

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

|                       |  |
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| <b>Decision Maker</b> | Jonathan Woods<br>Countryside Strategic Manager  |
| <b>Date:</b>          | 02 February 2023   |
| <b>Title</b>          | Application for a Definitive Map Modification Order to record Footpath 21 - between Church Road and Farrington Way - as a public bridleway<br>Parish of Tadley |

**Contact name:** Harry Goodchild, Map Review Manager

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#### 1. The decision:

- It is considered that the evidence reviewed is insufficient for it to be inferred that the public has acquired higher rights over the claimed route.
- It is therefore recommended that this application for a Definitive Map Modification Order (DMMO) should be refused.

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

- The application, which relies on user evidence, was submitted in 2015 by a member of the public.
- The route was recorded as a public footpath on the first Definitive Map in 1953, and was described in the Tadley Inclosure Award of 1850 as a public footway.
- Analysing the user evidence under Section 31 of the Highways Act (1980) and common law, the conclusion reached is that the relevant requirements have not been satisfied. The evidence submitted is considered to be insufficient to raise a presumption that bridleway rights have been dedicated. The volume and breadth of use is not considered to be representative of the public at large, given the setting of the path immediately adjacent to a large urban area.

#### 3. Consultations:

- Basingstoke and Deane Borough Council and the local member (Councillor Warwick Lovegrove) were made aware of the application at the time it was submitted. No further consultation has been undertaken due to the straightforward nature of the case.

**4. Comments by the landowners:**

- The claimed route is not registered with the Land Registry. However, several landowners whose property abuts the route contacted the County Council when the application was submitted, objecting to the application on account of its use as a private vehicular access, safety concerns linked to limited sight lines, and raising concerns about future maintenance. None of these issues are relevant to the determination of the application.

**5. Other options considered and rejected:**

N/A

**6. Conflicts of interest:**

None

**5. Dispensation granted by the Head of Paid Service:**

N/A

**6. Supporting information:**

- Full Officer Report
- Appendix 1 – Location plan

**Approved by:**

**Date: 02/02/2023**

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**Jonathan Woods – Countryside Strategic Manager**

**On behalf of the Director of Universal Services**

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

**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.)

| <u>Document</u>                     | <u>Location</u>   |
|-------------------------------------|---|
| Claim Reference: DMMO 1164 (Tadley) | Countryside Access Team<br>Universal Services<br>Three Minsters House<br>76 High Street<br>WINCHESTER<br>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

Hampshire County Council declared a climate change emergency on 17 June 2019 and a Climate Change Strategy and Action Plan has since been adopted. The County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

The legislative framework for Definitive Map Modification Orders does not enable the decision maker to take into account any environmental concerns relating to an application and a climate change impact assessment has therefore not been carried out in relation to this application. The Countryside Access Team strives to reduce their environmental impact wherever possible.