

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	15 June 2016
Title:	Application for a Definitive Map Modification Order to record a public footpath near Red Lion House, West Dean, in the Parish of West Tytherley
Reference:	7593
Report From:	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 This is an application, made under Section 53 of the Wildlife and Countryside Act 1981, to record a public footpath over a route that crosses the River Dun near the former Red Lion public house, in the village of West Dean. The claim is supported by user evidence which the applicant believes demonstrates that the public have acquired rights through long use without challenge.
- 1.2 It is considered that the evidence submitted in support of the application is sufficient for it to be inferred that, on the balance of probabilities, the claimed route should be added to the Definitive Map. The application is therefore recommended for acceptance.

2 Legal framework for the decision

WILDLIFE AND COUNTRYSIDE ACT 1981 - Section 53: Duty to keep definitive map and statement under continuous review

(2) As regards every definitive map and statement, the surveying authority shall:

b) keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence.... of any of [the events specified in sub-section (3)] by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.

(3) The events referred to in sub-section (2) are as follows: -

b) the expiration... of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path;

c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way [to which this Part applies]

ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description

iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

HIGHWAYS ACT 1980 - Section 31: Dedication of way a highway presumed after public use of 20 years.

a) Where a way over any land...has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

b) The period of 20 years...is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice...or otherwise.

PRESUMED DEDICATION AT COMMON LAW

Use of a way by the public without secrecy, force or permission of the landowner may give rise to an inference that the landowner intended to dedicate that way as a highway appropriate to that use, unless there is sufficient evidence to the contrary. Unlike dedication under S.31 Highways Act 1980, there is no automatic presumption of dedication after 20 years of public use, and the burden of proving that the inference arises lies on the claimant. There is no minimum period of use, and the amount of user which is sufficient to imply the intention to dedicate will vary according to the particular circumstances of the case. Any inference rests on the assumption that the landowner knew of and acquiesced in public use.

3 Summary of Legal Tests

- 3.1 The primary issue to be decided by this Committee is whether there is clear evidence to show that public rights subsist or are 'reasonably alleged' to subsist. Under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, case law has decided that the burden of proof associated with Map Modification Orders is 'on the balance of probabilities', so it is not necessary for evidence to be conclusive or 'beyond reasonable doubt' before a change to the Definitive Map can be made. If there is genuine conflict in the evidence, for example between the evidence of users on the one hand and landowners on the other, Members should make an order so that the evidence can be tested at a public inquiry. Officers do not consider that there is such a conflict in this case.
- 3.2 If a right of way is considered to subsist or reasonably alleged to subsist, then the route, status and width of that way must also be determined, and authority for the making of an Order to record that right on the Definitive Map should be given.
- 3.3 Where a Map Modification Order is made by authority of this Committee, the process allows for objections to the Order to be made. Further evidence could potentially be submitted for examination along with an objection. In these

circumstances, the County Council cannot confirm the Order, and the matter would need to be referred to the Secretary of State.

- 3.4 Where an Order has been made, and no objections to the Order are received, the County Council can confirm the Order.

4 Claimant

- 4.1 The claim was submitted in September 2014 by West Dean Parish Council. West Dean Parish lies in Wiltshire, and the claim was submitted so that the continuation of a route already recorded as a public right of way on Wiltshire's definitive map in 2004 can also be recorded within Hampshire.

5 Landowners

- 5.1 Richard and Caroline Morgan
119 Comber Road
Hillsborough
County Down
BT26 6NA

- 5.2 Mr and Mrs Morgan are the registered owners of Red Lion House, which until 1995 was a public house, and their title includes the footbridge crossing the River Dun. The area of land immediately to the south of the bridge is unregistered, and its ownership is unknown. Notices have been erected on site in an attempt to establish ownership (in accordance with the requirements of the Wildlife and Countryside Act 1981), but to date no owner has made themselves known.

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

- 6.1 The claimed route is approximately forty metres in length, and commences at a junction with West Dean Footpath 22, which itself runs over a tarmac'ed parking area in front of Red Lion House before meeting the claimed route at the county boundary, in the southern corner of the parking area (Point A on the Committee Plan). The route then proceeds over a footbridge crossing the River Dun to meet a sealed surface path (Point B), whereafter it runs in a generally south-westerly direction before bearing south along an unsealed five metre section that runs to a junction with C59 East Dean Road (Point C). The entirety of the route that lies to the south of the river runs over a parcel of land that was recorded as a village green in 2005 - the impact of this registration on the footpath application are discussed later in the report.

7 Background to the Claim

- 7.1 Based on information found in County Council files, it is apparent that the footbridge over the River Dun was originally installed by a tenant of Red Lion House early in the 20th century (correspondence refers to the replacement of an earlier bridge in 1921). In 1945, a member of the public suffered an accident on the footbridge, following which discussions took place between Hampshire County Council, Romsey and Stockbridge Rural District Council and West Dean Parish Council. It was determined that the County Council should take on maintenance responsibility for the bridge, an arrangement that is still in place today.

- 7.2 In 2001, West Dean Parish Council applied to register land to the north and south of the footbridge as a new village green. The application took some time to determine, dependent as it was on the outcome of a similar case being contested in the courts. Eventually, in 2005 the application relating to the parcel of land within the Morgans' ownership was refused, whilst the area of land to the south of the river was registered as VG215.
- 7.3 There is no clear guidance or case law regarding the recording of public footpath rights over land already registered as village green. Officers have consulted colleagues in Legal Services and the Institute of Public Rights of Way, and the advice to Members is that, in the absence of any statute or case law pointing to the contrary, and based on the fact that the claimed route appears to have been established long before the village green was recorded, this claim can be considered for acceptance.

8 Issues to be decided

- 8.1 The issue to be decided by this Committee is whether there is evidence to show that, on the balance of probabilities, public rights subsist, or are reasonably alleged to subsist, on the route shown on the Committee Plan.
- 8.2 Any changes to the Definitive Map must reflect public rights that already exist. It follows that changes to the Definitive Map must not be made simply because such a change would be desirable, or instrumental in achieving another objective. Therefore, before an Order changing the Definitive Map is made, Members must be satisfied that public rights have come into being at some time in the past. This might be proved by historic documentary evidence or by evidence of use in the recent past.
- 8.3 Historic and documentary evidence has been examined to see whether the past history and use of the route point to it having public rights as a result of dedication in the near or distant past. Rights are not lost merely through disuse. Unless stopped up by due process of law, any rights previously dedicated will still exist, even if they are now neither used nor needed. This evidence must be looked at as a whole, it being unlikely that a single document or map will provide sufficiently cogent evidence to justify a change to the Definitive Map. The County Council is under a duty to record such rights as are found to exist, even if they are not claimed by the applicant.
- 8.4 Copies of most of the documents referred to in this report are available for inspection in the offices of the Countryside Access Team. Members are invited to inspect these when considering this report.

9 Documentary Evidence

Information on the background and evidential weight which should be attached to particular historical sources is included at Appendix 1, which should be read in conjunction with this section.

9.1 Ordnance Survey Maps

- 9.1.1 OS County Series 1st Edition (6 inches to 1 mile) – c1870
The footbridge and is shown as being part of a parcel of land described in the accompanying Book of Reference as 'House, Garden and Yard'. The sections of

the claimed route that lie either side of the bridge also fall within this parcel, but no clearly defined route is shown.

9.1.2 OS County Series 2nd Edition (6 inches to 1 mile) – c1895

Again, no defined route is shown either side of the bridge, but on this map the bridge itself is labelled ('FB').

9.1.3 OS County Series 3rd Edition (6 inches to 1 mile) – c1910

There is no change when compared with the 1895 map.

9.1.4 OS County Series 4th Edition (6 inches to 1 mile) – c1942

There is no change when compared with the earlier OS maps.

9.1.5 OS National Grid Series (1:2500) – 1970

There is no change when compared with the earlier OS maps.

9.2 **County Council Correspondence**

Letters dating back to 1945 provides some insight into how the footbridge crossing the river has been managed. Some of the correspondence involving the County Council, the Rural District Council and West Dean Parish Council is summarised below.

9.2.1 Letter from the Divisional Surveyor to the County Surveyor – 9th April 1945

"I have to draw your attention to the existence of a footbridge at West Dean which has not been repaired or accepted as a public liability hitherto but in view of the circumstances connected therewith, it seems to be one which should, perhaps be accepted as a public liability....the matter was first brought to my attention by a slight accident which a member of the public sustained, through a decking board being loose....It would seem that a bridge has existed for many years, was probably first erected by a tenant of the Red Lion Public House for the convenience of customers, and that about 1921 the former bridge being dangerous the villagers clubbed together and made a concerted effort by voluntary subscriptions to reinstate it, since then, nothing has been done except by private individuals nailing a board down when it became dangerous....

...The matter was discussed at a Committee Meeting of the last Romsey and Stockbridge Rural District Council on the 29th March last, and the following resolution was passed:-'It was recommended that the Divisional Surveyor be requested to report on this footbridge to the County Surveyor and to inform him that the footbridge is on a Public Right of Way and to suggest that it be repaired and maintained by the County Council'...

....The bridge is used by pedestrians wishing to reach the Public House and the Station..."

9.2.2 Report to County Roads and Bridge Finance Sub-Committee – 14th May 1945

The Divisional Surveyor subsequently arranged for the bridge to be inspected by a Mr J Muscott. Mr Muscott report makes a number of observations about necessary improvements to the bridge and, under the heading 'Justification for taking it over', reads as follows:

“Gives direct access to

- 1. The Post Office and telephone kiosk to residents on the Hampshire side and saves 50 yards*
- 2. The Station – 14 trains to Salisbury and to Romsey and Portsmouth stop at Dean weekdays and 6 on Sunday*
- 3. The public house*

I stayed to watch the traffic over the bridge – two men and three women crossed singly and two women together, seven in all in 25 minutes and at not the busiest hour of the day.

Could be repaired...for £12 to £15 and thereafter maintenance would be a small matter. I would therefore recommend that the Divisional Surveyor be instructed to spend a sum not exceeding £15 on repair and improvement...”

A subsequent minute of the County Roads and Bridges Committee dated 11th June 1945 records that the *‘Footbridge at West dean, No. 400, be accepted as a bridge publicly repairable.’*

9.2.3 Letter from County Secretary (Wiltshire County Council) to the County Recreation Officer – 23rd November 1990

This letter was sent to Hampshire County Council following a land search for Red Lion House which was submitted to Wiltshire County Council. At this time, a public right of way was recorded across part of the site (West Dean FP 22), but the description of the route in Wiltshire’s definitive statement recorded the path as: *“leading south-east through the forecourt of the Red Lion Public House and south across the footbridge to its junction with road C323 on the Hampshire county boundary.”* The letter states that a problem arises:

“...from the fact that the footbridge to which the Statement refers is outside the Wiltshire county boundary. In order to ensure that the footbridge is not held in moiety by both counties, enquiries have been made of the Planning & Highways Bridge Section. Understanding that the footbridge is outside of this county’s jurisdiction, no survey has been carried out and no repair works have been carried out by this county.”

Having also made enquiries of West Dean of the then Parish Clerk, the County Secretary continues:

“To ensure that the Vendor and any potential purchaser of the Red Lion is aware that highway rights exist, it is my intention to show the line that, according to [the Parish Clerk] has been used by the public, without let or hindrance for many years. However, I propose that the information in the Statement should be modified to show the route of FP 22 stopping at the county boundary. This will, of course, necessitate your Council’s acceptance of the highway rights continuing within your area in order to ensure that this does not become a cul-de-sac footpath.”

9.2.4 Memo from the County Surveyor to the County Recreation Officer – 4th December 1990

In response to the above letter, this reply was provided by the County Surveyor:

“The footbridge in question is indeed number FB432. It was accepted as ‘a bridge publicly repairable’ by the County Roads and Bridges Committee on 11/6/45 and has been maintained as part of the highway since that date.

There will still be a very short length of right of way on the Hampshire side of the boundary to the north of the footbridge which I assume is not highway...I leave it to you to decide if it is worthwhile recording it on the Definitive Map.”

9.2.5 Letter from Mrs Edna Webb to the County Council – February 2003

This letter was sent to the County Council at the time the application for VG 215 was being considered, as well as an application to Wiltshire County Council for another public right of way running in front of the pub and through a ford crossing the river. Ms Webb mistakenly assumed that public rights over the footbridge were in question, but her letter is nevertheless illuminating:

“I understand that there is a dispute concerning access to the piece of land in front of what was the ‘Red Lion Inn’, and the footbridge over the river, about 100 yards or so east of the main bridge, owing to the fact that it was never mentioned in the original survey taken in the 1940s. I cannot understand why this was omitted, unless it was considered to be part of the highway, and not simply a ‘right of way’.

My grandparents lived in the village for many years, and my family visited many times during my childhood, from our home in Portsmouth. Having been bombed out in 1941, we moved to West Dean where my family stayed in 1970. Although I left when I married, I was still a frequent visitor.

During that time the bridge was constantly used by the public, crossed and re-crossed many times during the day. To my certain knowledge it was still in use during the 70s and 80s, giving easy access to the railway station and the school, for the people who lived in the eastern end of the village...”

9.2.6 Summary of County Council Records

It is apparent from the above correspondence that the public have been using the footbridge for a period of time approaching, if not exceeding, one hundred years, and that since 1945 continued public access has been facilitated by the County Council’s maintenance of the bridge. Given that the public’s right to use the claimed route has apparently not been questioned, it is unclear why the County Council did not record these rights when the question arose in 1990, but the correspondence from the time is nevertheless of assistance in determining the matter now.

10 User Evidence

10.1 The Parish Council’s application was supported by evidence of use from thirty local residents, collected on user evidence forms. This evidence is summarised on the chart at Appendix 1.

- 10.2 The evidence put forward supports the evidence contained in Section 9, with use of the claimed route dating back as far as 1930. By 1945, the year the County Council accepted maintenance liability for the footbridge, eight witnesses were using the route. By 1970 this number had increased to twelve, and to sixteen by 1990. The bulk of user seems to have taken place during the years since 1970.
- 10.3 Of the thirty users, twenty-two gave a frequency of use of at least once per week, with fifteen of those people stating that they used the route either several times per week or on a daily basis. All users report having seen other people using the route.
- 10.4 None of the users reported that their use had ever been challenged, or that they had sought permission to use the route or been told it was not public. Mrs Amanda Dunkin, who stated usage of one hundred times per year between 2005 and 2013, is the only person to have referred to signage along the route, and this referred to the painting of the footbridge.
- 10.5 None of the users reports having to pass through gates, or climb over stiles (or anything else) to gain access to the route. Several people indicated that the route had been rendered impassable by occasional flooding, but the only deliberate obstructions reported include an isolated 'illegal' closure for a matter of hours, mentioned in the evidence of Brig. P Hargrave, and the placing of 'cones at the entrance to the car park' referenced by Mrs Anne Hand (it is not clear whether this obstruction actually related to the claimed route itself, and it appears more likely that Mrs Hand was referring to the entrance to the car park of Red Lion House, which falls on the Wiltshire side of the county boundary).

11 The Landowner

- 11.1 Mr and Mrs Morgan do not oppose the application, and they have stated that he always assumed that West Dean Footpath 22 extended into Hampshire. They agree that the route has been used freely by members of the public since they first came to the village in 1995. They have asked that consideration be given to the replacement of the bridge, as its poor design contributes to flooding of the area. As a result, *"the footpath cannot be used during flooding as the River Dun overbanks. The footbridge is fine 95% of the time, but it acts as a dam as debris brought down by the floodwaters becomes trapped under the low walkway and in the handrail."* Whilst not relevant to the matter that is the subject of this report, the Morgans' comments have been referred to the County Council's Bridge Team for its consideration.
- 11.2 As has been established, the section to the south of the footbridge is unregistered. It is likely that, given its location, the land is either owned by the highway authority or the parish council, but in the absence of any corroborating evidence, and in accordance with the requirements of the Wildlife and Countryside Act 1981, the applicant erected notices addressed to 'the owner or occupier' on this section of the route for a period of six weeks. During that period no-one came forward to identify themselves as having an interest in the land.

12 Consultations with Other Bodies

- 12.1 The following people and organisations have been consulted on this application: The Ramblers, Auto Cycle Union, British Driving Society, British Horse Society,

Byways and Bridleways Trust, Cyclists' Touring Club, Open Spaces Society, West Tytherley Parish Council, Test Valley District Council, County Councillor Andrew Gibson and Hampshire County Council (Hampshire Highways, the Bridges Section and the Area Countryside Access Manager).

12.2 The Ramblers

"Our group very much welcome the proposed addition to the Definitive Map of the very well walked path from the East Dean Road on the County boundary, over the bridge, over the R Dunn, connecting up with West Dean FP 22 in front of the former Red Lion public house on the County boundary."

12.3 Bridges Section

The Bridges Section of the County Council has confirmed that it still maintains the footbridge crossing the River Dun, and that it was last inspected on 24th April 2014.

12.4 Area Countryside Access Manager

The Area Manager knew of no information relevant to the claim.

12.5 Hampshire Highways

Hampshire Highways knew of no information relevant to the claim.

12.6 County Councillor Andrew Gibson

Councillor Gibson is aware of the application.

At the time of writing, no other comments have been received.

13 Analysis of the evidence

13.1 There is clear evidence of public use of the claimed route since at least the early part of the 20th century, and the user evidence put forward supports the proposition that the route has been dedicated as a public right of way. The evidence of long use under Section 31 of the Highways Act 1980 and common law is considered below.

13.2 **Analysis of the evidence under Section 31, Highways Act 1980**

For Section 31 of the Highways Act 1980 to operate and give rise to a presumption of dedication, the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a right of way at common law
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over a period of twenty years before the date on which the right is brought into question
- use must be *as of right*, i.e. without force, without stealth and without permission
- use must be by the public at large
- there must be insufficient evidence that the landowner did not intend to dedicate a right of the type being claimed

13.3 Physical nature of the route

It is generally accepted that although a public highway must follow a defined line, where it crosses open land it is not a requirement that it follows a precise path. Such is the case with the section of the claimed route lying to the north of the footbridge – despite the absence of a visible path on the ground, all users appear to have used a consistent route that provided a short cut leading in the direction of Dean Station. The remainder of the route is well-defined, with the footbridge leading onto a well-trodden earth path.

13.4 The bringing into question of the public's right to use the path

The status of the claimed route has been discussed before (as shown by historic correspondence on the matter), but in each case the question of public rights has not been fully explored. With this in mind, and in the absence of any recorded challenges to public use, it is considered that West Dean Parish Council's application of September 2014 brought public use of the route into question, giving a relevant period of 1994 – 2014.

13.5 Twenty years' use without interruption

Based on the documentary and user evidence, it would appear that there has been no substantive interruption to public use since at least 1945.

13.6 'Without force, stealth or permission'

Force – to be as of right, use must not be as the result of the use of force.

There is no evidence to suggest use of the route has ever been as a result of force, and for the public to have to resort to such use would run contrary to the reasons for the installation of the bridge in the first place.

Stealth – to be as of right, use must be open and of the kind that any reasonable landowner would be aware of, if he or she had chosen to look.

Use of the route has been open. Again, it is likely that it was the landowner who facilitated public use when the bridge was first installed sometime in the 19th century.

Permission – users as of right should not be using the way with any kind of licence or permission.

There is no evidence in either the correspondence viewed by officers, or the user evidence, to suggest that use of the route has ever been by virtue of a landowner's permission.

13.7 Use by the public

Use must be by the public, and that should be reflected in its volume and the breadth of the type of users.

The use must be of a volume that is capable of coming to the attention of a landowner. It should consist of enough users, and the number may reflect the setting of a path, such as whether it is in a rural or urban area and the type of use being claimed.

The survey carried out by Mr Muscott (9.2.2), the evidence of Mrs Edna Webb (9.2.5) and the high volume of use put forward in support of the application make it clear that the bridge has been, and still is, heavily used by the public. When considering such levels of use in the context of a relatively remote village such as West Dean, it is clear that such use would have come to the attention of the landowner.

Use of a way should not consist solely of a particular class of person, such as the employees of a particular employer, tenants of a particular landlord, or customers of a particular business, if it is to be recorded as public.

None of the users reported having any connection to the landowner. It is likely that some historic use of the bridge was for the purposes of visiting Red Lion House when it was still operating as a public house, but it is equally clear that a large number of users also walked the route as an off-road short cut to get to the station, post office and local school.

13.8 Summary of user evidence

The evidence of use indicates that local people have been walking the claimed route in every year since 1930, with the bulk of use falling after 1970. Use was not secretive or as a result of force, and appears to have been 'as of right'. There is no evidence to suggest that public access on foot has ever been physically obstructed during the period 1994 – 2014.

13.9 Conclusions under Section 31, Highways Act 1980

It is considered that the requirements of Section 31 have been satisfied in this case, and that the public have been using the route 'as of right' for a full period of twenty years (1994 – 2014).

13.10 Analysis of the evidence under Common Law

This matter can also be considered under common law, where it is the responsibility of the applicant to show that the owners were aware of, and acquiesced in, the use of the path by the public. The users must be able to show that it can be inferred from the conduct of the landowners that they had intended to dedicate the route as a public right of way of the type that has been applied for. This may be by an express act of dedication, or it may be implied from a sufficient period of public use without secrecy, force or permission, and the acquiescence of those landowners in that use. This is required in order to meet the two pre-conditions for the creation of a highway - that is dedication and public acceptance of that way by use. The length of time that is required to demonstrate sufficient user is not fixed under common law, and depends on the facts of the case. The user must be obvious to the landowners, who may rebut any suggestion of a dedication by acts such as putting up a physical barrier, erecting notices stating that the route is not a public right of way of the type being claimed, or turning people back.

13.11 Conclusions under Common Law

There is evidence to suggest there has been a positive intention to dedicate the claimed route as a public right of way. Anecdotal evidence viewed by officers indicates that the bridge was originally constructed by the owner (or tenant) of Red Lion House for use by the public. This evidence also indicates that a replacement

bridge was installed at the expense of the local inhabitants in 1921 with maintenance being taken on by the County Council in 1945. There is no record of any objection from a landowner to either occurrence. In the years that have followed, there has been no report of any challenge or obstruction to public use – it seems unlikely that any landowner would have discouraged use of a route that would serve to bring prospective customers to the public house. All the available evidence appears to support the proposition that a common law dedication of public rights on the claimed route has taken place.

14 Conclusions

- 14.1 The documentary evidence indicates that the footbridge crossing the River Dun has been in place since the late 19th century, and there is anecdotal evidence of public use of the bridge since the early part of the 20th century. There is evidence of public use of the claimed route within living memory dating back to 1930.
- 14.2 The evidence put forward in support of the claim is such that it can be reasonably alleged that the claimed route has been used by the public as of right and without interruption for a period of twenty years (1994 – 2014).
- 14.3 The available evidence is also sufficient for a common law presumption to be inferred (ie that the landowner intended to dedicate the claimed route as a public right of way).
- 14.4 If Members agree with paragraphs 14.2 and 14.3 and consider that, on the balance of probabilities, it can be reasonably alleged that a right of way subsists, then they should direct that a Map Modification Order is made to record the claimed route as a public footpath.

15 Recommendation

- 15.1 That a Definitive Map Modification Order be made to record a public footpath varying between 1.3 and 1.5 metres in width between A-B-C on the Committee Plan.

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: the County Council, in its capacity as 'surveying authority', has a legal duty to determine applications for Definitive Map Modification Orders made under s.53 Wildlife and Countryside Act 1981.	

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 Reference: 751

Location

Countryside Access Team
 Castle Avenue
 Winchester
 SO23 8UL

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment:

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:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- 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.

2. Impact on Crime and Disorder:

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption?

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

This report does not require impact assessment but, nevertheless, requires a decision because the County Council, in its capacity as the 'surveying authority', has a legal duty to determine applications for Definitive Map Modification Orders made under s.53 Wildlife and Countryside Act 1981.