From: Countryside Planning
Sent: 24 April 2013 10:21
To: County Planning
Cc: Countryside Planning; Austin, Ian
Subject: 13/00793/HCS - T J Waste and Recycling, Barfield Close, Bar End Industrial Estate, Winchester

Katherine, Thank you for sending us this consultation.
Please accept this response as being that of The Highway Authority in respect of Public Rights of Way.

We must object to the proposal in its current form.

No plan showing public rights of way running through, or adjacent to, the site has been submitted, as required by 1APP guidelines, even though the legal definitive line of *Winchester Footpath No 6* runs right through the middle of the proposed Waste Transfer Station.
1APP guidelines do require that applications should not be validated unless such a plan has been submitted.

Whilst it is not physically possible to follow the definitive line of this footpath, due to the excavation of the site in connection with a previous planning permission, it is nevertheless the case that **the proposed Waste Transfer Station would be situated on the legal line of the footpath.**

In relation to a previous application, *10/00637/HCS*, the agents advised that they believed the route had already been diverted by WCC and that the existing map was incorrect. No paperwork to support this claim was submitted, although they did submit photographs purporting to show the "diverted route".

In respect of *Winchester Footpath No 6,* The Definitive Map **was not,** and **is not,** incorrect.

Whilst there may be a path "on the ground", we have no record of any formal, legal diversion having been carried out. If it is believed that the path has been previously diverted then the relevant paperwork to support this claim, i.e. a confirmed Diversion Order, needs to be to produced .

We, i.e. Hampshire County Council, as both Planning Authority and Highway Authority, should not be seen to be condoning a situation whereby a structure would be positioned on the line of a definitve right of way, even though, in practice, the topography prevents the use of that path.

The application should therefore be refused pending production of the aforementioned confirmed Order from a previous diversion or until such time as the footpath has been legally and formally diverted.

Many thanks

Barry Lockyer
Countryside Access Team
Countryside Service
Hampshire County Council
Room 0.01 Castle Avenue
Winchester SO23 8UL

01962 846040
HPSN2 846040