

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Countryside Strategic Manager
Date:	15/12/21
Title:	Agreement for a licensed footpath in the Parish of Andover
Reference:	A303 Andover Permissive Path
Report From:	Area Countryside Access Manager- North

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1. Executive Summary

1.1. National Highways (formerly Highways England) have agreed to enter into an Agreement with the County Council for the provision of a permanent licensed permissive footpath alongside a short section of the A3030 in the vicinity of Andover. This report relates the granting of this licence, for the same path, with the landowner. It is considered that the path would be of benefit to the public by enabling them to avoid walking on the verge of the A303 safely by avoiding a dangerous and busy road with no footway. This route links two public rights way. Andover FPs 28 and 38. The agreement of this licence is recommended for acceptance.

2. Legal framework for the decision:

2.1 LOCAL GOVERNMENT ACT 1972:

s.111 Subsidiary powers of local authorities

- 1) ...a local authority shall have power to do any thing (Whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

3. Freeholder :

3.1 National Highways, Bridge House,1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ

4. Background

- 4.1 The Andover group of the Ramblers Association contacted the County Council in September 2018 to investigate the creation of a permissive footpath along a short section of woodland under the ownership of Highways England which runs alongside the A303. The route would create a link to two existing public rights of way. Following site visits and discussions with Highways England, both parties agreed to the provision of a permissive footpath running on the identified section. The A303 does not have a footway by the side on this section and is potentially dangerous for use by members of the public because of the speed and volume of motor traffic. The landowner is prepared to offer a licensed permanent footpath with the County Council being responsible for the establishment, maintenance and public liability of the path.

5. Description of the footpath (please see attached maps):

- 5.1 The path runs between the southern sections of cul-de-sac routes, Andover Fps 28 and 38 at the base of bank through of belt of woodland on the north side of the A30s. The proposed route at no point comes within 10m of the existing road. See map.

6. Financial implications:

- 6.1 The footpath runs through a strip of woodland requiring minimal vegetation clearance and the installation of two waymarking discs. This work would be undertaken by volunteers on behalf of HCC. As such, there is minimal financial implications for the County Council.
- 6.2 The Agreement places a duty on the County Council to maintain the path to a standard commensurate with a rural public footpath, and to accept liability for accidents on it that cannot be attributable to the actions of the landowner. In the previous agreements this duty did not amount to anything other than the occasional site visit and the replacement of advisory notices.

7. Recommendation:

- 7.1 That the County Council enters into an Agreement with National Highways to create a permanent licensed footpath alongside the A303 on the section identified.

This report does not require impact assessments but, nevertheless, requires a decision because authority is needed for the County Council to enter into an agreement with another body.

Approved by:

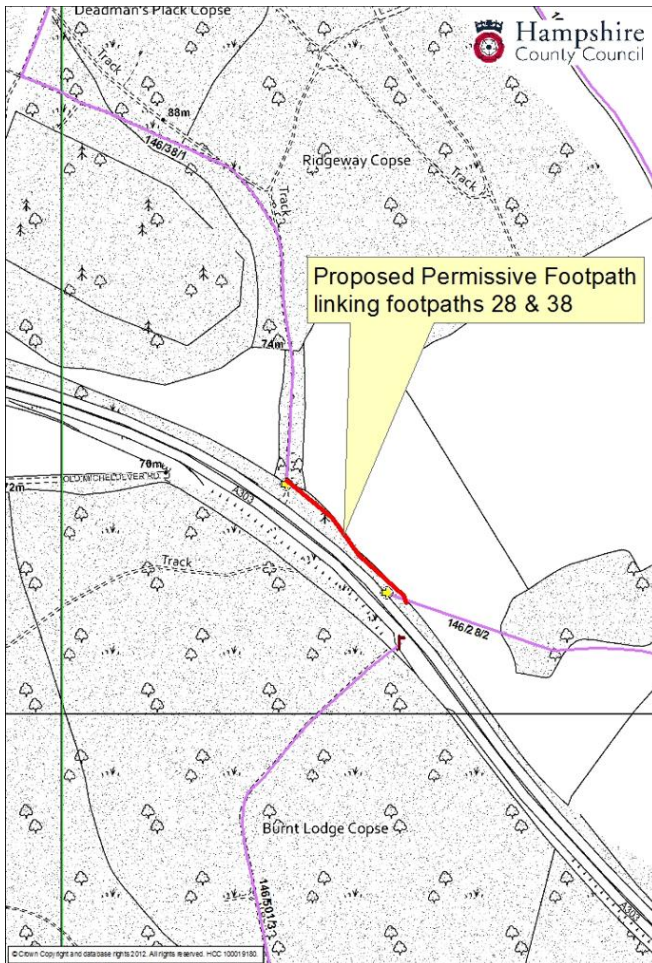
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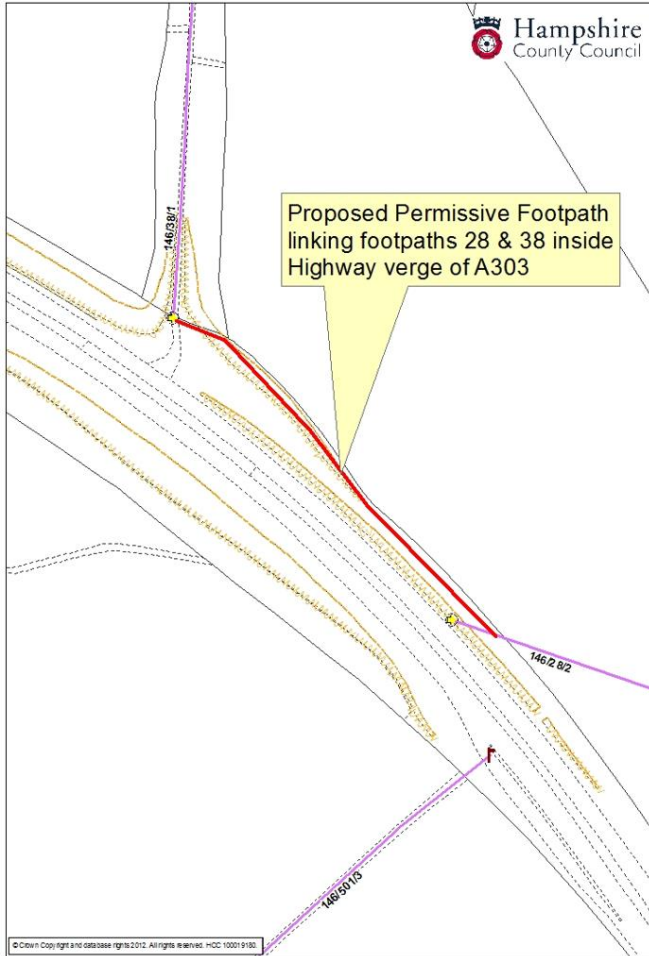
6 January 2022

Jonathan Woods – Countryside Access Group Leader

**On behalf of the Director of Culture Communities and
Business Services**

Map





CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because authority is needed for the County Council to enter into an agreement with another body.	

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.)

DocumentLocation

Legal Services,
The Castle,
Winchester,
SO23 8UJ.

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1.

2. Impact on Crime and Disorder:

2.1.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?