

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

<b>Decision Maker</b>	Jo Heath – Head of Countryside
<b>Title</b>	Creation of Bridleway rights in the parish of Ringwood

**Tel:** 01962 840043

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#### **1. The decision:**

- 1.1 That the Head of Countryside approves the creation of a Bridleway along the disused railway line from U121 Crow Arch Lane to Railway Bridge on U121 Crow Arch Lane and south westwards to Crow Arch Lane; and for the Bridleway to be incorporated into the highway network under Sections 25 or 26 of the Highways Act 1980.
- 1.2 That the Head of Countryside gives approval to procure, spend and enter into necessary contractual arrangements to implement this scheme, at a total estimated cost of £100,000 to be funded by a Developer Contribution (the authorisation to complete the relevant s106 agreement will be requested separately).

#### **2. Reason(s) for the decision**

- 2.1 The upgrade of this route is required by the provisions of the New Forest District Local Plan. The District Council as Planning Authority will be securing the necessary obligations to complete the upgrade through a developer obligation in relation to the adjacent development site.
- 2.2 Some of the land over which the upgrade is proposed is owned by Bury and Knight Ltd. Although there is a current permissive licence between the County Council and Bury and Knight Ltd for public pedestrian access over the land that they own, in order to allow cycling and to surface the route to accommodate such use, it is deemed necessary to create public bridleway rights over the route.

### **3. Background to the decision:**

- 3.1 New Forest District Council have consulted the County Council in relation to a planning application ref: 18/11648 for a development at Crow Arch Lane, Ringwood. The proposals which consist of a housing development of 20 dwellings have gained permission subject to completing the s106 agreement. One of the obligations for the site, as identified in the New Forest District Local Plan, is to upgrade the adjacent track to allow cycling, and to surface of the route.
- 3.2 Public Bridleway rights can be created over the route through s25 or s26 of the Highways Act 1980. It is our preferred option to create the bridleway rights through an agreement (Dedication) under s25 of the Highways Act, and through negotiation with Linden Homes and Bury and Knight, an 'in principal' agreement has been reached to dedicate Bridleway rights and to compensate Bury and Knight the sum of £100,000 (which includes £85,000 compensation and £15,000 valuation and legal fees) through the agreement.
- 3.4 If we are unable to secure a dedication under s25, we would need to create the rights through an order under s26 Highways Act. We have consulted the relevant parties in regard to making an order under s26 and Bury and Knight have stated that they would raise an objection to an Order being made due to the timing of the making of the order in relation to the planning permission. It is not considered that this would be a valid objection, as an inspector will likely only consider whether we have evidenced a need for a public right of way and whether it is expedient for the bridleway to be created, and the timing of the making of the order will be irrelevant.
- 3.5 As well as being identified for upgrade within the Local Plan, the route also forms part of the existing cross-county promoted route, the Castleman Trail, and is highlighted for improvement within the Countryside Access Plan. Our records indicate that the County Council has been working to secure a formal public right of way over the route since the 1970s. We therefore consider that we can evidence the need for the public right of way and that it is expedient for the Bridleway to be created.
- 3.6 The compensation and a further £7,000 for HCC legal and project management fees are also to be secured through the s106 agreement relating to the adjacent development, the developer contributions will all be authorised through a separate decision. The obligation in relation to the upgrade was previously proposed to be part of the habitat mitigation; however, it is our understanding that the obligation will now be provided as an added benefit to the development. Obligations for Linden Homes to dedicate the route over their land, and to implement the physical works to the route either through a Highway Agreement or financial contribution, are also to be secured. The eastern section of the route is an existing public right of way Ringwood Footpath 503. Following the dedication, the County Council will take over the maintenance of the route.

**4. Other options considered and rejected**

- 4.1 We are aware that Linden Homes and Bury and Knight, have entered negotiations regarding the sale of the land but this has not been achieved. Bury and Knight Ltd have also approached the County Council and offered to sell the land to us, however this offer was declined since acquiring the land does not add value to our objective (obtaining the necessary public right of way).
- 4.2 We had also wanted to include the section of the route under the railway bridge; however, negotiations are still ongoing with Historic Railway Estate. It is therefore deemed advantageous to pick this up separately.

**5 Conflicts of interest:**

- 5.1 None.

**6 Dispensation granted by Head of Paid Service:**

- 6.1 N/A.

**7 Dispensation granted by the Head of Paid Service:**

- 7.1 N/A.

**8 Supporting information:**

- 8.1 Draft Dedication Plan.

**Approved by:**

**Date:**

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**Jo Heath – Head of Countryside**

**20 February 2020**

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

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes/no
Corporate Improvement plan link number (if appropriate): yes	
<b>Maximising well-being:</b>	yes/no
Corporate Improvement plan link number (if appropriate): yes	
<b>Enhancing our quality of place:</b>	yes/no
Corporate Improvement plan link number (if appropriate): yes	

**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

N/A

## **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

**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.**