

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date of Decision:	8 January 2014
Title:	Proposal to dedicate public cycling rights on the route of Hamble-le-Rice Footpath No.13, Lover's Lane
Reference:	5472
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary:

- 1.1. The purpose of this paper is to consider a proposal to dedicate public cycling rights on the route of Hamble-le-Rice Footpath No.13. It is intended that this route will form part of the National Cycle Network (NCN) Route 2.
- 1.2. This paper seeks to obtain Members' authority for the County Council to enter into a common law agreement for the dedication of public cycling rights over Hamble-le-Rice Footpath No.13.

2. Legal Framework for the Decision:

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 Hamble-le-Rice Footpath No.13 to footpath standard.

HIGHWAYS ACT 1980 Section 25: Creation of a footpath or bridleway by agreement

- (1) 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, bridleway or restricted bridleway over land in their area. An agreement under this section is referred to in this Act as a "public path creation agreement".

3. Purpose of Report:

- 3.1. Hampshire County Council has received a proposal to dedicate public cycling rights over the route of Hamble-le-Rice Footpath No.13, as shown on the attached plan.
- 3.2. It is proposed that the request to accept this dedication under common law be approved.

4. Landowner:

Landownership is split between the following parties, with each owning half the width and sharing a boundary along the centre of the path.

- 4.1. Hamble-le-Rice Parish Council, Memorial Hall, 2 High Street, Hamble-le-Rice, Southampton SO31 4JE
- 4.2. Hampshire County Council, The Castle, Winchester, SO23 8UL
(following transfer from GE Aviation, Cheltenham Road, Bishops Cleeve, Cheltenham, Gloucestershire GL52 8SF)

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

- 5.1. The proposed route commences at Point A (SU 4695 0752) at the parish boundary and proceeds in a north-easterly, then south-easterly loop to Point B (SU 4736 0735) where it rejoins the existing route of Hamble-le-Rice Footpath No.13 and proceeds in a south-easterly direction to Point C (SU 4736 0736) at a junction with Hamble Lane.
- 5.2. The length of the proposed cycle route is approximately 460 metres and the currently recorded width of Hamble-le-Rice Footpath No. 13 is 5.0 foot (approximately 1.5 metres).
- 5.3. If this proposal is approved, the width will be increased to between 2.5 and 3.0 metres (with four pinch points) and will benefit from a tarmac surface.

6. Background:

- 6.1. The route of Hamble-le-Rice Footpath No.13 has been identified as the most appropriate route to provide a strategically important missing link in the National Cycle Network (NCN) Route 2. The completion of this section of the NCN 2 is an aspiration of Eastleigh Borough Council, Hampshire County Council, Southampton City Council and the cycling charity Sustrans.
- 6.2. NCN Route 2 is a long distance cycle route which, when complete, will link Dover in Kent with St. Austell in Cornwall via the south coast of England and is sometimes referred to as the South Coast Cycle Route.

- 6.3. The land crossed by Hamble-le-Rice Footpath No.13 is jointly owned by Hamble-le-Rice Parish Council and Hampshire County Council (following freehold transfer from GE Aviation), who share a boundary down the centre of the route.
- 6.4. Hampshire County Council has been working with these partners to secure the dedication of public cycling rights over this footpath, and to widen the path to between 2.5 metres and 3.0 metres with an all-weather tarmac surface to accommodate this shared use.
- 6.5. The proposed cycle route between A and B does not follow the existing route of Hamble-le-Rice Footpath No.13, but a more circuitous route with a shallower gradient. This section does not currently have any legal status, so it is proposed to dedicate this additional loop as a public footpath with public cycle rights. The existing route of Hamble-le-Rice Footpath No.13 that takes a direct line between A and B will remain as footpath only.

7. Formal Consultations:

- 7.1. Local Member – Councillor House
Councillor House has been made aware of this proposal.
- 7.2. Eastleigh Borough City Council
Eastleigh Borough Council has been a partner in developing this proposal and is in support.
- 7.3. Hamble-le-Rice Parish Council
Hamble-le-Rice Parish Council own part of the land crossed by this route and are in support of the proposal.
- 7.4. Hound Parish Council
Hound Parish Council have been consulted on this proposal, but have made no comment.
- 7.5. Area Countryside Access Manager
The Area Countryside Access Manager has been consulted on this proposal and has agreed the works that will be required to bring the proposed route up to a condition suitable for shared public use.
- 7.6. The Ramblers
The Ramblers has been consulted on this proposal and raised concerns regarding the sightlines, width and gradient of the route, owing to the weight of use this route is likely to receive.
- 7.7. The Open Spaces Society
The Open Spaces Society has been consulted on this proposal, but has made no comment.
- 7.8. Cyclists Touring Club
The Cyclists Touring Club has been consulted on this proposal and very much support it.

8. Comments on Consultation Replies:

- 8.1. The Ramblers raised safety concerns in relation to the width, sightlines and gradient of the route. In response to this the alignment was amended at the western end, between A and B on the attached map, to provide a shallower gradient for cyclists to follow. Visibility splays at the eastern end will also be widened to improve safety where this route joins Hamble Lane.
- 8.2. The width of the proposed route is as wide as it can be given the constraints of adjoining land use and ownership, being 3.0 metres wide with a 0.5 metre verge on either side for the majority of the route. There are four pinch points on the route where four mature trees narrow the width for a short distance, and a slight narrowing passed two small buildings that exist adjacent to the route. Whilst it has not been possible to secure an ideal width for the full length of the route, it is felt that the benefits of providing a safe, traffic-free, commuter route for non-motorised users between Hamble with Southampton, outweigh any inconvenience caused by the slightly narrower width. A safety audit has been carried out Highways, and the suitability of the design of this route has been approved.

9. Criteria for Assessment of the Proposal:

- 9.1. A landowner has the power to dedicate public rights on their land. The County Council, as the Highway Authority, has the power to accept the dedication of public rights of way at common law.
- 9.2. Section 69 of the Countryside and Rights of Way Act 2000 requires the County Council to have due regard to the needs of persons with mobility problems. This is further reinforced by the requirements of the Equality Act 2010. Officers confirm that the requirements of those with limited mobility have been taken into account when developing the proposal for the new route, which will be more accessible in that it will be wider with a good all-weather surface, allowing access for a greater range of path users.
- 9.3. This proposal is supported by issues 3 and 5 of the Solent Countryside Access Plan, which detail concerns about the need for the public to use busy vehicular roads to link between off-road routes and the lack of provision for cycling in the region.

10. Financial Implications:

- 10.1. Funding has been provided through the Partnership for Urban South Hampshire (PUSH) and developer contributions to cover the physical implementation of this proposal. The cost of the required press advert will be met by the Countryside Service.

11. Recommendations:

- 11.1. It is recommended that the dedication of a new public footpath under section 25 of the Highways Act 1980 between Points A and B be accepted, as shown on the accompanying plan.
- 11.2. It is recommended that the dedication under common law of public cycling rights over the route A-B-C be accepted, as shown on the accompanying plan.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Links to the Corporate Strategy		
	Yes	No
Hampshire safer and more secure for all	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximising well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enhancing our quality of place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OR

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:

Section 100 D - Local Government Act 1972 - background documents	
<p>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.</p> <p>(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
General Correspondence	HantsFile\CCRA\Countryside\Countryside HQ\Countryside Orders\Countryside Orders Management
Proposal File	VB\Div\Hamble-le-Rice FP13
Solent Countryside Access Plan	http://www.hants.gov.uk/rh/countryside/access/solent.pdf

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	Low	The provision of public cycling rights, including the increased width and improved surfacing, will open this route up to a wider section of the public and improve access along this route.	9.2
Crime Prevention (under Section 17)	None		
Environmental	None		