

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	12 February 2014
Title:	Dedication of a public footpath in the Parish of Hound by Hampshire County Council
Reference:	5624
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary

- 1.1. The Countryside Access Team has received an offer from the County Council's Property Services department to dedicate a public footpath in the Parish of Hound. The footpath runs from a junction with Satchell Lane to a junction with an existing bridleway (Hound Bridleway 9).
- 1.2. This paper seeks Member authority for the County Council to enter into an agreement for this dedication.

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 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 is dedicated in accordance with it.

3. Purpose of the Report

- 3.1. Hampshire County Council has received an offer from the Property Services Department of Hampshire County Council to dedicate a public footpath in the Parish of Hound under section 25 of the Highways Act 1980, as shown on the plan attached to this report.
- 3.2. This dedicated footpath will provide a valuable link from Satchell Lane to an existing bridleway.

4. Landowners

4.1. Hampshire County Council

c/o Property Services Department
Three Minsters House
76 High Street
Winchester
Hampshire
SO23 8UL

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

- 5.1 An enclosed grass footpath, generally 1.5 metres wide with a minimum width of 1.2 metres wide, shown as a pecked line on the attached plan, running in a generally north-easterly direction from a junction with Satchell Lane at Point A on the Committee Plan, to Point B at a junction with an existing bridleway (Hound Bridleway 9). A total length of 220 metres.
- 5.2 No structures are planned on any of the routes.

6. Background

- 6.1 This footpath has been available since 1986, when it was created as result of a planning condition which specified that the path should be dedicated as a public right of way. However, the formal dedication of the route was never completed and as a result it has been used on a permissive basis ever since.
- 6.2 The western end of the route is opposite the Hamble Community Sports College and is well used by local students, as well as local residents.

- 6.3 Hampshire County Council's Estates Manager has confirmed that the Hamble Community Sports College have been consulted and are happy with the proposal to record the path on the Definitive Map.
- 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 route would fall to the County Council. To bring the path up to a more acceptable standard, the existing chain link fences beside the path have been repaired, encroaching tree branches cut back and the grass surface cleared of seasonal vegetation. The fences beside the path and the land over which the path runs will remain the responsibility of the Property Services Department. The dedications would provide approximately 220 metres of additional rights for walkers.

7. Consultations with Other Bodies

7.1 Eastleigh Borough Council

Eastleigh Borough Council fully supports this proposal.

7.2 Hound Parish Council

No comment or reply has been received at the time of writing this report.

7.3 County Councillor Keith House – Local Member

Councillor House is aware of the application.

7.4 The Ramblers Association

The local representative fully supports the proposals.

7.5 Bursledon Parish Council

The Parish Council fully supports this proposal as “the path makes a worthy addition to the local footpath network.”

7.6 Bursledon Rights of Way & Amenities Preservation Group.

Fully supports this proposal – “It provides a safe route to Hamble College and the Blackthorn Medical Centre and a safer alternative to the use of Hamble Lane.”

7.7 HCC Area Countryside Access Manager

The Area Countryside Access Manager is fully supportive of this dedication and is happy with the existing condition of the footpath.

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 This dedication addresses an issue outlined in the Countryside Access Plan for the Solent, namely Issue 3 '*Countryside users are forced to use or cross busy roads to link up rights of way and other off-road access*'.

10. Financial Implications:

- 10.1 There are no plans to make any alterations to the surface of the dedicated route. Some new signage and way marking will be required. It is considered that the level of on-going 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 to dedicate a public footpath between points A-B in the Parish of Hound, as shown on the plan attached to this report.

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 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.)

Document

Dedication of a footpath in the Parish of Hound by Hampshire County Council.

Location

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 will cause minimal environmental impact given the surface of these routes. The path has been used for many years on a permissive basis.