

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Jonathan Woods <i>Countryside Service Strategic Manager</i>
Date:	14 January 2021
Title:	Proposal to extinguish parts of Bishopstoke Footpaths 781 and 736, and to make a Definitive Map Modification Order to record an alternative route between Footpaths 736 and 506 Parish of Bishopstoke

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1. The decision:

- 1.1 That authority is given for the making of a Definitive Map Modification Order (DMMO) to record three new public footpaths with a width of 1.5 metres as shown between Points A and B and between Points D and E, in addition to a short spur route at point C (please refer to the attached plan).
- 1.2 That authority is given for the extinguishment of the northern three sections of Footpath 781 (points F, G and H).
- 1.3 That authority is given for the extinguishment of a section of approximately 40 metres of Footpath 736 near Oak Coppice Close (between points A and D).

2. Reason(s) for the decision:

- 2.1 For around 40 years, there has been an anomaly on the Definitive Map of Rights of Way, whereby the three northern sections of Footpath 781 have been built over and the route was not diverted or extinguished at the time of the development. Currently, the route is obstructed by nine properties. It is believed that this development took place in the late 1970s or early 1980s.
- 2.2 There is a further anomaly on Footpath 736, where the line of the path is obstructed by mature trees and vegetation (between points D and A on the attached plan); the public have been using an adjacent metalled path instead.
- 2.3 As part of a review (carried out in 2020) of the rights of way network in this area of Bishopstoke, Highway Adoption plans were checked and a number of footpaths were subsequently added to the Definitive Map. However, whilst Eastleigh Borough Council indicated that there had been an adoption plan for the DMMO routes

proposed here, the plan could not be located. The routes are nonetheless on the list of Highways Maintainable at Public Expense.

- 2.4 The proposal is therefore to make a DMMO to record three routes between A-B, D-E and at point C. These paths are metalled and are in regular use by the public because they are the alternative routes following the development in this area. Upon completion of this process, it is further proposed that an order will be made to extinguish the obstructed sections of Footpaths 736 and 781 under Section 118 Highways Act 1980.

3. Other options considered and rejected:

- 3.1. N/A

4. Consultation

- 4.1 The following people and organisations have been consulted on this application: Bishopstoke Parish Council, Eastleigh Borough Council, the Ramblers and the Open Spaces Society. Additionally, the member of the County Council for Bishopstoke and Fair Oak, Councillor Thornton, has been made aware of the application. Consultation letters were also sent to the affected landowners. Where responses were provided, these are set out below.

4.2 The Ramblers

The Ramblers initially responded to the consultation to provide a background to the issue (that the obstruction was caused by development in the 1970s and 1980s) and to indicate that they would object to the extinguishment of Footpath 781 if no alternative provision was made. Following this, a discussion was held with a representative of the Ramblers and the routes set down in the highway adoption plans (which were already being identified prior to the discussion) were added. In November 2020, The Ramblers confirmed that they were satisfied with the proposals:

Whilst we cannot undo the mistakes that were made when all the roads and dwellings were built on the line of Footpath No 781 Bishopstoke what you have done gives the best outcome that could now be achieved.

- #### **4.3 The Countryside Service Access Southern Area Manager and the Senior Ranger**
- The Area Manager and Senior Ranger responded to the consultation with their support for the proposals.

4.4 Eastleigh Borough Council

A representative of the Borough Council stated that they had “no objections” to the proposals.

4.5 Mill Lodge Properties Ltd.

Mill Lodge Properties outlined their objection to the proposal, on the grounds that it impacts their land “when in fact the Forestry Commission should be clearing the original footpath and the alternative that you show in red has not been used for the required minimum of 20 years.”. Following receipt of this letter, a response was

sent to clarify the proposals, which will extinguish obstructed and unusable footpath rights along the company's land parcel. No further response was received.

5. Conflicts of interest:

5.1. None.

6. Dispensation granted by the Head of Paid Service:

5.1. N/A

6. Supporting information:

6.1. Location Map

6.2 Decision Report

Approved by:

Date:

15 January 2021

Jonathan Woods – Countryside Service Strategic Manager

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

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 1339

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