

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	18 March 2015
Title:	Dedication of restricted byway rights on the Meon Valley Trail, in the Parishes of West Meon, Warnford, Exton, Corhampton & Meonstoke and Soberton
Reference:	6590
Report From:	Director of Culture, Communities and Business Services

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1 Executive Summary

- 1.1 The Countryside Service proposes to dedicate restricted byway rights along the section of the Meon Valley Trail that falls within County Council ownership. Restricted byway rights allow use by walkers, cyclists, horse-riders and carriage drivers, but not by motorised vehicles. The process would involve the dedicating of rights for carriage drivers on sections of the route already recorded as bridleway, as well as dedicating rights for all the above user types on sections that are currently not recorded as public rights of way. As part of these proposals, new access points would also be created along the route to render it more accessible to cyclists and horse riders.
- 1.2. This paper seeks Member authority for the County Council to make this dedication.

2 Legal framework for the decision

LOCALISM ACT 2011: Section 1 – Promotion of well-being

(1) A local authority has power to do anything that individuals generally may do.

In this instance, Hampshire County Council is both landowner and highway authority, and is therefore unable to enter into an agreement with itself under Section 25 of the Highways Act 1980, the legislation that is normally used by the County Council for rights of way dedications. However a deed of dedication processed under the powers of the Localism Act 2011 enables the County Council to dedicate rights over its land in the same way an individual can.

3 Landowner

- 3.1 All of the land affected by these proposals is owned by **Hampshire County Council**. The neighbouring landowner to the south is the **Forestry Commission**, and although not directly affected, the route continues on through land in their ownership as a bridleway, and so they have been notified of the proposals (and do not object to them).

4 Description of the Routes (please refer to the maps attached to this report)

- 4.1 The Meon Valley Trail (MVT) is a disused railway line within the South Downs National Park. It is around 12 miles long, running from West Meon in the north to Wickham in the south. The line runs generally parallel to the A32 and provides a traffic free route for walkers, cyclists and horse-riders. Some sections of the route already have public bridleway status, and access for walkers, cyclists and horse-riders is currently permitted on other sections.
- 4.2 The Trail commences at a junction with Station Road in West Meon (Point A on Committee Plan 1) and proceeds in a generally south-westerly direction through the villages of Meonstoke, Droxford and Soberton. The County Council's ownership extends as far south as Budden's Lane, where the Trail goes under the road (see Committee Plan 3). Thereafter the Trail continues through land in private ownership (initially through a section owned by the Forestry Commission) to Wickham. A 40 metre section of Soberton Footpath 1c, which crosses the old railway line in Droxford, would also be recorded as bridleway under these proposals (see inset on Committee Plan 2).

5 Background

- 5.1 The South Downs National Park has the longest rights of way network of all national parks in the UK, yet despite this, provision for longer stretches of off-road cycling and horse riding are limited. The MVT provides an opportunity to meet these needs, and its value is increased as the MVT connects directly with the South Downs Way National Trail, as shown on the Location Plan.
- 5.2 The MVT is both an integral part of the local access network and a route with high strategic importance. The South Downs National Park Authority (SDNPA) has identified cycling (in particular, easy access, family-friendly leisure routes) as an emerging priority in its National Park Management Plan.
- 5.3 In 2013, a feasibility study undertaken for HCC by Walk England looked at ways in which the MVT might be developed and promoted. The study revealed that there was scope for improving access to and awareness of the route, and among other findings, concluded that:
- Whilst access onto the MVT for pedestrians was generally reasonable, it was poor for cyclists and equestrians, with access often being via steep, rough slopes or steps.
 - Some sections of the MVT are not attractive for cycle use, and in parts it is unpleasant for walkers and equestrians. Improving the surface will increase the attractiveness of the MVT to families, commuters and many walkers and cyclists.

- The legal status of the MVT varies along its length - in parts access is permissive, other sections are recorded as bridleway. Because of this, continuous access by certain classes of user is not legally supported, and where access is permissive only there is no requirement for the route to be signed from the road. Consolidating public access rights along the entire length of the MVT would provide clarity for users, as would asking the Ordnance Survey to annotate the route on their maps. The addition of signage from the road would significantly improve the visibility of the Trail, as would the provision of signage to the route from nearby villages and other bridleways in the area.

6 Proposal

- 6.1 In light of the recommendations of the Walk England report, the Countryside Service further investigated the identified need to consolidate access along the entire length of the MVT and consulted on a proposal to dedicate bridleway rights over those sections which were not recorded as public rights of way. This proposal would make the entire route more accessible and more visible to the public through signage improvements and new interpretation. The dedications would also consolidate the County Council's maintenance responsibilities along the route and ensure it was suitable for all users.
- 6.2 In addition to the dedication, the County Council also proposed to consolidate and improve the formal and informal access points in order to improve overall access to the MVT, as indicated on Committee Plans 2 and 3 (a number of surface improvements along the Trail are already underway).
- 6.3 The proposals received strong support from the majority of consultees (see Section 7). However, the County Council received representations from carriage driving groups, including the British Driving Society, which stated that carriage drivers had been using some sections of the route on a permissive basis for approximately ten years, and that the recording of the entire route as a bridleway would legally exclude them from using it. It can be noted that although permissive use by carriage drivers was not set out in a formal agreement, it is apparent that in or around 2004 County Council officers made provision for such use by, amongst other measures, removing gates along the Trail.
- 6.4 Following these representations, Countryside Service officers had further discussions with members of the carriage driving community. During these detailed discussions, it became clear that carriage drivers were already using existing access points to get onto the MVT and no extra maintenance or clearance work would be needed in order to accommodate their use of the Trail. It also became clear that existing plans to erect structures such as bollards on the route would not impede carriage drivers. As a result of these discussions, officers formed a view that the section of the MVT falling within County Council ownership would be better recorded as a restricted byway rather than as a bridleway, as this would give carriage drivers (as well as walkers, cyclists and horse riders) a permanent legal right to use the route.
- 6.5 The revision of the proposal to allow carriage drivers to use the route has no impact on the original plans for additional access points along the MVT, as the carriage drivers have observed that the existing access points are sufficient for their requirements. It is proposed that a sign is installed at the southern extent of

HCC ownership (the point at which restricted byway rights would cease) to inform carriage drivers that their access beyond that point would not be legally supported. In addition, it is proposed that signage should be installed at the last suitable access point to forewarn carriage drivers that there is no subsequent means of access that would enable them to exit the Trail.

7 Consultations with Other Bodies

7.1 A wide range of organisations were consulted on the proposals. The responses received from representatives of these organisations are detailed below. It should be noted that, as stated in Section 6, these organisations were originally consulted on a proposal to record bridleway rights along the Trail. No further consultation was carried out subsequent to the decision to propose the dedication of restricted byway rights, as opposed to bridleway rights, as it was considered that none of the organisations consulted would be prejudiced by this decision. However, local County Councillor Roger Huxstep, the South Downs National Park Authority and the Forestry Commission (in their capacity as adjoining landowner) were notified of the revised proposals, and their responses below include any responses that relate to the revised proposal.

7.2 The Ramblers

"I am pleased to hear that there is now a proposal to dedicate bridleway rights and would welcome the linking footpath and bridleway proposals also."

7.3 Cyclist's Touring Club

"The additional dedication is very much supported. It should ensure a long term future for public use of a 17km continuous definitive bridleway providing one of the few off road routes from the South Hampshire's towns into the South Downs National Park. It also provides an off road route avoiding the A32 which can be dangerous for both cyclists and walkers and at the best is unpleasant to use."

It is appreciated that a considerable amount of work is currently underway to bring the route along the former Meon Valley railway up to a usable standard.

It's noted that the proposed extensive developments in South Hampshire, in particular Welbourne, will result in considerably more people walking and cycling in this area. The additional numbers using this route will mean that more durable surfaces are required, on at least parts of the route, if it's to be continuously accessible without the need for excessive maintenance."

7.4 British Driving Society and British Horse Society

In the first instance, we would like to state that we do view this proposal as a positive way forward for local equestrians. Hampshire County Council is to be congratulated in displaying leadership on this matter particularly in its role as a major landowner in the county.

This is an extremely important safe route for horse riders and carriage drivers. As the proposal is to dedicate the route as a bridleway horse riders will benefit enormously through the legal protection of the trail. However, if this is to be a

bridleway it could potentially jeopardize the future use of the route by carriage drivers who currently enjoy the trail as a permissive. This equestrian discipline should also be considered as a stakeholder by Hampshire County Council in the decision-making process to align with the Hampshire Access Plan.

The Meon Valley Trail has been driven by carriage drivers for over 20 years, and we have identified that the MVT was subject to being a permissive route for carriage driving from approximately 2003.

Carriage drivers have access to only 5% of the public rights of way and rely very much on obtaining permission of landowners to drive bridleways. They also rely on local authorities to take its needs for access to the countryside into consideration along with those of horse riders, cyclists and walkers. As an equestrian discipline it is subject to the same pressures that other user groups are experiencing, i.e. land development and increased road traffic.

Therefore, as suggested from the historic information outlined above, we believe this route is already a permissive trail for horse drawn vehicles. Therefore our preferred outcome would be to make the Meon Valley Trail a restricted by-way so that this wonderful track is preserved as a legal route for future generations of carriage drivers and others to enjoy.

7.5 South Downs National Park Authority

“The South Downs National Park Authority strongly supports this proposal for the reasons you set out in your consultation letter.

SDNPA and HCC are working in partnership through the Local Sustainable Transport and Cycle Ambition Funds to deliver around £400,000 worth of improvements on the MVT that will provide a great facility for the public to use. Better surfacing, interpretation, tree works and associated other improvements will enable multi-user use of the Trail. Dedication as bridleway will mean that the public can be confident in using the path and make signage on maps clear and easily understandable. It will secure the rights in perpetuity and mean the MVT will be a lasting benefit to the public.

SDNPA recommends this proposal to HCC Regulatory Committee.”

In response to the proposals to record the route as a restricted byway:

“Making access for carriage drivers is positive. It should not have any detrimental effects on the surface.”

7.6 South Downs Local Access Forum

“Although the SDLAF has not discussed this proposal it has consistently supported the creation of new-multi user routes and that the most desirable way of securing these routes in the long term and providing public confidence on the ability to use these routes is by bridleway dedication. Good quality surfacing of these routes is key in making them of benefit to all users.

Please can you report to the Regulatory Committee at HCC that the SDLAF will strongly support this proposal and that HCC are welcome to seek formal advice from the SDLAF in the future if it is required."

7.7 Sara Davies, Transport Planner & Engineer, Winchester City Council

"This scheme is part of the City Council's Cycling Strategy Action Plan for the different areas of Droxford and Soberton, Swanmore and Newtown, and Wickham. The ultimate scheme would be to extend the route all the way to Alton, but improving it and adding access points up to West Meon will be a great advantage in the meantime. Comments on our action plan say that the drainage and surface needs to be improved in places but I acknowledge that this is already planned."

7.8 Councillor Vicki Weston – Deputy Leader and Portfolio Holder for Built Environment (Ward Councillor for Swanmore and Newtown)

"There are mixed views on signage and interpretation and it would be good to make sure that the Parish Councils have an input into the signage and interpretation to make sure it is in keeping with the rural nature of the area.

Recently brown tourist signs have gone up in our village for a camping and caravan site and I have had a number of complaints. We want to see less road signage and especially when we as a village go to lengths to keep the original finger post signs, only to have modern tourist signs along side them. This is not the image that many are trying to preserve. Therefore careful consideration re the signage is requested."

7.9 County Councillor Roger Huxstep

Councillor Huxstep is aware of the proposals.

7.10 Other Consultees

Consultations were also sent to District Councillors Frank Pearson, Caroline Dibden and Norma Bodtger, the Forestry Commission, the Byways and Bridleways Trust, Hampshire Highways and the Parish Councils of West Meon, Warnford, Exton, Soberton and Corhampton & Meonstoke. Positive responses were received from local riders in the Meon Valley area.

7.11 Responses to Comments from Consultees

Signage adjacent to and along the Trail will consist of timber fingerposts. Parish Councils will be consulted and their views taken into account, prior to the erection of signage in nearby villages directing people to the Trail. It is acknowledged that certain sections of the route will need to be improved so as to enable continuous access for all users – as detailed at 6.2, an extensive programme of surfacing work is due to commence in the early part of 2015.

8 Countryside Access Plans

8.1 This proposal fulfils a number of criteria set out in the Countryside Access Plan 2008-2013 for the South Downs area, namely:

1. *There is a high reliance on cars and availability of car parking to get into the South Downs area.*
2. *The quality of path surfaces is mainly good in the area overall, but surface conditions are poor in localised areas.*
3. *There is a limited supply of easily accessible, inviting routes in the area.*
5. *Countryside access users are forced to use or cross busy roads to link up off-road access.*
9. *Many users would like to see more detailed information about the routes they are following*

9 Financial Implications

- 9.1 As landowner, HCC already maintains the entire section of the Trail that is the subject of this report, including those sections where access is currently permissive, so the impact on maintenance responsibilities would be minimal. The majority of the route is already at a standard commensurate with restricted byway use, and externally funded surface improvements are already underway. The long-term cost of maintaining this section of the MVT as a restricted byway would be slightly higher than that of maintaining it as a combination of public and permissive bridleway.
- 9.2 New signage would be required along the route, and at new access points, to improve its visibility. This would involve a small cost for installation and maintenance.
- 9.3 The dedication would be publicised in the local press, which would incur a small associated cost.

10 Recommendation

- 10.1 That the proposals for the County Council to dedicate restricted byway rights between A – B, to record that part of Soberton Footpath 1c between C - D as bridleway, and to provide new access points onto the Meon Valley Trail, as shown on Committee Plans 1 - 3, are approved.

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

Hampshire safer and more secure for all:	no
Maximising well-being:	yes
Enhancing our quality of place:	yes

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

Claim Ref: N/A

Location

Countryside Access Team
Room 0.01
Castle Avenue
Winchester
SO23 8UL

IMPACT ASSESSMENTS:

1 Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

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

2 Impact on Crime and Disorder:

2.1 The Community Safety Officer has advised that he is aware of no crime and disorder issues that would impact on this proposal. The area is very low for crime and disorder so from our legal requirement to consider this under Section 17 Crime and Disorder Act 1998 we have fulfilled that obligation.

3 Environment

3.1 It is envisaged that given the naturally hard surface of these routes, public use will have minimal environmental impact.

4 Climate Change:

4.1 How do the proposals impact on our carbon footprint / energy consumption?
– N/A

4.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? – N/A