

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 11th September, 2019

Chairman:

* Councillor Peter Latham

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| * Councillor Lance Quantrill | * Councillor Alexis McEvoy |
| * Councillor Christopher Carter | * Councillor Neville Penman |
| * Councillor Mark Cooper | * Councillor Stephen Philpott |
| * Councillor Rod Cooper | Councillor Roger Price |
| Councillor Roland Dibbs | * Councillor Jan Warwick |
| * Councillor Jane Frankum | * Councillor David Harrison |
| * Councillor Marge Harvey | * Councillor Pal Hayre |
| * Councillor Keith House | |
| Councillor Gary Hughes | |
| * Councillor Wayne Irish | |

*Present

150. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Roger Price and Councillor Gary Hughes. Councillor's David Harrison and Pal Hayre attended as deputies.

151. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

152. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

153. DEPUTATIONS

The process for deputations was explained and it was confirmed that there was one deputation for the meeting.

154. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman invited Harry Goodchild, Map Review Manager, to address the Committee regarding Rights of Way applications due to the two items on the agenda being first submitted 10 and 12 years ago. Mr Goodchild confirmed that the County Council had a backlog in applications due to historic resourcing issues and also because of a surge of applications over the past few years following a 25 year limit being imposed. The latter factor alone had doubled the number of applications awaiting attention. The team had since expanded and the process had been streamlined, allowing applications to be processed quicker and it was anticipated that waiting times would soon improve going forward.

155. **CR1020 - APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A PUBLIC BRIDLEWAY FROM CORHAMPTON ROAD TO DROXFORD FOOTPATH 1, AND TO UPGRADE PART OF DROXFORD FOOTPATH 1 TO A BRIDLEWAY – PARISHES OF DROXFORD, AND CORHAMPTON & MEONSTOKE**

The Committee considered a report from the Director of Culture, Communities and Business Services (item 6 in the minute book) regarding an application to record a bridleway in Droxford.

The officer introduced the item and summarised the history of the application as detailed in the report, confirming that the relevant period was between 1998 and 2008. The claimed route was shown on a diagram for the Committee and the different points were highlighted. The existing unused route to the north of Corhampton Road was also shown. Members were taken through the legal tests that applied, as well as the user evidence forms that had been received, of which there were 29 responses varying from 1-250 journeys per year across various parts of the route.

Whilst a 'private' sign had been erected, this had only been within the past few years and did not apply to the time period in question. It had been claimed that a gate had been installed for several months between 1991-1997, which again fell outside of the timeframe for the application.

The Committee received one deputation for this item. Stephen Whale spoke on behalf of a local resident, Mr Newhouse, and also as a local resident himself. Mr Whale highlighted paragraphs 30 and 31.1 in the report, which confirmed that there had been verbal exchanges with horse riders to inform them that the path was not a bridleway, and signs had been placed along various parts of the route and adjoining subsidiary paths. It had been reported that the signs were not clear enough to passers by, which Mr Whale disagreed with considering the commercial nature of the woodland.

During questions of the deputation, the following points were confirmed:

- The proposed bridleway gave neighbouring residents concerns regarding privacy and also the increase in numbers of those using the path. Whilst there were no previous security incidents that caused concern, the height of people on horses meant it was easier to see into the grounds of adjoining properties;

- In the 2018 to the officer objecting to the application, no photographic evidence of signs was provided;
- Mr Whale disagreed that a sign simply stating 'Private' was inadequate;
- The landowner was not obliged to stop all users of the path, but had to do a reasonable number and it was felt this had been done.

During questions of the officer, the following points were clarified:

- The landowner could have taken more effective steps to prevent horse riders using the path by submitting a landowners deposit or having more effective signage during the period in question.
- Due to the numbers that continued to use the path, it was apparent that verbal warnings were not effective and so further steps could have been taken.

In debate, Members agreed that there were areas of doubt and that a judgement had to be made on the evidence available, balancing the impact and reliability of anecdotal evidence.

RESOLVED

1. Authority was given for the making of a Definitive Map Modification Order to record:
 - i) A Bridleway 9 feet in width, as shown between points A – B – C on the attached plan.
 - ii) A Footpath, 9 feet in width, as shown between points F – G on the attached plan (extinguishing Path 37).
 - iii) A Footpath 1.5 metres in width, as shown between points G – H on the attached plan.
2. Authority was given to remove the limitations (gates) from the Definitive Statement of Droxford Footpath 1.

Voting

Favour - 15 (unanimous – both recommendations 1 and 2, which were voted on individually)

156. **CR993 - APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A PUBLIC BRIDLEWAY FROM THE MIDDLEWAY TO LONDON ROAD IN HAREWOOD FOREST.**

The Committee considered a report from the Director of Culture, Communities and Business Services (item 7 in the minute book) regarding an application for a bridleway in Longparish.

The officer introduced the item and summarised the application as presented in the report, and it was confirmed that the 20 year period being looked at was 1973 - 1993. Significant use had been put forward as evidence, particularly that of horse riders and cyclists.

It was confirmed that the Middleton Estate had put forward an objection, but many challenges to the use had been done since 1996, so were not relevant to the application and time period being considered.

The Committee was satisfied with the report and supporting evidence.

RESOLVED

Authority was given for the making of a Definitive Map Modification Order to record a Bridleway, 3.5 metres in width over the section of the claimed route that travels over the existing Andover Footpath 68, 3metres over the rest of the route which is not currently recorded as a right of way, as shown between points A - B in Appendix C to the report.

Voting:

Favour – 15 (unanimous)

Chairman,