

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 cut off date of 2025 for recording rights of way based solely on historic evidence which had been imposed by the Countryside and Rights of Way Act 2000. 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 of use to be considered under s31 Highways Act was between 1998 to 2008. The claimed route was shown on a diagram for the Committee and the different points were highlighted. Evidence of use over other routes had also been submitted with the user evidence which had also been considered, these routes were also highlighted. 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.

It was reported that 'private' signs had been erected along the route and that a 'No Bridlepath' sign had been erected at the southern end of the route at Dundridge Lane.

Whilst 'private' signs had been erected along the route, the officer outlined that signs which indicate that land is private, do not necessarily indicate that there is no public right of way, the question of signage had been considered in *Burrows v SSEFRA* (2004). It was also reported that when questioned about the 'Private' signs that the landowner had stated that they were intended to imply that the track was private to vehicles. The 'No Bridlepath' sign was reported to have only been erected more recently and did not apply to the time period in question. It had also been claimed that a gate had been installed for several months between 1991-1997, however, none of the users of the route who had submitted evidence had reported to have ever seen a gate, the landowners had not submitted any documentary evidence of the gates existence.

The Committee received one deputation for this item. Stephen Whale spoke on behalf of the owner of Hazelholt House and also as a local resident himself. Mr Whale highlighted paragraphs 30 and 31.1 in the report, which confirmed that

there had been a couple of 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 clarified:

- 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 letter 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 declaration under s31 Highways Act to the County Council, or having erected more effective signage telling users that there was no public right of way to equestrians and cyclists.
- Due to the numbers that had reported not to have been challenged and that had continued to use the path, it was apparent that the verbal warnings were not effective to convey to the public at large that the route was not a Bridleway, and that further steps could have been taken.

In debate, Members agreed that there was some conflict in the evidence, 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, it was confirmed that the 20 year period being looked under s31 Highways Act 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 and had submitted statements from three employees, who have, in instances where they encountered members of the public away from public rights of way, they had asked them to return to the designated paths. However, as these employees worked for the Estate from 1996 onwards, any challenge issued by them to members of the public had fallen outside of the relevant period being considered.

The Committee was satisfied with the recommendations made within 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, 3 metres over the rest of the route, as shown between points A - B in Appendix C to the report.

Voting:

Favour – 15 (unanimous)

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Chairman,