

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	27 April 2011
Title:	Proposed dedication of restricted byway from Little Park Farm Road to Brunel Way, Segensworth, Fareham
Reference:	2892
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary:

- 1.1. Hampshire County Council has offered to dedicate a restricted byway over land in its ownership between Little Park Farm Road and Brunel Way, Segensworth. The path is currently recorded as a footpath, and the upgrade will enable cyclists to use the route. The offer is recommended for acceptance.

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, bridleway or restricted byway 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" (a) 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. Landowner:

- 3.1. Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UJ

4. Background:

- 4.1. This proposal is one of the key schemes which together make up the Segensworth Action Plan. The Action Plan has been developed in conjunction with the Segensworth Business Forum (SBF) and in consultation with local members, Fareham Borough Council and Winchester City Council.
- 4.2. The schemes objectives are:
- To encourage greater use of walking, cycling and public transport.
 - To improve personal safety especially for pedestrians and cyclists, and
 - To reduce the severance caused by the A27/M27 link road and the Segensworth Roundabout.
- 4.3. This proposal is one of three schemes which together will enable travel by more sustainable modes to places of employment at Segensworth and subsequent promotion of car sharing, public travel, cycling and walking by Segensworth businesses.
- 4.4. Further work is currently in development within the Economy, Transport and Environment Department to improve pedestrian and cycle links in the Park Gate and Segensworth areas with the aim of improving links for these user groups to the Swanwick Rail Station, the Segensworth business areas and the near by residential areas.
- 4.5. The route is currently recorded as Fareham Footpath 24a. The scheme proposes the upgrade of this path to a restricted byway (allowing use by cyclists). The route will be a sealed surface route 2.5 metres wide along a clear corridor 4.5 metres wide, with street lighting and signage. Bollards are to be provided at key points on the route to prevent the unlawful use of the route by motorised vehicles. It is proposed however to provide a locked but removable bollard at the Brunel Way end of the route to enable access for maintenance purposes only. Additional lighting is to be installed in the underpass. Upon completion of the proposed improvement works the 4.5m wide corridor will be managed, maintained and adopted by Hampshire Highways.
- 4.6. The detailed proposals for the improvement scheme will be subject to a separate project appraisal report to the Executive Member for Environment and Transport, which is expected to enable implementation of the proposal later in the year.

- 4.7. As part of the development of the scheme a preliminary environmental impact assessment was undertaken which included ecological and arboricultural assessments of the route. The ecological report investigated the existing habitats and found no evidence of bats, dormice or other protected species, however the presence of 7 bee-orchids was found to one side of the proposed route, which will be protected during the construction phase. The findings of the arboricultural assessment have been implemented as part of the vegetation clearance operations already completed by the landowner. The proposed surfaced route will incorporate minimum excavation of the existing surfaces in order to reduce the impact on adjacent trees. The arising materials will be used to reinstate the areas to either side of the surfaced route.

5. Description of the current footpath:

- 5.1. Footpath 24a provides an 'off-road' connection between Little Park Farm Road in Segensworth West and Brunel Way in Segensworth East. It is currently an unsurfaced way up to approximately 8 metres wide with overhanging vegetation. Preliminary clearance of vegetation was undertaken by the land owner to raise the tree canopy and remove undergrowth in November 2010. The existing mature trees predominantly sited along the boundaries with adjacent business units have been retained.
- 5.2. The route utilises an existing underpass built to carry the A27/M27 link road over Footpath 24a. The underpass is a reinforced concrete structure with bituminous surfacing and drainage, and is currently unlit.

6. Consultation with other bodies:

6.1. Fareham Borough Council

Fareham Borough Council is pleased to see that the route is to be widened, resurfaced and lit to provide for the safe accommodation of cyclists. The Borough Council welcomes the improved access to the Segensworth area by more sustainable modes of transport and especially improved cycle routes to and from Swanwick rail station. In this context the Borough Council has no objection and supports the proposed scheme.

6.2. Cyclists Touring Club

Has indicated it would be happy to help in any way that assists the development of the project.

6.3. The Ramblers

Does not object to the proposal, but queries why the route is to be dedicated as a restricted byway and not a bridleway.

6.4. Countryside Service - Southern Area Team

Supports the proposals

6.5. Councillor F Allgood

Supports the proposals

6.6. Councillor G Hockley

Feels sure the route will work very well and commends the departments involved for their efforts.

6.7. Councillor S Woodward

Supports the proposal

6.8 Comments on the proposals:

All respondents are supportive of the proposals. The Ramblers have queried the status of the route to be dedicated and in this regard officers are of the view that either bridleway or restricted byway designation would be acceptable, but restricted byway designation more befits the nature of the route and follows advice on status from Defra.

7. Countryside Access Plans

- 7.1. One of the aims and proposed actions of the Countryside Access Plan for the Solent area is to “seek alternatives to road use for non-motorised users”. This proposal is part of a wider scheme with this as a primary objective.

8. Financial implications:

- 8.1. The land in question is owned by Hampshire County Council and the footpath is currently publicly maintainable. The works will be funded primarily by the Segensworth Business Forum Ltd., with further funding being made available from the County Council's resources. The future maintenance of the 4.5 metre wide corridor will be the responsibility of the Economy, Transport and Environment Department, who are promoting this scheme. The remaining width of the route to the boundaries with adjacent properties will continue to be maintained by the landowner.

9. Conclusions:

- 9.1. The proposed dedication of this route as a Restricted Byway forms part of a scheme which has been identified as a priority by the Segensworth Business Forum and has been endorsed by the local Members, the Fareham HAT and Fareham Borough Council. It is welcomed by all, and represents a real opportunity to encourage sustainable transport in this area.

10. Recommendation:

- 10.1. That the County Council enters into an agreement for the dedication of restricted byway over the part of Fareham Footpath 24a, as shown on the attached plan. It is also recommended that the dedication agreement should include the provision of bollards on the route to prevent the unlawful use of the route by motorised vehicles.

CORPORATE 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
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because: Authority is needed for the County Council to enter into a dedication agreement with another body.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
File: upgrade of Segensworth Footpath 24a	Room 200 Mottisfont Court High Street Winchester SO23 8ZF

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. Low – this route will have an improved surface and as such will be more accessible for people with a range of levels of ability.

2. Impact on Crime and Disorder:

- 2.1. Low – the route will have improved lighting and visibility and as such is likely to be safer.

3. Climate Change:

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

Developing an attractive and robust network of public rights of way throughout the County will help to encourage non-motorised users to make use of their local area, avoiding use of the vehicular road network as far as possible.

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

n/a