

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Group Manager
Title	Application for a Definitive Map Modification Order to record a public bridleway between Springwell Lane, Hartfordbridge, and Church Road, Eversley Parishes of Hartley Wintney, Bramshill and Eversley
Reference	CR/1211

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1. The decision:

- This is an application made by two members of the public in 2018 to record bridleway rights from Springwell Lane, Hartfordbridge, northwards across a ford to Hulfords Lane, then northwards through Warren Heath to Church Road, Eversley. Section A-B is recorded on the List of Streets as a publicly maintainable highway but is not recorded on the definitive map. Section B-H is recorded on the definitive map as a public footpath.
- The application is supported by user evidence that the applicant believes demonstrates that a public footpath should be recorded on the basis of long-term use of the claimed route, and a number of documents which the applicant believes demonstrates that part of the route has historically been used as a bridleway.
- Having considered the user evidence, the historic evidence submitted, and having undertaken additional research of historic documentary evidence, it is considered that there are sufficient grounds to record restricted byway rights between points A and B on the attached plan, at a width varying between 2.3 and 19 metres. It is considered that there are insufficient grounds to record higher rights between points B and H.

2. Reason(s) for the decision:

- Hampshire County Council has a duty to determine applications made under Section 53(5) Wildlife and Countryside Act 1981.
- Whilst there were a considerable number of user evidence forms submitted, the tests under Section 31 of the Highways Act (1980) and the provisions of common law were not met, as much of the route is Crown Land which is also covered by a permissive riding permit scheme. Additionally, case law precludes a cul-de-sac right of way from being recorded in this instance.
- There was sufficient evidence of use between points A and B, which is outside the permissive riding permit scheme area. Additionally, there was also historical evidence that this part of the route had historically been used as a public right of way.

3. Consultations:

The following people and organisations have been consulted on this application: Hart District Council, Hartley Wintney Parish Council, Eversley Parish Council, Bramshill Parish Council, The Byways and Bridleways Trust, The Ramblers, The Open Spaces Society, The CTC, and the British Horse Society. Additionally, the County Council Member for Hartley Wintney & Yateley West, Councillor David Simpson, has been made aware of the application. Where responses were provided, these are set out below. The affected landowners were also consulted; their responses are set out in the decision report (see paragraphs 30-33).

The Open Spaces Society

A representative of the Open Spaces Society responded to the consultation to say that “although riders are a not uncommon sight I assumed that they did so under an agreement with the Forestry Commission”. The representative also questioned the alignment of Eversley Footpath 10, which is part of the claimed route, as the legally recorded line differs from the walked line of the route, and stated that part of Hartley Wintney Footpath 2 was recently fenced on both sides, but beyond the fenced part of the route, part of the footpath is ‘well used’ by equestrians.

British Horse Society

“For many years this route via the ford adjacent to Hartley Wintney Footpath 53 has provided the only point of access from the south into the area of permitted riding within the Forestry Commission land at Warren Heath/Bramshill, and has been regularly used by riders (myself included) for that purpose. The presence of the ford on current and historic mapping would indicate that higher rights of access should exist along this route.

The British Horse Society strongly supports this application for a bridleway, which would formalise a much-needed off-road link between the Hazeley Heath, Eversley Bridleway no. 11 (the Welsh Drive) and Church Farm, Eversley, as well as the Forestry Commission permitted riding routes in Bramshill Forest.”

4. Other options considered and rejected:

N/A

5. Conflicts of interest:

None.

6. Dispensation granted by the Head of Paid Service:

N/A

6. Supporting information:

- Full Officer Report
- Location Map

Approved by:

Date:

17 March 2020

Jonathan Woods – Countryside Access Group Leader

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

CORPORATE 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.)

Document

Claim Reference: CR/1211

Location

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

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.