

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	8 February 2012
Title:	Proposal to enter into an agreement for a licenced footpath in Hursley Parish
Reference:	3640
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary:

- 1.1. A landowner has offered to enter into an Agreement with the County Council for the provision of a licenced public footpath for a period of five years. This is a renewal of an existing licence, for the same path, with the previous landowner. It is considered that the path would be of continued benefit to the public by enabling them to walk between Ladwell and Hursley, avoiding a busy and dangerous road with no footway. The offer is recommended for acceptance.

2. Legal framework for the decision:

2.1. LOCAL GOVERNMENT ACT 1972:

s.111 Subsidiary powers of local authorities

- 1) ...a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

3. Landowner:

- 3.1. Cranbury Investment Company Limited
Estate Office
Cranbury Park
Winchester
Hampshire
SO21 2HL

4. Background:

- 4.1. In 2006 the County Council received an offer from the then landowner for the provision of a footpath between Ladwell and Hursley. The 'B' road that links these two communities does not have a footway by the side and is potentially dangerous for use by pedestrians because of the speed and volume of motor traffic. There had been a desire from the local community for many years to have this footpath link. The landowner was not prepared to dedicate a permanent right of way, but did offer a licenced path for a period of five years with the County Council being responsible for the establishment, maintenance and public liability of the path.
- 4.2. The Regulatory Committee gave authority to enter into an Agreement on 29 November 2006 and the licence was signed on 19 February 2007 following improvements to the path by the County Council. The path has operated successfully for the last five years without any adverse incident. The current landowner was asked to renew the licence at the end of 2011 and, after some discussion, that has been agreed to. The agent for the Estate has confirmed that the landowner does not wish to dedicate a public right of way.

5. Description of footpath (please see attached maps):

- 5.1. The path runs from a public road in the hamlet of Ladwell, through a kissing gate and northwards along a field headland for 485 metres to another kissing gate on the main Romsey Road. There is a footway alongside the 'A' road into Hursley. It is an unmade path which does get wet underfoot at times, but it has served a useful purpose in enabling walkers to avoid the busy road. The path provides a link in the wider rights of way network by connecting Footpath 4, across Cranbury Park, with other footpaths to the north.

6. Consultation with other bodies:

- 6.1. In discussions with the current landowner, the County Council was asked to justify the public need for the continuation of this arrangement. The Countryside Service contacted Hursley Parish Council, the residents of Ladwell, Winchester City Council and the Ramblers to provide information about its use and the desire to see this path continue. In all, 24 bodies or individuals provided letters or e-mails in support of the continuation of the footpath with no-one expressing a contrary view.

6.2. Hursley Parish Council

"The Parish Council very strongly support its renewal which we know to be vital to the everyday lives of Ladwell residents. It is an important link not just to school and buses to secondary school and college, but also more generally to the pubs, church, PO, butchers and hairdressers. All are used by Ladwell residents."

6.3. Winchester City Council

The Head of Access and Infrastructure has written to say:

"I can confirm that the City Council would support the renewal of the licence for this footpath as it provides a very useful link between Ladwell and Hursley and is well used."

6.4. The Ramblers

"The path has indeed been very successful and has been walked repeatedly by many of our members. Walkers will be dismayed if this link is not maintained in the future. This path is at, or very near the top of my list of the most important links needed in the Winchester area to provide safe passage for walkers away from dangerous traffic."

6.5. Councillor Charlotte Bailey – local member

"I am aware that this permissive path...is well used and that people are very grateful for the opportunity to use it. I hear from local people, particularly those in Ladwell, that it is a safe way to get from Ladwell into Hursley without having to brave the Hursley Road which has no footway. I am told that ramblers from further afield use it as part of the local path network and this is apparent from the fact that the path shows signs of being well used."

6.6. Mr D Howe of Ladwell

Nearly every resident of Ladwell responded to the request for information about use of the path. The following e-mail is representative of the views of the inhabitants of the hamlet.

"We are very grateful that the previous owners allowed the footpath to be developed and would be very disappointed to lose this because it has been of great benefit, not only for those living in Ladwell, but also others who use the permanent footpath to Otterbourne. It has been an absolute boon to us living in Ladwell, transforming our ability to walk safely to the village. The road down the hill from us to the village has no footpath or lighting...so this is not a safe route to walk at any time of day."

7. Financial implications:

- 7.1. A significant sum of money was spent establishing the path in the first place; about £1,000 on cutting back mature vegetation and approximately £500 in installing two kissing gates and two signposts. The gates and signposts are still in good condition, but some minor vegetation has grown back across the path in places. The Area Countryside Access Manager has stated a willingness to cut back the vegetation within one month from the renewal of the licence. This work will be done by the Countryside Service Access team and should not be expensive.
- 7.2. The Agreement places a duty on the County Council to maintain the path to a standard commensurate with a rural public footpath, and to accept liability for accidents on the path that cannot be attributable to the actions of the landowner. In the previous five year agreement this duty did not amount to anything other than the occasional site visit and the replacement of advisory notices. In future, it will probably be advisable to keep on top of the vegetation with an annual cutting programme.

8. Recommendation:

- 8.1. That the County Council enters into an Agreement with Cranbury Investment Company Limited to continue the licenced footpath between Ladwell and Hursley for a period of five years.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because authority is needed for the County Council to enter into an agreement with another body.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
File – Ladwell-Hursley Footpath	Room 200 Mottisfont Court High Street Winchester Hampshire SO23 8ZF

IMPACT ASSESSMENTS:

This decision has been assessed to see what impact it may have in the following areas. If it has been identified that there are possible implications which may have a negative impact this grid should identify the part of the report which covers the recommendation about how those potential negative impacts are managed or avoided.

Impact Level: **S**= Significant Impact **L** = Low Impact **None** = No impact

IMPACT AREA	IMPACT LEVEL	COMMENTS	WHERE COVERED IN REPORT (Where there are details of how impact could be managed)
Equality & Diversity Impact	None	The proposed licenced path will be the same as the route that has been in place since 2007, so the level of accessibility is maintained.	
Crime Prevention (under Section 17)	None	The proposal is unlikely to have any impact on crime and disorder in this area.	
Environmental	None	The proposed licenced path has been in place since 2007. As such the current proposal is unlikely to have any significant environmental impacts.	