

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Strategic Manager
Date:	2 May 2024
Title	Application for Definitive Map Modification Orders to record a restricted byway from T58 Unclassified Road to T58 North Down Road, in the parish of Hurstbourne Tarrant.
Reference	1270
Contact name:	Ben Marsh, Definitive Map Officer
Email:	ben.marsh@hants.gov.uk

1. The decision:

That there is sufficient evidence for a DMMO to be made and that the claimed route should be added to the Definitive Map and Statement, the “DMS”, as a public bridleway with a width of 3.5meters.

2. Reason(s) for the decision:

Hampshire County Council has a duty to determine applications made under Section 53 of the Wildlife and Countryside Act 1981.

An analysis of the user and documentary evidence set out in the background report concludes that although there is some conflicting evidence, when taking all the evidence together, it provides a reasonable allegation of dedication under common law. Officers consider that the bridleway should be recorded as 3.5m wide in line with the aerial photography and mapping during the period of claimed use.

3. Consultations:

The following people and organisations have been consulted in relation to this application: The Ramblers, Open Spaces Society, Byways and Bridleways Trust, British Horse Society, Trail Riders Fellowship, Cycling UK, British Driving Society, Auto-Cycle Union, Land Access and Recreation Association, Test Valley Borough Council, Hurstbourne Tarrant Parish Council, HCC Local Member, and Countryside Access Team. Responses, where provided, are detailed at paragraph 24 – 26 of the decision report.

4. Comments by the landowners:

The owner of the land over which the claimed route travels and the owners of the land which abuts the route were also consulted. Responses, where provided, are detailed at paragraph 20 – 22 of the decision report.

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 A – Draft Order
- Appendix B – Documentary evidence guide
- Appendix C – User evidence chart

Approved by:

Date:

2 May 2024

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

Claim Reference: DMMO 1270
(Hurstbourne Tarrant)

Location

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.