

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	23 October 2013
<b>Title:</b>	Dedication of footpath and bridleway rights in the Parish of Bramshott and Liphook
<b>Reference:</b>	5280
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Harry Goodchild

**Tel:** 01962 846044      **Email:** harry.goodchild@hants.gov.uk

## 1. Executive Summary

- 1.1. The County Council has received an offer to dedicate public bridleway rights over part of Bramshott and Liphook Footpath 37, between a junction with Hewshott Lane and existing bridleway 513b, to dedicate a footpath between the Portsmouth Road (A3) and the junction with Footpath 37 and Bridleway 513b, and to dedicate two new bridleways.
- 1.2. This paper seeks Member authority for the County Council to enter into an agreement with the Secretary of State for Defence for these dedications.

## 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” - in relation to land outside Greater London means a county council or a district council.
- 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 is a party to it, to take all necessary steps for securing that the footpath or bridleway is dedicated in accordance with it.

2.2 This is a 'common law' dedication of public cycling rights by the owner of the freehold of the land in question, with an acceptance of the dedication by the County Council as highway authority, on behalf of the public. The common law dedication would mean the public 'cycleway' would be publicly maintainable by Hampshire County Council (the Highway Authority), who already maintain Whitehill Footpath 4, to footpath standard.

### **3. Purpose of the Report**

- 3.1. Hampshire County Council has received an offer from the Secretary of State for Defence to dedicate public bridleway and public footpath rights in the Parish of Bramshott and Liphook under section 25 of the Highways Act 1980, as shown on the plan attached to this report.
- 3.2. These dedicated bridleways will create a valuable route enabling horse riders and cyclists to use the link from Hewshott Lane, and then to use the subway link under the Portsmouth Road (A3) to reach the open common north of the Portsmouth Road.

### **4. Landowners**

4.1. The Secretary of State for Defence

c/o Blandford House  
Farnborough Road  
Aldershot  
Hampshire  
GU11 2HA

### **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 south-easterly direction from Point B to point F at a junction with Hewshott Lane, for a total length of 665 metres. A spur 64 metres in length, also to be recorded as a bridleway, will run south-westwards between Point E and Point G.
- 5.2 A 2 metre wide footpath, running between Point A and Point B.
- 5.3 No structures are planned on any of the routes.

## **6. Background**

- 6.1 These dedications are as a result of the findings of the Inspector presiding over an inquiry held to determine a number of issues relating to the A3 Trunk Road, near Hindhead, in 2004. The resulting A3 Trunk Road (Hindhead) Side Roads Order 2006, which stipulated that further bridleways should be created across Bramshott Common, was made at the Inspector's direction.
- 6.2 Defence Estates, on behalf of the Secretary of State for Defence, and as the freeholder of land, has offered to dedicate a public footpath over route A-B, and public bridleway rights over route B-C-D-E-F, currently recorded as Footpath 37, and route E-G.
- 6.3 Route A-B was previously recorded on the Definitive Map as part of Footpath 37 until it was extinguished as a result of the 2006 Side Roads Order. During discussions about the bridleway dedications it was suggested by the Highways Agency that this section be 're-dedicated' so as to provide a link to a newly created footway which runs along the south side of the A3. Defence Estates have agreed to this.
- 6.4 The County Council has an existing duty for maintenance of the public rights of way network, and so the maintenance of the newly dedicated routes would fall to the County Council. The dedications would provide approximately 700 metres of additional rights for cyclists and horse riders.

## **7. Consultations with Other Bodies**

### **7.1 East Hampshire District Council**

East Hampshire District Council has stated that it has no comment to make on the proposal.

### **7.2 Bramshott and Liphook Parish Council**

No comment has been received at the time of writing.

### **7.3 County Councillor Ferris Cowper – Local Member**

Councillor Cowper has given his full support to the proposal.

### **7.4 The Ramblers Association**

The local representative welcomes the proposals.

### **7.5 The British Horse Society**

The local representative of the BHS has said:

*“Riders have actually been using the path since the underpass was opened about 5 years ago, and it's been a tremendous asset for them to be able to get across the A3 safely again. They can now travel to local destinations without having to use horse transport. All it needs now is signage to be updated.”*

### **7.6 Cyclists' Touring Club**

No comment has been received at the time of writing.

7.7 HCC Area Countryside Access Manager

The Area Countryside Access Manager is fully supportive of these dedications and feels that this agreement now consolidates the access in the area, ensuring the routes can be used legally by horse riders and cyclists.

**8. Criteria for Assessment of the Proposal of a dedication under the Highways Act:**

- 8.1 Section 25 of the Highways Act 1980 gives the County Council, as the Highway Authority, the power to enter into an agreement with any person with the necessary power to dedicate a footpath or bridleway over land, and to take all the required actions to ensure that the footpath or bridleway is dedicated in accordance with that agreement.

**9. Countryside Access Plans:**

- 9.1 These dedications address two issues outlined in the Countryside Access Plan for the Hampshire Downs, namely Issue 2 '*Countryside users are forced to use or cross busy roads to link up rights of way and other off-road access*', and Issue 5 '*There is a need for more links in the network, to create a range of off-road, circular routes for all users*'.

**10. Financial Implications:**

- 10.1 There are no plans to make any alterations to the surface of the dedicated routes. Some new signage and way marking will be required. It is considered that the level of additional maintenance required will be minimal.

- 10.2 Under section 25(6) of the Highways Act, the highway authority must give notice of the dedication by the public of an advertisement in a local newspaper, so there will be a small associated expense.

**11. Recommendation:**

- 11.1 That the County Council accepts the offer from the Secretary of State for Defence to dedicate a public footpath between points A-B, and public bridleways between points B-C-D-E-F and G-E, and as shown on the plan attached to this report.

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

<b>Hampshire safer and more secure for all:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>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 a dedication agreement with another body.</b>	

**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.)**

DocumentLocation

Dedication of a footpath and bridleways in the Parish of Bramshott and Liphook by the Ministry of Defence

Countryside Access Team Office  
Castle Avenue  
High Street  
Winchester  
SO23 8UL

## **IMPACT ASSESSMENTS:**

### **1. Equality and Diversity Impact:**

- 1.1. The routes are generally flat and are step-free throughout, with no restrictions for those with mobility impairments.

### **2. Crime Prevention (under Section 17):**

- 2.1. The proposed dedications are unlikely to have any impact with regard to crime prevention.

### **3. Environmental:**

- 3.1 It is envisaged that walkers and cyclists will cause minimal environmental impact given the naturally hard surface of these routes.