

**Re: Ashe Hill park estate footpaths residents meeting**

I attended the Ashe Hill Park residents meeting on the 11th of July at the Newfound Sports pavilion and thought I would pass on my notes and observations from the meeting for those unable to attend. The meeting took place one day after the August deadline for Link letters so apologies for this late update.

I attended the meeting as a resident and believer that there is still a place and need for the footpaths as without them we have lost safe routes of passage for young, old and those less able.

The meeting was organised and chaired by Borough Councillor Diane Taylor. Other attendees included two Hampshire County Council officers, the local beat officer, representatives of the Parish Council and our County Councillor.

The sports pavilion was a `full house` with standing room only (I would estimate 60+ people).

Councillor Taylor opened the meeting with some background history advising us that when the Ashe Hill Park Estate (Meon Rd, Blackwater Close, Lyde Close and Medina Gardens) was built back in the 1960's it was built to a design called the Radburn system, with footpaths rather than pavements where the pedestrian ways were segregated from vehicular routes.

Councillor Taylor explained that as soon as the homes were constructed the developer went into administration. In the late 1960s an offer was made by HCC to adopt the footpaths. This was rejected by owners. This meant the footpath network remained in the ownership of the residents whose deeds showed the footpath to be on their land.

This worked very happily until about three years ago when residents in Lyde Close agreed amongst themselves to make some footpath closures as they were fed up with anti-social behaviour such as dog fouling, vandalism and arson. There are now approximately 12 closures.

Councillor Taylor then asked for a show of hands from those wanting the footpaths closed and then from those wanting the footpaths reopened. The split was approx 50/50.

Residents that had made footpath closures were then asked if they could give their reasons so everyone could understand their issues. All of those that spoke cited similar reasons which were: dog fouling, antisocial behavior, noise, vandalism and one case of arson.

Residents wanting the footpaths opened then gave some of their reasons, which included: wheel chair users not feeling safe using the road, safe passage to the playing fields, there are services running under the footpaths such as water meters and phone lines, the older village residents did not feel safe walking down Kennet Way, extra distances now have to be walked to get around the village and footpaths that have been partially closed are now becoming an eye sore and in some cases a dumping ground.

The local beat officer, PC Barbara Bradley, then gave a police perspective advising that the footpaths made policing more difficult as the footpaths were like a rabbit warren giving escape routes for the trouble makers. She then gave the crime statistics explaining that crime had reduced, but this could be just down to the youngsters having grown up, as vandalism and anti-social behavior tends to occur in cycles.

Councillor Taylor then asked the two Hampshire County Council officers to give us some of the options that could be considered. One officer spoke about 'Adoption' of footpaths with all of the pros and cons associated, and the other spoke about 'Dedicated Rights of Way' and how an application is made.

In brief Steve Pellat, HCC Highways Manager, explained that adoption of a section of the footpath network, most probably the path parallel to Kennet Way, is a possibility but not a certainty. This would require the agreement of all residents who own a section of footpath and some funding may be necessary. It would not be an option for the entire network, and at this stage there would need to be a period of enquiries and investigations before any firm proposal could be made.

The second HCC officer, Colin Piper of the Countryside Service, explained that making some or all of the footpaths 'Rights of Way' could be a more viable option. This would be considered if a valid application is made and there is evidence of continuous public use over a period of 20 years. Once established, responsibility for keeping the pathways open would belong to Hampshire County Council. However, the cost of maintenance would not necessarily pass to HCC and may still remain the responsibility of pathway owners.

The officers then answered some questions and gave some interesting facts such as:

1. Residents who own a section of footpath should not worry unduly about being sued should someone slip or fall whilst walking down their section of footpath, as courts take into account 'Reasonableness' when assessing liability, i.e. is it reasonable for the footpath owner to carry out an hour by hour check?
2. Buyer beware!. Homeowners who are unhappy with the situation and the liability of owning a piece of footpath that has to be maintained and kept open should have read their deeds before purchasing their property.
3. When you purchase a property the deeds are also transferred to the new owner
4. Homeowners who have flouted their house deeds and closed a footpath need to consider that when they wish to sell their property this action could affect a sale
5. All Ashe Hill Park residents have a legal right of way over all of the footpaths. This means any resident can request the removal of a closure. If that request is ignored and civil action is taken the court would find against any resident who had made a closure.
6. If the council did adopt they would own and maintain the footpaths to a good standard

Time was now moving on so Councillor Taylor invited questions or ideas from those that had not spoken. I have kept this brief but these were the main questions or suggestions:

Q Should or could we make Kennet Way one-way with traffic calming bollards or make the road narrower and install a pavement as an alternative to reopening the footpath that runs parallel to Kennet Way?

A This idea was not generally supported

Q Why has the council maintained some footpaths on the estate if they were in private ownership, i.e. owned by the resident whose deeds showed the footpath was theirs?

A This was either done for safety or in error as footpath responsibility is not always straightforward

Q One resident felt unhappy that they had been served with an enforcement notice for shutting their section of the footpath and erecting a garden shed on the land that the footpath had occupied. Why had only they been targeted?

A It was explained that this was a breach of planning regulations which had been brought to the Borough Council's attention. The footpath may be in private ownership but this land is not part of the residential curtilage of the property meaning it can't be built on or used as part of the garden. Other breaches would also be addressed.

In closing the meeting Councillor Taylor summed up by stating the options, which were:

1. One or more of the main footways are adopted by HCC
2. The footways become Rights of Way
3. The footways are voluntarily re-opened and each section maintained by the owner as originally required in the house deeds
4. The footways are re-opened and maintained jointly by estate residents
5. The status quo is maintained, but with the risk of legal action and the uncertainty for those wishing to sell their homes

Councillor Taylor suggested that residents wanting the footpaths open could form a working group to explore the legal options via the civil courts or pursue the possibilities that had been explained at the meeting. She suggested that if anyone is interested in being part of such a group that they should make contact with her.

Councillor Taylor drew the meeting to a close at 9.30pm after an interesting enlightening evening.