

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	21 October 2015
Title:	Proposal to dedicate public bridleway rights over a route in Kingsclere, between Kingsclere Bridleway 745 and Hannington Bridleway 501, in the Parish of Kingsclere
Reference:	6967
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 connecting part of Kingsclere Bridleway 745 and Hannington Bridleway 501, in the Parish of Kingsclere. The route runs over open arable land, in a south westerly direction, a short distance from the junction of Kingsclere Bridleway 745 and the A339.
- 1.2. This report seeks to obtain Members' authority for the County Council to enter into an agreement with the landowner for the dedication of public bridleway rights over this route to connect two existing bridleways in Kingsclere and Hannington.

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, 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 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 public bridleway rights over a route connecting with part of Kingsclere Bridleway 745, and Hannington Bridleway 501, as shown on the plan attached to this report. This dedication is made under the provisions of section 25 of the Highways Act 1980. Once the dedication is completed, the intention is to extinguish, under section 118 of the Highways Act 1980 the remaining section of Kingsclere Bridleway 745, which will then no longer be needed for public use.
- 3.2. It is proposed that offer of dedication of public rights over part of this path be accepted.

4. Landowners

- 4.1 The owner of the land over which the public bridleway rights are to be dedicated is **Ms Victoria May**, of Apple Tree Cottage, Pound Green, Baughurst, Hampshire.

5. The Definitive Statement for Kingsclere Bridleway 745 is:

- 5.1. The Definitive Statement for Kingsclere Bridleway 745 is:

'From Road A.339 to junction with Road U.33 Pitt Lane

From A.339 through gap and southwards along unenclosed track to junction with U.33.'

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

- 6.1 The length of the dedicated bridleway is approximately 208 metres. The width of the bridleway is to be 2.4 metres.

7. Background

- 7.1 In 1991, Mr. R.W. May and Mr. D.G.F. Evans dedicated public bridleway rights over a short section of path in the parish of Hannington (formerly Kingsclere). This was recorded in the Definitive Map and Statement as Hannington Bridleway 501, and was dedicated to bridge a gap between Hannington Bridleway 7132 and the then Kingsclere Bridleway 45 – please

see the attached map. This action resulted, according to Mr. May, from a request made in the later 1980s by the Ramblers' Association, requesting that the County Council deal with an anomaly resulting from the straightening of Hannington Bridleway 7132, leaving a small gap where the Kingsclere Bridleway should have joined the Hannington Bridleway.

- 7.2 The dedication plan was drawn on the Ordnance Survey mapping available at the time. Between the third edition of the Ordnance Survey County Series 1:2,500 map of 1909 (on which the routes of many of the public rights of way recorded on the Definitive Map are shown) and the mapping available to the draughtsperson in 1991, the farm track to which the definitive line of Kingsclere Bridleway 745 would have originally connected had been moved, north-westwards. On the dedication plan, the draughtsman drew a straight line to the relocated farm track, which was incorrect. This has resulted in the definitive line of Kingsclere 745 terminating at a point on the parish boundary, unconnected with the newly dedicated Hannington Bridleway 501, and with no recorded public bridleway between points A and B.
- 7.3 Therefore, a new anomaly was created and recorded, and the Ramblers have again raised the question of a resolution.
- 7.4 In order to achieve the resolution of this anomaly, it is proposed that a further dedication of public bridleway rights, over what is now the used route from point B to point A on the plan is accepted and progressed, so that this route can be recorded on the Definitive Map and Statement, after which an extinguishment will be sought of the definitive line of Bridleway 745, on the grounds that it is not needed for public use. All the consultees, including the Ramblers, are aware that this is the process proposed to be used.

8. Consultations with Other Bodies

- 8.1 The following bodies and individuals were consulted on this dedication offer, and the responses received are summarised below – Ramblers, Cyclists Touring Club, British Horse Society, British Driving Society, Hannington Parish Council, Kingsclere Parish Council, the local County Councillor, Open Spaces Society, Basingstoke and Deane Borough Council and the Area Countryside Access Manager of Hampshire County Council.

8.2 Local Member

Councillor Keith Chapman has signified that he approves of the proposed dedication.

8.3 British Horse Society and British Driving Society

The County Access Bridleways Officer, on behalf of the **British Horse Society**, expresses her delight '*that Miss Victoria May, the landowner, has kindly offered to dedicate this route as an unenclosed bridleway*'.

8.4 Basingstoke and Deane Borough Council

The **Principal Highway Engineer** of the Borough Council says that '*the proposal appears a sensible resolution to the anomaly described in the HCC documents, therefore, as such I suggest a favourable response is made...*'

8.5 Cyclists' Touring Club

The representative of the **CTC** is *'happy to support the proposal of a voluntary dedication of a public bridleway and the subsequent extinguishment of the anomalous section of bridleway'*.

8.6 Kingsclere Parish Council

The **Parish Clerk** states that the consultation has been circulated to the parish's Paths Group and Councillors, and was discussed at a parish meeting. She says that the *'Council raises no objection to this minor change'*.

8.7 Hannington Parish Council

The **Parish Clerk** was consulted and was to provide responses from the parish, but these have not been received.

8.8 The Ramblers

The representative of **The Ramblers** comments that they have *'no objection to the proposed new bridleway dedication, and corresponding deletion of the old bridleway'*. Further, they *'welcome this proposed resolution of a long-standing issue'*.

8.9 No other responses had been received at the time of writing.

9. Response to consultation:

9.1 From the responses set out above, it appears that the consultees take a favourable view of the proposed dedication of public bridleway rights, followed by an extinguishment of the definitive line of Kingsclere Bridleway 745 as a means of resolving a long-standing anomaly.

10. Criteria for Assessment of the Proposal:

10.1 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.

10.2 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 and confirm that the route on which the rights are to be dedicated has no stiles or gates.

11. Financial Implications:

11.1 There is no intention to make any change to the surface of the route over which public bridleway rights are to be dedicated. This route has been in use for a number of years, and has been maintained by the County Council because it was thought to be the definitive line of Kingsclere Bridleway 745. It is not expected that any additional maintenance will be required.

11.2 Under s.25(6) of the Highways Act 1980, the highway authority must give notice of the dedication of rights to the public, by means of an advertisement

in a local newspaper. The cost of the required press advertisement will be met by the Countryside Service.

12. Recommendation:

- 12.1 It is recommended that the dedication of public bridleway rights over a route connecting Kingsclere Bridleway 745, approximately 57 metres south of its junction with the A339, to Hannington Bridleway 501, between Points A and B (as shown on the accompanying plan) be accepted.

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

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

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 connecting part of Kingsclere Bridleway 745 to Hannington Bridleway 501	Rights of Way Office, 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 route is step-free, with no restrictions for those with mobility impairments, although it is a rural route across fields.

2. Crime Prevention (under Section 17):

2.1. The area is a low crime area, and crime and disorder is not an issue in relation to this bridleway. This process is to resolve an anomaly, whereby the public is already using the route to be dedicated, instead of the definitive line. It is not envisaged that this change will cause any impact on crime, and therefore the County Council has complied with its statutory obligations in decision-making.

3. Environmental:

3.1 It is envisaged that walkers, horse riders and cyclists will cause no more environmental impact on this route than they did on the definitive line when it was being used, or the dedicated route itself since the anomaly occurred in 1991.

4 Climate Change:

4.1 There is unlikely to be any significant change in the contribution to climate change, since the intention is to carry out the legal processes necessary to record this route on the Definitive Map and Statement in a new position, and there has been no use on the actual definitive line for many years.