

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Group Manager
Title	Creation of public bridleway rights between Shawford Road and Southdown Road, Parish of Shawford

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1. The decision:

- 1.1. Hampshire County Council proposes to make a creation order under Section 26 of the Highways Act 1980 to record public bridleway rights between Shawford Road and Southdown Road, near Shawford Down (as shown on the attached map). Part of the route, which runs over Shawford Down (a County Council owned site), is already recorded as a public footpath, whilst the remainder is not recorded as a right of way of any description.
- 1.2. This proposal was initiated following contact from local residents asking if the unrecorded route to the south of Shawford Down could be recorded as a through route for pedestrians and cyclists. It is customary in this scenario for the owner of the land to be approached to establish whether they would be agreeable to a voluntary dedication by the landowner (under Section 25 HA 1980). However, in this case the land is unregistered, and no owner can be traced. Consequently, it is considered that it will be easier for the County Council to exercise its powers under Section 26 and create the rights via a legal order. An alternative option of recording the route via a Definitive Map Modification Order (based on evidence of long use) was considered to be a less efficient mechanism than an order under Section 26.
- 1.3. Winchester City Council, Shawford Parish Council, County Councillor Jan Warwick and statutory user groups have been consulted on the proposal. All who responded have expressed support for the proposal. No objections have been received.

2. Reason(s) for the decision:

- 2.1. The creation of a bridleway will secure public rights over a route that has been used by local people for many years, and will also enable legal use by cyclists and horse riders. Subject to necessary improvement works, it is also possible that the route may subsequently form part of the National Cycle Network Route 23.
- 2.2. Although representations have been made requesting that consideration be given to recording the route as a restricted byway (so as to enable lawful use by carriage drivers, it is considered that the route is not sufficiently wide to accommodate such use.

3. Other options considered and rejected:

3.1. As discussed at 1.2.

4. Conflicts of interest:

4.1. N/A

5. Dispensation granted by the Head of Paid Service:

5.1. None

6. Supporting information:

6.1. Integral Appendix – Consultation responses (see below)
Appendix 1 - Location Map

Approved by:

Date:

_____ (signature)

12 September 2019

Jonathan Woods – Countryside Access Group Leader

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

Integral Appendix – Consultation responses

1. Shawford Parish Council

“At last night’s meeting, the Parish Council agreed, unanimously, to the proposal to create public bridleway rights over the route shown on the map. (Only one member of the public responded local publicity about the proposal and he was very positive.) Please proceed.”

2. Cycling UK

“We welcome the proposal to record the route linking Shawford Down and Southdown Road on the definitive map as a bridleway and also to upgrade Compton and Shawford Footpath 32 to a bridleway. This will provide a useful additional route for cyclists and horse riders.

In terms of surfacing improvements, we should like to request early engagement with user representatives so that the surfacing is fit for the expected use.

We also note that Countryside Services is carrying out a review of cycle access in the area. It is important that cycling representatives are given the opportunity to contribute at an early stage to this review so that any improvements meet the needs of cyclists, both utility and recreational - and provide value for money. Please can you ensure that this request is forwarded to whoever in Countryside Services is carrying out this review.

We look forward to providing further input.”

3. The Ramblers

“As always, the Ramblers welcomes any additions to the RoW network. This new section of path has been on my list as a potential addition for many years, so it is gratifying to see it emerge for action.

I have no objection in principal to bridleway status for the whole of this route, including the existing FP 32, but I would comment that both the existing route south of the southern car park, together with the new length of path, will require a considerable amount of work to bring them up to an adequate standard for a bridleway. The route is very narrow in places and scarcely adequate even as a footpath at present (both head-height and width are severely compromised by thick vegetation). I hope a suitable budget is available to open it up properly!?”

4. British Horse Society

“Thank you for providing BHS Hampshire with the opportunity to comment on the proposal to create public bridleway rights between Shawford Road and Southdown Road, Shawford. The proposal for this recreational route is welcomed but the Society would like to know if HCC has considered restricted byway status? Also, reference is only being made for use by cyclists with no reference to equestrians although there are horse owners in the area who would no doubt welcome a safe place in which to ride.

The development of new safe off-road routes for all non-motorised users is important. As the majority of the land in this instance is owned by Hampshire County Council the Society believes this is an excellent opportunity for the Council to create a shared / multi user route which is in line with the advice provided by HCAF (to include both ridden horses and horse drawn vehicles where possible) as per the guidance contained in the HCAF document ‘Equestrians in Hampshire’.

When considering shared routes, the Society believes it is important to ensure the route is of good design to help meet the needs of all users....by making good use of the land, including having a decent grass verge, provides for a more pleasant walk for dogs and their owners, and is appreciated by runners who, like horse riders, are concerned about the impact of a hard surface on joints. [This] would take into account the optimum width for the mowers to ensure that the grass can be kept to a useful length thereby ensuring the best use of public money. If the width makes it prohibitive to incorporate a grass verge, then the surface should reflect the recreational use of all non-motorised users.”

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:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
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.)

Document

Location

Reference: Case File – Creation of
bridleway, Shawford Down

Countryside Access Team
Castle Avenue
Winchester
SO23 8UL

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment:

N/A

2. Impact on Crime and Disorder: N/A

3. Climate Change:

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

N/A

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