

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	20 June 2012
Title:	Proposal to dedicate bridleway rights between Cottonworth Road and Fullerton Road, in the Parish of Wherwell, to form part of National Cycle Network Route 246
Reference:	4000
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary

- 1.1. The County Council has received a proposal to dedicate public bridleway rights over a route from Cottonworth to Fullerton Road, in the Parish of Whitehill. It is intended that this dedicated route will complete a vital off-road link for the National Cycle Network 246 between Romsey and Andover. It will provide a safe route for horses, pedestrians and cyclists, avoiding a hazardous section of the A3057.
- 1.2. This paper seeks to obtain Members' authority for the County Council to enter into an agreement with Mr. Liddell of Fullerton Farms Partnership for the dedication of a public bridleway in the Parish of Wherwell.

2. Legal framework for the decision

2.1 HIGHWAYS ACT 1980: section 25: Creation of a footpath, bridleway or restricted byway by agreement

- a) A local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath or bridleway over land in their area

An agreement under this section is referred to in this Act as a "public path creation agreement".

- b) For the purposes of this section "local authority" = (a) in relation to land outside Greater London means a county council, a district council...on the date when the right of the public to use the way is
- c) Before entering into an agreement under this section a local authority shall

consult any other local authority or authorities in whose area the land concerned is situated.

- d) An agreement under this section shall be on such terms as to payment or otherwise as may be specified in the agreement and may, if it is so agreed, provide for the dedication of the footpath or bridleway subject to limitations or conditions affecting the public right of way over it.
- e) Where a public path creation agreement has been made it shall be the duty of the local authority, who are a party to it, to take all necessary steps for securing that the footpath or bridleway is dedicated in accordance with it.

3. Purpose of the Report

- 3.1. Hampshire County Council has received a request to accept the dedication of a public bridleway in the Parish of Wherwell under section 25 of the Highways Act 1980. This dedicated routes is intended to become part of the National Cycle Network 246 between Romsey and Andover.
- 3.2. It is proposed that the request to accept the dedication of this path be approved.

4. Landowners

Mr. T. Liddell,
Fullerton Farms Partnership,
Cottonworth House,
Andover,
SP11 7JX.

5. Description of the Routes (please refer to the map attached to this report)

- 5.1 A bridleway, 3 metres wide, shown as a pecked line on the attached plan, running in a generally northerly direction from Point A (SU 37888 39462) at Fullerton Road (C65), to Point B (SU 37895 39507), the dismantled railway. The public bridleway is approximately 46 metres long.

6. Background

- 6.1 The dedicated route is part of a longer network of paths which have been identified as part of the National Cycle Network 246. The policy document for this project is the '*Cycle Strategy and Network*', prepared by Test Valley Borough Council Planning Department in March 2009, and adopted by the Council on 29 April 2009.
- 6.2 The section of this document dealing with 'Rural Test Valley' addresses leisure routes at paragraphs 8.8 and 8.9. It recognises (8.8) that '*the*

rural areas provide an opportunity for leisure cyclists to enjoy the countryside without any of the detrimental impacts of additional traffic' and states that a number of leisure routes have been identified, both on- and off-road. Further, Test Valley Borough Council will (8.9) '*develop further its leisure routes, where opportunities arise*'. This dedication is a result of such an opportunity presenting itself, in that the landowner is willingly dedicating public rights over this route so that cyclists using the Test Way no longer have to cross the narrow and dangerous A3057. Walkers and cyclists currently have to leave the quieter rural roads and walk or cycle on this main road, which goes over a humped bridge and has no footway or verge. Users have to go over the bridge and cross the road to link with the rest of the Test Way. This route is compliant with the Disability Discrimination Act.

7. Consultations with Other Bodies

7.1. Test Valley Borough Council

Test Valley Borough Council has been consulted, and no comment has been received at the time of writing.

7.2. Wherwell Parish Council

The Wherwell Parish Clerk has been consulted, and no comment has been received at the time of writing.

7.3 County Councillor Andrew Gibson, local Member for Test Valley Central

The local Member has been informed of the proposal.

7.4 Ramblers

The local representative of the Ramblers has been consulted, but no comments have been received at the time of writing.

7.5 The British Horse Society

A British Horse Society representative has visited the landowner and the route, and comments that the '*British Horse Society would very much like to see this track as part of a lengthy bridleway*'.

7.6 Cyclists' Touring Club

The representative of the CTC has been consulted and intends to make a comment.

7.7 HCC Area Countryside Access Manager

The Area Countryside Access Manager has been consulted, but no comments have been received at the time of writing.

8. Financial Implications:

- 8.1 Funding to put the dedicated bridleway on the ground is being provided by Sustrans, and the work will be carried out by Hampshire Highways, as part of a leisure route, identified in accordance with the policy

document discussed at 6.2. The surface of the bridleway will be a self-binding gravel, with timber edging.

- 8.2 It is understood that the maintenance liability for this route will be with Hampshire County Council, and any work to the surface will be carried out by Highways. It is estimated that use by cyclists will not add to any existing maintenance costs for this bridleway.
- 8.3 Under s.25(6), the highway authority must give notice of the dedication by the public of an advertisement in a local newspaper, so there will be some associated expense, though placing a number of such advertisements in the same paper simultaneously serves to reduce these costs.

9. Recommendation:

- 9.1 That the County Council enters into an agreement with Mr. Liddell to dedicate public bridleway rights on a route between points A and B, as shown on the plan attached to this report.

ORPORATE 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 need for the County Council to enter into a dedication 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>
Dedication of public bridleway rights over a route at Fullerton in the parish of Wherwell (PPO 5055)	Rights of Way Office, Castle Avenue, Winchester, SO23 8UL.

IMPACT ASSESSMENTS:

1. Equality and Diversity Impact:

- 1.1. The route is flat and step-free throughout, so provides a good resource for those with mobility impairments.

2. Crime Prevention (under Section 17):

- 2.1. The proposed dedication is unlikely to have any impact on crime.

3. Environmental:

- 3.1 It is envisaged that walkers and cyclists will cause minimal environmental impact given the hard surface that will form the bridleway.