

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

#### (Non-Executive Decision)

<b>Decision Maker:</b>	Jonathan Woods Countryside Strategic Manager
<b>Date:</b>	21 May 2020
<b>Title</b>	Application for a Definitive Map Modification Order to record a public footpath from the A337 to Wainsford Road Parish of Hordle

**Tel:** 01962 845326

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

#### 1. The decision:

- 1.1 That the application for a Definitive Map Modification Order to record a public footpath from the A337 to Wainsford Road in the parish of Hordle be refused.

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

- 2.1 The application, which relies on user evidence, was submitted in 2009 by a member of the public. There is insufficient evidence to meet the tests set out under s31 of the Highways Act (1980), or to meet the standards required under the provisions of common law.
- 2.2 Six user evidence forms were submitted with the application but three of these were subsequently withdrawn. The remaining three forms were from individuals who were either tenants or employees of the Ministry of Agriculture, Farms and Fisheries (the former landowner).
- 2.3 The landowners have taken steps to prevent use of the claimed route, including erecting signage and gates; they have also challenged people using the route and one landowner has lodged a deposit with the County Council under the provisions of s31(6) of the Highways Act (1980).
- 2.4 The strength of use for the claimed route has been diluted by witnesses marking a large number of routes on their user evidence maps.

#### 3. Consultations:

- 3.1 The following people and organisations have been consulted on this application: Hordle Parish Council, New Forest District Council, New Forest National Park Authority, the Ramblers and the Open Spaces Society. Additionally, the County Council Member for New Milton North, Milford and Hordle, Councillor Carpenter, has been made aware of the application. Where responses were provided, these are set out below.

Hordle Parish Council

*Hordle Parish Council responded to the consultation with their support for the claimed route. Due to the restrictions as a result of the Coronavirus epidemic, Parish Councillors stated that they were not able to review the route on the ground but that the route appeared to provide a network benefit and safety improvement, as it would link to other paths and also take path users off the main road. One councillor stated that it would be beneficial if the path could be used by cyclists, as “the main roads [are] generally not safe for cycling, particularly for families”.*

The affected landowners were also consulted; their responses are set out in the decision report.

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

4.1 N/A

**5. Conflicts of interest:**

5.1 None.

**6. Delegated Authority**

6.1 This decision has been taken on the basis of express delegation from the Regulatory Committee.

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

7.1 N/A

**8. Supporting information:**

- Full Officer Report
- Location Map
- Appendix – User Evidence

**Approved by:**

**Date:**

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**21 May 2020**

**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**

<b>Hampshire safer and more secure for all:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes/no
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>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.</b>	

**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:  
Hordle DMMO 1017

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.**