

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	Bridleway Dedications on Yateley Common – Section 1, Localism Act 2011

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1. The decision:

- 1.1 That the authority is given for the dedication, under Section 1 of the Localism Act 2011, of bridleway rights over two routes on Yateley Common.

2. Legal framework for the decision

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

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

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

3. Reason(s) for the decision:

- 3.1 Ordinarily, the dedication of public rights of way is formalised under Section 25 Highways Act 1980. However, in this instance, the County Council is both landowner and highway authority, and since it cannot enter into an agreement with itself, the Localism Act enables it to dedicate the rights in the same way an individual would do.
- 3.2 The dedication of these routes will assist with a bridleway diversion package as part of the County Council's proposal for improvements of the

rights of way network across the common. The diversion Order was made on the 13th February 2017, following publicity of the Order a number of issues were identified in the representations received, one of which was the lack of connectivity between some of the routes on the western side of the common. The proposed dedications will provide links between these diversion route and will increase the chances of the Order being confirmed.

4. Background

- 4.1 The dedication and diversion package are being proposed to bring some of the recorded routes onto routes that are either already in use on the ground or can be easily created and maintained to provide safe, useful links to ongoing paths.
- 4.2 Yateley Common is covered by section 193 of the Law and Property Act 1925 which grants a general right of access to the public on foot or on horseback for the purposes of air and exercise. The recorded definitive rights of way exist in addition to this general right of access as a separate 'layer' of public rights. The proposed dedication and diversion will change the linear routes that Hampshire County Council will have a duty to maintain but will not affect the underlying section 193 rights of access that exist across the common.

5. Other options considered and rejected:

- 5.1. Not applicable.

6. Conflicts of interest:

- 6.1. Not applicable.

7. Dispensation granted by the Head of Paid Service:

- 7.1. Not applicable.

8. Supporting information:

- 8.1. None

**Approved by: Jonathan Woods Countryside Access
Group Manager**

Date:

20 August 2019

**On behalf of the Director of Culture, Communities
and Business Services**

Appendix A
Consultations with Other Bodies:

Yateley Town Council

Yateley Town Council have been consulted on this proposal.

Basingstoke and Deane on behalf of Hart District Council

Hart District Council have been consulted on this proposal.

Appendix B
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.

1) 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:

In determining this application, the County Council is exercising its functions as the highway authority and as such must give due consideration to the statutory tests set out in s119 Highways Act 1980. These statutory tests have to be considered in conjunction with the over-arching duty of s149 Equalities Act. The proposed route is no more or less convenient than the existing route.

2. Impact on Crime and Disorder:

2.1. It is unlikely that this proposal will have any impact on reported crime in this area.

3. Climate Change:

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

No impact identified.

b) Environmental:

No impact identified.