

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

<b>Decision Maker:</b>	Jonathan Woods <i>Countryside Service Strategic Manager</i>
<b>Date:</b>	18 March 2021
<b>Title:</b>	Application for a Definitive Map Modification Order to record a restricted byway between Cranbourne Lane and Wessex Close  Parish of Basingstoke

**Contact name:** Jennifer Holden-Warren, Map Review Officer

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

#### 1. The decision:

- That the application for a Definitive Map Modification Order (DMMO) to record a public restricted byway between Cranbourne Lane and Wessex Close in the parish of Basingstoke be partially accepted.
- That a DMMO should be made to record a bridleway between Cranbourne Lane and Wessex Close, with a variable width between 2.5 and 6 metres. The gates near point B and the barrier at the southern boundary of the school grounds should be included in the Order as limitations.

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

- The application, which relies on user evidence and historic documentary evidence, was submitted in 2008 by a resident of Basingstoke.
- Before the creation of the Southern Ringway and Cranbourne School, the claimed route was part of Cranbourne Lane, which was a through road. The route was first shown on Taylor's Map of Hampshire in 1759 and is consistently depicted on maps between this time and 1972, when part of the road appears to have been stopped up and a subway built as part of the Southern Ringway works.
- The user evidence demonstrates that the public have continued using the claimed route without force, without secrecy and without permission and therefore have reacquired a right of way along the route. The landowner (Hampshire County Council and Cranbourne School) does not appear to have taken any action to prevent the public from using the path.

#### 3. Consultations:

The following people and organisations have been consulted on this application: Basingstoke and Deane Borough Council, the British Horse Society, the Byways and Bridleways Trust, Cycling UK (the CTC), the Open Spaces Society and the Ramblers. Additionally, the County Council Members for Basingstoke Central, Councillor Michael Westbrook, and for Basingstoke South East, Councillor Gavin James, have been

made aware of the application. Where responses were provided, these are set out below.

#### The Ramblers

*I have no direct experience of this route and do not have access to the original submission. Nevertheless it seems clear that an expectation of being able to use this route exists, as evidenced by provision of a subway. The Ramblers support this DMMO application.*

#### Cycling UK

*Cranbourne lane has always been open to the public and is a popular route. It links Winchester road to the Viables roundabout and places beyond. I am not sure at what date it was closed to motor traffic through the underpass which goes below the Ringway south. The latter was built in the late 1970s or in the 80s. To-day Cranbourne lane is heavily used by pedestrians and cyclists as it is a convenient link in a network of urban paths. (...) Cranbourne lane is clearly shown on old maps as a through road. (...) It would therefore appear that Cranbourne lane has a long history and been well used in the past. It would have provided people from local villages such as Farleigh, Cliddesden and Ellisfield with a **direct route** into town. (...) I am delighted that at long last Cranbourne lane is being considered for inclusion on the definitive map as a restricted byway, although sad that it has taken so long to get to the "top of the pile". This is an important strategic cycling and walking route used by a lot of people to-day. Historically it was much more important and used at least since the eighteenth century and probably long before that.*

Basingstoke and Deane Borough Council Member, Councillor Andrew McCormick  
Cllr McCormick responded to the consultation to express his support for the application.

#### Basingstoke and Deane Borough Council Member, Councillor Jack Cousens

*The path in question is well used by residents of Brookvale & Kings Furlong as well as by residents from further afield. (...) I would like to see the pathway remain open to the public and its access and use to be continued as it currently is.*

#### Hampshire County Council Member, Councillor Michael Westbrook

*The route is well used by the public, I indeed walk or cycle this route regularly myself. I have also over the last year, supported via my members grant, a defibrillator for Cranbourne School which lies adjacent. One of the reasons for supporting this was that it would be accessible to the public who frequent this route therefore making it of community benefit.*

#### Hampshire County Council Member, Councillor Gavin James

*Having been to see it, I would agree that it is a much used route by cyclists and pedestrians, and on the day I went a really slow runner as well! Vehicle access would only be of benefit to the School, who would have control of the gates anyway, so it seems appropriate to take the steps to secure the rights of local people using it as a walk through especially as we look to encourage walking and cycling*

## **4. Landowner Comments**

Consultation letters were sent to Cranbourne School and the Children's Services Department of Hampshire County Council, as the landowners. Cranbourne School did

not provide a formal response to the consultation but indicated that they opposed the application.

A letter was also sent to Basingstoke and Deane Borough Council, as they own the land which abuts part of the route (they own the cycle path around the southern perimeter of the school). The Borough Council issued the following statement:

*I have circulated this consultation to appropriate teams within the Council and they are unable to give any evidence as to the footpath's use. Our Property Services and Open spaces teams have confirmed that we do not own the area of land concerned and therefore cannot verify its uses. It is not HCC adopted highway. Our planning team believe that it is within the curtilage of the school grounds and they are probably best placed to confirm its use. Also, if it does become part of the definitive map, there may be issues with regard school security, but this is outside of our remit.*

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

N/A

**6. Conflicts of interest:**

None.

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

N/A

**8. Supporting information:**

- Full Officer Report
- Location Map
- User Evidence Chart

**Approved by:**

**Date:**

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**Jonathan Woods – Countryside Service Strategic  
Manager**

**18 March 2021**

**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:  
DMMO 1010

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.**