

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods Countryside Strategic Manager
Date:	31 March 2025
Title:	Creation of public footpath rights between Bishops Waltham Footpath 36 and Claylands Nature Reserve Parish of Bishops Waltham
Reference:	PPO 5256

1. The decision:

That authority be given for the County Council to make a public path creation order under the provisions of Section 26 of the Highways Act 1980, to record a public footpath, 2.5 metres wide, running from Footpath 36 along a field edge, through Claylands Nature Reserve to a junction with Montague Road.

1. Reason(s) for the decision:

In February 2023, an application was submitted for a Definitive Map Modification Order ('DMMO') to record public footpath rights running between Bishops Waltham Footpath 36 to Claylands Nature Reserve, a site managed by Hampshire County Council (see route running between Points A-B on the Location Map), under the provisions of Section 53 of the Wildlife and Countryside Act 1981.

The applicant recently contacted the County Council seeking an update on the progress of their application and, on account of it being some way down our list of applications awaiting investigation, has asked the County Council to consider other means of expediting the matter. To this end, they have asserted that they were told during exchanges in 2022 that the landowner did not intend to object to the application to record the path as a public right of way.

Following discussions with the landowner's agent, it was confirmed that their clients would not object to the County Council recording the application route on the Definitive Map. The County Council has therefore taken the decision to resolve the application through the making of an Order under Section 26 of the Highways Act 1980.

Following further discussion, it was held that a longer route should be recorded through Claylands Nature Reserve via an existing desire line running to the southern boundary of the site, and onto a recently constructed tarmac path (approximately 20 metres in length) connecting to Montague Road. Consent was obtained from Bishops Waltham Parish Council (in its capacity as owner of the land between the nature reserve and Montague Road). It was acknowledged that the whole path to be created, including the tarmac section, would become publicly maintainable as a consequence of the order.

3. Consultations:

The following people and organisations have been consulted on this application: Bishops Waltham Parish Council, Winchester City Council, The South Downs National Park Authority, The Ramblers and the Open Spaces Society. Additionally, the County Council Member for Bishops Waltham, Councillor Jonathan Williams has been made aware of the application. Where responses were provided, these are set out below.

The Ramblers – confirmed that they “look forward to the path being recorded as a public footpath on the definitive map and statement for Bishop's Waltham”.

Winchester City Council – had no objections and noted that this is in the South Downs National Park.

Bishops Waltham Parish Council - resolved to support the footpath creation, with a note regarding the need for a regular vegetation maintenance plan to ensure the route is clear and accessible.

A path created under the provisions of Section 26 of the Highways Act 1980 automatically becomes maintainable at public expense. The Area Countryside Access Manager for the area has been consulted and has confirmed he is happy with the proposal. The Countryside Service Manager responsible for the Clayland Nature Reserve site has also confirmed he is happy with the proposal.

4. Conflicts of interest:

None

5. Dispensation granted by the Head of Paid Service:

N/A

6. Supporting information:

- Location plan
- Officer Decision Report

Approved by:

Date: 31 March 2025

Jonathan Woods – Countryside Strategic Manager

On behalf of the Director of Universal Services

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

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>
Application Reference: PPO 5256 Parish of Bishops Waltham	<i>Countryside Access Team Universal Services The Castle Winchester Hampshire SO23 8UD</i>

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 Public Path 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.