

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	29 June 2011
Title:	Application for the addition to the Definitive Map of a footpath from Bourley Road to The Foresters Public House, Aldershot Road, in the parishes of Church Crookham and Ewshott
Reference:	3040
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary

- 1.1. This is an application made under section 53(3) of the Wildlife and Countryside Act 1981, to record a footpath over land in the parishes of Church Crookham and Ewshott. The claim is based on evidence from 9 local residents. While these forms put forward evidence of use on foot by members of the public, the presence of byelaws governing military land indicating that any public use is with revocable permission means that the claim must be recommended for refusal.

2. Legal framework for the decision

- 2.1. WILDLIFE AND COUNTRYSIDE ACT 1981: (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 –

- a) 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

2.2. 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. Claimant

- 3.1. The application was made in June 2005, by **Mr. James Lunn**, of Florence Road, Fleet.

4. Landowners

- 4.1. The landowner is **The Secretary of State for Defence**, and the land is managed by Defence Estates at Liss.

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

- 5.1. The path that is the subject of this application is shown on the attached plan in red, and runs between points A and B. It leaves Bourley Road on a bend south west of Aunt's Pool Hill and has a tarmac'ed surface for the first few metres. There is some wooden fencing where it leaves the road, which has the effect of narrowing down the entrance. Here there are two notices prominently displayed. One warns that it is an MOD Training Area, and instructs that suspicious objects should not be touched. The other is a copy of the Aldershot Military Lands Byelaws, attached to this report as Appendix 1. This notice includes two maps of the area covered by these byelaws. Defence Estates has provided a map showing the location of such notices in this area, and it can be found at Appendix 2. Also at this location are items such as a large diameter concrete pipe, sections of brickwork and other material, which appear to have been dumped. This does not interfere with the claimed path.
- 5.2. The path runs northwards for about 186 metres, before turning to the north east and running parallel to a track around Aunt's Pool Hill, where the Tweseldown Racecourse is fenced off with four strands of barbed wire. It runs as a narrow worn track through a 'ride' through the woodland that widens as it turns north-eastward. It hugs the southern boundary of the ride. After a further 387 metres, the track swings back

more towards the north, close to the boundary, and runs for another 486 metres, to meet the Aldershot Road (the C8) a little to the north east of the Foresters Public House. At the point where this change of direction occurs, there is a wooden kissing gate, allowing access through the barbed wire fence onto the race track. The path is approximately 1059 metres long, and is mostly under a metre wide, but well worn, and not enclosed, on the edge of a ride about 20-25 metres wide.

6. Background to the claim

- 6.1. The land over which the claimed path runs is an extensive area of woodland and open ground, which is sandy in nature, and essentially heathland. It is on the edge of Tweseldown Racecourse. This land has been owned by the Secretary of State for Defence and his predecessors, the Secretary of State for the War Department, since 1855. It is recorded as a Site of Special Scientific Interest and is part of the Thames Basin Heaths Special Protection Area.
- 6.2. It appears that there has been a racecourse at Aunt's Pool Hill since at least 1867, and the area has always had the characteristic of open country with trees dotted around it. There were two race tracks at this location in 1895, and in 1909 the Ordnance Survey map showed part of the path being claimed. Almost the whole path, on a roughly similar course, was shown by the 1930s. By this point Crookham Camp, a military installation, had been built to the area to the west of path.
- 6.3. It appears that access to Tweseldown racecourse by the public has been prevented by the installation of barbed wire around the site of the racecourse in about February 2005, and this is apparently what prompted the application. However, there are currently two wooden kissing gates and a stile and cattle grid giving access into both Tweseldown and Brook's Hill off the path.
- 6.4. The first user is recorded in 1946 and the recorded use ends in 2005, when the witnesses completed the user evidence forms. The bulk of the recorded use is from the mid 1980s onwards.

7. Issues to be decided

- 7.1. The issue to be decided by this Committee is whether there is evidence to show that the claimed route ought to be shown on the Definitive Map as a highway: this is as a footpath, bridleway, restricted byway or byway open to all traffic.
- 7.2. 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 in the distant past (proved by historic or documentary evidence) or in the recent past (proved by witness evidence).
- 7.3. Historic and documentary evidence has been examined to see whether the past history and use of the path points to it having public rights as a

result of dedication in the distant past. Any such 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 prove sufficiently cogent evidence to justify a change to the Definitive Map. This type of evidence may disclose rights other than those claimed by the applicant. For example, they may show that a lane is an old road for vehicles, not merely a footpath or bridleway. 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.

- 7.4. The burden of proof in these matters is 'on the balance of probabilities', so it is not necessary for evidence to be conclusive before a change to the Definitive Map can be made. If there is genuine conflict in the evidence, for example, between the evidence of the users on the one hand and the landowners on the other. Members should make an Order so that the evidence can be tested at a public inquiry. However this is not a step which should be taken simply to avoid making a difficult decision. Officers do not consider that there is such a conflict in the evidence in this case.
- 7.5. The originals of many of the documents referred to in this report are only available in public record offices, but copies, transcripts or tracings of most documents are available for inspection in the offices of the Rights of Way Section. Members are urged to inspect these, or the originals, when considering this report. Appendix 3 is an evaluation of historical documents and should be read in conjunction with the paragraph relating to documentary evidence below.

8. Documentary Evidence

8.1 Ordnance Survey County Series Map 1:2,500 third and fourth editions, 1909 and 1930s

Although the steeplechase course was in existence by 1867, and the Foresters public house by 1871, this is the first map that has been discovered that shows any part of the claimed path, here leaving the Bourley Road at the same junction as it currently does, and running north parallel to the steeplechase course. It is shown by parallel pecked lines. The eastern part of the path, running up to the junction with the Aldershot Road near the Foresters Public House is not shown. This map does not give any indication of either the status of the route, or whether it is public or private in nature. The path is shown by parallel pecked lines running on a very similar course to the claimed path on the fourth edition of this map. One of the witnesses, Mrs. Crump, refers to an Ordnance Survey map of 1864 which she says shows a path '*running from the Forresters Public House to what is now the Bourley Road*'. A search of the maps available at Hampshire Record Office reveals a 6 inch map dated 1871, which does not show the path. No Ordnance Survey map of 1864 has been found.

9. Witness Evidence

- 9.1. Nine user evidence forms were received with the application in 2005. No others have been received since this date. Two user forms were excluded from the investigation as neither witness had used the claimed path.
- 9.2. The remaining evidence has been put into the form of a chart, at Appendix 4. Such a chart is, of necessity, a generalisation, but may give a feel for the extent of the use claimed. The least frequent user says that they walked the path at least once a week, one says they used it 100 times a year, another 250 times, another more than 300 times a year, while three indicate that they used it daily. However, these figures must be treated with caution, in that there is a large network of paths over this land, and some witnesses do indicate that they used a number of these alternative routes. It is likely that even those who only marked the claimed path on their map also used other routes. The effect of this would be to dilute use on the claimed path.
- 9.3. The earliest recorded use of the claimed path (as shown on the user maps) was in 1946, and a second user began walking the way in 1949. After 1960 the evidence of three users has been provided and it increased to four in 1977. By 2005, when the forms were filled in, there were 7 users. A summary of the use of each of these witnesses can be found at Appendix 5.
- 9.4. Two users reported the presence of a stile, but as both of these witnesses had shown that they had used a more than one route on Tweseldown Racecourse, as well as the claimed route, there can be no certainty that the stile they encountered was on that particular path, which currently appears to have no stiles. **Mr. Vic Hughes** reported a gate on the claimed path, but this appears to have been unlocked, and **Mrs. Loukes** confirms passing through an unlocked gate, though doesn't identify its location, and her map indicates that she did use a large number of routes. There are currently no gates on the claimed route.
- 9.5. Witnesses were asked about notices or signs on the land. **Mrs. Crump** refers to notices at the access points to Tweseldown Racecourse, which she saw in 1995 and then were renewed in 2004, though she does not give any indication of their content. **Mr. Hughes** refers to notices indicating that the land was '*Closed to public*' and '*Danger*', which he said were still in place in 2005. Mr. Hughes does not say where these notices are. **Mrs. Loukes** refers to two signs (content unknown), one present in 2000, and another in 2005. These were still in place in 2005. **Mrs. Peace** reports having seen a sign saying '*Entry prohibited*', or some similar wording, '*a few years ago*', which are still in place. **Mrs. Thornett** had only recently seen notices in 2005, but does not say where they were, or what they said.
- 9.6. All the users refer to obstructions, and most of these are in connection with four-strand barbed wire fencing around Tweseldown Racecourse. **Mr. Byrne** referred in his form to barbed wire fencing put up by the Racecourse, and to an area of 40 metres by 40 metres, '*commandeered*' by Tweseldown for use '*as a dump for old tyres and*

logs which they use for constructing equestrian obstacles'. Mr. Byrne did not say where this area is, and had himself used only a short section of the claimed route. It was still obstructed in March 2005, when he filled in his form. **Mr. Lunn** also referred to an obstruction in 2005, describing it as consisting of barbed wire, cut trees and a fence, having been put in place in late February 2005. He showed on his map the location of the obstruction, which was some metres north of point A. **Mr. Hughes** also described a felled tree, barbed wire and building rubble at point A, which continued to obstruct the path in March 2005. Barbed wire and felled trees were also identified as obstructions by **Mrs. Loukes**, who said they were still there in May 2005, in some places. She did not identify where any of these obstructions were. **Mrs. Thornett** also reported '*piled up*' trees and a barbed wire fence forming an obstruction, which were still in place in May 2005. She put a cross on the map north of point A on the path, and another where a route leaves the claimed path at Aunt's Pool and reaches the Aldershot Road between its junctions with Coxmoor Close and Northfield Road on its north side. **Mrs. Crump** described the Racecourse as having been encircled with four-strand barbed wire, which had been cut in numerous places. It was her view that the path was not still obstructed in 2005. On her map **Mrs. Peace** drew a cross at point A, and described that the path was obstructed by four strands of barbed wire and was still obstructed in May 2005, though gaps had been cut in that wire.

- 9.7. Only two of the witnesses reported having been stopped while using the path. **Mr. Hughes** said he had been stopped, in the early 1990s, by military personnel on exercise, and **Mrs. Peace** was told that the path was not public by workers on the Racecourse '*at various times*'. None of the users said that they had a connection with the landowner, and no-one said they were using the path in the exercise of a private right. On the issue of permission, **Mrs. Peace** had asked workers on the Racecourse in the past. The applicant, **Mr. Lunn**, said that the tracks over this land had been used '*since time immemorial...without question.*' He remarks that he had '*always been aware that since the 1850s this has been by courtesy of the WD/MOD*'.
- 9.8. All of the users saw others, mostly locals *and* strangers, while using the claimed path, the majority of these on foot and with bicycles. **Mrs. Peace** reported having seen other users also on horseback and with vehicles, but she indicated on her map that she had used a very large number of routes over the Military Lands at Long Valley, as well as the claimed path, so it is not possible to say whether those users were on the route A to B
- 9.9. What can be understood from this evidence is that local people have been using the claimed path, and other routes, over land at Long Valley from the 1940s. The bulk of the use recorded on the user evidence forms dates from the 1980s. Use continues on the claimed route, and on most of the tracks and paths that criss-cross this land.
- 9.10. Section 31 of the Highways Act 1981 is not applicable to Crown land, which land belonging to the Ministry of Defence is, even were there to be the quantity and quality of user evidence put forward to substantiate

this application under the Highways Act. This application can only be considered under common law.

10. The Landowner

- 10.1. The area over which the path which is the subject of this application runs is part of Aldershot Military Lands. The Land Registry documents for this land, contained in title HP605513, indicate that it was conveyed on 4th October 1855 to Her Majesty's Principal Secretary of State for the War Department by the Company of Proprietors of the Basingstoke Canal Navigation.
- 10.2. This land is managed on behalf of the Ministry of Defence by Defence Estates, of Longmoor Camp, in Liss. In August 2005, when Defence Estates became aware that there was an application to record a footpath at Tweseldown, in the Long Valley, their representative Miss Claire Dalton sent a copy of the Aldershot and District Military Lands Byelaws 1976 to the Rights of Way office. These byelaws contain the same text as the notices on site at Tweseldown. In an email of 21st July 2005, to the then Senior Rights of Way Officer, Miss Dalton drew her attention to the fact that the MOD '*offer the public permitted use of the land (albeit that the land sometimes has to be cordoned off for military use)*'. She also drew attention to the signs placed on the Military Training Area which conveyed these byelaws to those persons using the land.
- 10.3. The 1976 byelaws cover a number of topics, including use of the land by the public. Under section 2, the byelaws provide that:

'Subject to the provisions of these Byelaws the public are permitted to use all parts of the Military Land not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted, including those Ministry of Defence roads thereon which have been constructed or made up for general use by vehicular traffic, for the purposes of open-air recreation at all times when the Military lands are not being used for military purposes for which they are appropriated.'

Therefore, all use by the public from 17th May 1976, when the byelaws came into force, was with the permission of the Ministry of Defence. The 1976 byelaws, revoked the byelaws in respect of the Aldershot and District Military Lands, dated the 23rd March 1950 (it has not proved possible to obtain a copy of these 1950 byelaws). The 1976 notices contain two plans showing the extent of the Military Lands in the Aldershot area, including Long Valley, and a schedule listing the affected areas by name.

- 10.4. These notices are placed at intervals over the Military Lands at Tweseldown and Long Valley. There is one at point A, alongside a Ministry of Defence notice indicating that it is a training area. Similar notices are in place in the car park across the Aldershot Road from point B, and two others where paths emerge to the south west on Aldershot Road, one being opposite Grove Road, on the north side of that road. Each notice seems to be numbered on the map at Appendix 2. The one at A is marked '9', the one in the car park '61', the first emerging out onto Aldershot Road '62' and the one at Grove Road '64'. There is a

further notice to west of point A, and this is numbered '66', with '10' and '11' within Tweseldown Racecourse itself. This map indicates that persons using the Aldershot Military Lands have every opportunity to inform themselves that they are using the land with MoD permission.

11. Consultations with Other Bodies

- 11.1. The following persons and bodies have been consulted about the application: Hart District Council, Fleet Town Council, the local Member Councillor Jenny Radley, the Open Spaces Society, The Ramblers, The British Horse Society, The Byways and Bridleways Trust, the Area Countryside Access Manager, Highways Management and Minerals and Waste. At the time of writing, the following responses have been received:
- 11.2. The representative of the **North East Hants Ramblers** knows the area well, despite not living in the parish. It is her view that *'the entire route is within the managed access area of the MOD and there is free access at all times. It is my opinion that as such there is no necessity to have the path recorded at present. Should the situation change and access prohibited or limited, then there would be a case for having the path recorded'*.
- 11.3. The local Member, **Councillor Jenny Radley**, is aware that *'there are well used footpaths and tracks in that area'*.
- 11.4. No other comments have been received.

12. Summary of Evidence

- 12.1. While the steeplechase course has been in existence since 1867, only the 1909 and 1930s Ordnance Survey maps show part or all the claimed route, with no indication of status or whether public or private. Therefore, with little documentary evidence, the application must be determined on user evidence.
- 12.2. It is usual to consider the evidence submitted with applications in the context of the criteria listed in section 31(a) of the Highways Act 1980. However, Ministry of Defence (MoD) property is Crown Land, and is not subject to this section. Any determination must rely on the common law for its basis (see box at the start of this report). Unlike section 31, common law does not lay down any specified period during which unchallenged use by the public must be demonstrated. Under common law, the burden of proving that an inference of dedication of public rights lies with the applicant (rather than on the landowner demonstrating that there is no intention to dedicate, as with section 31). Any such inference of dedication must rest on the assumption that the freeholder of the land was aware of, and acquiesced in, public use of a way, and all use must be without stealth, force and permission to qualify.
- 12.3. It will be necessary to consider how the MoD has managed this land, and its other military lands, and then assess whether the applicant has proved that an inference of dedication under common law has arisen with regard to the claimed path.

- 12.4. The MoD takes a considered approach to public access to their estates. The following summary is taken from the MoD web-site. The over-riding priority of the MoD is to provide land for the training requirements of the armed services. However, the MoD *'maintains a presumption in favour of public access unless there are operational or training requirements, safety or security limits'*. Where the Aldershot Military Lands are concerned, *'public access is permitted along all public rights of way within both training areas at all times. Open access on foot is allowed in areas within the managed access symbol on the Ordnance Survey Explorer maps. This access is subject to the terms and conditions of the Aldershot and District Military Byelaws, which are displayed at the principal access points onto the training areas'*. The public are asked not to interrupt any military training and to abide by the conditions of the byelaws. It is the case that *'where Military Byelaws are in operation, public access may be restricted or in some cases excluded for operational or safety reasons'*.
- 12.5. Turning now to the Byelaws themselves, these are *'a form of delegated legislation...normally regulating certain activities in the interest of safety and security'*. Breaches of these byelaws constitute a criminal offence, and their enforcement is a means by which Defence estates can be protected, though the MoD also comments that *'the presence of a byelaw can allow public access over areas that would otherwise be prohibited'*. Defence estates are, in the view of the MoD, a *'particularly important resource for many local communities. In addition to walkers, the estate is used by the public for horse riding, cycling and other recreational activities...and the MoD will meet its declared presumption in favour of safe public enjoyment of its estate wherever this is compatible with operational and military training uses, public safety, security, conservation and the interests of its tenants. Safe public enjoyment of the access opportunities provided across the defence estate requires responsible behaviour by both the MoD as estate managers and users, and the general public as visitors'*. The public is asked to *'observe all signs'*, and not to trespass. In answer to the question *'Can I walk anywhere on MoD land?'* users are advised that *'it is not possible to have unlimited access because of operational, safety and conservation interests. However, where our duty of care to the general public, safety and security considerations permit, we will seek to increase the overall amount, quality and certainty of access to the estate'*. To set the context for the MoD estate, the Defence Training Estate has 16 major armed forces training areas and 104 other training areas and ranges.
- 12.6. The Aldershot and Minley training areas cover about 2,000 hectares of *'lowland heathland habitat, which supports a wide range of associated flora and fauna...the majority of the areas are designated as a Site of Special Scientific Interest and form part of the European designated Thames Basin Heaths Special Protection Area'*. These Military Lands are close to well-populated urban areas and, judging from aerial photography of Long Valley, and Aunt's Pool and Tweseldown in particular, are well used by the public, being covered with an extensive network of paths and tracks. Those people who completed user

evidence forms all say that they saw others while using paths over this land.

- 12.7. Therefore there is no doubt that the public uses the MoD estate at Aunt's Pool and Tweseldown, and they are free to do so. Can this use qualify under the common law for the acquisition of public rights of way? The Byelaws state that the public '*are permitted*' to use all parts of the Military Lands not specifically excluded in some way '*for the purposes of open-air recreation at all times*'. The byelaw notices are prominently displayed around the land at the main points of access, and either at, or close to, the terminal points of the claimed path. The witnesses do mention seeing signs, and the wording '*closed to public*', '*Entry Prohibited*' and '*Danger*' are referred to, the latter most probably the yellow signs that stand alongside the byelaw signs. The entry prohibited signs may refer to times when the land has been closed for military purposes. However, the applicant himself said that use since 1855 has been by courtesy of the MoD and its predecessors.
- 12.8. The byelaw notices are clearly intended to convey to the public the idea that any use of the military lands takes place with permission, under delegated legislation. In the case of *Regina v. City of Sunderland ex parte Beresford* the issue of permission on land used for walking by the public is discussed by Lord Scott. In particular, he focuses on the issue of whether there was, in the Beresford case, any sign that '*the permission was intended to be temporary or revocable*' (paragraph 49 of the judgement). He found none. In the absence of such a sign, Lord Scott concluded that users might reasonably believe that they had the right to use paths on the land '*on a permanent basis*'. In the light of these comments, the wording of the byelaws for the Aldershot Military Lands posted around the Aunt's Pool and Tweseldown site is important with regard to the issue of permission and use '*as of right*'.
- 12.9. The MoD, from its published literature, is committed to making its estates available for public use, though under tightly defined circumstances. The public uses the paths over its land at Tweseldown, and the MoD as landowner is aware of that use and encourages it, by leaving the land open. In these circumstances, does the landowner acquiesce in that use? On the face of it, the landowner does acquiesce, via the statement in the byelaws that the public '*are permitted to use all part of the Military Lands...for the purposes of open-air recreation*'. However, the wording, which is permissive in its intent, does fulfil the requirement outlined by Lord Scott above. The public are not allowed to have open-air recreation on those parts of the Military Lands that are '*specially enclosed*', or are being used for '*the military purposes for which they are appropriated*'. The byelaws allow the MoD to reserve the right to close off the land at any time, thus rendering the permission extended to the public as revocable. That this permission is revoked is confirmed by Mr. Hughes, who said that he was stopped by military personnel on exercise in the early 1990s. This revocable permission is reinforced by the fact that breaking the byelaws is a criminal offence. The Byelaws set out prohibited activities, warning off, offences, enforcements and exemptions. The byelaws apply even if there are no signs present or evident, though the absence of signs would have an

effect on enforcement. In these circumstances, it can be said that there is no intention on the part of the MoD to dedicate public rights of way across the Aldershot Military Lands under common law.

13. Comments by the Applicant and Landowner

- 13.1 At the time of writing, no comments have been received from the applicant or the landowner.

14. Conclusions

- 14.1 Members will see that, although there is evidence of use of the Aldershot Military Lands on the claimed route at Aunt's Pool and Tweseldown by members of the public, the Ministry of Defence, as the freeholder, has byelaws in place which permit members of the public to use the land. Use with permission may affect whether use is 'as of right'. In this case, the wording of the byelaws, and evidence from a witness, indicates that this permission is revocable and has been revoked at times. Therefore, use by the public cannot be as of right, as it needs to be, to contribute to the acquisition of a public right over the claimed path under common law.
- 14.2 As it appears that all use of this path since at least 1950 (the commencement date of the previous byelaws that were revoked by the current byelaws of 1976) has been with revocable permission, there is insufficient evidence on which a common law dedication can be found.

15. Recommendations

- 15.1 That the application be refused.**

ORPORATE 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.)

<u>Document</u>	<u>Location</u>
Claim Reference 883	Rights of Way Office, Mottisfont Court, High Street, Winchester, SO23 8ZF.

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1.

2. Impact on Crime and Disorder:

2.1.

3. Climate Change:

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

- b) 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.