

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Group Manager
Title	Application for a Definitive Map Modification Order to upgrade Tangley Footpath 12 to a Byway Open To All Traffic Parish of Tangley
Reference	CR/1206

Tel: 01962 845326

Email: Jennifer.holden-warren@hants.gov.uk

1. The decision:

This is an application made by a member of the public in 2018 to upgrade Tangley Footpath 12 to a Byway Open to All Traffic. The application is supported by historic documentary evidence that the applicant believes demonstrates that higher public rights should be recorded along the route.

Having considered the evidence submitted with the application, and undertaken additional research of historic documentary evidence, it is considered that there are insufficient grounds to record a BOAT along the route.

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. The historical documents reviewed (set out in the accompanying background report) indicate that, on the balance of probabilities, there is insufficient evidence that Tangley Footpath 12 should be shown on the Definitive Map and Statement as a route of a higher status.

3. Consultations:

The following people and organisations have been consulted on this application: the Open Spaces Society, the Ramblers, the Auto Cycle Union, the Byways and Bridleways Trust, the British Horse Society, the carriage divers' representative, the CTC, Test Valley Borough Council, Tangley and Vernham's Dean Parish Councils, the Trail Riders' Fellowship, the Hampshire County Council Countryside Service Area Access Manager. Additionally, the local elected member of the County Council, Cllr North, has been notified. Where responses were received, these are set out below.

The Ramblers

As this is a claim based on historic evidence we will not be commenting.

Carriage Drivers' Representative

A new shared route that would be open to horse drawn vehicles would be welcome.

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

Comment: *NB – the former owner of Whistler's Farm, referred to in the Background Report disputes a number of assertions of the objector's solicitor, reported in paragraphs 18 and 43 of the report. These assertions were included in a section of the report that summarised consultation responses received from interested parties – they are **not** attributable to, nor do they reflect the views of, the County Council.*

Approved by:

Date:

24 October 2019

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/1206

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.