

# HAMPSHIRE COUNTY COUNCIL

## Officer Decision Record

<b>Decision Maker</b>	Jonathan Woods – Countryside Strategic Manager
<b>Date:</b>	18 April 2024
<b>Title</b>	Creation of public footpath rights between Hilland Rise and Liphook Road, Parish of Headley
<b>Reference</b>	1052

**Contact name:** Harry Goodchild – Definitive Map Manager

**Email:** Harry.goodchild@hants.gov.uk

### 1 The decision:

1.1 That authority be given for the making of a public path creation order, under the provisions of Section 26 of the Highways Act 1980, to record a public footpath between Hilland Rise and Liphook Road, in the parish of Headley, as shown running between A-B-C on the attached location plan.

1.2 The width of the path will be 1.5m between A-B, and 3m between B-C.

### 2 Background:

2.3 The proposal to create public footpath rights will provide a more efficient means of resolving an outstanding application for a Definitive Map Modification Order, submitted to the County Council in 2010, and is the result of an initial offer to dedicate from the owner of Hilland Woods.

2.4 The application for a DMMO was submitted to the County Council by a resident of Hilland Rise in 2010, but due to a backlog of applications the matter is still yet to be taken up for investigation. The application is supported by evidence of use by local people.

2.5 In 2020 the owner of Hilland Woods contacted the County Council to confirm they had recently acquired the land and voluntarily offered to dedicate that part of the claimed route that ran through the wood (Section A-B). Following subsequent discussions and negotiations with landowners abutting (and with private access rights over) the roadway that connects the woodland to Liphook Road (Section B-C), all parties agreed to the principle of the County Council creating public footpath rights on route A-B-C.

2.6 Notwithstanding the offer to dedicate by the owner of Section A-B, because Section B-C is unregistered there is no freehold owner with the capacity to do likewise on this

section, meaning that public rights can only be created by an order under Section 26. So as to avoid undertaking two separate legal process, officers consider that it would be more straightforward to progress a single creation order to record the whole route via a creation order, and have consulted on this basis.

- 2.7 The route to be recorded differs very slightly from the route that was the subject of the DMMO application, with minor deviations at Points A (where the route exits the woodland several metres to the north of the claimed route) and Point B (where the route exits the woodland onto the access road approximately 45 metres to the west of the claimed route). These changes have been agreed by all parties to aid the management of the woodland for conservation purposes (Point A), and to improve the privacy of landowners abutting the access road to the south (Point B).
- 2.8 The proposed route commences at the hammerhead of Hilland Rise, a residential cul-de-sac that terminates at the edge of Hilland Woods. From here the path will proceed through a gap in a hedge/tree line (Point A) into the woodland and run generally south-westwards along a well-established path to a junction with an unmetalled access road serving several properties from Liphook Road. From here the route runs along the access road to a junction with Liphook Road (Point C – see below image). Various parts of the route between A-B are shown at Appendix 2 on a document that was provided by the owner of Hilland Woods showing proposed improvements and alterations during early-stage negotiations. The route will become publicly maintainable once it is added to the definitive map – the Area Countryside Access Manager has been consulted and is happy with the proposals.



### 3 Legal Framework for the decision

#### Section 26, Highways Act 1980

*(1) Where it appears to a local authority...that there is need for a footpath...over land in their area and they are satisfied that, having regard to –*

*(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and*

*(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to*

*compensation contained in section 28 below, it is expedient that the path or way should be created, the authority...may by order...create a footpath...over the land.*

#### **4 Consultations:**

4.1 The following organisations have been consulted on this proposal:

The Ramblers  
Open Spaces Society  
Headley Parish Council  
East Hampshire District Council

Responses (where received) are copied below.

#### **4.2 The Ramblers**

*'[This] is positive news and we back your judgement in this matter.'*

#### **4.3 Headley Parish Council**

*'Headley Parish Council discussed the proposed path at its meeting of Full Council on 11<sup>th</sup> March 2024 and totally support the proposed creation order by means of a Definitive Map Modification Order [sic].*

*This path was one of those that was shown on the Public Rights of Way User Evidence Forms submitted by the Parish Council to HCC in June 1988, and although it was not subject to the Creation Orders for two footpaths and one bridleway made in 1990, we are pleased that the request of path users and Hilland Estate residents will now be satisfied.'*

4.4 According to Land Registry records, the applicant for the original DMMO no longer lives at the address given on their application in 2010. As the applicant is no longer contactable, it has not been possible to consult them on the proposal. However, given that the proposal for the creation of the path is substantially similar to their original application, it is not considered that they would have been likely to object to it.

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

5.1 It would be open to the County Council to wait and investigate the DMMO application, in view of the significant level of officer time that would be involved in investigating and progressing a DMMO (possibly via the Planning Inspectorate in the event objections were received) and the fact that the proposed creation is substantially similar to the claimed route, this is not considered to be a preferred approach.

#### **6 Supporting information:**

- Appendix 1 – Location plan
- Appendix 2 – Landowner summary document (including photos of the route)

Approved by:

Date: 18/04/2024

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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.)

Document

Location

Claim Reference: DMMO 1052 (Headley)

Countryside Access Team  
Universal Services  
Hampshire County Council  
Three Minsters House  
76 High Street  
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

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.

482500

483000

# Location Map



482500

483000



**Proposal for the creation of public footpath rights  
between Hilland Rise and Liphook Road  
Parish of Headley**

## LEGEND

- - - - - Footpath to be created
- Public Bridleway

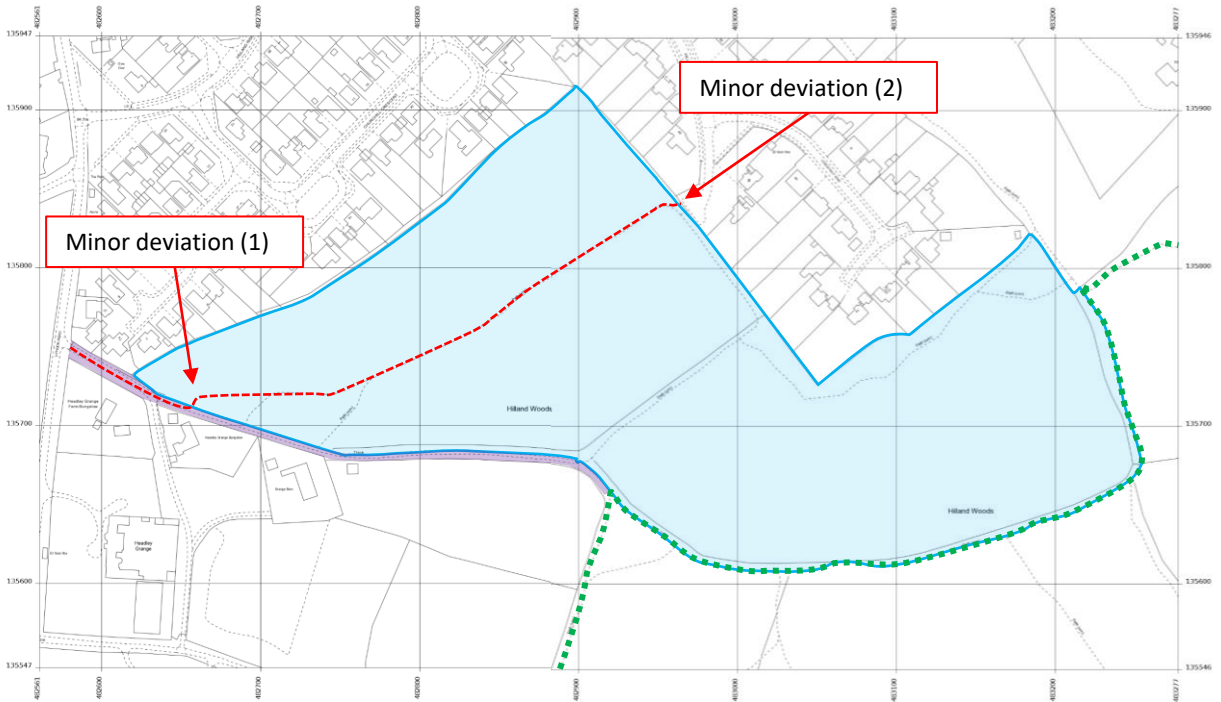
Countryside Access Team  
Universal Services  
Three Minster's House  
Winchester, SO23 8UL





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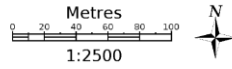
# Hilland Woods proposed minor deviations to claimed footpath route

23rd January 2024 David and Sarah Horne



-  Track/lane from Liphook Road
-  Public Bridleway
-  SH41893 Land lying to the North of Hurland Lane, Headley, Bordon
-  Proposed route of Public Footpath by voluntary dedication

Produced 26 Jan 2022 from the Ordnance Survey MasterMap Topography Database and incorporating surveyed revision available at this date.  
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



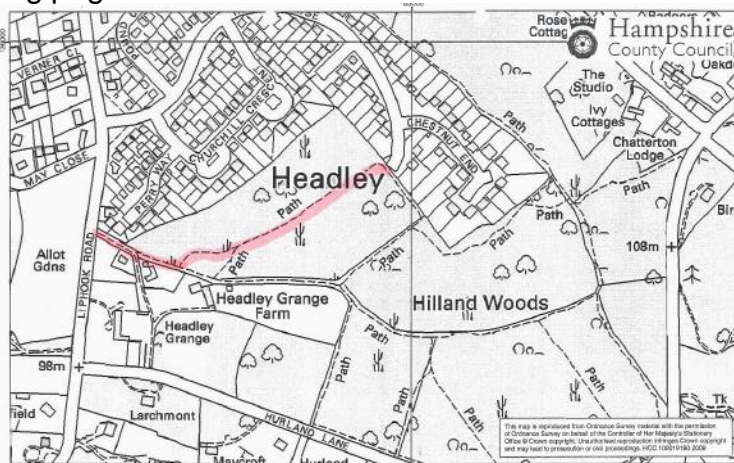
Supplied by: Stanfords 26 Jan 2022  
© Crown copyright and database rights 2022 OS 10003040  
Reference: 011520174  
Centre coordinates: 482761 135747

The originally claimed route is shown on the map below.

The proposed minor deviation (1) moves the junction of the footpath with the track/lane leading to Liphook Road approximately 30m closer to Liphook Road than the claimed route.

The proposed minor deviation (2) moves the entrance to the footpath from Hilland Rise approximately 5m northwestwards to allow for the installation of a five-bar gate at the existing wide entrance so as to prevent unauthorised vehicular access to the woodland.

See photos on following pages.



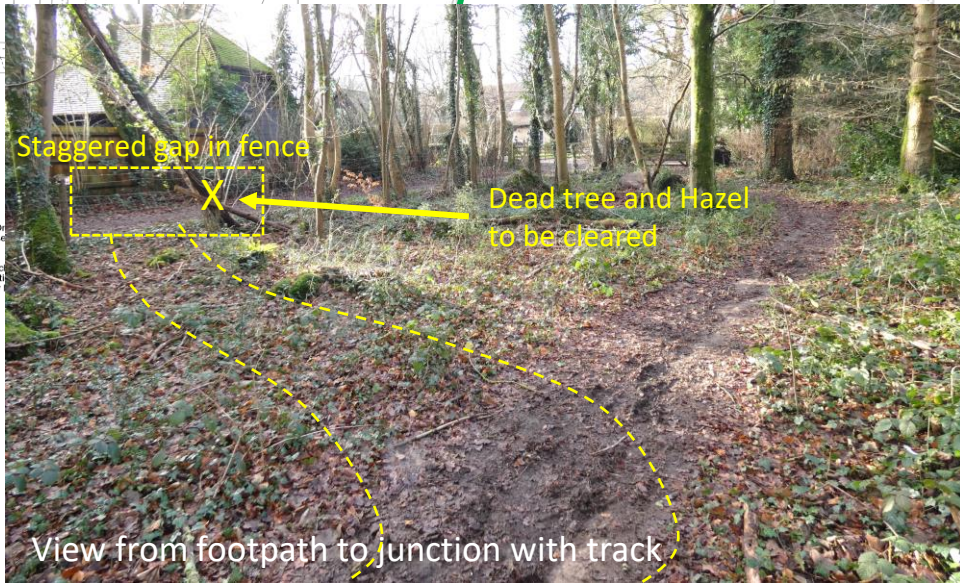
User Signature

Date 13.01.24

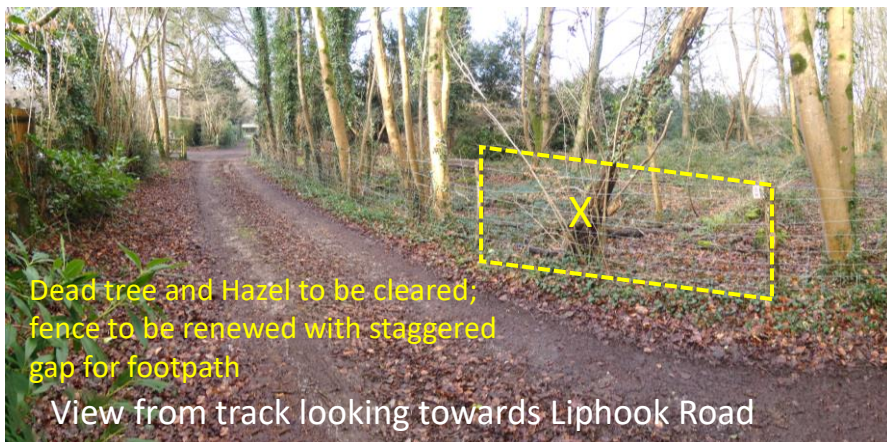
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# Hilland Woods proposed minor deviations to claimed footpath route

23rd January 2024 David and Sarah Horne



Produced 26 Jan 2022 from the Or MasterMap Topography Database revision available at this date.  
The representation of a road, track or a right of way. The representation lines is no evidence of a property

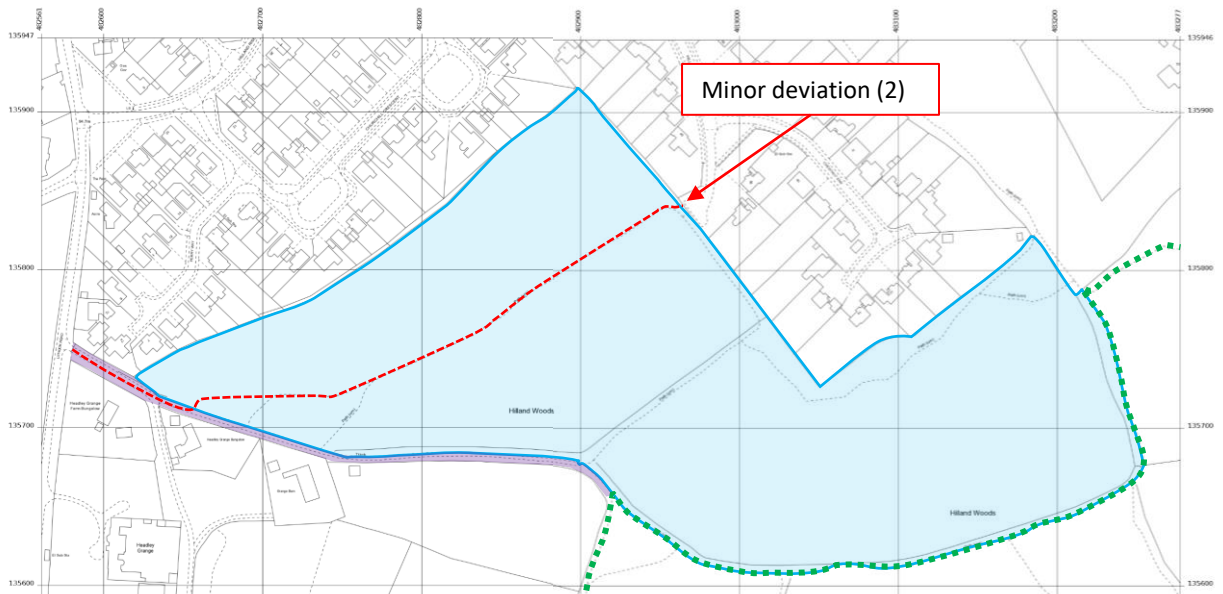


The proposed minor deviation (1) moves the junction of the footpath with the track/lane leading to Liphook Road approximately 30m closer to Liphook Road than the claimed route. A leaning dead tree and a hazel coppice stool will be removed and the fence will be renewed with a staggered gap at least 1.5m wide.



# Hilland Woods proposed minor deviations to claimed footpath route

23rd January 2024 David and Sarah Horne



Minor deviation (2) moves the entrance to the footpath from Hilland Rise approximately 5m northwestwards to allow installation of a five-bar gate at the existing wide entrance to prevent unauthorised vehicular access to the woodland. The new entrance will be opened by clearance of brush and fencing renewed leaving a staggered gap at least 1.5 m wide.