

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 May 2012
Title:	Renewal of an agreement for a licensed bridleway in the Parish of Litchfield and Woodcott
Reference:	3939
Report From:	Director of Culture, Communities and Business Affairs

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1. Executive Summary

1.1. A landowner entered into an Agreement with the County Council for the provision of a licensed permissive bridleway for periods of 5 years, since 2001. This report relates to a renewal of this existing licence, for the same path, with the landowner. It is considered that the path would be of continued benefit to the public by enabling them cross the A34 safely by means of a subway, avoiding a dangerous and busy road with no footway. This route also forms part of the Wayfarers' Way, a long-distance promoted path. The offer of a renewal of this existing licence 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 Mr. C.A.H. Wills,
Litchfield Farm,
Litchfield,
Whitchurch

4. Background

- 4.1 On 20 August 2001, the County Council received an offer from the landowner for the provision of a permissive bridleway running on either side of the A34 trunk road, crossing it in a subway. The A34 does not have a footway by the side and is potentially dangerous for use by members of the public because of the speed and volume of motor traffic. The landowner was not prepared to dedicate a permanent right of way, but did offer a licensed bridleway for an initial period of 5 years, with the County Council being responsible for the establishment, maintenance and public liability of the path. The landowner has offered a further extension until 2016.
- 4.2 The path has operated successfully for the last 11 years without any adverse incident. The landowner wishes to renew the licence.

5. Description of the bridleway (please see attached maps):

- 5.1 The path runs from Litchfield and Woodcott BOAT 40 southwards along the western boundary of the A34, crosses the A34 in a subway, running in a south easterly direction, and returns northwards along the eastern boundary of the road, to meet Litchfield and Woodcott Bridleway 35, a total distance of 1,341 metres. It is shown between points A-B-C-D-E-F-G on the attached plan.

6. Financial implications:

- 6.1 As this bridleway has been in existence for some years, there are no current financial implications for the County Council.
- 6.2 The Agreement places a duty on the County Council to maintain the path to a standard commensurate with a rural public bridleway, and to accept liability for accidents on it that cannot be attributable to the actions of the landowner. In the previous agreements this duty did not amount to anything other than the occasional site visit and the replacement of advisory notices.

7. Recommendation:

- 7.1 That the County Council enters into an Agreement with Mr. C.A.H. Wills to continue the licensed bridleway alongside the A34 and through the subway until 19 August 2016.

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

Hampshire safer and more secure for all:	yes/no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes/no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes/no
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.	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

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>
R40 AD 15	Legal Services, The Castle, Winchester, SO23 8UJ.

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1.

2. Impact on Crime and Disorder:

2.1.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

This report does not require impact assessments but, nevertheless, requires a decision because authority is needed for the County Council to enter into an agreement with another body.