards

Countryside Access Team
Culture Communities and Business Services
Hampshire County Council
Castle Avenue
Winchester
SO23 8UL
"Connecting People with Hampshire's Countryside"
www.hants.gov.uk/countryside
[Find us on Facebook](#)

Appendix page 26

From: [REDACTED]
Sent: 14 June 2015 21:04
To: Emmett, James
Subject: Re: Meon Valley Trail

Dear James.

I cycled with my adult grand-children from Brockbridge to West Meon on Saturday to see what we thought about the recent works that have been done on the MVT.

We thought about 20 % of the trail is more or less acceptable but the rest was hard stony and in places dangerous to cycle on. We noted that stone dust had been laid on parts of the trail towards West Meon, in the most part it looked as if it had been thrown from a shovel but on one longer stretch it was thicker. None of these places would prove satisfactory to the general user as the stones were already coming through. The most successful method to redress the wrong surface laid would be to put a road sweeper down at least from West Meon to Brockbridge to push the stones to one side and then lay the stone dust. That would indeed be an excellent multi user surface. This seems to be what the SDNP have done with Centurion Way near Lavant so why have we been given this horrendous surface?

I found cycling on the trail in places extremely dangerous and uncomfortable and started to get a headache with all the jarring. On the descent at Peake Road on the way up and at Stocks Lane (we call that the Triangle) on the way back the stones were so thick it is really dangerous to cycle down making it a hazard for the unwary.

We had a picnic at West Meon - which incidentally would make a super spot to make a proper picnic area with tables -where we met a couple on holiday from Worthing. They wanted to walk the trail going south with their pointer dog. They did not go very far as they did not like walking on the stones and were concerned for their dog as she was struggling to walk over the stones. Someone mentioned the fantastic views you could enjoy; I beg to differ as you need to keep your eyes firmly on the ground to stay upright so no chance of seeing views!

The HCC have also said how well used the trail is now, well it may have been but not now. No walkers on the stretch from Brockbridge to West Meon only one or two men on sturdy bikes. We were on the line from about 12 noon to about 3 pm on Saturday and the weather was perfect for walking, cycling and riding. Not one horse! This being a bridleway connecting villages and the SDW is rather surprising. Usually on a Saturday there used to be lots of various users on the trail. We would see horse boxes parked at the Triangle so that the owners could ride the circle up the trail and along the SDW. Never anyone there now.

My husband and I have walked various canal towpaths and disused railway trails up and down the country and we have NEVER had to walk on such a surface.

In short the HCC needs to remove the stones and put down the stone dust surface you are mentioning. About 15 years or so ago the mud was removed certainly along the Meonstoke bit and stone grit was put down and this proved a good surface for a long time. I think the contractor was Andy Ruddle from Dean. This was all that was needed and would have been accepted by all users. We have had several wet winters and no work done to the trail surface just cutting vegetation back with a tractor and flail.

I can only assume that whoever made this decision to use scalplings on a bridleway must never in fact walk, ride or cycle themselves.

Therefore, James, I am still looking to the HCC and the SDNP to put right this wrong that has been

done to the many, many former users who are NOT using the MVT now.

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I look forward to hearing from you.

Regards.

[REDACTED]

Sent from Windows Mail

From: [Emmett, James](#)

Sent: Friday, 12 June 2015 15:10

To: REDACTED

Dear [REDACTED]

Jo Heath has asked me to send you a reply to your email below. As detailed in the email I sent you on 29/05/15 we have now carried out further checks of the route and have identified some areas where the original mix has a higher proportion of larger stones to dust. The majority of the areas requiring some additional work are north of Brockbridge. The contractors will be laying some additional stone dust in these areas next week and we will again be checking the work to ensure it is to a standard that is suitable for the route to be used by walkers, cyclists, horse-riders and carriage drivers for recreation.

Your continuing dissatisfaction with the surface is noted, but I genuinely hope the final finish will address your concerns and you can return to enjoying this route as you have in the past.

Regards

James

James Emmett

Area Countryside Access Manager-Central East (Maternity Cover)

Countryside Access Team, Countryside Service

Hampshire County Council

www.hants.gov.uk/countryside

Find us on Facebook

If you are requesting information under the Freedom of Information Act 2000, please re-direct your request to ccbs.foi@hants.gov.uk Any statutory timeframe for a response will not commence until the request is received at the above contact address.

---Original Message-----

From: [REDACTED]

Sent: 09 June 2015 09:23

To: Heath, Jo

Subject: Meon Valley Trail

Dear Ms Heath,

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Could you please tell me when you will be finishing the MVT going north from Brockbridge?
According to your letter last week you said that the MVT and ready to be used. Yesterday I rode with a friend from my home in Brockbridge towards Meonstoke and had to come off by the chestnut trees/school as the trail was far too stony to walk on. Our horses were footsore and they are both usually very sound horses. It has occurred to me that as the council has a 'duty of care' towards people using the Trail and I have pointed out that the material used is unsuitable for use on a bridleway, should my horse go lame because of this I will be able to claim the vet bills for my horse.

You mention that some places still have some work to be done. Is this area north of me (which I used to use frequently) part of the ongoing works?

I look forward to hearing from you in the near future.

Regards,

████████████████████

Case Reference Number FS50586790

Dear Mr [REDACTED]

Your ref: Meon Valley Trail

Your information request to Hampshire County Council

Thank you for your correspondence of 22/06/15 in which you complain about the above public authority's failure to respond to your information request dated 19/05/15.

When considering complaints about delayed or failed responses to information requests our priority is to ensure requesters receive a response as quickly as possible where one has not been provided, and to monitor any persistent trends which might indicate that a public authority is routinely failing to respond within the statutory timeframe.

We monitor complaints where a serious contravention of section 10 is recorded and where persistent contraventions occur we will consider placing a public authority on our monitoring programme (<https://ico.org.uk/action-weve-taken/monitoring-compliance/>).

I have written to the public authority to provide them with a copy of your original request, reminding them of their responsibilities and asking them to respond to you within 10 working days of receiving our letter. I enclose a copy of my letter to the public authority for your information. If you do not receive any response within 10 working days, please contact us.

The late response will be recorded and as described will form part of our on-going activity to consider the performance of public authorities and the Freedom of Information Act.

The Commissioner does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action. Should you wish the Information Commissioner to issue a decision notice for your specific complaint we are able to do so.

If the public authority responds and refuses to release the information you have asked for and you are dissatisfied, you may, after exhausting their internal complaints procedure, complain to us again.

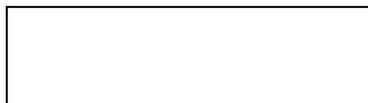
Thank you for bringing these concerns to the attention of the Information Commissioner. If you require any further assistance then please contact me on the number below.

Yours sincerely

[REDACTED]

Case Officer

Information Commissioner's Office



*Culture, Communities and Business Services
Three Minsters House, 76 High Street,
Winchester, Hampshire SO23 8UL*

Telephone 01962 841841
Fax 01962 841326
www.hants.gov.uk

Enquiries to Tara Potheccary

My reference EIR - 9313

Direct Line

Your reference

Date 24 July 2015

E-mail ccbs.foi@hants.gov.uk

Dear 

Information Request 9313

Thank you for your request for information received on 5 June 2015. Your request has been considered under the Environmental Information Regulations 2004 (EIR). EIR is broadly similar to the Freedom of Information Act, but applies to environmental information.

You ask the following questions:-

HCC's Decision Report LSTF2NP and Cycling Ambition Grant (CiNP) Meon Valley Trail Cycle Route/Bridleway upgrade: Contact name: Alison Perry Page 7 of this document: 7.0 Community Engagement refers to "Emails of support were received from those who took the opportunity to respond" Please provide copies of these "emails of support"

The County Council is aware that since submitting your last request (our ref 9239) you have made a further four requests including this one in a short period of time, for similar and overlapping information concerning work on the Meon Valley Trail. In view of the considerable amount of time that has already been spent in responding to your requests and other correspondence on this topic since April, a decision has been made to implement Regulation 12(4)(b) EIR relating to manifestly unreasonable requests as it is believed that communications from you and your associates have caused a significant burden on the authority and have taken officers away from their primary duties. It is considered that your requests and those of the campaign group have caused a 'disproportionate or unjustified level of disruption to County Council business.

Director of Culture, Communities and Business Services
Karen Murray

This decision has not been taken lightly. When deciding whether requests are manifestly unreasonable, the County Council has to take account of the guidance issued by the Information Commissioners Office. The guidance asks public authorities to consider a number of points before deciding whether requests should be considered vexatious or manifestly unreasonable and also take into consideration the context and history surrounding the requests.

The submission of your four most recent requests within a period of just over four weeks has not afforded the County Council sufficient opportunity to reply to one request before the next one has been received. At the same time, the Council has had to deal with complaints and other correspondence from you on the same subject. The Council is also aware that you are active in a Facebook campaign regarding the issue and are acting in concert with other like minded individuals to encourage members of the public to make requests and complaints to the Council. While the Council welcomes public engagement in the matter, it believes that the volume of correspondence it has had to enter into on the subject as a result is now creating an unreasonable burden on the authority.

Since April the Countryside Team have been inundated with complaints, comments and questions raised relating to the works carried out on the Meon Valley Trail. Over 60 hours have been spent on dealing with Environmental Information Requests relating to this topic to date. The Head of Countryside has estimated the minimum time she spent has been 14 days just dealing with these queries, with over 280 emails relating to members complaint, comments and questions raised by the public. Other members of the Countryside team have also spent considerable amounts of time .

Taking these factors into account, the County Council will not respond to this latest request or the requests following it (our reference numbers 9367, 9425, 9426 and 9513) as they all relate to the same or similar topics.

Declaring your request as manifestly unreasonable does not mean that you cannot submit requests in future, but it does mean that they may not be responded to if they relate to information on the same issue or are of a similar nature to those previously responded to. Any requests for information on the same or similar topic will be read but will not be responded to if they are deemed to be vexatious or manifestly unreasonable.

If you are dissatisfied with our decision to declare your requests vexatious, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of receiving our response, and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester, SO23 8UJ or emailed to foi@hants.gov.uk details of which are shown below.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner at the following address. Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tara Potheary', written in a cursive style.

Tara Potheary
FOI/EIR Co-ordinator for
Culture, Communities and Business Services

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original letter and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester, SO23 8UJ or emailed to foi@hants.gov.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



Hampshire
County Council

Corporate Services
The Castle, Winchester,
Hampshire SO23 8UJ
Telephone 01962 841841
Fax 01962 840215
DX Winchester 2510
www.hants.gov.uk

[Redacted]

Via email

[Redacted]

Information Compliance Team

My reference EIR 9313

01962 846612

Your reference

11 August 2015

E-mail foi@hants.gov.uk

Dear [Redacted]

Re: request for internal review

Could I apologise for the delay in replying to your request for an internal review of EIR 9313. I have now had the opportunity to review your recent request and have also reviewed your previous requests.

Taking into account the number of requests/internal reviews you have submitted and the responses provided so far I am of the opinion that the decision to apply regulation 12(4)(b), is correct and do not intend carry out an internal review, as requested.

If you do not agree with my decision then you may wish to contact the Information Commissioner, contact details are provided below.

Yours sincerely

Judith Downing
Head of Information Compliance

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner at the following address. Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Barbara Beardwell MA Solicitor
Head of Governance and Monitoring Officer
Andrew Smith OBE MA DPA MBA
Chief Executive

Appendix page 34

From: Sarah.Manchester@hants.gov.uk
To: janefoster45@hotmail.com
Subject: RE: Meon Valley Trail - reports
Date: Tue, 28 Apr 2015 06:40:45 +0000

Dear Mr Stone

As I mentioned in my reply of Friday 10 April to your previous email, we are treating your request of Wednesday 8 April for various documents as a Freedom of Information request.

Please refer to our web page for more information about requests made under the Freedom of Information Act 2000: <http://www3.hants.gov.uk/freedomofinformation>

We will contact you in due course.

Kind regards,

Sarah

Sarah Manchester
Access Team Leader

Sarah Manchester
(Sent from iPad)

From: Jane Foster
Sent: 28 April 2015 06:31:38
To: Manchester, Sarah
Subject: RE: Meon Valley Trail - reports

Good morning Sarah

I requested various documents relating to the above on 8th April.

To date I have had nothing more than an acknowledgement to my request. I would appreciate these documents be sent to me, as it has now been almost 3 weeks. I can only assume these stalling tactics are so work can be completed, before my clients instigate a formal complaint to The Local Ombudsman.

Regards Richard Stone

From: Sarah.Manchester@hants.gov.uk
To: janefoster45@hotmail.com
CC: [REDACTED]

Appendix page 35

Subject: RE: Meon Valley Trail - reports
Date: Wed, 15 Apr 2015 10:26:33 +0000

Dear Mr Stone

In reply to your two emails of yesterday (below and attached):

The project is a joint project for Hampshire County Council and the South Downs National Park Authority. Within Hampshire County Council, the project is being managed by staff in the Countryside Service; this Service sits within the Culture, Communities and Business Services Department.

The project officer, David Deane, is formally employed by the South Downs National Park Authority. In respect of the Meon Valley Trail project, David is matrix-managed by a staff member employed within the Countryside Service.

Kind regards,

Sarah

Sarah Manchester
Access Team Leader

01962 667921

From: Jane Foster [<mailto:jenefoster45@hotmail.com>]
Sent: 14 April 2015 12:28
To: Manchester, Sarah
Cc: Imogen Robins
Subject: RE: Meon Valley Trail - reports

Good afternoon Sarah

Please can you advise me which authority and department is responsible for instigating and managing the above works which are being carried out

Kind regards Richard Stone

From: Sarah.Manchester@hants.gov.uk<<mailto:Sarah.Manchester@hants.gov.uk>>
To: jenefoster45@hotmail.com<<mailto:jenefoster45@hotmail.com>>
CC: [REDACTED]
Subject: RE: Meon Valley Trail - reports

Appendix page 36

Date: Mon, 13 Apr 2015 15:50:44 +0000

Dear Mr Stone

Thank you for your swift reply.

The planning authority is, ultimately, the organisation that decides whether or not a breach of planning has occurred.

We are advised by the planning authority that the works are Permitted Development under part 12 of Schedule 2 of the General Permitted Development Order 1995. We have no reason to disagree with the planning authority on this and we are satisfied that planning permission is not required for these works.

We have also discussed the matter with our own legal team which has advised on some other aspects of planning legislation that would also classify these works as permitted development and not requiring planning permission, as follows (the following is not intended to be exhaustive):

- Where the Trail is public right of way (i.e. a highway in law), s.55(2) Town and Country Planning Act 1990 sets out the broad proposition that works by the local highway authority for the maintenance and improvement of roads within the boundaries of the road do not constitute development. This is strengthened by Part 13 of the GDPO which reinforces the message that works within or without the boundaries of the highway is Permitted Development.

- For the sections of the Trail that are not currently recorded on the definitive map as a public right of way, the following reasoning applies:

A) In respect of a “highway”, the definition does not include anything that specifies that a highway has to be maintained at the public expense by the highway authority – merely that the public has the right to pass and repass (so, there must be the existence of a public right). If this is correct then the same propositions listed above apply

B) Part 9 of the GDPO – “Repairs to Unadopted Streets and Private Ways” grants permitted development rights for works for the maintenance or improvement of an unadopted street or private way, and such works may be undertaken by anyone. Unadopted street means a street not being a highway maintainable at the public expense..” There is some case law on this: see *Cowen v Peak District National Park Authority*

I appreciate that the above comments do not address your specific query in your email of April 9th in respect of part 12 of the GPDO. As mentioned above, the planning authority has advised that the works are considered to be permitted development under this piece of legislation; the planning authority is not required to explain to us its interpretation of part 12, and it has not done so. However, in the interests of co-operation, I will offer my own interpretation of why the works are considered to be permitted development under this

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element of the legislation:

In your email of April 9th, you refer to a limit on the amount of work being carried out of 200 cubic metres, as provided for by part 12 of the GPDO. Part 12 A.1 (Interpretation of Class A) refers to “any small ancillary building, works or equipment ... not exceeding 4 metres in height or 200 cubic metres in capacity”. The term “capacity” (a definition of which is: ability to hold or store) has been used in preference to a term such as “volume”. Whilst the materials brought in for use on the path do have a volume, a path does not have capacity – in which case the 200 cubic metre limit would not apply to the path materials. In addition the 200 cubic metres applies only in reference to 'any small ancillary building, works or equipment' a phrase that appears only in Part 12 A (a). However, Part 12 A (b) applies to the Meon Valley Trail works as the works are required in connection with a public service administered by the county council.

I trust that this gives you the information you are asking for. As mentioned above, the county council cannot arbitrate on whether the works are, or are not, permitted development. That would be for the planning authority to decide.

Kind regards,

Sarah

Sarah Manchester
Access Team Leader
01962 667921

From: Jane Foster [<mailto:janefoster45@hotmail.com>]
Sent: 10 April 2015 17:13
To: Manchester, Sarah
Cc: Imogen Robins
Subject: RE: Meon Valley Trail - reports

Thank you for your email

I am afraid your response regarding the alleged breach of planning is just not satisfactory. Simply to say WCC and your own legal teams consider the works are lawful, is meaningless without facts to support their views I therefore would ask that a more detailed response is forthcoming in regard of Schedule 12 of the GPDO including the attached interpretation I believe this to be the relevant document we are working with?

Kind regards Richard Stone

From: Sarah.Manchester@hants.gov.uk<<mailto:Sarah.Manchester@hants.gov.uk>>
To: janefoster45@hotmail.com<<mailto:janefoster45@hotmail.com>>

Appendix page 38

Subject: Meon Valley Trail - reports

Date: Fri, 10 Apr 2015 15:32:39 +0000

Dear Mr Stone

Thank you for contacting the Rights of Way team through the on-line reporting mechanisms. We have received three reports from you – copies of which are attached below. These reports have been directed to us through the County Council's contact centre.

Taking each email in turn:

Subject: RE: Rights of Way Problem reporting (9 April)

In response to your email, and following my telephone conversation with you on Tuesday 7th April, we have followed this up and taken advice from both of the planning authorities (Winchester City Council and the South Downs National Park Authority) and our own legal team. We are consequently satisfied that the works currently being undertaken as improvement works to the Meon Valley Trail do not require planning permission. I can reassure you that the works do not include any provisions for car parking.

Subject: Meon Valley Trail (8 April)

We will consider this request for information as a request that is covered by the Freedom of Information Act 2000. Please see our web page on Freedom of Information Requests for further information: <http://www3.hants.gov.uk/service722>

I will need to speak with our Freedom of Information Co-ordinator, who is on leave until Monday 17th April, and we may need to get back to you, for example if any of the situations described on the web page apply.

Subject: Rights of Way Problem reporting (7 April)

We have noted your comments; please see the replies to your emails of 8 and 9 April, above.

We will contact you again in the near future in respect of your request for information sent on 8 April.

Kind regards,

Sarah

Sarah Manchester
Access Team Leader
01962 667921

Appendix page 39

From: janefoster45@hotmail.com<<mailto:janefoster45@hotmail.com>>

Sent: 2015-04-09 09:28:42.0

To: countryside@hants.gov.uk<<mailto:countryside@hants.gov.uk>>

Subject: RE: Rights of Way Problem reporting

Countryside Access Team
The Castle
Winchester
Hants

April 9th 2015 Good morning

Further to my email of the 8th April I am requesting that all works permanently cease until a retrospective planning application has been determined.

This request is made on the basis of the information supplied to me by Clr Sean Woodward. I agree that section 12 of the GPDO Schedule is appropriate in determining what works may be carried out by local authorities, without planning permission

However there are limitations within the GPDO which restrict the amount of work to be carried out. In this case work can only be to a maximum of 200 cubic mtrs. Having inspected the depth of the material used and seen the amount stored ready for further work, this limit has been exceeded by far. Taking an average 4m with the GPDO would only allow work for under 1000 mtrs.

I also am advised that car parking is proposed and again this would need a specific permission

Regards
Richard Stone

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

From: janefoster45@hotmail.com<<mailto:janefoster45@hotmail.com>>

Sent: 2015-04-08 10:55:42.0

To: rightsofway@hants.gov.uk<<mailto:rightsofway@hants.gov.uk>>

Subject: MEON VALLEY TRAIL

Appendix page 40

Hampshire Rights of Way Team
The Castle
Winchester
Hants

Good morning,

I have spoken to 2 Officer's within your team regarding the above so I believe you are aware that I represent a group of concerned people regarding works being carried out on the old Meon Valley Railway Line.

Currently we are investigating the lawfulness of those works and our barrister has advised us to request the following documents from yourselves either by e mail or hard copy to the address below:-

1. The badger survey and license issued to yourselves.
2. The second badger survey and license issued to the contractors.
3. The ecology report.

4. All documents relating to the tender and issue of contract for the work to be carried out.
5. A copy of the Officer's report to members and the minutes of the meeting to which it was presented. If this was a delegated decision please may we have the copy of the Councils constitution and its last audit.
6. All correspondence with the BHS.
- 7 A copy of the results of the residents survey and the methodology requesting the information.
8. A copy of the environmental impact assessment.
9. Copies of all parish council correspondence.
10. Dates that Officer's attended parish council meetings to present the proposal.
11. Copy of the bat survey (if implemented).
12. Any other correspondence from consul tee's.

I would appreciate your urgent attention in forwarding these documents as I have met with Councilor Sean Woodward who advised a meeting this morning that no new surfacing work will continue until it has been established the work is lawful. My Client's understand that this delay is inevitably costing money and are not intentionally being obstructive. Their aims are to have an acceptable surface to all likely users.

Kind Regards

Richard Stone

Appendix page 41

[REDACTED]

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

From: janefoster45@hotmail.com<<mailto:janefoster45@hotmail.com>>

Sent: 2015-04-07 12:08:42.0

To: rights.of.way@hants.gov.uk<<mailto:rights.of.way@hants.gov.uk>>

Subject: Rights of Way Problem reporting

Below is the result of your feedback form. It was submitted by:

(janefoster45@hotmail.com<<mailto:janefoster45@hotmail.com>>)

on Tuesday, April 7, 2015 at 12:07:56

parish: Wickham to West Meon

other info: I am a planning consultant acting for several concerned people who use this path

other problem: Works carried out without planning permission on The

Old Meon Valley Railway Line

additional info: The work carried on this bridle path has caused the death of badgers and destroyed their setts These works are not classed as repairs They are new engineering work which in planning terms is operational development requiring planning permission and public consultation Natural England should have been consulted

message from: Richard Stone

address: [REDACTED]

[REDACTED]

*** This email, and any attachments, is strictly confidential and may be legally privileged. It is intended only for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or other use of this communication is strictly prohibited. If you have received this message in error, please contact the sender. Any request for disclosure of this document under the Data Protection Act 1998 or Freedom of Information Act 2000 should be referred to the sender. [disclaimer id: HCCStdDisclaimerExt] ***

--Forwarded Message Attachment--

From: janefoster45@hotmail.com

To: sarah.manchester@hants.gov.uk

Subject: RE: Meon Valley Trail - reports

Date: Tue, 14 Apr 2015 10:54:39 +0000

Appendix page 42

Good afternoon Sarah

Please can you advise me which authority instigated the above works .I also would be grateful if you can tell me which department is taking responsibility and overseeing things.

Regards Richard

From: Sarah.Manchester@hants.gov.uk
To: jenefoster45@hotmail.com
CC: [REDACTED]
Subject: RE: Meon Valley Trail - reports
Date: Mon, 13 Apr 2015 15:50:44 +0000

Dear Mr Stone

Thank you for your swift reply.

The planning authority is, ultimately, the organisation that decides whether or not a breach of planning has occurred.

We are advised by the planning authority that the works are Permitted Development under part 12 of Schedule 2 of the General Permitted Development Order 1995. We have no reason to disagree with the planning authority on this and we are satisfied that planning permission is not required for these works.

We have also discussed the matter with our own legal team which has advised on some other aspects of planning legislation that would also classify these works as permitted development and not requiring planning permission, as follows (the following is not intended to be exhaustive):

- Where the Trail is public right of way (i.e. a highway in law), s.55(2) Town and Country Planning Act 1990 sets out the broad proposition that works by the local highway authority for the maintenance and improvement of roads within the boundaries of the road do not constitute development. This is strengthened by Part 13 of the GDPO which reinforces the message that works within or without the boundaries of the highway is Permitted Development.
- For the sections of the Trail that are not currently recorded on the definitive map as a public right of way, the following reasoning applies:

A) In respect of a “highway”, the definition does not include anything that specifies that a highway has to be maintained at the public expense by the highway authority – merely that the public has the right to pass and repass (so, there must be the existence of a public right). If this is correct then the same propositions listed above apply

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B) Part 9 of the GDPO – “Repairs to Unadopted Streets and Private Ways” grants permitted development rights for works for the maintenance or improvement of an unadopted street or private way, and such works may be undertaken by anyone. Unadopted street means a street not being a highway maintainable at the public expense..” There is some case law on this: see Cowen v Peak District National Park Authority

I appreciate that the above comments do not address your specific query in your email of April 9th in respect of part 12 of the GPDO. As mentioned above, the planning authority has advised that the works are considered to be permitted development under this piece of legislation; the planning authority is not required to explain to us its interpretation of part 12, and it has not done so. However, in the interests of co-operation, I will offer my own interpretation of why the works are considered to be permitted development under this element of the legislation:

In your email of April 9th, you refer to a limit on the amount of work being carried out of 200 cubic metres, as provided for by part 12 of the GPDO. Part 12 A.1 (Interpretation of Class A) refers to “any small ancillary building, works or equipment ... not exceeding 4 metres in height or 200 cubic metres in capacity”. The term “capacity” (a definition of which is: ability to hold or store) has been used in preference to a term such as “volume”. Whilst the materials brought in for use on the path do have a volume, a path does not have capacity – in which case the 200 cubic metre limit would not apply to the path materials. In addition the 200 cubic metres applies only in reference to 'any small ancillary building, works or equipment' a phrase that appears only in Part 12 A (a). However, Part 12 A (b) applies to the Meon Valley Trail works as the works are required in connection with a public service administered by the county council.

I trust that this gives you the information you are asking for. As mentioned above, the county council cannot arbitrate on whether the works are, or are not, permitted development. That would be for the planning authority to decide.

Kind regards,

Sarah

Sarah Manchester
Access Team Leader
01962 667921

From: Jane Foster [<mailto:jane foster45@hotmail.com>]
Sent: 10 April 2015 17:13
To: Manchester, Sarah
Cc: Imogen Robins
Subject: RE: Meon Valley Trail - reports

Thank you for your email

Appendix page 44

I am afraid your response regarding the alleged breach of planning is just not satisfactory. Simply to say WCC and your own legal teams consider the works are lawful, is meaningless without facts to support their views I therefore would ask that a more detailed response is forthcoming in regard of Schudle 12 of the GPDO including the attached interpretation I believe this to be the relevant document we are working with?

Kind regards Richard Stone

From: Sarah.Manchester@hants.gov.uk<mailto:Sarah.Manchester@hants.gov.uk>

To: jane foster45@hotmail.com<mailto:jane foster45@hotmail.com>

Subject: Meon Valley Trail - reports

Date: Fri, 10 Apr 2015 15:32:39 +0000

Dear Mr Stone

Thank you for contacting the Rights of Way team through the on-line reporting mechanisms. We have received three reports from you – copies of which are attached below. These reports have been directed to us through the County Council's contact centre.

Taking each email in turn:

Subject: RE: Rights of Way Problem reporting (9 April)

In response to your email, and following my telephone conversation with you on Tuesday 7th April, we have followed this up and taken advice from both of the planning authorities (Winchester City Council and the South Downs National Park Authority) and our own legal team. We are consequently satisfied that the works currently being undertaken as improvement works to the Meon Valley Trail do not require planning permission. I can reassure you that the works do not include any provisions for car parking.

Subject: Meon Valley Trail (8 April)

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I will need to speak with our Freedom of Information Co-ordinator, who is on leave until Monday 17th April, and we may need to get back to you, for example if any of the situations described on the web page apply.

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Appendix page 45

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Sarah

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Access Team Leader
01962 667921

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To: countryside@hants.gov.uk<<mailto:countryside@hants.gov.uk>>
Subject: RE: Rights of Way Problem reporting

Countryside Access Team
The Castle
Winchester
Hants

April 9th 2015

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Regards Richard Stone

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

Appendix page 46

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Sent: 2015-04-08 10:55:42.0

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Subject: MEON VALLEY TRAIL

Hampshire Rights of Way Team
The Castle
Winchester
Hants

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10. Dates that Officer's attended parish council meetings to present the proposal.

11. Copy of the bat survey (if implemented).

12. Any other correspondence from consul tee's.

Appendix page 47

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Kind Regards

[REDACTED]

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Sent: 2015-04-07 12:08:42.0
To: rights.of.way@hants.gov.uk<<mailto:rights.of.way@hants.gov.uk>>
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other problem: Works carried out without planning permission on The Old Meon Valley Railway Line

additional info: The work carried on this bridle path has caused the death of badgers and destroyed their setts These works are not classed as repairs They are new engineering work which in planning terms is operational development requiring planning permission and public consultation Natural England should have been consulted

message from: Richard Stone

address: [REDACTED]

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Appendix page 48

document under the Data Protection Act 1998 or Freedom of Information Act 2000 should be referred to the sender. [disclaimer id: HCCStdDisclaimerExt] ***

RICHARD STONE PLANNING



21 April 2015

David Townsend
Head of Enforcement
Winchester City Council
Winchester
Hants

Dear Mr Townsend

Reference The Old Meon Valley Railway Line

I am writing to inform you there has been a breach of planning regarding works carried out on the above site.

The work has been instigated by South Downs National Park and managed by Hampshire County Council.

I have questioned the legality of the work with HCC and been advised by them that the work is covered by the GPDO. Initially I was directed to schedule 2 part 12 of the order. I accept this is the appropriate schedule to determine if the work is permitted. However it is clear from the attached interpretation A2 that the work should be limited to no more than 200 cubic metres. Having investigated the new surfacing there is no less than 75mm of laid stone approximately 4metres wide. Taking this average this allows for work extending to between 800 to 1000 metres in length. Currently the work involved is in the region of 15000 metres and therefore is in breach.

I brought this to the attention of HCC and they directed me to another part within the same schedule part 13 of the GPDO.

This part is solely related to "Highway Authorities" The SDNP is not a Highway Authority and yes HCC is an authority but they are only agents managing the work. Should this be considered a grey area the work permitted shall only be "on land outside but adjoining the boundary of an existing highway" This only relates to footpaths or verges running alongside a public road, which this trail does not. Furthermore the work has to be "incidental to the maintenance or improvement **of the highway** , no highway exists here.The work which has been carried out extends to some 10 miles, and the increase of the width, to three or four times what existed go way beyond repairs.This is **new work , not covered by the GPDO.**

HCC then referred to part 9 of the schedule. Permitted development in this instance is for exactly what it says " carrying out on land within the boundaries of an unadopted street or private way"

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This route is not an unadopted street or private way. It is a bridleway or now a restricted bye way. Again the work has to be for maintenance or repair, **not new work as described above**

The majority if not all of the work permitted under the GPDO, is for repairs and maintenance not new work. I am aware there is no definition of what constitutes "maintenance or improvement", it is a matter of fact and degree. Clearly the degree and type of work carried out requires planning permission. In deciding whether the work carried out on the trail is new I have taken account of the following

- (a) The extent of the work some 10 miles in length
- (b) The extended width from under 2 metres to now 4 metres
- (c) The existing surface was scraped and removed
- (d) The new surfacing material is different to that what existed
- (e) The character of the area has been changed by the type and colouring of the new stones
- (f) The existing path was excavated. The material from this is now forming small banks at the side of the new track
- (g) New drainage ditch run offs have been installed outside of the track
- (h) There has been partial width surfacing where there was evidence of an existing surface
- (i) The provision of full surfacing where there had not previously been a surface, other than mud.
- (j) The engineering operations has altered the existing camber of the track
- (k) The construction of timber steps cut into the banks

For information I enclose a guidance document provided by The Peak District National Park relating to paths and bridleways.

I believe that a retrospective planning application should be made by the SDNP to cover the new work carried out, and the public given the chance to comment and see the results of all consultees and how appropriate they are.

I would appreciate an early response to this matter as a case is being made to present to The Local Ombudsman

Kind regards

Richard Stone

1.3. Alternative Options Considered and Rejected

The MVT scheme has been previously identified through the PUSH GI work and the feasibility study as the most suitable and easily achievable option to improve cycling and accessibility in this part of Hampshire and the SDNP.

The feasibility study advised the replacement of 2 missing bridges on the trail to remove the need to cross 2 minor roads. This has been investigated and costed by HCC Engineering Consultancy the result being that the benefit of replacing these bridges would not outweigh the significant cost of doing so – approx. £60000-£80000 each.

1.4. Measures of Success

- That there is an increase in the public's use of this route specifically for both leisure and commuting activities (measured locally).
- That the route becomes a realistic transport option for people to travel from and to the Meon Valley villages from Fareham and beyond and that local people within the valley use the route to travel between villages to go to shops and pubs
- That there is a reduction in the reliance on car use for people travelling into the SDNP from the PUSH area.
- That the local tourist attractions and businesses see an increase in the numbers of visitors travelling to them by sustainable means along the trail (cycling/walking)
- That we secure the longevity of the site and the public rights of way for both people using the trail and HCC.

2. Background

2.1. The MVT is an existing 12 mile long route that starts on the edge of the metropolitan region of south Hampshire and runs deep into the SDNP. The MVT has the potential to be a very important non-vehicular multi-user access route into the SDNP. The route has rich historical, ecological and picturesque qualities that could make it an attraction in its own right.

2.2. HCC own and manage approximately three-quarters of the full length of the trail including the platforms at Wickham, Droxford and West Meon however, due to its lack of conservation designations management of the trail fell under the responsibility of the Access Team whose main role was to ensure that the public were able to access the trail. Since 2006 maintenance has involved clearing fallen trees reactively. During the winter of 2013/14 over 100 trees blocked the

2.4. The scheme deliver under Theme 2 of this bid - Providing safe and attractive cycle links to employment centres and visitor attractions such as Petersfield, Midhurst and Lewes. The MVT will do this by linking population centres and rail gateways with attractions and off-road paths in the SDNP.

2.5. The scheme for which approval is sought was identified by HCC and SDNPA as a way to address a number of accessibility issues in the locality. It looks to create sustainable transport links from the Meon Valley villages to each other and thereon to Fareham station whilst also providing a real cycling link to local businesses and areas of interest along the Meon Valley. Onward links via the South Downs Way can be made to Winchester, Queen Elizabeth Country Park, Petersfield and the Shipwrights Way whilst it also provides onward footpath links along the Kings Way and Monarchs Way. The demand for this upgrade was identified in both the South Downs and Forest of Bere Countryside Access Plans (CAPs) and from a feasibility study undertaken in 2012/13. The Meon Valley parish councils have identified improvements required along the trail and in particular West Meon Parish Council has considered the economic benefits to the local community of improving the trail.

2.6. The MVT has the potential to become the major gateway into the SDNP from this part of South Hampshire and therefore enabling this urban population to travel into the SDNP by sustainable means and start to explore the park in a safe and interesting way. It ties in with the South Downs Way Nature Improvement Area and large scale development areas of North of Whiteley and Welborne.

3. Other options considered and rejected:

3.1. The project has been previously identified in the PUSH green infrastructure work and the feasibility study in that the MVT itself is the most suitable and easily achievable option to improve cycling and accessibility in this part of Hampshire and the SDNP. HCC's Countryside Service own and manage a significant proportion of the trail itself and therefore there are no issues with landownership permissions.

3.2. The feasibility study advised the replacement of 2 missing bridges on the trail to remove the need to cross the roads. This has been investigated and costed by HCC Engineering Consultancy the result being that the benefit of replacing these bridges would not out weigh the significant cost of doing so – approx. £60000-£80000 each and has the potential of some negative local feeling.

4. Conflicts of interest:

4.1. Conflicts of interest declared by an Executive Member who is consulted by the officer which relates to the decision: None.

5. Dispensation granted by the Head of Paid Service:

trail which placed an unreasonable burden on the Access Team Rangers who were required to remove these.

- 2.3. The south end of the MVT is just 3 miles north of Fareham. The MVT is relatively flat (having being built on a former railway) and mainly traffic-free. The MVT is a multi-user route running from just outside the South East England's largest metropolitan area and into England's newest National Park. Amongst many other rights of way, the trail meets and crosses the South Downs Way, a 100 mile bridleway. The potential strategic importance of this non-vehicular route is massive.
- 2.4. This project supports the purposes and duty of the National Park, particularly in promoting the opportunities for the understanding and enjoyment of the special qualities of the National Park by the public, whilst helping to conserve the natural beauty, wildlife and cultural heritage by providing a means of access by alternatives to cars. This is especially important when considering that the most common reason for people not visiting the SDNP is due to a lack of car ownership and most common secondary reason for visiting the park is for better air quality. This cycle route significantly improves access by non-vehicular means to the national park.
- 2.5. In 2013 a study of the MVT identified the potential importance of the route and a number of issues and barriers that prevent people using and enjoying the route. Areas identified included improving the West Meon station site, tree thinning/vegetation clearance, drainage maintenance, development of a trail identity, signage, surfacing work, improving access points, clearing tree's and building two bridges. The study was a result of thorough consultation that included a survey completed by 451 people.
- 2.6. The project will upgrade the MVT to create a high quality, family friendly multi-user traffic-free route. It will address the following issues with the current route – a poor surface, limited visibility of surrounding countryside caused by overgrown vegetation (creating a tunnel effect), improved information and interpretation of the history, geography and ecology of and around the trail and undertake proactive works to ensure that undue burdens are not placed on the Access Team to maintain the trail.
- 2.7. The project will require a number of "soft" and "hard" measures. Soft measures include consultation and engagement with local communities and key-groups, the development of an identity for the route, plus availability of information for users, "Hard" measures include clearance and felling of vegetation and trees, re-surfacing or re-grading of the surface as required plus better access on and off the trail. Sympathetic signage and interpretation will be required to link the soft and hard measures effectively.

3. Finance

3.1	<u>Estimates</u>	<u>£'000</u>	<u>% of total</u>	<u>Funds Available</u>	<u>£'000</u>
	Design Fee	27	6.5	LSTF	75
	Client Fee	3	1	CiNP	337
	Supervision	30	7		
	Construction	300	73		
	Contingency	52	12.5		
	Total	412	100	Total	412

3.2 Revenue Implications £'000 % Variation to
Committee's budget

Net increase in
current expenditure

Capital Charge

4. Programme

	Project Appraisal	Start on site	End on site	Complete Project	Review
Date (mm/yy)	09/14	03/14	12/14	03/15	09/15

5. Scheme Details

- The attached document details the individual projects that make up the Meon Valley Trail Cycle route/bridleway upgrade
[Countryside Project MVT CiNP 2013-2014 Specification](#)
- General surfacing specification will follow The Countryside Services' design standards where appropriate and will include the import of materials, the laying of these materials at an appropriate depth, compaction and levelling and then top dressing. <http://www3.hants.gov.uk/countryside/countryside-design-standards.htm>

6. Departures from Standards

6.1. None.

7. Community Engagement

7.1. Emails were sent to all HCC and SDNPA members and parish councils along the trail in both October 2013 and February 2014. Emails of support were received from those who took the opportunity to respond. The Project Officer has visited all parish councils and presented at parish council meetings.

LTP3 Priorities and Policy Objectives

3 Priorities

- To support economic growth by ensuring the safety, soundness and efficiency of the transport network in Hampshire
- Provide a safe, well maintained and more resilient road network in Hampshire
- Manage traffic to maximise the efficiency of existing network capacity, improving journey time reliability and reducing emissions, to support the efficient and sustainable movement of people and goods

14 Policy Objectives

- Improve road safety (through delivery of casualty reduction and speed management)
- Efficient management of parking provision (on and off street, including servicing)
- Support use of new transport technologies (i.e. Smartcards; RTI; electric vehicle charging points)
- Work with operators to grow bus travel and remove barriers to access
- Support community transport provision to maintain 'safety net' of basic access to services
- Improve access to rail stations, and improve parking and station facilities
- Provide a home to school transport service that meets changing curriculum needs
- Improve co-ordination and integration between travel modes through interchange improvements
- Apply 'Manual for Streets' design principles to support a better balance between traffic and community life
- Improve air quality
- Reduce the need to travel, through technology and Smarter Choices measures
- Promote walking and cycling to provide a healthy alternative to the car for short local journeys to work, local services or school
- Develop Bus Rapid Transit and high quality public transport in South Hampshire, to reduce car dependence and improve journey time reliability
- Outline and implement a long term transport strategy to enable sustainable development in major growth areas



Mess left by HCC contractors at Stocks Lane / Sharvard Lane at Meonstoke