

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – 01628 840043
Title	Creation of Bridleway rights in the parish of Ringwood

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1. The decision:

- 1.1 That the Access Group Manager approves the creation of a public bridleway under the railway bridge on Crow Arch Lane to complete the section of dedicated bridleway from Crow Arch Lane to Embankment Way; and for the Bridleway to be incorporated into the highway network under Section 26 of the Highways Act 1980.
- 1.2 That the Access Group Manager gives approval to procure, spend and enter into the necessary contractual arrangements to implement the scheme, at a total estimated cost not exceeding £5,000.

2. Reason(s) for the decision

- 2.1 Due to ongoing negotiations with Highways England (Historic Railway Estate) the County Council are still to secured the section of the proposed upgrade that travels under the railway bridge. In order to surface the route to the standard of the sections to be upgraded either side of the bridge, it is deemed necessary to create public bridleway rights over the route by order under Section 26.

3. Background to the decision:

- 3.1 Please read in conjunction with separate [Officer Decision](#) approved on 20 February 2020.
- 3.2 New Forest District Council had consulted the County Council in relation to a planning application ref: 18/11648 for a development at Crow Arch Lane, Ringwood. One of the obligations for the site is to upgrade the adjacent track to allow cycling and to surface the route.

- 3.3 The Landowners have already agreed to dedicate a public bridleway from Crow Arch Lane to the eastern side of the railway bridge and a creation agreement is currently being secured under Section 25 Highways Act 1980. The Highways Department are also securing a multi-user route from the western side of the railway bridge to Embankment Way.
- 3.4 Highways England responded to an initial consultation regarding the creation of the public bridleway rights, with the following comment:
- “The opening of the route beneath the bridge is unfortunately not something that we can agree. The bridge has also continually had posted non-dedication plates in place. Opening a route beneath the structure is against our remit from the DfT, it increases the liability placed upon the DfT and also prevents our ability to infill the structure should the condition dictate”.*
- 3.4 It will therefore not be possible to secure public bridleway rights by agreement and will therefore be necessary to proceed with an order under s26. When making an order under s26 the County Council as Highway Authority must consider the effect which the creation of the path or way would have on the rights of persons interested in the land, and there are provisions for compensation provided in s28 of the Act.
- 3.5 An application for compensation must be made to the Secretary of State once the creation order has been made and are subject to the depreciation of land value, or damage to a person being disturbed in their enjoyment. It is not deemed that there would be any depreciation, or damage to enjoyment, caused to Highways England. The County Council’s Estates Team have been consulted and have confirmed that any compensation, if awarded, would be negligible.
- 3.6 As well as being identified for upgrade within the Local Plan, the route also forms part of the existing cross-county promoted route, the Castleman Trail, and is highlighted for improvement within the Countryside Access Plan. Available records indicate that the County Council has been working to secure a formal public right of way over the route since the 1970s. It is therefore considered that the need for the public right of way is evident, and that it is expedient for the Bridleway to be created.
- 3.6 The developer is not obligated to complete the surfacing works to the section of the route that travels under the bridge, however if it is possible to promptly secure the public bridleway rights then the developer could complete the works.
- 4 Other options considered and rejected**
- 4.1 Highways England have suggested that they would agree to public bridleway rights being created under the railway bridge if the County Council took on the ongoing maintenance of the structure. It is not deemed prudent for the County Council to take on the ongoing maintenance of the structure as it does not add value to the objective, which is obtaining the necessary public right of way.

4.2 It has also been proposed that Highways England could provide permission for surfacing works under the bridge and for the route to remain permissive. Highways England were not agreeable to this proposal.

5 Conflicts of interest:

5.1 None.

6 Dispensation granted by Head of Paid Service:

6.1 N/A.

7 Dispensation granted by the Head of Paid Service:

7.1 N/A.

8 Supporting information:

8.1 Draft Dedication Plan.

8.2 [Officer Decision](#) of 20/02/2020.

Approved by:

Date:

& June 2020

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**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): yes	
Maximising well-being:	yes/no
Corporate Improvement plan link number (if appropriate): yes	
Enhancing our quality of place:	yes/no
Corporate Improvement plan link number (if appropriate): yes	

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

N/A

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.