

# HAMPSHIRE COUNTY COUNCIL

## Officer Decision Record

<b>Decision Maker:</b>	Jonathan Woods <i>Countryside Strategic Manager</i>
<b>Date:</b>	23 June 2020
<b>Title</b>	Application for a Definitive Map Modification Order to record four restricted byways at Bagnum Parish of Ringwood

**Tel:** 0370 779 0383

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

### 1. The decision:

That authority is given for the making of a Definitive Map Modification Order to record a restricted byway with a width varying between 3 and 11.7 metres along Route D, as shown on the attached plan. That no such Order should be made in relation to Routes A, B and C.

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

- The application was submitted in 2007 by a member of the public. The application was based on documentary evidence relating to four claimed restricted byways around Bagnum.
- Three of the four claimed routes (Routes A, B and C) were previously considered by the County Council in 1992 and the original application was refused. The County Council is unable to reconsider the conclusion reached in 1992 unless new evidence is presented which, when taken with the original evidence, is of sufficient weight to warrant the making of the order that has been applied for.. No such evidence has been presented in this case, and the investigation has therefore focused on Route D, which was not previously considered by the County Council.
- Following the submission of the 2007 application, user evidence relating to Route D was submitted to the County Council. This evidence is sufficient to meet the tests set out under s31 of the Highways Act (1980) and to meet the standards required under the provisions of common law.
- The documentary evidence demonstrates that Route D changed alignment in the mid-19<sup>th</sup> century following the creation of the former railway line, but the route has nonetheless existed since at least 1808, when it is first shown on a map. Route D is consistently shown as being of the same character as Charles's Lane and Bagnum Lane, although it considered that any motorised vehicular rights which may have existed will have been extinguished by the provisions of the Natural Environment and Rural Communities Act 2006.

### 3. Consultations:

The following people and organisations have been consulted in relation to this application: Ringwood Town Council, New Forest District Council, New Forest

National Park Authority, the Ramblers, the Open Spaces Society, the British Horse Society (including the carriage driving representative), the Byways and Bridleways Trust, and the CTC. Additionally, the County Council Member for Ringwood, Councillor Thierry, has been made aware of the application. Where responses were provided, these are set out below.

#### The CTC

The CTC conferred with a representative of Cycling UK and responded that there was data on Strava which showed 'considerable' use of part of Route C by cyclists, although much of this use appears to be linked to cycling events. Additionally, the response included images of an 1846 Ordnance Survey map and Milne's Map of Hampshire (1791) and states that the routes are shown on the maps.

#### New Forest National Park Authority

*The New Forest National Park Authority has no comment to make on the proposal. It is of note, however, that the proposed footpath is adjacent to a National Nature Reserve and therefore Hampshire County Council should take due regard to the relevant legislation.*

#### The Countryside Service Access Team Area Manager

The Area Manager stated that the claimed routes may have been used by the public due to the proximity to the open forest.

#### The Ramblers

*Ringwood & Fordingbridge Footpath society and Ramblers support this claim as we have long believed that these routes should be part of the Right of Way network. The claimed routes would take users away from very busy narrow highways reducing the risk of accidents and enabling good connections with other parts of the Right of Way network. A claim for three of the routes A, B and C was made in 1979 based on user evidence of 20 years unobstructed use, however much of the user evidence, although not disputed, was discounted at the time. We welcome this later claim and hope that the additional historic evidence will persuade HCC to grant the claim.*

#### Ringwood Town Council

*The Council has now had an opportunity to consider this application and, whilst we are unable to provide evidence, the Council wishes to support the claim and would welcome the addition of the four routes to the Definitive Map.*

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

#### **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
- Appendix – User Evidence

**Approved by:**

**Date:**

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**23 June 2020**

**Jonathan Woods – Countryside Strategic Manager**

**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

Claim Reference:  
Ringwood DMMO 255

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.**