

## **How the Shipwrights Way became the Shipwrecks Way and led to the termination of my membership of the Tory Party.**

I am a volunteer. I was brought up to be a volunteer, like most of my generation I suspect. As a child I was encouraged to cut the neighbours grass or run an errand for an elderly aunt who lived next door etc. These values continued throughout my life and I joined various clubs of interest, became tea maker, cake maker, mince pie maker, Hon Secretary, Vice Chairman, Chairman, Trustee, Hospital Governor to name a few.

Membership of the Pony Club followed on to becoming a member of The British Horse Society (BHS) where as a rider I became particularly interested in riding out. In those days it was possible for me to ride a horse or drive a gig down The Avenue in Southampton without any concern for my safety. I got married, had two children, lived abroad but by the time I came home again it had become all but impossible to enjoy the countryside on horseback. Motor vehicles began to dominate every road in the country and with that came a lack of consideration for non-motorised users (NMU's). My attention then turned to trying to improve the situation.

The BHS is the biggest equine charity in the World. It works through the voluntary efforts of its volunteers. In order to be as effective as possible it has developed high standard training programmes in the various fields of interest. Access, Road Safety and Welfare sit well together but I became especially interested in Access.

Since 1971 I have sat on the BHS Hampshire County Committee as an Access volunteer and then as they evolved the Access Sub Committees. I have witnessed first hand how difficult it is to get consideration for horses and their riders even though it is only 100 years ago that horses were a major player in transport and indeed had carved out the road network through the centuries.

Under the last Labour Government I watched as the CROW Act enabled millions to be spent on 'Open Access' for walking but did not include horse riding. I watched as the Government spent more millions on their cycling charity called Sustrans, set up to encourage sustainable transport. I watched as the urban streets of Portsmouth became subject to a 20mph speed limit; and yet despite the pleadings of equestrians for the same consideration on the country lanes – at the moment the national speed limit of 60mph applies - successive Governments turned a deaf ear. Horse riders they said could improve their access by relying on dedications of bridleways from landowners.

Sadly to date not one dedication has been made.

It was on this basis that in 2000 I joined the Conservative Party. Perhaps I could find out where the problem really lay. In 2007 I stood for election as the Conservative Candidate for the District Council for East Hampshire. I got in by one vote.

By 2009 I had completed the training programme put on by SOLACE (Society of Local Government Chief Executives) for all councillors in Hampshire and the Isle of Wight. At the end of the course they asked each of us to say which key pieces of advice we would be taking away with us from the programme. The winner would be presented with a bottle of champagne. My contribution was:

Q1 The key pieces of advice I will be taking away from the programme are:

- A Keep asking the questions until satisfied with the answers
- Treating Officers with respect does not mean they should not be held to account

Q2 The most important learning points are:

- Who else has a stake in this situation
- Look for a win win outcome which benefits as well as possible all sides

Q3 What I have done differently as a result of the Hi Achievers programme is:

- I have learnt that being assertive can build compliant co-operation
- Persuasion builds convinced co-operation
- Inspiration builds committed co-operation
- Use all according to the circumstances

I was delighted to be presented with that bottle of champagne.

So by the summer of 2009 I had found my feet in a completely different environment to my normal mud and wellies rural life.

I should explain that I live very close to the proposed Whitehill/Bordon Eco town. I attend the Policy Advisory Groups (PAG). These were set up to link in with the local community as an aid to developing a Masterplan for the redevelopment of the town if the Army left the area for a new home in St Athan in Wales.

At the end of April 2009 I had picked up a proposal on the Forestry Commission web site at [http://www.forestry.gov.uk/pdf/eng-aliceholt-statement-of-direction.pdf/\\$FILE/eng-aliceholt-statement-of-direction.pdf](http://www.forestry.gov.uk/pdf/eng-aliceholt-statement-of-direction.pdf/$FILE/eng-aliceholt-statement-of-direction.pdf)

It read:

***“Off site proposals include:***

*· Traffic-free routes that link with the surrounding rights of way network, enabling walkers, cyclists and horse-riders to pass more easily through the forest from Farnham and the surrounding parishes to join other rights of way to Winchester and Queen Elizabeth Country Park near Petersfield (see Map 3, page 12). These routes will form part of the Shipwright's Way, which is the proposed leisure and commuter route that will run through East Hampshire and the South Downs National Park.*

*· A safe pedestrian crossing across the A325 to enable visitors to arrive by train at Bentley Station and travel through the forest. To be achieved through working with Denys E Head of Forest Lodge Garden Centre and Birdworld.*

· *Improved signage alongside the A325.*”

Since 1994, I have been writing to successive government ministers and my own MP, even HMQ about the deplorable practice of the Forestry Commission in charging horse riders just to enter the public forest estate. Having bought a permit they do not get any consideration such as a quiet trail, but have to contend with everybody and everything. Given the nature of the beasts, that makes it impossible to ride there in the busy summer months, even if one has gone to the trouble of buying a permit. In addition there are no bridleways because those that reach the forest boundary become footpaths or nothing at all. However of great concern was the fact that the only BOAT running north south has been surrounded by car parks, play ground, shops and loo and this area labelled out of bounds to horse riders.

Jim Paice MP had written to me in March 2006 in response to one of my letters in which he said *“Progress in resolving access issues at a local level, which is clearly Mrs Comber’s aim can only be achieved at a local level. I do not believe my intervention at this time would be particularly helpful, considering the very detailed understanding of the history and the issues that is required. However, local negotiations should be helped by the positive outcomes I would expect to see from national level negotiations.”*

The Minutes of the East Hants Alton Community Forum (Alton and Surrounding Villages) **22<sup>nd</sup> June 2009** record that in reply to a question from a resident *“Would a cycle route between Alton and Holybourne be constructed”* Cllr Carter had replied that was not so but that an off road cycle route would be completed between The Alice Holt Forest and QECP. **He added that a lot of bridleways existed around Alton which had the potential to be joined up and used by cyclists!**

**On 2nd July 2009** I attended a Community Infrastructure PAG meeting at which the Forestry Commission Manager for the South gave a presentation on the possibility of setting up a cycleway between Alice Holt Forest and Queen Elizabeth Country Park 20 miles to the south.

Could this then be the opportunity to bring the Forestry Commission to the debating table, since the start of the path would be at Bentley Station just on the edge of the Forest?

At the meeting I therefore suggested that the route should not just be for cyclists especially as it is a cross country route but for all non-motorised users. It should definitely include horse riders as the proposal was to use all rights of way which include bridleways. Knowing also the difficulties that may be encountered I suggested that there should be an element of ‘Quiet Lane’ schemes even though Hampshire County Council has steadfastly refused to recognise the value of these despite a number of parishes signing up for such, with the result that in Hampshire there are none. My other suggestion was that some of the many footpaths through Alice Holt Forest could be upgraded to bridleways to accommodate the proposed path, and access to it.

The Forestry Commission Manager agreed to all of this and it was also agreed that as the path ran for its entire length through East Hants, the District Council should be the lead

Partner with the Forestry Commission and Hampshire County Council. There was the possibility of the South Downs National Park joining us once it had been agreed that EHDC would support their bid to include Alice Holt Forest in the suggested final boundary for the Park.

The minutes of this meeting read: **Recommendation for Executive Group**

Following this discussion the following recommendations were made.

- Support the principle of the Shipwrights Way, a proposed north-south cycle route through East Hampshire
- That a partnership group be formed for this proposed cycle route and that the project should be led by EHDC
- A principle of creating new Rights of Way in the new development, with full consultation.

All seemed reasonable enough and I knew that this should proceed at some point to the Environment Panel of the District Council on which I sat. However the next meeting of that committee was the following week on the 9<sup>th</sup> July 2009. The agenda item was the inclusion or not of Alice Holt Forest to the South Downs National Park.

In some quarters of EHDC the inclusion of any of East Hampshire in the National Park was a definite no no. I knew I would have to make a good case for it. During my researches at the Records Office in Winchester I had come across a beautiful map dated 1787 drawn for the Land Commissioners for a survey of Woods, Trees and Forests for Geo 111. I had a copy made and took it with me to the meeting. Towards the end of my preamble I explained the significance of the history and how the proposed multi-user path might be appropriate. The next day I had an email from the Deputy Leader. He had been elected to the council for the first time in 2007 as had I. It said as follows:

*To:* [Maureen Comber](#)

*Subject:* Shipwright's Way

Maureen

Unfortunately, I did not catch you last night but what possessed you to openly discuss the Shipwright's Way?

This project has not been agreed by any of the parties involved.

DO NOT mention this project in public again until the press are given the full story.

David

I replied:

On Friday, 10 July, 2009, at 11:18AM, "Maureen Comber" <m.comber@btinternet.com> wrote:  
>

Dear David,

This was discussed and agreed in principle at a Bordon infrastructure PAG. FC Manager David Williamson said he had consulted on the possibility with local groups.??

It was agreed that a cycle way was not a good idea and it would be much better to create a multi user trail which is what bridleways seem to have become. Also they are definitive and

inclusive whereas cycleways are not. A partnership of EHDC, HCC and the FC would be formed with EHDC taking the lead as it would run the length of the District.

Cllr Bill Wain (Mayor of Whitehill/Bordon) chaired the meeting. I certainly got the impression that this was not a new idea and had been fully consulted upon elsewhere.

Of note is that this only went as far as 'in principle'. The detail will be crucial and it was also agreed that the BHS local access officers should be included in the consultation as not all bridleways are suitable for national trails for cyclists who require a surface, whereas of course, horses do not unless its excessively muddy. In this context concern was expressed that the sandy heathlands should not be surfaced for such trails because of wildlife and aesthetic concerns.

I also made the point that there is a fine network of rural lanes which would accommodate cyclists for this purpose but the speed limit would need to be appropriate to give warning of the presence of vulnerable road users. It is inevitable that if the lanes are not acknowledged for their obvious recreational properties and suitably safeguarded against the dominance of the motor vehicle, the more pressure will be put on the countryside as people try to get away from the obvious dangers of man versus machine.

So it is the Forestry Commission who you have to blame for the publicity. I mentioned it last night in the context of joining Alice Holt with QE CP as an add on to the historical context.

At no time has anyone suggested any form of secrecy with regard to the project so what is the problem?

Maureen

Next day I received an apology:

*Date:* 10/07/2009 13:10:56

*To:* [Maureen Comber](#)

*Subject:* Re: Shipwright's Way

Dear Maureen

Thank you for the note and my sincere apologies.

We had a meeting - HCC, Forestry Commission, EHDC, Sustrans, etc. - on 15th April to discuss the Shipwright's Way, and it was agreed that we would not issue a press release/further information until we had formalised the format for a feasibility study and funding for that exercise.

David Williamson was at that meeting.

The reason for the secrecy is very simple. There are a significant number of obstacles to resolve before this project can move forward, and therefore the less said at this stage the better. I do not want to raise expectations only to find that this project is unachievable for whatever reason.

My apologies for the note, and I shall focus my attention on Mr Williamson.

David

I thought no more about it but the next time I noticed a reference to it was in Cllr Carter's Portfolio Notes for the Council meeting on 22nd July. The Leader encouraged me to ask a question at full Council as to why the notes referred to a cycle route rather than a multi-user path. Cllr Carter confirmed that EHDC was developing a cycle way although it could be used for other purposes once it was completed. However it was understood he said, that cycle routes were not always compatible with other users.

I also asked if he could assure me that none of the proposed way would therefore be on bridleways. Of course he could not.

It was here that the Chair of the Better Protected Environment Panel raised the concern that she knew nothing of this at all as it had not come to her Panel

The next meeting of that Panel took place on **2<sup>nd</sup> September 2009**. Although not an Agenda item there was much discussion of the proposed Shipwrights Way under the heading of the 'Development of Climate Change Plan'.

At that meeting I asked why the Panel had not received the minutes from the Bordon PAG which was a proper meeting conducted by the Chair of Bordon/Whitehill Town Council. The Deputy Leader, Cllr Parkinson said it was nothing to do with him and had always been an HCC project with the FC.

I didn't understand why this project seemed to be causing a problem, surrounded in secrecy, and why it did not seem to be following a clearly defined route through the consultation procedures.

However on **9<sup>th</sup> September 2009** the Cabinet Minutes show that under item 33 Transport Policies, "*Cabinet considered the Report of the Community Access Officer CT.53/09 which had been previously circulated. The Community Access Officer requested approval to use transport developer contributions for a number of transport projects..... and funding towards the EHDC Rural Transport Initiative.*

*It was also proposed to undertake a feasibility study for the proposed Shipwrights Way cycle route, which would link the Queen Elizabeth Country Park (QECP) with Alice Holt.*

*Cabinet supported the proposed projects and asked if the Shipwrights Way cycle route had already been agreed. It was suggested that alternative routes should also be considered.*

*It was also asked that comments from a resident named Mr S Miles should be taken into consideration, which Cllr Parkinson confirmed would be the case.*

*There was concern with the recommendation that the matter should be vested in delegated authority to the Head of Community and Democratic Services to award the tender following the feasibility study. It was agreed that as this was a key decision it should be taken by the Cabinet at its meeting in November.*

*There was to be a presentation by the Consultants on 21<sup>st</sup> of September 2009. Cllr Ludlow asked if all Councillors would be invited?*

*Following discussion it was resolved that up to £5,000 of funding be approved from developer contributions for sustainable transport, for the feasibility study.*

On **22<sup>nd</sup> September 2009** at another meeting of the East Hants Alton Community Forum, a question was asked by a resident on the "*progress of the Shipwrights Way, a cycle route being constructed through the District.*" In reply Cllr Carter said "*A great deal of work had been undertaken on the project and the final plan was to have a route from London to the South Coast. He added that a feasibility study was currently being carried out, which he hoped would finish in November 2009. He predicted that the path would take around two years to complete.*"

Since I have spent so much of my time trying to get improvements to link up our fragmented bridleway network I wondered how on earth this could be achieved in such a relatively short time. Was there a magic wand somewhere? Besides whenever I had tried to get planning concessions with regard to bridleways I was always told that EHDC were not the responsible authority and were not interested in Rights of Way!!

**On 24<sup>th</sup> September 2009** I emailed Emma Kemp, Senior Access Projects Officer at HCC:

*“I believe it is you I have to contact with regard to the stakeholders group for the above. I am a District Cllr for East Hampshire and also The British Horse Society's District Access Officer for North East Hampshire. Please will you add me to the group”.*

She replied:

“Councillor Comber

Thank you for your email.

I am involved in the Shipwrights Way project, but it is Kate Fryatt who is coordinating meetings and attendees. I have therefore sent your request to Kate and she will reply to you directly.

Kind regards”

Emma Kemp  
Senior Access Projects Officer  
Countryside Service  
Hampshire County Council  
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Winchester  
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SO23 8ZF

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www.hants.gov.uk/cyclehampshire

*I replied: “Thank you Emma, but I was contacting you as you seemed to be collating the stakeholder consultees rather than fixing the meetings and attendees. If you put me on the stakeholders list Kate would automatically pick it up wouldn't she?”*

A letter dated 15<sup>th</sup> October arrived inviting stakeholders to a consultation on a proposed Multi-User route on Wednesday 18<sup>th</sup> November 2009

Chief Executive's Department  
The Castle, Winchester  
Hampshire SO23 8UJ  
Telephone 01962 841841  
Fax 01962 867771

Enquiries to Kate Fryatt

My reference

Direct Line 01962 847848

Your reference

Date 15 October 2009

E-mail kate.fryatt@hants.gov.uk

Dear Sir / Madam,

**Re: Shipwright Way Multi-user Route Consultation**

I am writing to invite you to a consultation event regarding the proposed Shipwright Way multi-user route which will run along the spine of East Hampshire linking Alice Holt Forest to Queen Elizabeth Country Park.

It has been an aspiration for many partner organisations, including the Forestry Commission, to create such a route. The route will also form part of the National Cycle Network route 22 being promoted by Sustrans which will link London and Portsmouth.

A feasibility study commissioned jointly by Hampshire County Council and East Hampshire District Council is currently underway. The initiative has been welcomed within the Local Strategic Partnership of East Hampshire and is now a formal subgroup of the partnership.

We would like to invite you, or a representative from your organisation, to attend the consultation event on Wednesday 18th November, 6.30pm at Alton Maltings Centre, Maltings Close, Alton, Hampshire, GU34 1DT.

There will be opportunity for you meet the Consultants, Land Access Ltd and to find out more about this initiative as well as commenting on the project. Your views will be documented and fed into the feasibility study.

Continued.

Chief Executive  
Andrew Smith OBE MA DPA MBA

I would be grateful if you could complete the attached booking form and return it asap, and before the 11th November.

Yours faithfully,  
Cllr Mark Kemp-Gee  
Hampshire County Council  
Cllr David Parkinson, Acting Leader  
East Hampshire District Council

So there it was and on the day in large letters Shipwrights Way Multi-User Route Consultation.

**9<sup>th</sup> November 2009:** The Deputy Leader takes up the reins as the Leader of EHDC.

The agenda included a presentation by Mike Furness the Consultant hired to do a Feasibility Study for the project.

The next day Bob Milton sent the following letter to him:

19<sup>th</sup> November 2009

Mike Furness

Land Access Ltd.  
Prospect Cottage  
Moreton  
Thame  
Oxfordshire  
OX9 2HW.

Dear Mike,

Thank you for the very good work you have done on bring what is a terrific aspiration for the users of public rights of way and longish promoted routes. On behalf of the equestrian user I would commend the work done and hope the plan comes about in the very near future. I do understand that funding is as always a key issue but with the backing of such an extensive partnership group I am sure everyone will try their hardest to make it come about.

I would like to just reiterate my concerns and some of the issues that were brought up last night as unfortunately I had to leave early to attend an open public meeting regarding a potential village green /public open space case in Farnham. I have listed these below in no particular order of importance.

What is the status of the route? You seemed to indicate that the entire route would be on public highway ie a minimum of bridleway. Yet there are no BWs on the route through the Forestry Commission land at Alice Holt and when asked about this in Mr Williamson's group he categorically stated that the FC would not dedicate any rights of way. This seems to scupper the plan from the very beginning as permissive access would not be acceptable to users especially the equestrians and I believe cyclists. The problem with the FC is that they claim that equestrians damage the ways and pedestrians and cyclists do not so they charge equestrians for access.

The issue of SANGs is also something that has to be got to grips with now that Natural England has agreed that Alice Holt can be put forward. Given the amount of money available and that use of the TBH SPA includes equestrian access then to discriminate against equestrians by charging would seem to be ultra vires.

The spur route to Bentley Station is partly over footpaths and some bits are not owned by the FC. This would need an upgrade to BW status.

Cradle Lane is on the 'list of streets' and is an ancient carriageway being pre 1835. The land is vested in the Surveyor of Highways but has been neglected for a long time. It has had three temporary TROs because the HA will not take action complicit with the duty in s41 and s130 HA 1980. This really needs to be looked at by HCC legal as I am of the opinion that NERC does not apply here [s67(2)(a)] both by use and as the northern end was extended as a vehicular highway under the Binsted Inclosure 1855 and remains so maintained as a metalled vehicular highway. This would not have been the intention of the Inclosure commissioner if the rest of the lane was not of the same status.

It may be that on the road sections which already have or may be suitable for cycleways that the duty under s71 HA1980 be used to provide a suitable convenient 'horse margin' on the verge.

Where no BW rights exist over common land then cycling would be illegal [s34 RTA1988] and unless there is other legislation such as s193 LPA1925 or a Scheme under CA1899 then unlawful for equestrians. This indicates the need for dedication of the route over such land as PROW.

There would need to be both an 'appropriate assessment' under the Habitat Directive on areas designated SPA though this really only applies to anything new being that the Directive has no effect on existing public rights and to the landowners, tenants and occupiers, as well as an 'Equalities Impact Assessment' under the DDA1995/2000. This is particularly relevant in respect to surface and gates. These may be barriers to disabled riders and may be issues connected with manual dexterity, mobility ie having to dismount to open gates or gates that close to fast becoming equestrian mousetraps and /or visual impairment ie seeing clearly at road crossings.

Whilst I believe there is a link with the South Downs Way there is not one with the North Downs Way. Mind you this is further complicated in so far as the West Surrey stretch around Farnham is FP not BW. It actually goes through my farm as does NCR 22.

Is this proposal in the ROWIP and does it have the backing of the LAF?

I believe that the proposed South Lane link at Buriton is likewise on the list of streets.

How is the increased wear and tear of the existing PROW network going to be managed and funded?

This proposal is a linear route and whilst links are made to stations which are easily used for pedestrians and cyclist horse carriages are not normally available on today's trains. How is this route then to encourage equestrians or can it be linked into a circular holiday route for all users with a series of B&Bs set up or suggested.

Regards

Four days later on 23 November 2009 I wrote to the Transport Officer of East Hampshire District Council:

*"I would like to comment in my capacity as a District Cllr. and as the District Access Bridleways Officer for the The British Horse Society (BHS) for North East Hampshire. Generally speaking the proposal for a leisure, linear route from Alice Holt Forest to QECP seems to be a good idea, especially if it can link feeder routes to make more local circular rides.*

*Firstly it should be remembered that bridleways are principally for the use of ridden horses. In 1968 the BHS raised no objection to use by bicycles, but they are obliged to give way to horses if required to do so, as are pedestrians. In those days mountain bikes had not been invented. On that basis I would ask that all local BHS Access Officers along the route should be consulted as to the suitability of any section of bridleway proposed as part of the Shipwrights Way. Some may not be wide enough and some may be across sandy heathlands which are excellent for horse riders, but cyclists would no doubt require a surface. This would spoil the going for horse riders and detract from the naturalness of the open heath.*

*BHS Access Officers for each locality would most probably be able to identify other more suitable routes if the one proposed was unsuitable for any reason.*

*The proposal to use Cradle Lane and Broxhead Common seem to be unnecessary given that there is an existing cycle route already covering this locality.*

*The key challenges are:*

- Controlled crossings of the A325. I have for many years been pointing out to the LHA how Alice Holt Forest and Broxhead Common, which are both areas of importance for quiet recreational activities, are severed by the A325 which continues to be a cause of Community Severance. Maybe the SDNP will help in this respect.*
- Upgrades to existing footpaths to bridleway within Alice Holt Forest itself. This should not be a problem as it has been minuted at a Bordon PAG that David Williamson would facilitate, if it is down to him that is. At the moment there are no bridleways and horse riders are made to pay for what is too often an impossible or unpleasant experience.*
- The recognition that horses require a tranquil environment as they are easily frightened by fast moving cycles, particularly if they are scrunching their wheels on a gravel surface. I have found that cyclists do not like slowing down for horse riders any more than motorists do, however careful planning can help with this.*
- Some landowners do not like bicycles as they move too quickly through the environment and frighten walkers as well as horse riders. That is why I am suggesting that the rural lanes should have a reduced speed limit of not more than 30mph as the use by non-motorised users (NMU's) is almost completely suppressed because they cannot compete with motor vehicles on such narrow roads with an unlimited speed limit. They get abused both verbally and physically by motorists who resent slower moving tractors or people. If lowering the speed limit on all the lanes cannot be accommodated then quiet lanes, prioritised for NMU's should be implemented as part of the proposed Shipwrights Way. The advantage to the cyclist is that most if not all of them are already surfaced and the advantage to HCC is the saving on maintenance, or creation of surfaced off road tracks, when the lanes already exist.*

*I and other colleagues would be pleased to help in the design and structure of the route. We are best placed as horse riders to advise on gradients, gates, surfacing*

*etc particularly on ease of access for younger, older or physically impaired, as indeed many horse riders are themselves often inhibited by old injuries or just old age and many have young families too.*

*As you know I already sit on the PAG for Sport and Leisure for Bordon Eco-town and am therefore well placed to try and achieve a good route around the town.*

*Lastly I would add that to some the creation of this route will seem somewhat premature given the fact that HCC do not keep up with their STATUTORY DUTY of maintenance to rights of way and particularly bridleways and BOATS. Cradle Lane U29 next to my property and to which I have an entrance has been closed to all traffic by three consecutive TRO's for a year now. I expect you will remember making some enquiries for me in this regard earlier this year with no satisfactory answers. Perhaps you will now ask again when I and many others who contact me frequently in this regard, might have the pleasure of using it?*

*I have attached guidance for NMU Audits which gives useful advice on some of the difficulties that may arise for NMUs on shared use paths. Paras 2.4 and 3.44 seem particularly relevant.*

*I hope this helps"*

**On 2<sup>nd</sup> December 2009** The British Horse Society launched its campaign to stop the discriminatory practice by the Forestry Commission of charging horse riders for entrance to public forests. They produced a postcard which said "SAY NO TO PERMITS" and sent it to all MP's.

After a meeting with the Forestry Commission on **15<sup>th</sup> December 2009** the BHS Director of Access wrote:

*"What hopefully came over loud and clear from both of us, is the continuing perceived injustice that equestrians, and indeed the Local Access Forums in the south east feel in respect of equestrians having to pay to gain access to some FE woods when cyclists and walkers do not have to.*

*It was agreed that there could of course be circumstances where access for equestrians is just not feasible, although the Hodgemoor example would suggest that such situations would be few and far between.*

*Equestrians are more than happy to contribute to Forestry Commission income as walkers and cyclists do by paying car parking charges and purchasing refreshments at the cafes after they have been riding, the infrastructure of which I understand was paid for by the Forestry Commission at no initial cost to walkers, cyclists and equestrians.*

*As you stated equestrians have free access to 163,000 hectares of the 268,000 hectare FE estate, and only have to pay permits to access 28,000. It was agreed that the FC does not adequately communicate to the public the extent of the Forest that has free informal access for the different user groups.*

*You indicated that cyclists, like equestrians do not have access to all of the FC estate, a fact that is not relayed to the public or understood by them, which is something that may fuel the current 'feeling of injustice'. It would, therefore, be useful if you could let us know the forests where they do not have free informal access and whether they are required to purchase permits in respect of those woods or whether access is nevertheless tolerated there.*

*You stated that a lot of work done for cyclists in the FC estate has not been funded by the FC but by other parties such as Sustrans.*

*However what Hodgemoor does clearly illustrate is that forests with delicate soil structures and with SSSI designation for those soils, can provide superb access for a high number of horses to no detriment to the wood or the SSSI designation.*

*It also illustrates that in all of the FC's other forests where permits are required the FE is not providing for the access needs of local equestrians. The 33 permit woods in the FE's south east district currently provide for 606 permits, an average of 18 per wood, whereas a small wood such as Hodgemoor provides for over 200 local riders. This clearly evidences that 50% of permit riders in the FE south east district are therefore in Hodgemoor, a 118 hectare wood, whereas in the 276 hectare Wendover Woods there are only 15. The £135 TROT toll fee for an individual rider compared to the £20 family fee for Hodgemoor is clearly putting riders off.*

*If the FC is serious about fulfilling the government's agenda of encouraging people to lead healthier lifestyles by taking exercise, and in this instance exercise on horseback, which caters amongst others for the very hard to reach sector when it comes to exercise, namely the teenage girl, the current permit arrangements clearly are not meeting the existing local need for equestrian access, then it needs to address this point urgently."*

**On 8<sup>th</sup> December 2009** I attended a National Road Safety Conference at the QE2 Conference Centre in London.

I spoke to the then Minister of Transport Paul Clarke and asked him when the Government were going to address the problem of high speed limits on rural lanes. He replied that I should tell Hampshire County Council that it was up to them to address the issue. He was trying to devolve power to local government!!

The New Year came in as it usually does on 1<sup>st</sup> January, in the year 2010

On 26<sup>th</sup> January at another meeting of the East Hants Alton Community Forum a resident enquired about a meeting on a proposed cycle route from Alice Holt to QECP and asked if Hampshire County Council were aware of the proposals and how much it would cost?

The reply from the County Cllr was that it was the Shipwrights Way that was referred to. The County Council were involved. No roads would be used and access would be footpaths and bridleways. The current estimate on funding was a quarter of a million pounds.

I commented that not all bridleways were suitable as some of them were too narrow for a national cycle route.

The County Cllr replied that footpaths would be enhanced to bridleways!!

**27<sup>th</sup> January 2010** The Portfolio reports of the Council meeting record the Leader as saying that the final route for the Shipwrights Way was still under consideration and the preferred route will be presented once it is identified. I asked whether the preferred route will go out to consultation with the various user groups and in particular The British Horse Society?

**On 24<sup>th</sup> February 2010** we had the following from the Leader of the Council:

## **Shipwright's Way**

### **Objective**

To assess the potential for developing a multi-user route – a route that is suitable for cyclists and walkers of all abilities, and wherever possible horse-riders and disabled users - initially linking Alice Holt Forest to Queen Elizabeth Country Park (QECP) and then heading south from QECP to Havant and Hayling Island.

The route should link up all the main railway stations to provide easy access to the route as well as providing return journey options for tourists and families. There is also the potential to link with South West Trains who are involved in a bike and rail programme which aims to improve cycle facilities at train stations, including additional bike storage, cycle grooves on footbridges and bike loans.

A secondary stage development would be to introduce 'feeder routes' running off the central spine that would link parishes and communities – with particular emphasis on commuters and school children – to the main towns and facilities within East Hampshire.

### **Benefits**

Multi-user routes that are largely free of motor vehicle traffic have an important role to play:

- Providing recreation facilities for families and tourists.
- Providing opportunities for sustainable transport and reducing congestion.
- Rural economy: increase footfall in village shops, pubs and B&Bs.
- Tackling obesity and improving community health.

Given the arrival of the South Downs National Park, any project that can be used as a beacon to attract visitors to the beautiful countryside of East Hampshire, must be an important element in the economic development and prosperity of the District: a prosperous local economy is essential for the long-term future of our parishes, and schemes that will improve our support for the retention and sustainability of the rural economy should be encouraged.

Projects that promote the use of alternative transport meet EHDC's objective of educating and motivating the residents of the district to reduce their carbon emissions.

This project also meets the needs identified within the South Downs Countryside Access Plan produced by HCC, most significantly reducing the reliance on the car, improving path surfaces and improving the accessible network of routes in the area.

Projects such as the Shipwrights Way, also support the ambitions for achieving a sustainable Hampshire, as identified in the HCC Sustainable Communities Strategy and Corporate Priorities.

EHDC has a stated aim to help young people stay healthy and safe.

Therefore, the new routes could enable more school children to cycle to their schools, and discussions with schools and villages that might use these routes would be part of any future local consultancy. Both Alice Holt and QECP currently operate cycle clubs, and although these are not exclusively for young people, additional schemes across the entire route would aim to increase the participation of our youth in sport and physical activity.

This project would include meeting the following National Indicators:  
NI 56 Obesity amongst primary school children  
NI 110 Young peoples participation in positive activities  
NI 175 Access to services/facilities  
PSA 12 Improve the health and wellbeing of children and young people  
PSA 18 Promote better health and well-being for all  
DCSF DSO Secure the well-being and health of children and young people  
The route as a sustainable transport link also meets a number of local and National policies including:-  
Local Transport Plan Strategy 2006-2011  
East Hampshire Sustainable Community Strategy 2008-2026  
Hampshire Local Area Agreement 2008-2011  
Local Development Framework  
Delivering a Sustainable Transport System (DaSTS) up to 2014

### **Project So Far**

Land Access Ltd., a consultancy selected by HCC and EHDC, has assessed an initial route that could be fully operational within two years. The consultants have identified a potential route that uses traffic-free routes wherever possible using rights of way and minor roads; ensures links are provided to major settlements and railway stations; and pays particular attention to road safety using existing accident statistics and traffic volumes. The study also acknowledged the important conservation and land ownership issues which exist in the area

### **Next Stages**

Alice Holt to QECP

- 1 – Meet with District Councillors from the following wards: Bentley, Binsted, Buriton, Greatham, Headley, Kinglsey, Liphook, Lindford, Liss, Petersfield, Steep and Whitehill Bordon to ascertain their input on the project and identify possible local issues that have not been identified in the consultant's report.
  - 2 – Report on the feasibility study to Parish/Town Council Chairman from the above.
  - 3 – Preliminary meeting with the Parish/Town Councils from the above list, on the next steps.
  - 4 – Project delivery and implementation through the Steering Group in Partnership with HCC.
  - 5 – Identification of 'feeder routes' to link parishes to the main spine.
- QECP to Hayling Island
- 1 – Meet with local councillors from the Southern Parishes to identify the two possible routes south from QECP, and link plans to existing schemes and future developments in Havant.
  - 2 – Report on the feasibility study to Parish/Town Council Chairman from the above.
  - 3 – Preliminary meeting with the Parish/Town Councils from the above list, on the next steps, plus meetings with Havant BC.
  - 4 – Project delivery and implementation through the Steering Group in Partnership with HCC.
  - 5 – Identification of 'feeder routes' to link parishes to the main spine.

### **Identified Issues / Problem Areas**

The route so far is an informed attempt at finding a suitable route. More work will be required to identify and clarify all of the options before a final route is agreed, adopted and taken forward.

There are still some issues to resolve such as upgrading rights of way to give higher status for cyclists, horse riders and disabled users and

potentially creating new sections of route. A significant amount of the route is on or next to MOD land and there are also conservation issues.

Thought also needs to be given to the route through QECP and the potential of delivering three options:-

- Commuters – A route using the old A3 and into the existing tracks
- Families – A new route south of the church
- Hard Core – Fast route up Kiln Lane, Buriton

### **The Southern Option**

The extension of the route from QECP south to Havant is currently being investigated. These options will take into account the plans already agreed by Havant BC to improve cycle access for commuter and recreational use within their patch.

### **Funding**

The consultant's report estimates that the total cost of implementing the route from Bentley Station to QECP would be £204,000, and this would include the preparation/upgrading of the existing paths, signage, legal costs for Rights of Way issues, and all other associated costs.

The additional route south from QECP to link up with Havant's current plans could be in the region of an additional £40,000.

The estimated annual maintenance cost of the route from Bentley Station to QECP has been estimated at £9,000/annum over and above the Highway Authority's statutory duty on existing elements of the route that already come under HCC's jurisdiction, and an additional allowance of £2,000 for the route south could be added to that figure.

Providing the 'feeder routes' from the central spine to provide communities access to the towns and schools would be ascertained following further public consultation, and no budget has been ascertained for this development.

These costs do not include the marketing/promotional costs of launching this route and positioning the Shipwright's Way as the most enjoyable way to visit the South Downs National Park.

Likely sources of funding would be:

- HCC – LTP funding and developer contributions
- EHDC's Developers Contributions – These must be allocated towards measures that encourage use of alternative modes of transport such as cycling and walking.
- Sustrans 'Links to Schools' fund
- LEADER fund
- South Downs Sustainable Development Fund
- South Downs National Park/ SDJC
- Heritage Lottery Fund
- Groundwork 'Community Spaces'

### **Summary**

Shipwrights Way will make a positive contribution to the environmental, social and economic sustainability of the many parishes it will serve, helping to improve access and reduce rural isolation.

The next stages will be to meet with the relevant District Councillors to assess the detail of the consultant's report in relation to their ward.

The first sentence of this report indicated the first twist of the interpretation of 'multi-user routes' and the future direction of travel.

**On 26<sup>th</sup> February** I had an email from a member of the Hampshire Local Access Forum asking if I would like to comment on equestrian access to Forestry Commission land. I replied as follows:

*“Thank you for the opportunity to comment on the discussion paper for the SE Region LAF Chair's meeting on 4th March 2010. My comments are as follows:*

### **Background**

*The paper says that a recurring theme from many LAF's in the SE has been the perception that equestrians in the SE (and some other parts of the UK) are being treated unfairly by the FC when compared with other classes of users, and when compared with equestrians in the rest of the country.*

*Lets dispense with theme and perception. There is and has for many years been a problem with access to the FC for equestrians. They have been poorly served even tho' they have to pay a permit fee.*

- *Exits and entrances are too narrow and are probably the main reason why I have so much osteo-arthritis in my knees where they have been squeezed and bumped on the posts either side of the gaps.*
- *Even tho' the permits are in effect contracts, the routes are never maintained and when they become too muddy to use, are removed from the permitted routes rather than being repaired*
- *In Alice Holt the permitted routes have been mapped through the busiest parts of the forest and horses become upset and cannot cope with the large numbers of people picnicking, toddlers on small bikes with balancer wheels which make a funny noise on the gravel, balls/sticks being thrown etc. etc. Therefore the permit is useless during the summer months and other school holidays. Ironically the only bridleway through the forest is found beside the car parks and visitor centre so is off limits to horse riders according to the FC.*
- *On the other hand a 'cycle only' route has been promoted around the quieter circumference of the forest where the horses used to go. If the paying horse riders had been considered at all, the path could have been put on one side with a softer surface for horse riders alongside.*
- *Controlled crossing points over the A325 have been requested from the LHA, but this has never been supported by the FC who say the road is too dangerous to cross in any case despite the fact that one of the permitted routes does cross this road.*
- *One of the very popular routes was maintained by surfacing with builders waste which turned out to be contaminated. It has been closed for years and nothing done to remove the contaminated waste.*
- *.Contractors are allowed to damage the trails which are not restored and therefore reduce the available access still further.*
- *They erect their signs very close to the Entry and Exit gaps which can spook a horse.*

*The FC Managers, David Williamson and his senior colleagues have been made aware of these difficulties and have done nothing to resolve them, on the contrary fences have been erected to prevent horses using possible escape routes when trouble is perceived, and forest personnel have been demanding and aggressive in requesting if the rider is a permit holder. This sort of harassment is bad enough for adults but very frightening for children. Anyway why should they be singled out to be troubled in this way?*

*In my opinion TROT is not the right vehicle to operate in the FC environment. It has been successful in creating links across farmland but here in Alice Holt nothing has changed for*

*the better and this is probably because it is a state owned property rather than privately owned.*

*So you see it is not just that equestrians are being treated unfairly in having to pay for access, it is the fact that that payment does not guarantee a safe or pleasurable experience.*

*In any case taking 'air and exercise' is the most basic of our human rights and should be available to all alike.*

*Alice Holt Forest is historically a commonable forest. It was open to all and the surrounding parishes who used to gather wood, coppice etc. There was certainly no restriction on access either for walkers or horse riders. This can be seen from the report of the Land Commissioners of Geo 111 in 1787. Cycles weren't invented then of course. These rights have existed since time immemorial and I very much doubt whether the FC are acting legally in requiring horse riders to pay for permits in this particular forest.*

### **Where do we go from here**

*The clear statement of what equestrians want to achieve is*

- *EQUALITY with other members of the public in accessing public land.*
- *Safety and enjoyment of our public forests.*

*The car parking figures say it all. £4 million from car parking on space which is owned by the public, at a time when the Government is trying to cut the use of motor vehicles which cause over 25% of toxic emissions and co2, seems to me to be something of a contradiction. At the same time this is putting a considerable amount of traffic on the surrounding rural lanes. These roads were traditionally used by horses who probably created them. So the message to equestrians is 'Pay up or stay out on the lanes on which we are generating even more traffic'. Perhaps this is the best reason why the FC should invest some of their income from this source into providing free and suitable access for equestrians. Additionally the situation is not helped because the speed limit on those single track carriageway rural roads is set at 60mph. It cannot be said that is a safe speed at which to travel or that the speed limit is there for our safety. It patently is not as it gives no reminder to the motorists to the possible presence of vulnerable road users.*

*Having totally disenfranchised horse riders from the use of the highway because it is not safe, I would say that the least we might expect is the provision of safe off road routes which are free to use just like the highways which are now dominated by motor vehicles. Add to this that the LHA do not maintain our byways and bridleways, allowing the former to be wrecked by 4 x 4's, and equestrians are left without an environment of equality, enjoyment or safety in which to exercise themselves or their animals.*

*It is no wonder that obesity has become a problem, for the existing rural roads do not lend themselves to children cycling to school and neither are they recognised for their recreational value.*

*I see that the FC are not averse to partnership with people who have money, but we know that 65% of equestrian participants are from socio-economic groups C, D and E, which begs the question as to why should only wealthy members of the public afford the safety and enjoyment of horse riding in the **public** forests?*

*Sustrans is a Government funded cycling charity. It was set up to improve conditions for cyclists getting to work etc. However the FC routes are not work orientated. They are recreational and therefore should be shared equally with horse riders. I cannot believe a Labour Government would think otherwise, particularly knowing that horse riders had generously agreed to share bridleways with cyclists in 1968.*

*In fact the FC should have led the way in improving access to the countryside by upgrading some footpaths which cross the forests, to link with bridleways which become footpaths when they reach the boundaries of the forest.*

*This brings me to the last point which queries the value of pursuing the research into lost ways. Here again with 2026 rapidly coming it is a good objective to pursue and I would suggest a parish by parish approach. The problem however is that when I found a genuine 'lost way', having taken the usual ten years to reach the Definitive Map in 2005, I am still waiting for it to be made useable by HCC even though EHDC has agreed to fund the work needed. !!!*

*I am copying in my MP The Rt. Hon. James Arbuthnot as he will be meeting the Minister responsible in the near future to discuss this very subject.*

*With Very Best Wishes"*

**On 10<sup>th</sup> March 2010** I wrote to the appropriate Officers in EHDC saying:

“As a member of EH Road Safety Council I would like to attend the Road Safety Beyond 2010: Delivering a Safer, Cohesive Road Safety Strategy  
- Wednesday June 23<sup>rd</sup> 2010, Central London, 08:45 - 16:05

I know we are watching the pennies these days but feel it is not much to ask after all I only cost you the basic allowance.”

On **12<sup>th</sup> April 2010** an appointment was made for me to see the Leader. This was his idea for consulting the relevant District Cllrs through whose Wards the route of the Shipwrights Way would run.

At this meeting I asked why he had changed the description of the route from Multi-User to a 'Route for Walkers and Cyclists and where possible horse riders and the disabled.' He replied that it was thought walkers and cyclists were more compatible. I pointed out that this didn't make much sense because cyclists had no legal right to ride a bike on footpaths but on the other hand they did have a concessionary right to use bridleways. I tried but could not change his mind on this point. He just said that was how it was going to be so end of discussion. I also said that there was a better way for the route to follow which would take it through Kingsley near to the pub and village shop. It would also be along the edge of the SDNP.

From this point on the Project moved to come under the umbrella of the Hampshire Action Teams. (HATS). Bad news from my point of view because only three weeks earlier I had emailed my County Cllr and said:

*“I am beginning to feel something of a pariah. Not only is Cradle Lane denied to me but I am more often than not left off the HATS mailing list. If it were not for my astute parishioners I would be quite in the dark. Actually Sam James mentioned there was a meeting on 29<sup>th</sup> March but I have heard nothing since. No request for possible agenda items - I understood the DC's were the conduit for the parishes to HATS. Even if that is not the case it is only common decency to keep us informed. I have asked Kate Fryatt many times to keep me on her email list but can only assume she is instructed to take me off. Apparently there was a Selborne Brickworks meeting a short time ago. I was not there because I had not been made aware. Again I found out about it through a local resident who had expected to see me there. Perhaps you could tell me how many HATS meetings have taken place since I was last on the attendance list please. Also how does the HAT gather agenda items?”*

**27<sup>th</sup> April 2010** EHDC Alton Community Forum had a presentation by the Consultant of the proposed Shipwrights Way.

The Community Access Officer introduced Mike Furness the Consultant. He said:

*"The Shipwrights Way was planned to be a multi-user route for walkers, cyclists and where possible horse riders and wheel chair users".*

Members of the public and Councillors asked a number of question and made a number of comments such as *"Would the trails through the Forestry Commission be upgraded to bridleways".*

**A) It was confirmed that the Forestry Commission would be happy to upgrade the trails, where appropriate.**

Q) *"Minor country roads had a 60 mph speed limit. Surely HCC could reduce the speed limit on the minor roads used on the proposed route to make them safer?"*

A) *The route had been designed with the assumption that no changes would be made to existing speed limits, however HCC had been and would continue to be, involved in the project, and such issues would be considered."*

Q) *What constraints would there be to prevent motorised off road vehicles from accessing the route?*

A) *Unfortunately, there would be very few constraints to stop motorcycles. Off road vehicles had the right to use some byways, but Mr Furness said that he had yet to see a barrier that allowed a horse to pass, but prohibit motorcycle access. Apart from some very small sections of byway, the route would not legally allow motor vehicle access."*

On 29<sup>th</sup> April 2010 I received an email from the Leader. It said:

Before our annual council, I just wanted to check with you that you are still happy with the positions as outlined below.

Planning North  
Community Forum  
Kingsley Village Centre  
Selborne Brickworks Liaison Panel  
Staff Joint Working Party  
East Hampshire Road Safety Council  
East Hampshire Health Partnership

I replied in the affirmative.

However ten days later I received another email from the Leader which said:

Following on from my earlier email, officers have done a re-calculation of the political balance on various committees and bodies, and I need to reduce the Conservative numbers on the above body.

Therefore, I shall not be asking you to be a member of the East Hampshire Road Safety Council during 2010/2011.

**30<sup>th</sup> April 2010** I sent the following email to the Transport Officer of EHDC:

*"I have been asked by the Leader to comment on the proposed route where it runs through my Ward from Cradle Lane to Lindford. First I would like it confirmed that this is a multi-user route as the Leader told me I should consider it as being mostly for walkers or cyclists with access for horses where possible? He believes that walkers and cyclists are more compatible.*

*I would also have liked to comment on the route where it starts in the adjoining parish of Binsted but have not been given a description although I have a map of the whole route. I can see though that it crosses the A325 which carries some 20,000 vehicles a day. I would therefore suggest that an assisted crossing point would be welcome. You should know that I spoke at some length when the planning application for Forest Lodge Garden Centre came to the North Planning Committee, on the need for an assisted crossing point at this location. What a pity that no action was taken to procure one! There is to be one nearer to Forest Lodge which might be a better option for cyclists and walkers.*

### **SECTION 1 - Sub-section 3.1**

*Firstly I have to say that there is a much better alternative to the west of the A325 following a route alongside Alice Holt Forest, in the National Park. We would need to meet and discuss as it is too time consuming to describe here. But to comment on the two suggested routes:*

**Question 1** *May we assume that the route through The Forestry Commission will be upgraded to bridleway to accommodate the preferred route?*

**The Alternative** *The minor roads from the Forest via Huntingford Bridge are already designated as a cycle route. However there is no priority given to Non-motorised Users (NMU's) and consequently there is no reduction of the national speed limit of 60 mph despite the fact that 30 mph would be the maximum safe driving speed. These narrow sunken lanes, erstwhile horse and cart roads, have few if any passing places and are really not suitable for dual user. However I see no reason why a 'quiet lane scheme' with suitable signing and prioritization for vulnerable road users could not be implemented.*

**The Third Option for Walkers** *may not be required as I had claimed a bridleway from BW54 to Cradle Lane through the woods to avoid the dangerous bends on the C102. HCC turned it down at Regulatory Committee. I appealed it and after review by a Planning Inspector HCC were instructed to make an Order for a bridleway on the claimed route. HCC made the Order and then promptly objected to it, together with the landowners in question. A PI followed and on 11th December the Inspectors decision was for refusal. I applied for Judicial Review and have just heard that DEFRA have withdrawn the Inspectors decision of 11th December 2009. The Secretary of State will now decide how to proceed.*

*If this is ultimately successful there will be no need to divert walkers off Cradle Lane.*

**The Preferred Route** *along Cradle Lane. You may remember that Will Godfrey, ex CEO, EHDC asked you to try and discover if Cradle Lane was still on the priority maintenance list as of 1st June last year. You were eventually directed to seek the information from Mandy Ware who turned out to be unreachable because of a generic email address. We never did get an answer. Similarly Cllr Mark Kemp-Gee asked a question at Council (HCC) and three months later got a response from Cllr Margaret Snaith that Cradle Lane would be repaired during 2009/10. As you can see this is still not done.*

*Given the preference to direct the route along Cradle Lane it is a shame that HCC ROW Dept. consistently ignore and work against the advice of local people. If this were not the case the route would be off road and useable to the B3004 Lindford. As it is however there is much to be done to make this happen.*

*Cradle Lane is a very ancient lane, probably part of an iron age settlement boundary, according to our local Archaeologist. It is so named as just south of the river there was a property which has long since ceased to exist although the lilac tree marks the spot, where people came to visit the local mid-wife. It certainly qualifies to be protected for historic and natural environment.*

**Legal Issues** *the temporary TRO's have long since run their course and the last one restricted all users which included walkers. As there is an entrance to our property directly from Cradle Lane, HCC are committing an offence under Sec 3 RTA 1984 in closing it. This quite apart from the fact that it is a statutory duty for HCC as the responsible authority to maintain this road which is on the list of streets.*

### *Restrictions on Traffic Regulation Orders*

*A traffic regulation order shall not be made with respect to any road which (a) of preventing at any time access for pedestrians*

*To any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians, from and only from the road.*

*The majority of the damage has been caused by 4x4's where the wheel ruts cause water courses to turn into ravines and then the mudplugging activities in the area of the ford have ripped up drain pipes that were placed previously in 1996. You are therefore quite correct to be seeking a permanent TRO preventing access by motor vehicles such as 4x4's. I was interested to see the figures of the estimated costs as in 2005 with letters of support from Kingsley and Binsted Parish Councils I asked if HCC would give me an estimate of the cost and a letter of good will so that I could apply for funding to help with the maintenance to Cradle Lane. They would not help.*

### **Section 1 Sub-section 3.3**

*As you point out the preferred route runs along the bridleway through the SPA. The section which goes through the grass field used to be a headland path and unfenced. Three years ago HCC allowed it to be fenced to 3 metre width. I have a claim with the HCC ROW for an extra three metres because in permitting the landowner to fence it to the minimum width they failed to take account of the line of the path actually used by the public since time immemorial. HCC could consider that claim and fast track it as the present width of the bridleway is too narrow as it is, without the addition of cyclists. However I also have a claim in for a restricted byway which follows another route to the same point. Again the HCC may like to fast track this claim to make it suitable for multi-use.*

*The MOD own the land on the other side of the B3004.*

*The preferred route is therefore full of potential problems.*

*The best way would probably be on the first of the alternatives following the bridleway to the south west of Bottomfield Copse and across the River Wey Aquaduct. The five way junction could be crossed directly to Chase Road, Lindford which leads across another ford to Alexander Park, Bordon shown as Alternative 2.*

***The Legal Issues** involve Statutory Duties of the responsible authority HCC to maintain the rights of way. If there is deemed to be a constraint because of the National Monument then the BW should be diverted back to its original route through Headley Wood Farm where the going would be better and the route more straight forward.*

*I advise that as few signs as possible should be cluttering the countryside.*

*My conclusion is that there is a better opportunity to the west of the A325 which should be explored and is in the South Downs National Park.*

*Please can you tell me when this consultation is to be taken to local stakeholders?*

*I hope the above is helpful."*

**19<sup>th</sup> May 2010** A report came to Cabinet and a request for developer contributions towards the Shipwrights Way project. A question was asked about horse riders and the Community Access Officer replied that the routes would be suitable for cyclists and walkers and where possible horse riders.

It was resolved that the Shipwrights Way project be supported and up to £350,000 of transport developer contributions be allocated towards the implementation of the route across East Hampshire.

**27<sup>th</sup> October** 2010 I was copied an email from the Project Officer which said:

*"You all replied to my round-robin understandably expressing some concern over the reference to Shipwrights Way as a 'walking and cycling' route, not explicitly including horse-riders. I wanted to clarify this as I think there is potential for confusion.*

*The money to employ me and deliver the route is coming almost entirely from S106 developers contributions which have been secured to deliver 'sustainable transport'. Therefore, both the report to EHDC cabinet and that to the HCC Executive Member (which although it has my name on, was written by Emma K) refer to a route for walking and cycling and the benefits it will deliver for sustainable transport.*

*So it is correct to refer to it as a walking and cycling route, and without the S106 money few if any improvements would have been made.*

*However, I'm glad to say that much of the route is on Bridleway, RB or BOAT so riders will automatically benefit from improvements made and we welcome this. I and the steering group will be mindful of the needs of horse-riders in delivering every part of the route (surfacing, sight lines, structures, etc), will want to include you in stakeholder meetings and will welcome your advice and thoughts. We will be looking to deliver against CAP issues where we can, including issues specific to riders. Where there is room, we are describing the route as 'for walkers and cyclists, with provision where possible for horse-riders and people with disabilities'. **But to fulfil the funding criteria we must ultimately stick to the description which fits with the sustainable transport aspirations, i.e. Walking and cycling.***

*I hope this clarifies the position somewhat and the reasons for it, and I do hope that you will wish to be involved as the project develops.”*

*I immediately wrote to EHDC Head of Planning:*

*“It seems to me from the message below that HCC have once again got their legal knickers in a peculiar twist. The last sentence in the fourth paragraph which I have highlighted is suggesting that horses do not fit into the category of sustainable transport. Only a hundred years ago they were the only form of transport so I wonder how this can be? Indeed I think it is wrong, and hope that you will be able to confirm for me please.*

*The second concern is the second paragraph which states the funding is coming almost entirely from S106 developer contributions which have been secured to deliver 'sustainable transport'.*

*At a paper given to the EHDC Conservative Group of Councillors on 9th February 2010 the likely sources of funding are listed as:*

*HCC - LTP funding and developer contributions, EHDC's Developer Contributions - These must be allocated towards measures that encourage use of alternative transport modes such as cycling and walking, Sustrans 'Links to Schools Fund', Leader fund, South Downs Sustainable Development Fund, South Downs National Park/SDJC, Heritage Lottery Fund, Groundwork 'Community Spaces'.*

*It is noticeable that no European funding is being sought so why is the project now seemingly coming entirely from EHDC's pot of developer contributions for transport?*

*Another conundrum is that at the beginning of the fourth paragraph we are told that much of the route is on Bridleway, Restricted Byway or Byway Open to all Traffic. In that case why is it not referred to as a multi-user bridleway route, as was the case at the start of this scheme. It seems to me that referring to it as a cycling/walking route will be seen as divisive and discriminatory by the majority of horse riders who generously permitted the bridleways to be used by cyclists under the 1968 Countryside Act. I am sure they never envisaged a take over by the creation of national cycle routes incorporating the few bridleways available to them.*

*Lastly EHDC have hired ue-a consultants to do a green infrastructure study for us. In their report they say that linear routes are not best value and that local circular trails are best in respect of tourism etc. So how come we hire consultants and then promote the opposite of the advice given?*

*My first question is the most important so I do hope that you can clarify this issue for me ASAP."*

**29<sup>th</sup> November 2010** the reply:

I can understand your frustration but the transport developer contributions are taken for sustainable transport methods - walking and cycling are considered to be 'modes of transport' - a means of getting from A to B, whereas horse riding is predominantly a leisure, rather than transport activity. However, the county officer is confirming that the routes can also be used by horses so the provision and enhancement of the network is benefitting horse riders.

I replied:

*"Trouble is tho' I don't think people are going to cycle or walk to work along the Shipwrights Way, although they may use it for recreation just like horse riders!! Difficult to tell the difference between a recreating cyclist and a transporting one ! Natural England confirms that best value routes are circular and local. Its a pity the recreational value of the country lanes is not recognised and measures put in place for the protection of non-motorised users. It would save having to construct cycleways and millions in road maintenance. Anyway how can they keep saying that cyclists are sustainable transport when the use is consistently going down or so it says on the defra website! "*

**30<sup>th</sup> October 2010:**

I decided to ask some questions through my MP. I

*"An anomaly has come to light which I hope you will be able to help resolve. Under the previous Government the sustainable transport criteria included only walkers and cyclists, leaving out other forms of vulnerable road users such as horse riders who were classified as recreational. This has meant that sec 106 developer contributions for transport could only be used for cycling and walking. In fact by default horse riders are not totally disadvantaged because they had generously agreed to include cyclists in the use of bridleways under the Countryside Act 1968. That was well before the evolution of mountain bikes. However there are many situations where horse riders need improvements to the bridleway network for their own sake and whereas walkers have 100% use on all available rights of way as well as 'open access' on mountain, moorland, heath and down, the use of cycle ways is often not reciprocal with use by horse riders.*

*Equestrians therefore have no readily available funding streams to address their individual needs.*

*As far as I am aware not one bridleway has been created under the terms of the CROW Act 2000.*

*In order to address this inequality surely the point should be made that it should not matter what the purpose is for walking, cycling or horse riding, they should all be treated equally, because whether it be recreation or transport, those partaking are not otherwise engaged in driving a motor vehicle. They are all vulnerable when in close proximity to faster moving motorised vehicles which has disenfranchised many horse riders in rural areas and I suggest inhibits walking and cycling also. If this were not the case then the cyclists would not be so keen to incorporate so many bridleways into national cycle routes.*

It would help therefore if horse riders were included in the generic term of sustainable transport to enable them to address their individual needs and also to join up the fragmented bridleway network or create bridleways where the road conditions inhibit their use but may not cause such a problem to other non-motorised users.

I do hope you can help

**1st September 2010** The Leader resigned to be replaced by his deputy. This is the third change of Leadership in three years.

**17th September 2010:** I receive a response from an EHDC Officer to my request to attend the Road Safety Seminar in London:

*"This is very similar to the conference you attended a year ago. Also, I note that you are not on the Road Safety Committee any more and so there is no longer an especial connection with your district council roles. I would not be happy to support your attendance on this, I'm afraid."*

I guess they didn't like the message from Paul Clarke and that was the real reason why I was taken off the East Hampshire Road Safety Council.!

**21st October 2010.** An email is forwarded to me by a colleague:

*A quick note to say that I'm changing roles - from next week I will be Shipwrights Way Project Officer, working for David Marshall in the Countryside Service's central team and based at QECP and East Hants District Council offices. This is a partnership project with EHDC, the Forestry Commission and SDJC to provide a cycling & walking route linking communities and rail stations through some beautiful countryside in East Hampshire.*

**Shipwrights Way Project Officer (Tues, Weds, Thurs)**

**023 9259 5040**

**[web pages](#)**

There seems to be no mention of Hampshire County Council. Just an oversight I suspect.

I am worried that the full implications of setting up the Shipwrights Way project are not being addressed so I write to our Head of Planning and the Council's Solicitor on

**1st November 2010** I receive a reply from EHDC

*"I understand the points you are making. The Shipwrights Way route will primarily be a leisure route but it does appear to have potential to develop into much more than that. You're right - it would be great to give priority on the lanes back to walkers, cyclists and horse riders, but the dominance of the car makes that difficult to achieve!"*

I replied: *"So horse riders have been disenfranchised by the environment allowed to flourish on the rural lanes, and if you are correct that the Shipwrights Way has the potential to develop into much more than a leisure route, that will rob horses of their bridleways also for they need tranquillity.*

*Perhaps a campaign to repeal the relevant section of the 1968 Countryside Act is required?"*

I wrote to some colleagues: *"This concerns me greatly. It seems that we are surreptitiously having our few bridleways taken from us. Well that will be the end result just like the country lanes.*

*I am sure that was not what the BHS envisaged when they backed the move to allow cyclists to share the bridleways in 1968. Surely we can't stand by and watch it happen?*

*At least where a cyclist joins a bridleway we should insist on a notice such as 'Horses have right of way'.*

*When I lived in Kenya for a bit they used to have signs saying 'elephants have right of way' so surely not too much of a problem and would protect the few rights we have?*

**3rd November 2010** I wrote to Planning and the Portfolio holder:

*"There are some serious legal problems with the shipwrights Way which were highlighted in the report by Mike Furness after the workshop.*

- 1. The FC land is not being dedicated as highway*
- 2. The connection to Bentley station is not being dedicated as highway.*
- 3. The route across Passfield Common and some other bits of registered common make it illegal to cycle without dedication as public highway.*
- 4. The route across the Country Park and other HCC land is not being dedicated as highway.*

*Without dedication as highway the use of transport monies would be ultra vires.*

*This is news to me. Please could you confirm if this is the case?"*

**4th November 2010** the reply:

*"I'm not aware of the detail of the route or the status of parts of the route but Developer Contributions do not have to be spent solely on formal adopted highways/footpaths. In principle, any route which encourages alternative modes of transport can be eligible. "*

*I reply: Surely the route, and you are right to say it has not been decided yet, should have some legal status otherwise the sec 106 monies are not secured? I have no idea what other routes that are not formal rights of way/highways, you could be referring to that encourages alternative modes of transport. Please can you enlighten me?"*

**5th November 2010** a reply from the Transport Officer:

***"In order for HCC to formally sign a route, as will be the case for the Shipwrights Way, the route will need to legally be a Right of Way. Therefore potentially we may need to enter into the legal process of upgrading paths etc for sections of the Shipwrights Way, however the majority of the proposed route is on existing Rights of Way."***

After this exchange I spoke to this Officer who told me of the coming of the Project Officer who would be better able to answer my queries which I should address to her.

**5th November 2010** I emailed the following to Officers and the Portfolio holder.

An extract from Hansard two days ago which might interest you.

M

Written Answers - Environment Food and Rural Affairs: Bridleways: Horse Riding (3 Nov 2010)

<http://www.theyworkforyou.com/wrans/?id=2010-11-03a.20990.h&s=bridleway#g20990.r0>

Richard Benyon: DEFRA is keen for horse riders to be able to access more Off-road riding to take them away from busy roads. We will use a big Society approach, using innovative ways of creating improved \*bridleway\* Networks, including statutory, permissive and paid access. DEFRA Supports equestrian access organisations working strategically with Local highway authorities and landowners to deliver real benefits...

The 5<sup>th</sup> November was a good day for sound bites as follows:

## Voluntary sector at the heart of public service reform

**Published** 3 November 2010

Ministers have pledged swift action to open up new opportunities for the voluntary sector to help deliver public services as part of the Big Society.

Decentralisation Minister Greg Clark joined Paymaster General Francis Maude and Civil Society Minister Nick Hurd for a No11 Downing Street summit with voluntary sector leaders. They discussed plans for a Green Paper to address how to create a level playing field for charities, voluntary groups and social enterprises to bid for public service contracts.

Mr Clark added that the upcoming Localism Bill will devolve power from the centre, empowering people and organisations to challenge the way local services are being delivered and to offer a better, more cost effective alternative.

Decentralisation Minister Greg Clark said:

"The Government is united in its drive to open up public services so the best providers get the job. I am making sure that more power goes to the local level where decisions about what is needed are best made. I want local voluntary groups to have the right to deliver more services locally so that the sector are not confined to a walled-off part of councils' budgets."

The Ministers also pledged continued investment in the training of public service commissioners and reiterated that social enterprises are eligible to apply for funding from the £1.4 billion regional growth fund.

Francis Maude, Minister for the Cabinet Office, said:

"In the past, huge amounts of money have gone in to public services and been swallowed up by bureaucracy before it reached the frontline. A Big Society approach will drive improvements by giving power to people working on the ground who know how to do things better.

"I want to see a whole mix of providers. New models like public sector staff forming co-ops to run their services and civil society organisations forming new alliances with government and the private sector can drive this change. They will break down the old fashioned public service hierarchies and replace them with vibrant, efficient services that give people the support they need."

Civil Society Minister Nick Hurd said:

"The commissioning Green Paper will kick-start a radical shift in public service contracting so only the most innovative approaches to win through. We know that there are too many barriers for civil society organisations that want to deliver public services and we are determined to sort them out. I'm very pleased that we can continue training public services commissioners in working with civil society, better understanding in this area will be critical to our success. It is also a great recognition of the value of social enterprises that they will be able to access the £1.4billion regional growth fund."

**8<sup>th</sup> November 2010** I responded to the previous email from the Transport Officer

*“Good to hear from you. I thought you had abdicated your role to Cath but perhaps she is now working with you on the project, could you just clarify for me?*

*If the route is to be mainly on existing ROW, please may I know why is it not referred to as a multi-user or bridleway route, as was the case at the start of this scheme. It seems to me that referring to it as a cycling/walking route will be seen as divisive and discriminatory by the majority of horse riders who generously permitted the bridleways to be used by cyclists under the 1968 Countryside Act. I am sure they never envisaged a take over by the creation of national cycle routes incorporating the few bridleways available to them.*

*To legally upgrade a footpath to bridleway you will first of all need the consent of the landowner. Dedication is the preferred and cheapest option, but during my long association with ROW etc the only path I can remember getting by this method was from Lady Bonham Carter's estate. We had previously agreed that this would happen but it was quite a long wait. Otherwise I have found landowners to be reluctant to offer upgrades or anything at all really. Recently I did find one but then HCC also demanded a sum of £30,000 to go with it to make it suitable for use. This is a grass headland path through the countryside which just needs a few land drains at one point. I am still looking for funding for that one so I hope there will be some left from the s.106 pot.?*

*I suppose the first port of call should be on the Forestry Commission. I know David Williamson has agreed to upgrade or create the proposed paths as bridleways but I have not seen any written confirmation from the Forestry Commission itself, have you?*

*The next thing is the commons. It would not be legal for cycles to access common land unless the bridleway already existed but I do not have a breakdown of the proposed route so don't know if this is a problem. Is it?*

*Another question is, why is funding only coming from EHDC Developer Contributions for transport and not as listed in previous consultations, from HCC - LTP funding and developer contributions, Sustrans 'Links to Schools Fund', Leader fund, South Downs Sustainable Development Fund, South Downs National Park/SDJC, Heritage Lottery Fund, Groundwork 'Community Spaces'. It is noticeable that no European funding is being sought so why is this? Please don't forget that I asked to discuss the route particularly in my neck of the woods because I think it can be vastly improved and create more and better links in the off road network. Actually so do ue-a consultants because if you look at their cycle route map you will see that it follows the line I am suggesting. We agreed to wait until the new Project Officer took over before we discussed this more fully so hopefully that can now be soon.*

*I think we need to be clear on these points because I should hate to see all those developer contributions whittled away when they could perhaps be more usefully used on circular routes which local people use on a regular basis. In fact it might be worth a thought for making circles either side of the entire route and then connecting them with the linear path, and also for establishing some safe crossing points on roads like the A325 which causes community severance and renders useless the available bridleways on one side or the other. I look forward to hearing from you.”*

**11<sup>th</sup> November 2010** I received an invitation from the new Project Officer who had been seconded from Hampshire County Council:

*“I would like to invite you or a representative of your organisation to a meeting about the Shipwrights Way, on Wednesday 8th December 10am-12:15 at the East Hants District Council offices in Petersfield.*

*The Shipwrights Way will be a long-distance walking and cycling route (with provision where possible for horse-riding and people with disabilities), linking together the rail stations and communities of East Hampshire through some beautiful countryside. You may have been to a consultation event a year ago to gather information to help identify potential routes. This meeting will provide an update, including details of the route identified by consultants (and opportunity to comment or suggest alternatives), branding, the establishment of a formal partnership and employment of a project officer.*

*You have been invited as:*

- A local walker, cyclist or horse-rider, or local resident who has expressed a strong interest*
- Someone who manages land in the area*
- A County Councillor whose area is likely to be directly affected*
- A clerk to a Parish Council whose area is likely to be directly affected (1 rep per PC please!)*

*I will email an agenda at least a week ahead; in the meantime please respond to let me know whether you would like to attend. I would also be pleased to answer any queries this email raises!*

I couldn't help but notice that in the email distribution list I was listed as Maureen Comber (Rider) rather than Cllr Comber which is the normal form of address at EHDC for their sitting councillors.

In the meantime I receive a reply from Norman Baker Under Secretary of State to my query with regard to horse riders and the need to be able to access funding from sec. 106 developer contributions:



From the Parliamentary  
Under Secretary of State

Damian Hinds MP  
House of Commons  
London  
SW1A 0AA

## Department for Transport

Great Minster House  
76 Marsham Street  
London SW1P 4DR

Tel: 020 7944 2566  
Fax: 020 7944 4309  
E-Mail: [norman.baker@dft.gsi.gov.uk](mailto:norman.baker@dft.gsi.gov.uk)

Web site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: NB/030829/10

16 November 2010

Dear Damian,

Thank you for your letter dated 3 November, enclosing a copy of an email from Councillor Maureen Comber of The Old Cottage, Frith End, Bordon, GU35 0QS, who asks about horse riding and sustainable transport.

I understand the problems that horse riders face in finding suitable safe routes, but I believe that our planning guidance already sets out a framework to remedy these problems. Contrary to Councillor Comber's suggestion, horse riding can benefit from Section 106 agreements and there are many specific examples of S106 funding being used to create or improve bridleways.

Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The remit of S106 agreements is laid out in Circular 05/05. A planning obligation must be *necessary* to make the proposed development acceptable in planning terms.

Planning Policy Statement 7 (PPS7) deals with rural areas and states that planning policies should provide for a range of suitably located recreational and leisure facilities for horse riders. Planning Policy Guidance 17 (PPG17) deals with open space, sport and recreation and requires local authorities to promote health and well-being by providing opportunities to people of all ages for informal recreation to walk, cycle or ride within parks and open spaces or along paths, bridleways and canal banks. It states that local

authorities should seek opportunities to provide better facilities for walkers, cyclists and horse-riders, for example by adding links to existing rights of way networks and specifically states that planning obligations should be used as a means to remedy local deficiencies.

More specifically, the Countryside and Rights of Way Act 2000 requires local authorities to produce a "rights of way improvement plan" (ROWIP) to meet the present and likely future needs of the public and to consider the needs of equestrians through the creation of bridleways and restricted byways.

The second issue your constituent raises is that horse riding should be considered in transport terms rather than just recreational terms. In transport planning, the main policy document is PPG13 on transport, which emphasises that new development should reduce the need to travel, especially car travel, and be accessible by public transport, walking, and cycling. PPG13 does not mention horse riding

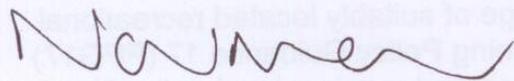
The national Sport England Survey, which looks at recreational journeys, identifies that 0.8% of population or 340,000 people go horse riding at least once a week and this represents 65 million journeys nationally a year. This emphasises the importance of horse riding, particularly in more rural areas. In comparison 1.8 million people (4.5% of population) cycle once a week for recreation which represents 270 million recreational cycle journeys.

However, when looking at journeys for transport reasons, the National Travel Survey shows that the use of horse riding for non-recreational reasons is negligible, whereas there are approximately 650 million transport cycling trips and nearly 9,000 million non-recreational walking trips (excluding 2,800 million "just walk", recreational and holiday trips).

I hope therefore planning policy has struck the right balance of promoting horse riding, along with cycling and walking, for recreational purposes whilst concentrating on walking and cycling as a way of meeting transport needs in new developments.

I hope this reply is helpful

Yours sincerely



**NORMAN BAKER**

Now the Forestry Commission put in a planning application for replacing all the buildings, new loos etc. at Alice Holt. Perhaps this will give us even more leverage to gain some statutory bridleways within Alice Holt Forest?

**23<sup>rd</sup> November 2010** I send a copy of Norman Baker's letter to my correspondents at EHDC

"It seems from my enquiries that you were right the first time, to refer to the Shipwrecks Way as a multi-user route rather than a cycle, walking route with horse riders where possible. By no stretch of the imagination can this be other than a recreational route and as the Minister points out would include horse riders in Sec 106."

**25<sup>th</sup> November 2010** I replied to my MP and thank him for forwarding the letter.

*"Thank you very much for forwarding the letter from Under Secretary of State, The Rt Hon. Norman Baker. His clear description of the inclusion of horse riders in the general scheme of things is most helpful. I found the statistics very interesting also.*

*0.8% of the population or 350,000 people go horse riding once a week representing 65,000,000 journeys nationally per year.*

*4.5% " " 1.8,000,000 people cycle once a week " 270, million recreational cycle journeys 2,800 million 'just walk' recreational trips*

*In 2007, East Hampshire District Council agreed a motion to County Council to urgently review its speed limits on single track carriageway rural roads to make them safer for all non-motorised users.*

*Following this the Village 30mph has been implemented and is very popular. The problem now is the links between the villages. These presently carry the national speed limit of 60mph which is not a safe speed to drive and neither is it conducive to safety for anyone, but particularly for those numbered above. Indeed many or most of them are disenfranchised because of this.*

*Is it not time to redress the balance and recognise the recreational value of our rural lanes, particularly at this time when there are also many other advantages such as the:*

- *Reduction of co2 and toxic nitrous oxides*
- *Encourage active life styles.*
- *Reduce obesity*
- *Increased protection of the countryside environment particularly the verges which get mashed by vehicles, especially in the winter months.*
- *Protect wildlife*
- *30mph or less saves wear and tear and therefore millions in actual road maintenance*
- *Save the need to create more expensive cycleways as there are an ample number of well connected rural lanes throughout the country which are ideal for non-motorised users if the actual safety issues of this kind of road environment were properly addressed.*
- *Encourage cycling to school*
- *Promote green tourism*
- *Take the pressure off the countryside as more off road access is sought as a means of keeping away from motorised traffic.*
- *Encourage people to walk to their local pub or restaurant*
- *Greater independence for the elderly who live in the countryside as they like to walk the dog or go to the village by way of the lanes on their mobility scooters.*
- *Reduction of the reliance on the motor car.*

*The problem is that Local Highway Authorities say this is a Central Government issue and anyway it would need too much road signage,*

*Surely it is time for Government to bite the bullet with some primary legislation which in effect says that any road which is too narrow to have a white line down the middle should automatically qualify for a 30mph or 20mph speed limit.*

*In this way the numbers quoted above could be doubled and many of the dreaded road signs demolished.*

*Thank you again”*

**27<sup>th</sup> November 2010** I receive an email from an acquaintance:

My friend and I have started to be challenged again when riding in Alice Holt - I think they must have a new warden or something! The last time he actually made us wait while he telephoned the police and made my friend speak to the police officer on the telephone - of course we had no real proof that it was in fact a policeman on the other end of the telephone, it could have been his 'mate down the road'. Nothing happened, we were just told we shouldn't be in there without a permit.

Today however, as my friend left the forest at Rowledge church end, a police car was sitting waiting to catch horse riders without permits! They took her name and address and said next time they would be taking her to court. When asked what the charge would be, they said 'breaking a bylaw'.

I know you have been all through this in past years and just wondered if you know if there is such a bylaw and what the consequences are of breaking it. Do you know how we could get a copy of such a bylaw?

Looking forward to hearing from you.

**30<sup>th</sup> November 2010** I write to my County Cllr:

*“I have just received the agenda for the meeting of the Shipwrights Way on Wednesday 8th December 2010 from Cath Hart. It has reminded me that I have been trying to get a reply from Sarah Hobbs with regard to the questions asked in the email below.*

*Timed for 11.30am on the agenda is the question 'Would you like to help?'*

*I am trying to do just that by asking the questions but no answers seem to be forthcoming.*

*I am very concerned that EHDC are in danger of jeopardizing a healthy chunk of sec. 106 developer contributions for a project that for all its aspirations, is in fact so difficult as to be impossible. I think therefore that it is important that those questions are answered, particularly when there have been several misleading statements such as:*

*"A quick note to say that I'm changing roles - from next week I will be Shipwrights Way Project Officer, working for David Marshall in the Countryside Service's central team and based at QECP and East Hants District Council offices. This is a partnership project with EHDC, the Forestry Commission and SDJC to provide a cycling & walking route linking communities and rail stations through some beautiful countryside in East Hampshire."*

*No mention there of HCC which we were all informed was taking charge of this proposal but now seems to have become invisible, yet note the number of invited HCC Cllrs to next Wednesday's meeting! Although some of them wear two hats there is a notable dearth of District Cllrs, although the Portfolio Holder is listed under 'Other' and two others, myself included listed under 'Users'.*

*This was originally published as a multi-user route but then changed to "*

*["Its funded as a route for cyclists and walkers, with provision for horse-riders and disabled users wherever possible."](#)*

*When the question was asked why the specification had changed the answer was:*

*"The money to employ me and deliver the route is coming almost entirely from S106 developers contributions which have been secured to deliver 'sustainable transport'.*

*Therefore, both the report to EHDC cabinet and that to the HCC Executive Member (which*

*although it has my name on, was written by Emma K) refer to a route for walking and cycling and the benefits it will deliver for sustainable transport.*

*So it is correct to refer to it as a walking and cycling route, and without the S106 money few if any improvements would have been made."*

*So I checked it with Norman Baker as attached. In no way can this be called anything but a recreational route as: " however the majority of the proposed route is on existing Rights of Way." As this is the case one has to presume that the majority of those will be footpaths because 80% of rights of way are FP's. In my long experience there is a definite resistance to provide higher rights on a PROW by landowners, has this difficulty been considered?*

*David Williamson the FC Area Manager does not have the authority to upgrade or create public bridleways on the FC Estate, which will be necessary with regard to funding procurement. "Equestrian access is not in the gift of either Forest Enterprises or the Forestry Commissioners but with the Secretary of State at DEFRA. So that the question of s16 CROW Act 2000 dedication for equestrians is, as it was with pedestrians, hers and hers alone. It also applies to the new Shipwrights Way so that statements made as to the proposals for a multi use right of way are misleading as any dedication under the Highways Act requires the consent of the land owner I.e. The SoS not the management company [FE]"*

*It therefore seems something of a red herring to proceed with this project until these issues and those in my email to Sarah have been addressed. Only then will we know if the project is possible at this time. Perhaps Mike Furness was able to suggest how these problems could be overcome, for example the introduction of 'Quiet Lane Schemes'?*

*There are so many maintenance problems to be attended to on local bridleways that the money could perhaps be better spent on addressing the Statutory Duties which HCC have for many years ignored. I am also concerned that in the current climate of cut backs this could be thought of as at best an unnecessary expense or at worst a misuse of developer contributions directed mainly at visitors rather than local beneficiaries.*

*I am sorry to sound so negative but would hate to see the money wasted on what could prove to be an impossible task without far more funding than the EHDC sec 106 pot holds."*

**30<sup>th</sup> November 2010** Another communication from the Project Officer.

Further to my email inviting you to this meeting, I attach the agenda, a pdf of the draft route and a list of attendees.

Please note that this meeting is about the first phase of the route, between Alice Holt (Bentley) and Queen Elizabeth Contry Park (south of Petersfeld). More detailed maps will be available to view on the day, but file size precluded my emailing them to everyone.

I look forward to seeing you next week!

I attended that meeting. I suggested the alternative route to the Forest Manager along existing footpaths which could be upgraded to bridleways. I asked him to work with me on the project to get the best available outcome in my area anyway.

**9<sup>th</sup> December 2010** An email from a resident of Greatham to the Project Officer.

Many thanks for inviting me to attend the stakeholder meeting on 8th Dec

I have for many years been a member of Endurance GB and enjoyed riding many miles with my daughter and granddaughter. We know the area Alice Holt and Weavers Down well and have also ridden in QE Country Park. I understood that the creation of the Shipwrights Way would open up new areas for cyclists and horse riders, linking up with existing ROWs. I thought this would mean the creation of some new paths and more up-grading of FPs to BWs, thereby removing users from using dangerous rural lanes. The route seems to have been created without fully studying the present ROWs network. It was obvious to me that the Forestry Commission were only interested in getting as many people as possible from Bordon to the proposed new centre as quickly as possible! This means that the proposed route lies to the east of the A325 instead of, the more rural, western side. Crossing the A325 is always going to be a major problem, but far safer to perhaps offer a link route to Bordon, within the 30mile area within the town. This would then mean that users of the proposed new route would have the option of access to rural areas such as Kingsley, Hawkley, Selborne and eventually Butser Hill. This would then avoid the route going in to the centre of Petersfield. I'm sorry, but I just cannot see horseriders, cyclists, wheelchairs and walkers with dogs and children wandering around Petersfield station. I understand that you must try to use the present rail network but I am unsure as to how many people are likely to arrive by rail and anyway it would be better to provide this by a link route.

I have helped organize long distance rides and am only too aware of the problems you face, but my main concern is that this money has become available and there is a rush on to spend it. Many of our present ROWs are desperately in need of repair and as a regular user I would have preferred to have seen this money spent on improving and linking these routes. Finally, I cannot see how this new route would benefit anyone from my area and certainly will not enable us to reach QE Country Park.

**10<sup>th</sup> December 2010** Letter to the Project Officer from Bob Milton:

Further to the stakeholders meeting yesterday I have some serious concerns which I have set out below.

1. Land status of the promoted route. It seems that the partnership is back peddling in the need to make this route multi user route. Your explanation did not quite answer the question but from what you put on the presentation and from what you told me this is all about getting and using s106 moneys. I do not believe that s106 moneys cannot be used for multiuser routes and I believe it is misleading unless that is the purpose of so doing so. The use of LTP money is legitimate and legal for ROWIPs and if the project meets more than one aim all the more benefit. I also believe that where the TBH SPA is concerned then it is legitimate to use SANGs money for circulate and linear routes that meet the NE criteria which according to Waverley BC and Natural England Alice Holt does. What is not possible is to use SANGs money for statutory duty such as rights of way maintenance. Sangs monies require a minimum in perpetuity period of 80 years so permissive linear routes do not meet this requirement. The same would be expected of s106 monies so that the only lawful use would be in the dedication of rights of way at a minimum and for maximum public benefit that would be a minimum of Bridleway status.
2. The issue as to the Forestry Commission land is that as a result of s16 CROW pedestrians already have a right to use the forest subject to CROW exemptions. The Shipwright's Way proposal requires permanent use at all times which as such is not met by existing rights except on rights of way and on the public carriageway network. Cycling in the forest is not by right nor is it charged unlike equestrian use. As it is not possible to grant permissive rights to the public at large except through legislation it will then be open for cyclists with the support of pedestrians to claim the route as a restricted byway by common law and the acquiescence of the land owner. There is no reason why the Secretary of State should not dedicate the route as a restricted byway through the forest. It is not something that is in the gift of Forest Enterprise or the Commissioners. Have you actually asked?
3. A similar situation applies to the commons where it is illegal to ride a bicycle on common land without lawful authority. This could result in the same situation as above and claims for rights of way by deemed dedication or at common law.

4. The situation with the access to Bentley Station is still open as confirmed by you in that there is a 200m strip not owned by the Forestry Commission. I await the result of your negotiations.
5. The situation with the MoD is similar to the Forestry commission but not the same. Here also the issue of dedication for highway of land adjacent to the highway and the old railway line are crucial to the project. It is also the case that Defence estates choose to charge in some areas equestrian permits for access yet make cycling unlawful but do not enforce. In some instances they even seem to condone and facilitate it.
6. It is important to understand who owns the surface of the route and what rights exist over it either by legislation or prescription. For example Cradle lane is shown on the rights of way definitive map as a Byway open to all traffic and the TROs have been exercised in that respect ie as a right of way. The truth is that the way is a public vehicular carriageway and is on the list of streets as a d class road. It is a pre 1835 public vehicular highway. The duty of the highway authority [s130 HA1980] is to maintain it as such and that the Surveyor of Highways is the vested owner of the top two spits at least [LJ Denning]. It could therefore be deduced that the cost of the works at present being carried out should not be from the rights of way budget and that the surface should be maintained as a road for all traffic.
7. In cases where the highway authority is the owner of the surface and has a duty to maintain the way as a public highway then there is no reason why the highway authority could not dedicate higher rights ie bridleway on a footpath. Where rights of way are capable of being used for the way ie in the Forestry then again there is no reason why such upgrades should not be dedicated as there would be no compensation to pay or increased maintenance liability on the highway authority or the landowner.
8. Important as it is for EHDC and HCC to connect the centres of urban population with the countryside it should not be forgotten if the promoted way is to be considered suitable for green tourism it must have a continuous multi user route from start to finish. I can understand the potential importance of getting the route into Bordon but without its own railway it seems that you are making presumptions not born of reality. The Bordon connection should not include the main A325 but treat Bordon as a spur and pedestrian / cyclist braided route whilst the main north south route runs through Headley to Passfield Common.
9. The route over any common land ie Passfield Common would need to be dedicated as at least a bridleway as it is illegal for a member of the public to ride a bicycle or any vehicle on common land.
10. I am concerned that s106 monies will be used for funding the new development of the Forestry Commission visitors centre and car park construction. I am also concerned that the FC policy of charging for car parking in Alice Holt will be for its own benefit not for the route in general. What is the proposed regime both in Alice Holt and at the QE country park? These are honey pot sites in their own right so is the whole project just one to increase income for these. Especially as these sections are being it seems rushed through so as to release s106 monies this year.
11. It will be a disaster in public relations if the same access rules do not apply over the whole route.
12. I was concerned that you gave lots of weight in the linkage to the North Downs Way. This is incorrect as the NDW finishes at Farnham Station not Bentley and sustrans route 22 does not follow the NDW in Surrey. The NDW at the Farnham end is only a footpath and unlike the South Downs way which is a bridleway from end to end and is used by equestrians, cyclists and pedestrians for green tourism.
13. I am concerned that the lack of regard for the mobility impaired and the duty of all concerned under the Equality Act 2010. I do not intend to go into detail but I believe that the approach you have taken in disregarding the use of the whole project route for those scheduled classes and others will leave you and the partnership open to judicial review.
14. I also believe that by not treating the whole route as at least a right of way then certain funding that you seem to be relying on would be ultra vires.
15. As I said at the meeting it may be that you will have to an Environmental Impact Assessment where the route crosses any specially designated land but it should be remembered that it is not possible to impose such designation on a highway itself. There are considerations as to maintenance timing etc and it is possible to divert a right of way for nature conservation reason but to date Natural England has not seen fit to use this legislation as it is very specific and the item of special interest needs to be almost unique. The Habitat Directive and the supporting uk legislation does not have any effect on existing public rights or access but would have if the project gave new rights over the SPA for instance. I do not believe that

there is any part of this route that in itself or as a whole with any other project except the Borden Eco town would have any detrimental impact on any of the SPA land it crosses.

16. The issue of self closing bridlegates has not been factored in where rights of ways go through grazing stock for equestrian or mobility impaired users.
17. Enforcement is another area that is dependant on land status and without the route having a single rights of way status it will be impossible for the police to use such powers as s34 Road Traffic Act.

**15<sup>th</sup> December 2010** email from the Project Officer:

Sarah has passed me your email as many of the questions you ask are about the legislation relating to rights of way. I have responded under each section of your original email, below.

Dear Sarah,

Good to hear from you. I thought you had abdicated your role to Cath but perhaps she is now working with you on the project, could you just clarify for me? **I am now the project officer, employed to deliver the Shipwrights Way; I am working closely with Sarah and other members of the Steering Group as and when appropriate in order to do this, hence Sarah comes to relevant meetings etc.**

If the route is to be mainly on existing ROW, please may I know why is it not referred to as a multi-user or bridleway route, as was the case at the start of this scheme. It seems to me that referring to it as a cycling/walking route will be seen as divisive and discriminatory by the majority of horse riders who generously permitted the bridleways to be used by cyclists under the 1968 Countryside Act. I am sure they never envisaged a take over by the creation of national cycle routes incorporating the few bridleways available to them.

To legally upgrade a footpath to bridleway you will first of all need the consent of the landowner. Dedication is the preferred and cheapest option, but during my long association with ROW etc the only path I can remember getting by this method was from Lady Bonham Carter's estate. We had previously agreed that this would happen but it was quite a long wait. Otherwise I have found landowners to be reluctant to offer upgrades or anything at all really. Recently I did find one but then HCC also demanded a sum of £30,000 to go with it to make it suitable for use. This is a grass headland path through the countryside which just needs a few land drains at one point. I am still looking for funding for that one so I hope there will be some left from the s.106 pot.? **The project is to deliver a route for 'walkers, cyclists and, where possible, horse-riders and people with disabilities'. 'Multi-user' literally means 'more than one user' but it is often taken to mean 'walking, cycling and riding' which does not match exactly the phrase the project has used, and so I am trying not to use the term. The draft route is on permissive routes, bridleway, BOAT, road, etc etc so 'bridleway route' would also be inaccurate unfortunately. As I have said before, it will benefit horse-riders, we welcome this and I will do everything I can to ensure that this happens, including surfacing, structures and sightlines and securing new access where we can. Agreed, upgrade/dedication is dependent on landowner consent; I think the headland path which you refer to is Worldham fp 27? If so, its quite a way from the draft Shipwrights route...**

I suppose the first port of call should be on the Forestry Commission. I know David Williamson has agreed to upgrade or create the proposed paths as bridleways but I have not seen any written confirmation from the Forestry Commission itself, have you? **I am not aware that FC have agreed to dedicate any paths; the draft route follows part footpath, part BOAT and part path which is not ROW; FC have agreed in principle to offer permissive access to enable the route to be used by foot, cycle and horse (the latter will still be under a permit scheme other than on the BOAT).**

The next thing is the commons. It would not be legal for cycles to access common land unless the bridleway already existed but I do not have a breakdown of the proposed route so don't know if this is a problem. Is it?

Another question is, why is funding only coming from EHDC Developer Contributions for

transport and not as listed in previous consultations, from HCC - LTP funding and developer contributions, Sustrans 'Links to Schools Fund', Leader fund, South Downs Sustainable Development Fund, South Downs National Park/SDJC, Heritage Lottery Fund, Groundwork 'Community Spaces'. It is noticeable that no European funding is being sought so why is this? I'm not yet aware of any permissive access needed across commons; the route across Broxhead will use one of the bridleways. Money spent this year has come from LTP, S106 held by both HCC and EHDC, HCC Small Grants Scheme and Buriton Parish Council, and a bid to HCC's HATs is expected to be fruitful. Heritage Lottery have indicated that a bid for this project would not be successful, the National Park is not yet up and running and I intend to apply as needed for other funds in the future.

Please don't forget that I asked to discuss the route particularly in my neck of the woods because I think it can be vastly improved and create more and better links in the off road network. Actually so do ue-a consultants because if you look at their cycle route map you will see that it follows the line I am suggesting. We agreed to wait until the new Project Officer took over before we discussed this more fully so hopefully that can now be soon. I think we need to be clear on these points because I should hate to see all those developer contributions whittled away when they could perhaps be more usefully used on circular routes which local people use on a regular basis. In fact it might be worth a thought for making circles either side of the entire route and then connecting them with the linear path, and also for establishing some safe crossing points on roads like the A325 which causes community severance and renders useless the available bridleways on one side or the other. My understanding is that once the spine route is in then circular routes would be very welcome. I'm not aware of the ue-a study that you refer to - would you mind sending me a link or a copy? I'd be happy to hear about other route ideas, obviously - Sarah and I can do 4th/5th Jan or mornings of 11th/12th?

I look forward to hearing from you

**15<sup>th</sup> December 2010** I replied:

*"Thanks for replying to my email and welcome as Project Officer for the Shipwrights Way. Still more questions as there are bound to be with a venture like this. You will need all the help you can get and I will do my best in that respect.*

*First Question: Who are the other members of the Steering Group?*

*Second Question: This project has been discussed at the Policy Advisory Group for Sports and Leisure of the Bordon Eco Town, EHDC Better Protected Environment Committee, Community Forums. At all of these it was referred to as a multi-user route for non-motorised users i.e walkers, horse riders and cyclists as well as reported in the Herald. When, why and who changed the specification to "a route for cyclists and walkers and where possible horse riders and people with disability"?*

*To refer to it as anything other than originally agreed, that is an off road route for walkers, horse riders and cyclists (multi user) will be a PR disaster for all concerned. The questions will be asked as to why we are favouring one group or groups over others, let alone the question as to whether it is appropriate to be spending this rather large amount of money on a single project at this time.*

*When the matter was discussed at the PAG Bordon it was agreed that the partnership to deliver would consist of EHDC, FC and HCC.*

*It was further agreed that EHDC would take the lead in the Partnership as the route ran entirely through its District.*

*However the next recorded statement was that it was a partnership between HCC and FC. The next I heard was from Cllr David Parkinson who told me that it was now, as you have*

said for walkers and cyclists etc. This prompted me to ask him why the specification had changed. He replied that it was because walkers and cyclists are a better mix and feel safer together. I asked him if that was the case why we had Public footpaths on which it was illegal to ride a bike."

As you can imagine I got no answer to that.

Third Question: Are you able to tell me whether this was a decision made by him alone or was it a Steering Group decision? In fact did the Steering Group exist at that time?

It would be helpful if you could draw the draft route and indicate which is permissive, bridleway, BOAT, footpath to give some idea of the proportion of each. You never know I might know some of the landowners which could be helpful.

I referred to the headland path of Worldham 27 and the fact that HCC had refused the dedication unless a contribution of £30,000 was added; not because it is on the route of the Shipwrights Way but because I wondered how HCC were going to roll out the ROWIP's if they expected that sort of financial input from landowners. To my way of thinking it is great just to get the dedication?

The promise of dedication and upgrade by the FC has been minuted on more than one occasion. I have only just realised that in fact David Williamson has no authority to do this. However I was talking to him at your seminar and invited him to work with me. He said he would, but only time will tell. I suggested to him that some existing public footpaths could be upgraded to bridleway which would be quite easy to do as it was just a matter of upgrading rather than creating new paths. This would then allow the sec. 106 funding to apply.

He didn't seem to averse to this suggestion.

There is a sufficiency of them to complete the whole of the route in Alice Holt although they do not all follow the line on the draft.

Actually they follow a much better line within the National Park and making use of the shop and pub in Kingsley. We shall have to discuss but it would circumnavigate Bordon passing close to where the station used to be so good for transport etc. if at some point in the future it returned.

I cannot agree that Broxhead Common is a suitable route for several reasons:

a) As a rare sandy heathland and SSSI, increased traffic should not be promoted particularly cycles which compact the ground.

b) The bridleways are not wide enough. They would have been had Rob Thompson done as I asked him and addressed the problem of the landowner fencing in the headland across the field to a tight 3metres instead of the line which people had been using since time immemorial which would have made it double the width. I have a claim in for the extra width as I was advised to do by Alex.

c) It doesn't take you to where you need to be in order to make the onward journey unlike the route I shall propose on the east of the A325. This also misses the MOD common.

Re funding, as I told you The British Horse Society has secured £18,500 funding to produce The Eden Valley Loops, 135km of routes designed for horse riders, off-road cyclists and walkers based in Cumbria, due to be launched in June.

The grant is part-funded by the European Agricultural Fund for Rural Development and funding from the Department for Environment, Food and Rural Affairs (DEFRA), so perhaps we could try these although I know you are up to speed on available funding as I remember Jane Yates talking about this at an IPROW meeting I attended about three years ago?

Ue-a are the company that work for EHDC and PUSH on their green infrastructure. You can find them at <http://www.ue-a.co.UK/>. They have a map of the preferred cycle routes which strangely follows near enough the line I am proposing east of the A325.

*4/5th Jan or morning or 11/12 would be fine. Please let me know which?  
In the meantime have a Very Happy Christmas”*

**16<sup>th</sup> December, 2010** Reply from the Project Officer

“Hello again

1. The steering group members are representatives of the partners - EHDC, HCC, SDJC/SDNP and FC
2. I only have access to the written record and that would indicate that the description has not changed, the description 'walkers, cyclists and, where possible, horse-riders and people with disabilities' has been used throughout except in the very first paper (which suggested a route for walkers and cyclists) - I think 'multi-user' is the cause of any confusion and has been interpreted differently by different people, hence I am trying to avoid using the term. I understand your point of view and the reasons for it and I will be taking your comments, along with all those from the stakeholder meeting, to the steering group for their decision on what I should be delivering and how.
3. I am unable to comment further than my answer to 2, not having been present. Landowner info would be helpful, thank you for the offer and I will certainly come back to you when we are looking at your area. I will ask the FC again about the possibility of dedication, as you suggest, and will note the funding streams you cite.
4. Sarah is sending me a copy of the UE-A map - thank you! You have outlined the reasons for your suggested route, which is helpful, so I think my time now would be better spent having a look at the possible route rather than meeting about it - 3 days a week goes very quickly indeed and I would rather be at the Steering Group meeting in January having actually seen it. Would you be kind enough to send me a map please, or just explain how it differs from the UE-A route?  
Many thanks, and a Happy Christmas to you too!”

**16th December 2010.** I replied:

*“Sorry, I probably didn't make myself clear.*

- *Who are the representatives representing EHDC, HCC, SDJC/SDNP and FC on the Steering Group?*
- *Are there any other members of the Group?*
- *When was the Steering Group first formed?*
- *What are the dates of the first, second and third papers in your written record?*
- *What is the date of the Steering Group meeting in January?*
- *Where will it be held?*
- *If you don't know yet, will you please keep me informed?*
- *Please will you send me the draft of the route with the rights of way clearly marked in the usual colours?*

*The term multi-user was clearly explained in all minutes and publications so I don't think it has confused anyone.*

*Sarah as you have better access to printing etc will you be kind enough to send me a copy of the u-ea cycle routes from their web site.*

*It can be collected from my EHDC post box or I can pick it up when next in PP.*

*Many thanks.”*

**23<sup>rd</sup> December, 2010** – A brief response:

*“Thank you for your email; I'm afraid I do not have all this information to hand and so time won't permit me to respond today; I will respond in the new year.”*

Bob Milton however got a reply to his letter of 10<sup>th</sup> December.

“Further to the stakeholders meeting yesterday I have some serious concerns which I have set out below.

1. Land status of the promoted route. It seems that the partnership is back peddling in the need to make this route multi user route. Your explanation did not quite answer the question but from what you put on the presentation and from what you told me this is all about getting and using s106 moneys. I do not believe that s106 moneys cannot be used for multiuser routes and I believe it is misleading unless that is the purpose of so doing so. The use of LTP money is legitimate and legal for ROWIPs and if the project meets more than one aim all the more benefit. I also believe that where the TBH SPA is concerned then it is legitimate to use SANGs money for circulate and linear routes that meet the NE criteria which according to Waverley BC and Natural England Alice Holt does. What is not possible is to use SANGs money for statutory duty such as rights of way maintenance. Sangs monies require a minimum in perpetuity period of 80 years so permissive linear routes do not meet this requirement. The same would be expected of s106 monies so that the only lawful use would be in the dedication of rights of way at a minimum and for maximum public benefit that would be a minimum of Bridleway status. **The project's aim has been and remains to provide a route 'suitable for walkers, cyclists and, where possible, horse-riders and people with disabilities'. The idea was muted by FC, the project was then formed and funding sought subsequently, not the other way around; different funding pots come with different restrictions as you say. The money spent so far this year has come from LTP, S106 held by both HCC and EHDC, HCC Small Grants Scheme and Buriton Parish Council, and a bid to HCC's HATs is expected to be fruitful. I intend to apply as needed for other funds in the future and note your comments about SANGs money.**
2. The issue as to the Forestry Commission land is that as a result of s16 CROW pedestrians already have a right to use the forest subject to CROW exemptions. The Shipwright's Way proposal requires permanent use at all times which as such is not met by existing rights except on rights of way and on the public carriageway network. Cycling in the forest is not by right nor is it charged unlike equestrian use. As it is not possible to grant permissive rights to the public at large except through legislation it will then be open for cyclists with the support of pedestrians to claim the route as a restricted byway by common law and the acquiescence of the land owner. There is no reason why the Secretary of State should not dedicate the route as a restricted byway through the forest. It is not something that is in the gift of Forest Enterprise or the Commissioners. Have you actually asked? **Your views are noted; I will convey this to the Steering Group along with all of the other comments made at the stakeholder meeting.**
3. A similar situation applies to the commons where it is illegal to ride a bicycle on common land without lawful authority. This could result in the same situation as above and claims for rights of way by deemed dedication or at common law. **Noted; I will convey this to the Steering Group .**
4. The situation with the access to Bentley Station is still open as confirmed by you in that there is a 200m strip not owned by the Forestry Commission. I await the result of your negotiations.
5. The situation with the MoD is similar to the Forestry commission but not the same. Here also the issue of dedication for highway of land adjacent to the highway and the old railway line are crucial to the project. It is also the case that Defence estates choose to charge in some areas equestrian permits for access yet make cycling unlawful but do not enforce. In some instances they even seem to condone and facilitate it. **Noted; I will convey your views to the Steering Group.**

6. It is important to understand who owns the surface of the route and what rights exist over it either by legislation or prescription. For example Cradle lane is shown on the rights of way definitive map as a Byway open to all traffic and the TROs have been exercised in that respect ie as a right of way. The truth is that the way is a public vehicular carriageway and is on the list of streets as a d class road. It is a pre 1835 public vehicular highway. The duty of the highway authority [s130 HA1980] is to maintain it as such and that the Surveyor of Highways is the vested owner of the top two spits at least [LJ Denning]. It could therefore be deduced that the cost of the works at present being carried out should not be from the rights of way budget and that the surface should be maintained as a road for all traffic. **Noted; there are internal agreements within HCC regarding budget splits.**
7. In cases where the highway authority is the owner of the surface and has a duty to maintain the way as a public highway then there is no reason why the highway authority could not dedicate higher rights ie bridleway on a footpath. Where rights of way are capable of being used for the way ie in the Forestry then again there is no reason why such upgrades should not be dedicated as there would be no compensation to pay or increased maintenance liability on the highway authority or the landowner. **Your views are noted; dedication is a voluntary action which is the decision of the landowner.**
8. Important as it is for EHDC and HCC to connect the centres of urban population with the countryside it should not be forgotten the if the promoted way is to be considered suitable for green tourism it must have a continuous multi user route from start to finish. I can understand the potential importance of getting the route into Borden but without its own railway it seems that you are making presumptions not born of reality. The Borden connection should not include the main A325 but treat Borden as a spur and pedestrian / cyclist braided route whilst the main north south route runs through Headley to Passfield Common. **Your views are noted and will be conveyed to the Steering Group.**
9. The route over any common land ie Passfield Common would need to be dedicated as at least a bridleway as it is illegal for a member of the public to ride a bicycle or any vehicle on common land. **Noted.**
10. I am concerned that s106 monies will be used for funding the new development of the Forestry Commission visitors centre and car park construction. I am also concerned that the FC policy of charging for car parking in Alice Holt will be for its own benefit not for the route in general. What is the proposed regime both in Alice Holt and at the QE country park? These are honey pot sites in there own right so is the whole project just one to increase income for these. Especially as these sections are being it seems rushed through so as to release s106 monies this year. **The FC have not asked for (or even mentioned) project monies towards their car park or visitors centre and neither have QECP. All of the partners would like to see the route on the ground as soon as possible; the reason that these sections are likely to be earlier is that the route is in the main physically there and in excellent condition, it is not due to 'a rush' to spend S106 or due to any pressure by FC at all.**
11. It will be a disaster in public relations if the same access rules do not apply over the whole route. **Your views are noted.**
12. I was concerned that you gave lots of weight in the linkage to the North Downs Way. This is incorrect as the NDW finishes at Farnham Station not Bentley and sustrans route 22 does not follow the NDW in Surrey. The NDW at the Farnham end is only a footpath and unlike the South Downs way which is a bridleway from end to end and is used by equestrians, cyclists and pedestrians for green tourism. **Noted; I spoke of the potential for this link as an additional benefit and I stand by that comment; when we are delivering that section I can look into this in more detail.**
13. I am concerned that the lack of regard for the mobility impaired and the duty of all concerned under the Equality Act 2010. I do not intend to go into detail but I believe that the approach you have taken in disregarding the use of the whole project route for those scheduled classes and others will leave you and the partnership open to judicial review. **We hope to provide more access for these users, not disregard them; the stakeholder meeting therefore included a prominent local disabled users' group, who have offered to help us deliver the route. The project aims to provide a route suitable for 'walkers, cyclists and, where possible, horse-riders and people with disabilities' which reflects both the desire to provide the least restrictive**

access and the requirement under the Equalities Act to provide reasonable adjustment.

14. I also believe that by not treating the whole route as at least a right of way then certain funding that you seem to be relying on would be ultra vires. **This has not yet been an issue; we can only tackle this as and when it occurs.**
15. As I said at the meeting it may be that you will have to an Environmental Impact Assessment where the route crosses any specially designated land but it should be remembered that it is not possible to impose such designation on a highway itself. There are considerations as to maintenance timing etc and it is possible to divert a right of way for nature conservation reason but to date Natural England has not seen fit to use this legislation as it is very specific and the item of special interest needs to be almost unique. The Habitat Directive and the supporting uk legislation does not have any effect on existing public rights or access but would have if the project gave new rights over the SPA for instance. I do not believe that there is any part of this route that in itself or as a whole with any other project except the Borden Eco town would have any detrimental impact on any of the SPA land it crosses. **As you say, an appropriate assessment will be needed in SPA/SAC areas and this will determine whether the route would have any detrimental effect.**
16. The issue of self closing bridlegates has not been factored in where rights of ways go through grazing stock for equestrian or mobility impaired users. **Structures will be considered as and when we deliver those sections.**
17. Enforcement is another area that is dependant on land status and without the route having a single rights of way status it will be impossible for the police to use such powers as s34 Road Traffic Act. **It is likely that the final route will be part right of way, part permissive and part on-road, as many other long distance routes are. RTA can still be enforced on commons and on footpaths, bridleways and BOATs, regardless of whether they are on the Shipwrights Way or not."**

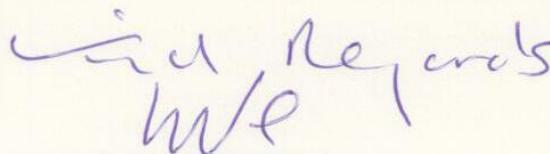
**5<sup>th</sup> January 2011** Some good news from the Minister for Transport Mike Penning:

Thank you for your letter of 25 November enclosing correspondence from your constituent, Councillor Maureen Comber, about rural speed limits.

I share Councillor Comber's concern about rural road safety. It is only right that residents in villages and other rural areas receive the same protection from vehicle speeds as that offered to people living in more urban environments. I would like to assure her that the Department for Transport is fully committed to achieving safe and appropriate vehicle speeds in rural areas. The Department is currently considering its options on how to redress this imbalance.

Cllr Comber may also be interested to know that local authorities have the power to set their own speed limits and to introduce any measures considered necessary to ensure compliance. This is because they have knowledge of their local road network and are therefore best placed to make decisions about how local needs can effectively be met. In doing so they will work closely with their local police force to decide upon whichever locally agreed mix of road safety measures they believe are necessary to ensure the safety of all road users in their area. The Department's role is to provide them with guidance to ensure that their speed limits are appropriately and consistently set, whilst offering flexibility to cope with local needs and requirements.

You may therefore wish to advise Councillor Comber to pursue her concerns with her local highway authority as they will be able to provide her with further information about what options there may be to reduce vehicle speeds in her area.



MIKE PENNING

## Two different attitudes greet the letter from Mike Penning

### 1. Lib Dem - "Congratulations on getting that response.

I completely agree with your objectives on this. The problem as we both know is that there are a lot of people about who's attitudes have not yet caught up to the needs of the present time and don't think about what is necessary to keep a healthy community.

### 2. Conservative - I must take issue with you over your statement that "we all knew that the Local Highway Authority was trying to dodge the issue". We know nothing of the sort let alone all of us. The Under Secretary's letter (para 2) to my mind reflects HCC's existing policy. I do think you need to be careful about sweeping accusatory statements especially if you are seeking co-operation.

**6th January 2011** a reply from the Project Officer

*"Happy New Year! Answers to bullets, in same order as you wrote them, are:*

- Group are EHDC Cllr Ken Carter and Sarah Hobbs, HCC Cllr Mark Kemp-Gee and David Marshall, SDNP Nick Heasman, FC Karen Guest and Julian Williams, and I report to them as Project Officer and Sally Gascoigne will be minuting in future
- Cllr Sam James is copied in but does not normally attend
- As far as I know, in April 2009 it was a 'private working group' of the HAT and developed from that; I wasn't involved until May this year, by which time it was referred to as the project's steering group.
- See links here:  
<http://www3.hants.gov.uk/hats/findyourhat/eastcentralhathome/easthampshirehat/shipwrightswayarchive.htm>
- 25th Jan at 10am
- EHDC offices, not sure if a room has been booked as yet
- I'm sorry, we are not making maps publicly available at the moment, as we now need time to assess the stakeholder event response and to talk to landowners etc (in your area as landowner, you know it includes Cradle Lane)

*Sarah has spoken to the lead officer for the green infrastructure work (Amanda Dunn), who doesn't recall the ue-a map you mention - could you clarify exactly what it was and where you saw it please?"*

**10<sup>th</sup> January 2010** I have a visit from the Portfolio holder of the Shipwrights Way. He has come to see what the problems are. Considering he has been copied in to most of the correspondence I don't quite see how he can help but he says the Steering Committee are meeting soon and he will take any issues I have to them. I thank him very much and say I am quite happy to attend the meeting if only to listen. He says that will not be possible. I find that odd because all meetings at the District Council are in the public domain as a rule. He does not know the date of the meeting except it is soon. I ask if I may have a copy of the minutes and he replies 'no'. Afterwards I send the following email to him.

*"Thanks for coming to see me with regard to the Shipwrecks Way. I think I should just clarify one of those points with regard to the necessity for multi-user rather than 'walking and cycling with use by horse riders and disabled where possible' The latter just doesn't stack up. Whereas horse riders will not expect to use the spurs to stations etc the main route should be multi-user because:*

1. *It has been stated that the path will be primarily on public rights of way = (footpaths, bridleways, byways)*
2. *Neither cyclists or horse riders are legally permitted to use footpaths unless with the permission of the landowner. This would then make them permissive.*
3. *Permissive use cannot be a sound or reasonable investment for public funds.*
4. *It may be that some landowners would dedicate higher rights on footpaths especially where these are on estate tracks and this should be a priority aim which will possibly coincide with the Rights of Way Improvement Plans. In this case the funding should cover the dedication process because then the upgrade will be permanent.*
5. *These plans will depend on expected upgrades in return for planning as planning gains.*
6. *Therefore most of the route will probably be on bridleways and byways and hopefully some minor highways suitably signposted as 'quiet lanes' where the priority is for non-motorised users (NMU's)*
7. *Therefore I cannot see the point of prioritising the route for walkers and cyclists unless you know something that I don't?*

8. *It should also be remembered that cyclists are not the primary user for bridleways. They gained the privilege of use of the bridleways under the 1968 Countryside and Wildlife Act. Both walkers and cyclists are expected by law to give way to horse riders on bridleways.*
9. *Where sections of bridleways are used as part of the route then a notice saying "Horse riders have right of way" should be put as a reminder to other users. This is because some cyclists see their use of bridleways as autonomous. This can be dangerous for horse riders.*
10. *The privilege was given to cyclists before the event of the mountain bike. It was not foreseen that such use would ever be anything more than occasional. It was certainly not expected that that national linear cycling routes would dominate the few bridleways there are.*
11. *Bridleways are an accepted item on the OS maps and are therefore better identified as such.*

*Re map of cycle routes that Sarah was not able to find. Go to [www.ue-a.co.uk](http://www.ue-a.co.uk)*

**11<sup>th</sup> January 2011** I am concerned at the turn of events and dismayed that both my position as a Ward Councillor, representative of The British Horse Society, and my well recognised interest in rights of way is not being recognised let alone supported, so I write to EHDC Chief Executive:

*"Please could you advise me.*

*The Steering Group for the Shipwrights Way meets in the next couple of weeks. I would like to go and listen as I have done a lot of research and legal work on rights of way. However I am told that it is not an open meeting. Well it may not be but as an EHDC cllr is it right that I can be excluded? It seems odd to me that anyone would want to exclude me knowing of my expertise in this area, rather than make me a part of it. But not to want me to listen to the discussion is inexplicable. I should be grateful for your guidance.*

*Maureen*

*PS Ken Carter is the Portfolio holder and very kindly came and listened to my discussion points that he will ask himself at the meeting."*

### **14<sup>th</sup> January 2011**

*She responded: "Thank you for the e-mail, please leave it with me and I shall find out a little more about the meeting and get back to you with further advice."*

Then on **10<sup>th</sup> February 2011** quite out of the blue I receive an email from the Project Officer inviting me to the opening of the Shipwrights Way. *" I am writing on behalf of the Shipwrights Way Steering Group to suggest a date for your diaries..."*

*I am pleased to announce that on 12th March we plan to open the first two sections of the Shipwrights Way, which mark the start of the route at Alice Holt and the end point for phase 1 of Queen Elizabeth Country Park - in total around 5 miles of the 28-mile route.*

*I will send further details nearer the time, and you will of course be invited to join us to help cut the ribbon and to walk or ride (by cycle or horse!) both of these sections. Both include recent extensive improvement work, and will be waymarked with the new Shipwrights logo."*

I immediately emailed the Project Officer:

You seem to have forgotten that at your last meeting you said the trail was still a draft and open for discussion for a possibly better route. "*I will certainly come back to you when we are looking at your area.*" You offered a meeting to discuss as did your predecessor but that offer has never materialized. Certainly the recipients to your email expected further consultation I feel sure.

Unfortunately as I rather feared the scheme seems to be a fait accompli. However that still does not mean you do not have to answer the questions which I put to you. Indeed not to do so would leave EHDC and the other partners open to Judicial Review. Just to remind you of these:

1. "Cradle Lane is not yet open and is still subject to a TRO. If that comes to an end by 12th March will there be a permanent TRO preventing abuse by 4WD's to protect the lane in future?"
2. You made it clear that horse riders will have to pay to use the trail where it runs through Alice Holt is that still the case? Has anyone even asked the Secretary of State for permission to upgrade footpaths to bridleways or create bridle rights on sections of the route which are neither? "*I will ask the FC again about the possibility of dedication, as you suggest, and will note the funding streams you cite.*"
3. I have asked you to send me a map detailing the exact route so that it can be seen which is definitive footpath or bridleway or permissive.

*"I'm sorry, we are not making maps publicly available at the moment, as we now need time to assess the stakeholder event response and to talk to landowners etc (in your area as landowner, you know it includes Cradle Lane)"*

Why have you not done as I requested? Is it because you have forgotten that I not only represent horse riders, I am also a District Councillor, which one cannot detect from your email?

4. We have had no discussion of the route after Cradle Lane. Many people would not be happy to see cycle paths across Broxhead Common SSSI or the bridleways as they are, are too narrow for multi- user. What risk assessment has been done to ensure no conflict between users?
5. I am not clear about the funding. Sec. 106 monies cannot be used where the use of the path is discriminatory. Just what other avenues of funding have been explored?
6. What is the situation with regards to the 200 metre strip near Bentley Station which is not owned by the FC?
7. There are several questions addressed to the Steering Group by Bob Milton in his email of 10th December 2010. Have these been answered?
8. *'The Steering Group now need time to consider all of the above and determine the best way forward; this will be on a section-by-section basis over the next year or so, during which I will be meeting with relevant people to assess issues. I will send updates periodically by email and we shall call another meeting when there is more to report - at a guess in 6-12 months' time - in the meantime please feel free to contact me with any thoughts/queries or alternative route suggestions.'*

So what happened to change the timetable. Why such unseemly haste?

I shall be interested to hear from you"

**14<sup>th</sup> February 2011**

As I had not heard further from the CEO I decided to write again:

*“I emailed you on the 11th January with regard to a meeting of the Steering Group for the Shipwrights Way. I informed you that Members were not permitted to attend that meeting which I thought indicated a lack of transparency. However the Portfolio Holder and neighbouring Ward Cllr. Ken Carter, had kindly agreed to put forward questions which were of concern to me. He also said he would get back to me with the answers.*

*That has not happened, so as a Councillor for the Ward through which part of this project must run and also the local representative for The British Horse Society, I have been totally excluded from having any input or influence on a scheme which will impact on my electorate as well as our Members. The previous public consultation in December led one to believe that there would be further consultation on the route etc. As you see below there are now plans to open the first section in March.!!*

*I have just been listening to David Cameron on the BBC News explaining his vision of the Big Society. He made it very clear that he expects TRANSPARENCY, and that Local Councils should be democratically accountable.*

*That is not what I am seeing here so I would like an explanation please as to why:*

- *My concerns have apparently not been addressed?*
- *Why I have not received any minutes of the Steering Group meeting which I understood took place sometime in January?*
- *Why the numerous questions from the public have not been answered, since the Project Officer has categorically stated that many of them would be put to the meeting of the Steering Group for deliberation?*
- *Why information that I have requested has not been given?*
- *Why the timetable for implementation has been altered without further consultation?*
- *The reason for the unseemly haste, since at the last Stakeholder meeting in December we were told that it would all take at least two years?*

*I think more than anything else, that the way this project has been handled and the exclusion of local Ward Councillors has convinced me that the concern and scepticism of Local people to the Whitehill/Bordon Eco Town project may not be unfounded, and that the sheer force of weight of EHDC, HCC and the Forestry Commission will steamroller over public opinion whatever that may be, in order to accomplish spending a very large amount of EHDC developer contributions for a project which will deliver very little in the way of public benefit to local people”*

**16<sup>th</sup> February, 2011** came the response: *I am sorry that you are experiencing such a difficult time over this project. I will be meeting with the Leader today and will investigate the issues you have raised. Then*

*“Tim Slater, Executive Head is investigating all your issues and will be providing you with a full reply in due course.”*

The Executive Head arranged a meeting with the Leader on 3<sup>rd</sup> March 2011 just nine days before the opening. In the meantime I was sent a copy of the minutes of the Steering Group which had not previously been forthcoming. However these contained mostly discussion of suitable routes and a comment to the fact that it was never

envisaged that the whole route would be suitable for horse riders and that the Forestry Commission did not intend to dedicate the route as a right of way. Nothing I would have thought that would merit exclusion of the public.

**25<sup>th</sup> February 2011** came a short note from the Project Officer:

*"I am conscious that I owe you each an email about similar matters - be assured that I haven't forgotten and will be in touch next week; my apologies for the delay".*

**3<sup>rd</sup> March 2011** I attended the meeting at EHDC with the Leader, Portfolio holder, and three Officers who were present to the first half. I tried to explain the importance of trying to get a satisfactory deal with the Forestry Commission. How I had been writing about this since 1994 to prominent figures in government who I thought might help. The latest suggestion had been that as this was a local problem then the local council might be the one to help. I felt the questions being asked by myself and other residents were not being addressed, for example I still had no idea where the trail would run through the forest. However from the description on the invitation it seemed that horse riders would have to use the highway from the horsebox park when the forest and suitable routes ran either side of it? Why was the path only of permissive status and had there been any attempt to get footpaths upgrades from the Secretary of State? I had not been given a chance to get these matters addressed.

It was quite obvious to me that this was going to be not the excellent project which it should have been but a sticking plaster, quick win in which all available bridleways on route would become cycleways.

I asked that the opening be postponed until these issues were resolved. I asked why there was such haste to open it particularly as the SDNP would be taking over responsibility for Alice Holt in three weeks time on 1<sup>st</sup> April 2011. I noted also that they were not contributing any funding to the project but on the other hand had raised no objection.

The Leader listened to all the points I was making but seemed to me to be clearly out of his depths when he said I had the opportunity to make comment at the public consultations.

He told me that I should stop the campaigning otherwise he would terminate my membership of the Tory Party.

I said I could not stop the BHS campaign to 'Say No to Permits' in the Forestry Commission. As a volunteer for the BHS and a local District Councillor through which the path ran I was asking for his help. Perhaps he might consider giving me his help? As to his threat to terminate my membership of the Tory Party for just doing my job and asking the questions, I can say that I never took it seriously. I scarcely gave it a thought, although in retrospect perhaps I should have done.

As we parted I asked him to think about what I had said after all I was only asking for a postponement of the opening.

Just a week before my meeting with the Leader, our Branch of the Conservative Party had their AGM. I was on the agenda papers for the meeting as the proposed and supported candidate. However the Executive of the Association put forward a late candidate to stand against me.

A secret ballot was held and I had won. The Membership had made their choice.

**4<sup>th</sup> March 2011** Bob Milton writes to the Project Officer:

*"I am stunned into disbelief that you are going ahead with the grand opening telling us to come and ride them saying sorry the last part is not ready for disability vehicles or equestrians, some multiuse route. You also have not supplied any answers to the outstanding issues of highway status of the route and dedication as public right of way.*

*If I were to come on my horse were can I unbox and do I have to pay the Forestry Commission for the pleasure of parking and riding?*

*The expenditure of so much money whilst falling foul of the Equality Act 2010 and what in places is permissive or even illegal is in my opinion ultra vires.*

*I look forward to your instructions and answers. Please ring me to tell me as I am out of the office for most of next week."*

**7<sup>th</sup> March 2011** email to Bob Milton from the Project Officer.

*"Dear Bob*

*To clarify some of the points you make:*

- Both of the sections that will be opened on Saturday are open to walkers, cyclists and horse-riders, and have a wide, good quality surface that most disability vehicles (and pushchairs) will cope with easily.*
- **The Foresry Commission are providing access along the Shipwrights Way through Alice Holt free of charge - horse-riders have until now been charged to use these routes, so this is 2 miles of good, off-road route which has become freely available through the project.***
- We have so far carried out improvement works to Cradle Lane (a BOAT), Binsted BOAT 60 and Buriton Bridleway 4 - all of these routes carry rights for horse-riders and so all of these works benefit horse-riders alongside other users. The money for these works has come from HCC Local Transport Plan, S106 held by both EHDC and HCC, HCC Small Grants Scheme and Parish Council money - all of this has been spent honestly and within the rules pertaining to each source, and there is no work planned which steps outside the rules. As always, we are seeking to provide the least restrictive access within the parameters of topology and resource.*
- As you know, an extensive programme of improvement has recently been carried out on work Cradle Lane, including substantial drainage and surfacing works. However, the weather over the works period was very wet indeed, and the surface now needs time to settle and harden. It is now open to walkers and cyclists - because of the greater weight of horses and the action of their hooves it will re-open to horse-riders from 15th May. I asked people with mobility restrictions to contact me as Cradle Lane includes a ford/bridge, not because they cannot use it (nearly all will be able to).*
- The car park for those with horse-boxes and high vehicles is called Abbots Wood - coming from the A325 its about 200 yards beyond the main Alice Holt Forest entrance and on the opposite side of the road. It is free of charge. Horse-riders should then ride back up the road and onto the BOAT which is just past the main forest entrance.*
- Highway status through FC land: Walkers are by right (Footpath and/or CROW); cyclists and horse-riders by permission through a ten-year agreement.*

*If you do attend the launch (you would be welcome), I hope that you will do so in a spirit of celebration, given the physical improvements to paths and the 'new' access for horse-riders. This is the beginning of the project's delivery and the launch marks a positive step forward on which we hope to build.*

*Apologies for contributing to everyone else's in-boxes!"*

**10<sup>th</sup> March 2011** I receive the following by email.

This email will be confirmed by first class post today. It consists of a letter to you and a notice of an Executive Council Meeting on 25<sup>th</sup> March. The items are attached to this email and also in text below.

Dear Maureen,

MOTION TO TERMINATE YOUR MEMBERSHIP OF THE CONSERVATIVE PARTY  
AT AN EXECUTIVE COUNCIL MEETING  
TO BE HELD AT 6pm ON FRIDAY 25<sup>th</sup> MARCH AT GREATHAM VILLAGE HALL

The Officers of the Association have asked me to call a meeting of the Executive Council to resolve a motion to terminate your membership of the Conservative Party. I have enclosed a copy of the notice of the meeting that has been sent to all Executive Council members today.

You are invited to attend this meeting and to make representations and provide evidence as to why such motion should not be confirmed by the Executive Council. The Officers have also granted you permission to bring a supporter or companion with you, although they have also specified that person should be a member of the Conservative Party as this is not a public meeting.

This notice is given to you in accordance with the Rules of the East Hampshire Conservative Association and the motion will be resolved whether or not you decide to attend.

Yours sincerely,

Beverley Carpenter  
Agent  
East Hampshire Conservative Association

10<sup>th</sup> March 2011

To: All members of the Executive Council

Dear Colleague,

The Officers of the Association have instructed me to call a meeting of the Executive Council at 6pm on Friday 25<sup>th</sup> March 2011 at Greatham Village Hall. There is only one item on the agenda and no other business will be conducted at the meeting.

All Branches are entitled to TWO representatives at the meeting and we ask that all Branch Chairmen ensure full attendance. As this is a disciplinary issue no further Branch members will be admitted. Councillor Mrs. Maureen Comber will be asked to attend this meeting, together with a supporter, if she so wishes.

Please note that this meeting is being held immediately before the Annual General Meeting.

Yours sincerely,

Beverley A. Carpenter (Ms)  
Agent

## AGENDA

1. Motion: To terminate the Conservative Party membership of **Councillor Mrs. Maureen Comber** in accordance with paragraph 3.5 of the Rules of the East Hampshire Conservative Association.

### EVIDENCE

Paragraph 3.5 of the Rules states that:

"The Officers of the Association may move before the Executive Council the suspension or termination of membership of the Association of any member whose declared opinions or conduct shall, in their judgement, be inconsistent with the objects or financial well-being of the Association or be likely to bring the Party into disrepute "

Paragraph 2 of the Rules states:

"The Objects of the Association shall be to sustain and promote the objects and values of the Party in the Parliamentary constituency of East Hampshire ("the Constituency"); to provide an effective campaigning organisation in the Constituency; to secure the return of Conservative Candidates at elections; and to raise the necessary funds to achieve these objectives; to contribute to the central funds of the Party."

A statement from the Officers of the Association is included overleaf.

Copies of emails from Councillor Mrs. Maureen Comber will be available at the meeting. Should any member wish to see them beforehand, please contact the Alton Office.

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## **EXECUTIVE COUNCIL MEETING CALLED FOR FRIDAY 25<sup>TH</sup> MARCH AT 6.00PM**

Statement from the Officers of the Association:

It is the contention of the Officers of the Association that Councillor Mrs. Maureen Comber has severely damaged our efforts to secure the return of Conservative Candidates at the East Hampshire District Elections by repeatedly sending emails on a very wide distribution, including members of the Liberal Democrat Party, in an effort to prevent the launch of the Shipwrights' Way on 12<sup>th</sup> March 2011. This project is a cornerstone of Conservative policy at both East Hampshire District Council and Hampshire County Council as agreed by both Conservative Groups of Councillors.

Mrs. Comber is giving the Liberal Democrat opposition the opportunity to bring down scorn upon all Conservative candidates at this election.

This is not a ward-specific issue nor is it a "matter of conscience". Mrs. Comber is a member of a special interest group, namely the British Horse Society, and all her actions are aimed at ensuring that the Shipwright's Way is as suitable for horse-riders as for all other forms of "green" transport. In fact, the Shipwright's Way has a larger agenda than recreational transport – it is being designed to provide an alternative means of getting to work or school as well as recreation.

Councillor Mrs. Comber has been given more than one warning, most specifically a warning by the leader of East Hampshire District Council on 3<sup>rd</sup> March, but the warnings have gone unheeded. Her email dated 7<sup>th</sup> March stated her declared intention of going public in the national and local press and the World Wide Web should the launch go ahead without her concerns being resolved.

**25<sup>th</sup> March 2011** I attended the meeting of the Executive at Greatham Village Hall as requested. The County Cllr informed the meeting of my crimes but made at least two mistakes. He showed the meeting an email purported to come from me with a large email list. He failed to point out however that the particular email he was showing was not from me originally but from the Project Officer. I was just replying to all. The other misleading quote was that I had more than one warning. I had not. The one and only warning I had was the same day that I met the Leader. As I said before I had not taken it seriously.

Usually any problems come to the Conservative Group of EHDC but this had not happened. My fellow Councillors knew nothing about it and had not even been copied notice of the termination of my membership of the Conservative Party.

My response to the meeting was as follows:

Statement by Cllr Mrs Maureen Comber to the  
East Hampshire Conservative Association 25<sup>th</sup> March 2011

Mr Chairman, Councillors, Members

I have to say that it is lamentable that the perpetrators of this Motion choose to hide behind a cloak of anonymity, while Eric Pickles is forcefully directing local councils to be much more transparent and open.

To start with let me make two general comments about the Motion to terminate my membership of the Conservative Party.

**FIRST.** The Government and the country are wrestling with the greatest economic crisis we have faced in a generation.

The East Hampshire Conservative Association, however, only want to talk about a handful of emails I have sent, quote, "on a very wide distribution" end quote, in an effort to **postpone**, not prevent, the opening of a cyclepath to be known as the Shipwrights' Way.

**SECOND.** Other members of the Tory Party have committed far, far greater crimes than trying to postpone the opening of a cyclepath that have brought the Party, quote "into disrepute" end quote, and there have been no moves, either at national or local level, to terminate their membership.

Now to the details.

The motion accuses me of quote, "repeatedly sending emails on a very wide distribution, including members of the Liberal Democrat Party, in an effort to **postpone** the launch of the Shipwrights' Way on 12<sup>th</sup> March 2011."

I have sent exactly ..13..... emails over a **five day period**.

With the best will in the world, this can hardly be described as "repeatedly"

The motion goes on: quote "to a very wide distribution."

I have sent e-mails to no less than.....95.....people

Of them ....half..... were members of the Tory Party

Out of a total Tory Party membership of approx.....1,063..members. That is no-way saturation coverage.

The motion says I even sent emails to members of the Liberal Democrat Party.

I don't honestly see how I **could not** send emails to interested, local members of the Liberal Democrats; but actually for the most part I do not know what political inclinations my correspondents have.

What's more, as far as I am aware, there has never been any direction that Tory members of the Council should not send emails to Liberal Democrats. How could the Coalition Government work if that were the case?

The motion says the Shipwrights Way is, I quote, "a cornerstone of Conservative policy at both East Hampshire District Council and Hampshire County Council as agreed by both Conservative Groups of Councillors."

A cornerstone is a foundation stone or an indispensable part or basis of something.

The Shipwrights Way has never been presented to me as a cornerstone policy before. If it is, what is the policy that it is a cornerstone of? In addition, if it is a cornerstone then it should represent the expected quality of all that will follow.

The failure to address the discriminatory practice by the Forestry Commission of requiring horse riders to buy a permit in order just to access this Public Forest Estate, will not be seen as a benefit to the community as a whole. Horse riders, the most vulnerable of all un-motorised users, are forced to use the surrounding busy roads and lanes if they don't have a permit. Even if one is purchased, that does not entitle anyone to a safe or tranquil experience. The Forestry Commission has manufactured 'cycle only' routes but there are no bridleways.

I do not deny that I am a member of the British Horse Society. It is not against any law to be a member of the British Horse Society; whose patron, I might add, is Her Majesty the Queen. As the District Access Bridleways Officer for North East Hampshire it would be expected that I would contact everybody I could with an interest in acquiring safer and more off road riding for horse owners.

I do not deny that I want the Shipwright's Way to be suitable for horse-riders and for all other forms of "green" transport, because if EHDC is to contribute its section 106 developer contributions pot of £375,000 to what is primarily a recreational project, then it should be for the benefit of all non-motorised users and not a single category of user such as cyclists. Also the use should be secured by statute. Bridleways are best value in this respect because all non-motorised users may access them and they are to be found on the Definitive Map of Rights of Way.

Saddest of all is the way that I, as adjoining Ward and Ward Cllr for this initial section, have been deliberately bypassed and not allowed to even listen to, let alone contribute to the Steering Committee set up to deliver this project, even though I have 40 years experience in the field of Rights of Way and have repeatedly offered to assist. Furthermore as adjoining landowners to part of the route alongside Cradle Lane, we have generously made available some of our land to enable better drainage works to be put in place.

Unable to get answers to some pressing questions from the Project Officer or Steering Group, I sought help from the CEO of EHDC who passed my concerns to the Executive Head for Communities and Economy. Since I was very unhappy with several things and had not received a copy of the detailed route which I had asked for, I requested the

Project to be called in to Overview and Scrutiny. The Executive Head also set up the meeting with the Leader, Cllr Burridge earlier this month on 3<sup>rd</sup> March. I explained that I had just received an invitation to the opening of the Shipwrights Way which had come suddenly and unexpectedly. No discussions had taken place with me as promised. I asked that the opening of The Shipwrights Way be delayed until my concerns had been addressed. What could possibly be gained by rushing it through especially as the expected delivery time for the proposal was at least two years hence.?

I am accused that in **one single** email dated 7<sup>th</sup> March that I stated my declared intention of going public with my concerns about the Shipwrights Way being suitable for horse-riders, in the national and local press and the World Wide Web.

I do not deny it. I had to say something to try and save the Party from the inevitable embarrassment which would follow such an untimely event as opening a permissive path rather than statutory on the Public Forest Estate, when only a week before the Minister of the Environment Caroline Spelman said : quote

"In fact, we are proposing to end the last Government's policy of selling land and replace it with a leasing policy, **specifically to secure access to rights for all - including horse riders, cyclists and other recreational users.**" end quote.

However that begs the question. Since when has it been wrong for a Tory councillor, a Tory MP, a Tory MEP or even a Tory Minister to fight for what they believe in?

If Tory councillors are not prepared to fight for what they believe in, they shouldn't be Tory councillors.

The motion also says that, and I quote, "Mrs. Comber is giving the Liberal Democrat opposition the opportunity to bring down scorn upon all Conservative candidates at this election."

I would suggest that you will be giving the Liberal Democrat opposition even more opportunity to bring down scorn upon all Conservative candidates at the election if you vote this evening to terminate my membership of the Tory Party

Because you will be giving them the opportunity to say

- That while the Tory-led Coalition Government was wrestling with the greatest economic crisis this country has ever faced; here in East Hampshire the Tories were only interested in arguing about a cyclepath.
- That while the Tory Government was fighting to encourage the growth of democracy all over the world, here in East Hampshire the Tories were fighting to stamp out any form of local democracy
- That a single local councillor was not allowed to represent the views of the largest equine charity in the country if not the World, whose Patron is Her Majesty The Queen
- That while other Tory councillors, Tory MPs, Tory MEPs and Tory Ministers are allowed to fight as long and as hard for what they believe in, here in East Hampshire a single local councillor was not allowed to fight for what she believes in.
- That a single local councillor was not allowed to send emails to just .....95.....people including members of the Liberal Democrat Party.

I sincerely hope that, from your point of view, you do not this evening vote to terminate my membership of the Tory Party

- Because if you do vote to terminate my membership, while David Cameron is talking about localism and the Big Society, you will be making me a martyr and putting me alongside the likes of Jeffery Archer, Jonathan Aitken and David Mellor who did more harm to the Tory Party than fight for a bridlepath.

- Because if you do vote to terminate my membership, you will be attracting far more publicity than if you let the matter rest
- Because if you do vote to terminate my membership, you will be giving the Liberal Democrat opposition even more opportunity to bring down scorn upon **all** Conservative candidates at the election.

Perhaps you should rather be asking why it is the Officers of this Association are putting the Party in such a difficult position just weeks before the local elections.

Finally, I leave you with one of my favourite quotes from Mrs Thatcher, she said "Speaking out for what you believe in is as necessary for good politics as loyalty."

I Thank you for listening.

That should have been the end of the nonsense but then a voice from the audience suggested that the Leader should say a few words which he did and then brought forth his friends and colleagues from the Cabinet who all stuck the knife in. So that was that but not before I had asked one more question.

From what I had heard the members of his Cabinet say with reference to bridleways, it was obvious that they had got the message, in which case why on earth hadn't they helped me?

There was resounding silence.

The Executive of the East Hampshire Conservative Party had got their way. I had been well and truly Thatchered. The Nasty Party had lived up to its name.

I was no longer eligible to stand in the local elections as their Candidate on 5<sup>th</sup> May.

However, every cloud has a silver lining and noting my predicament it wasn't long before the Lib Dems opened their doors and invited me to join them. As we are in a coalition government it was not difficult to accept their kind offer.

### **18<sup>th</sup> April 2011**

email to the Project Officer:

Thank you for your note received today 18th April 2011 enclosing copies of three maps on which to mark my suggestions for the route of the proposed Shipwrights Way. I have to say that it is a little late now that the route through and next to my Ward is already open.!

If you remember I also asked you for a detailed breakdown of the proposed route showing which sections were already public footpath, bridleway or BOAT which I still have not received. Even now it is open I have no idea where the route through Alice Holt Forest to Cradle Lane runs, so perhaps you will be kind enough to send me that also.

I was told that the Forestry Commission warden had stopped horse riders on the Shipwrights Way recently and asked for their permit. When they said they were on the Shipwrights Way the Warden said he had never heard of it.!!

I look forward to hearing from you again soon.

### **19<sup>th</sup> April 2011** a reply:

*"I'm pleased to hear that you received the maps; if you recall at our meeting with Cllr Burrige it was decided that the route should open as planned, and that I would be happy to look at your suggestions as possible additional routes if you can mark them for me, hence the maps.*

*As requested, I attach the plan of the section which has been opened at Alice Holt (this is also available to download from [www.hants.gov.uk/shipwrights](http://www.hants.gov.uk/shipwrights)). All of this route carries rights for walkers (as footpath and/or CROW access land). The initial straight section (starting with blue dots) is Binsted BOAT 60 (TRO's for 4-wheeled vehicles), and Cradle Lane BOAT you know; the rest is permissive for cycling and horse-riding, not definitive. I'm sorry to hear a report of someone being stopped - if you are able to supply time, date and where (and the ranger's name or description, if known) plus their contact details then I shall follow this up with the Forestry Commission."*

**20<sup>th</sup> April 2011** by email:

This raises more questions:

1. To be sustainable the route needs to start from Bentley Station as originally proposed. Why was the opening not delayed until such time as that can happen? Any project has to start somewhere! I am working as per the Steering Group's decisions on the whole route, including the link to Bentley station, and each section will open as it is ready.
2. As you will see from the attached map the area around the start is prohibited to horse riders even if they do have a permit. I realise that they cannot be denied use of the BOAT but I am sure you will agree that as this is a hub of activity it is hardly ideal as a route for horse riders. Will this be altered once the beginning of the route from Bentley Station is available? There are no plans to alter the horse route; as you say, horses were already using the route, and it is hedged or 'tree-d' on either side except where tracks cross it.
3. Horses will be forced to use the road if parking in the proposed location. There is an off road route both sides of this road. Why have these not been used to keep horses away from traffic? The route which has been provided for Shipwrights is (other than the BOAT) permissive for horse-riders; the Forestry Commission have provided horse-riders with free access to 2 miles of forest tracks which are wide and in excellent condition, and also provide horse-box parking nearby.
4. The route from Bentley Station was once a bridleway which was downgraded. Have you checked this out? The public rights recorded on this path are as footpath, not bridleway, and this is unchanged since the definitive map was first published in 1958, so it has not been downgraded. The level crossing over the rail track is not open to horses. If you have evidence of higher rights and wish to claim then you know all about the procedure!
5. Why was the route along Cradle Lane chosen when it exits on to the dangerous bends by Headley Park? The route was guided in part by road accident statistics, which did not show an issue here. Cradle Lane is already a (long-used) right of way, we are not introducing new rights here.
6. In the leaflet attached it states the SDNP are partners in the project. Why is that when they are not contributing any funding? They have only been in existence only three weeks! SDNP are full partners in the project, contributing valuable experience and strategic input; they may or may not be able to contribute funding as the project progresses but this is not a criteria for being a partner.
7. If I had been consulted before the untimely opening of this section all these questions would have been asked and a much better route identified so please tell me why I was not? You attended the Nov 2009 event held to inform the feasibility study on the route, the Community Forum in Headley where the consultant detailed the route he then proposed, the stakeholder event in December at which the detailed route was put forward for discussion and you subsequently met with Cllr Carter (as EHDC Councillor on the Steering Group) and then Cllr Burrige (as Leader) and have exchanged many emails with me. All of the comments from these events were taken

into account by the Steering Group, along with everyone else's. I believe that the only section in your ward is Cradle Lane? Its been shown on all the documents I've seen as on the proposed route and you have long been aware (from emails I have seen) that Cradle Lane was to be used and that we would not have been able to assemble the money to repair it had it not carried the priority of being on the proposed Shipwrights Way.

**21<sup>st</sup> April 2011** by email from Lib Dem Leader:

I asked for a map of this route across Whitehill Parish via Broxhead and Weavers Down months ago - I am still waiting please send it by email

Why haven't I been consulted about the route as the local member and are you aware that you will now have to do a Habitat regulations assessment as you are opening up the area across the SPAs - which is against EU policy

In addition I gather there is no documented historical evidence at all that the timber was ever taken from Alice Holt to Portsmouth

Although we all support a long distance multi use path - the route is critical and None of the above puts county in a good light.

**21<sup>st</sup> April 2011** More from me.

This raises more questions:

1. To be sustainable the route needs to start from Bentley Station as originally proposed. Why was the opening not delayed until such time as that can happen? Any project has to start somewhere! I am working as per the Steering Group's decisions on the whole route, including the link to Bentley station, and each section will open as it is ready. You still haven't answered the question. Why was this section opened before it was ready? Projects usually start at the beginning of the proposed route not just somewhere!
2. As you will see from the attached map the area around the start is prohibited to horse riders even if they do have a permit. I realise that they cannot be denied use of the BOAT but I am sure you will agree that as this is a hub of activity it is hardly ideal as a route for horse riders. Will this be altered once the beginning of the route from Bentley Station is available? There are no plans to alter the horse route; as you say, horses were already using the route, and it is hedged or 'tree-d' on either side except where tracks cross it. Horses have the right to use the BOAT but have for some time been unable to because of the excessive activity on either side of it particularly during the summer months, confirmed by the plan I sent to you. You have previously suggested that the route would or could evolve after the opening have you not? Of course the route from Bentley Station would have no need to go along Hardings Ride as shown on the Consultants draft proposal so why was it changed? Why was I not consulted as the adjoining Ward Councillor and District Access Officer for the BHS?
3. Horses will be forced to use the road if parking in the proposed location. There is an off road route both sides of this road. Why have these not been used to keep horses away from traffic? The route which has been provided for Shipwrights is (other than the BOAT) permissive for horse-riders; the Forestry Commission have provided horse-riders with free access to 2 miles of forest tracks which are wide and in excellent condition, and also provide horse-box parking nearby. Please answer the question.

4. The route from Bentley Station was once a bridleway which was downgraded. Have you checked this out? The public rights recorded on this path are as footpath, not bridleway, and this is unchanged since the definitive map was first published in 1958, so it has not been downgraded. The level crossing over the rail track is not open to horses. If you have evidence of higher rights and wish to claim then you know all about the procedure! Thank you but you surely realise that dedication is the quickest and most effective way of improving access for horse riders and thereby for all non-motorised users. Has an upgrade to this FP been proposed? Have you checked the Binsted Inclosure Awards for the status of this path? I can remember when horses used to cross the railway line at Bentley and the level crossing over the rail track was open to horses.
5. Why was the route along Cradle Lane chosen when it exits on to the dangerous bends by Headley Park? The route was guided in part by road accident statistics, which did not show an issue here. Cradle Lane is already a (long-used) right of way, we are not introducing new rights here. You are correct to say that Cradle Lane is ancient but it has for many years been difficult or unpleasant to use because it has not been properly maintained. You can find the long and depressing history on [www.horseytalk.net](http://www.horseytalk.net) and then clicking 'Riders Rights'. The statistics will not show the true picture only local people will be able to inform of that. The C102 on to which Cradle Lane exits on those blind bends carries a speed limit of 60mph. Do you agree that is not an indication of the speed at which it is safe to drive or is a speed limit which can be said to be there for anyones safety?
6. In the leaflet attached it states the SDNP are partners in the project. Why is that when they are not contributing any funding? They have only been in existence only three weeks! SDNP are full partners in the project, contributing valuable experience and strategic input; they may or may not be able to contribute funding as the project progresses but this is not a criteria for being a partner. As you say they only became operational on 1st April 2011 so why was the opening three weeks before not delayed until they could consider contributing in kind as they have many grant funds open to them? In any event EHDC has been told they will not be funding the project. Exactly what experience do they have as they have "only been in existence for three weeks" and what strategic input?
7. If I had been consulted before the untimely opening of this section all these questions would have been asked and a much better route identified so please tell me why I was not? You attended the Nov 2009 event held to inform the feasibility study on the route, the Community Forum in Headley where the consultant detailed the route he then proposed, the stakeholder event in December at which the detailed route was put forward for discussion and you subsequently met with Cllr Carter (as EHDC Councillor on the Steering Group) and then Cllr Burrige (as Leader) and have exchanged many emails with me. All of the comments from these events were taken into account by the Steering Group, along with everyone else's. I believe that the only section in your ward is Cradle Lane? Its been shown on all the documents I've seen as on the proposed route and you have long been aware (from emails I have seen) that Cradle Lane was to be used and that we would not have been able to assemble the money to repair it had it not carried the priority of being on the proposed Shipwrights Way. Yes thank you for pointing out that I have indeed been to all the consultation events. However these are primarily for the public. I would expect as a District Councillor to be able to engage in greater depth as to the detail. If you remember at these events you said you would do exactly that when the project got to the particular section of concern to the Ward Councillor. Ward Councilors are perfectly able to take an interest in and operate within an adjoining Ward. Are you not aware of that? Despite my many concerns you did not do that and it was a total surprise to suddenly get an invitation to the opening. You say that it has been shown on all the documents that Cradle Lane was to be used. Well correct me if I am wrong but I thought those

documents were drafts and proposals? You have long been aware that I think there is a better route which will promote the tourism aspects and sustainability. Are you suggesting that HCC are using the Shipwrights Way project to acquire funds for doing their Statutory Duties?

These questions have not been responded to.

On 5<sup>th</sup> May 2011 at the Local Elections I lost my seat for Selborne Ward, as a Liberal Democrat when the whole of East Hampshire turned Conservative except for Whitehill/Bordon.

It was easy for my successor to portray me as a 'one issue' councillor, something I definitely refute, but had it been the case then it still does not alter the fact that it is an issue that needs urgent attention unless future generations are to be denied the pleasure that the company of horses has given to me.

I have found in this short time that the Liberal Democrats are far more aware of our environment than ever the Tory Party purported to be. We shall be keeping an eye on this project to make sure our rare and precious heathlands so much treasured by local residents, are respected as a haven for wildlife for us all to enjoy, and contribute to the health and wellbeing of our green and pleasant land.

Maureen Comber

21<sup>st</sup> May 2011