



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR BUSINESS SERVICES**

**TOPIC – PROPOSAL TO DEDICATE PUBLIC FOOTPATH, BAR END ROAD, WINCHESTER**

**PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Chief Operating Officer, the Chief Executive and the Chief Finance Officer are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on Thursday 9 October 2014.**

**Contact Officers:**

**Case Officer:** Fiona Sutherland, Planning and Information Solicitor: 01962 848 513, fsutherland@winchester.gov.uk

**Democratic Services Officer:** Nancy Graham, 01962 848 235, ngraham@winchester.gov.uk

**SUMMARY**

- For many years, the Definitive Map of Public Footpaths maintained by Hampshire County Council, had not accurately shown the routes of public footpaths in the area around Barfield Close/ Bar End Road. Hampshire County Council was keen to remedy this, as was Winchester City Council (most of the footpaths being on land owned by the City Council).
- This has now been remedied, except for Footpath No 6 which runs through an area of open space accessed from Bar End Road, Winchester. At its southern end the legal route of the footpath is blocked by a fence (for safety reasons) before dropping 10 or so metres into the T J Waste Recycling Depot.

This route has not been capable of use for decades and the public have used an alternative route through the open space which connects to steps leading to Domum Road.

- Hampshire County Council Rights of Way team have suggested that the best way to resolve this is to dedicate the route that is actually in use by the public so that it will become a public footpath shown on the Definitive Map. Footpath 6 will in due course then be extinguished. There will be no effect on the public as the route to be dedicated is already in use.
- Authority to enter into the formal agreement with Hampshire County Council is required and is the reason for this Portfolio Holder's Decision Notice.

### **PROPOSED DECISION**

That authority be given to the Head of Estates to:

- (i) enter into a formal Dedication Agreement or other appropriate arrangement to secure the dedication of the footpath (shown on the plan in the Appendix to this Notice by a dashed line) as a public footpath, and
- (ii) to take whatever steps are required to enable Hampshire County Council to formally extinguish Footpath 6 which is no longer capable of use along its full length

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

When the depot at Barfield Close was being planned, it became clear that the Definitive Map of Public Footpaths, maintained by Hampshire County Council, did not accurately show the network of footpaths in the area around Barfield Close.

Consequently, a new footpath (No 513) was constructed to replace Footpath 24 which crossed through the site of the new depot. Footpath 24 was then legally extinguished as it was no longer required.

Much of Footpath 6 to the north of the new depot was also found to be incapable of use. Although the existing definitive route of Footpath No 6, is shown to run through the open space accessed from Bar End Road and connect up with Footpath 513, this is not what actually happens. At its southern end, Footpath 6 ends in a fence as there is a steep drop of some 10 metres into the T J Waste Recycling Depot through which the definitive route passes. At the fence, the definitive route becomes impossible to use and has been out of use for decades.

The public has instead been using an alternative route which is shown as a dashed line on the plan in the Appendix to this Notice. The alternative route runs roughly parallel to the legal route, crossing through the open space before joining Domum Road via a set of steps. This route is already signposted at each end.

### Proposed Changes

The intention is that the City Council will formally dedicate as a public footpath the route that is currently used by the public. In all likelihood it has been in use for over 20 years and has therefore already become a public footpath. For the avoidance of doubt, there will be a formal dedication agreement with the County Council. Once this happens, the County will be able to take the necessary legal steps to extinguish Footpath 6.

The decision is necessary in order to ensure that the Definitive Map of Public Footpaths is accurate and to ensure that there is a public footpath through the open space. There are no other options.

### **RESOURCE IMPLICATIONS:**

There are no resource implications in terms of maintenance of the new route since it is currently maintained by the City Council as landowner. The Council may have to pay Hampshire's legal and administrative costs for the work involved in preparing the Dedication Agreement. This is likely to be no more £500 and can be met from within existing budgets. Failure to do this will affect the value of the TJ Waste Recycling Depot, of which the Council is the freehold owner.

### **CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION**

No consultations have been undertaken because the dedication of this route as a public footpath will have no effect on the management of the open space or its use by the public. Once Hampshire County Council commences the process of extinguishing Footpath 6, it is a legal requirement of the process that full consultation with the public takes place, by press advertisement and consultation with various bodies, including the Ramblers Association and the Open Spaces Society.

### **FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

n/a

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

None.

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

n/a

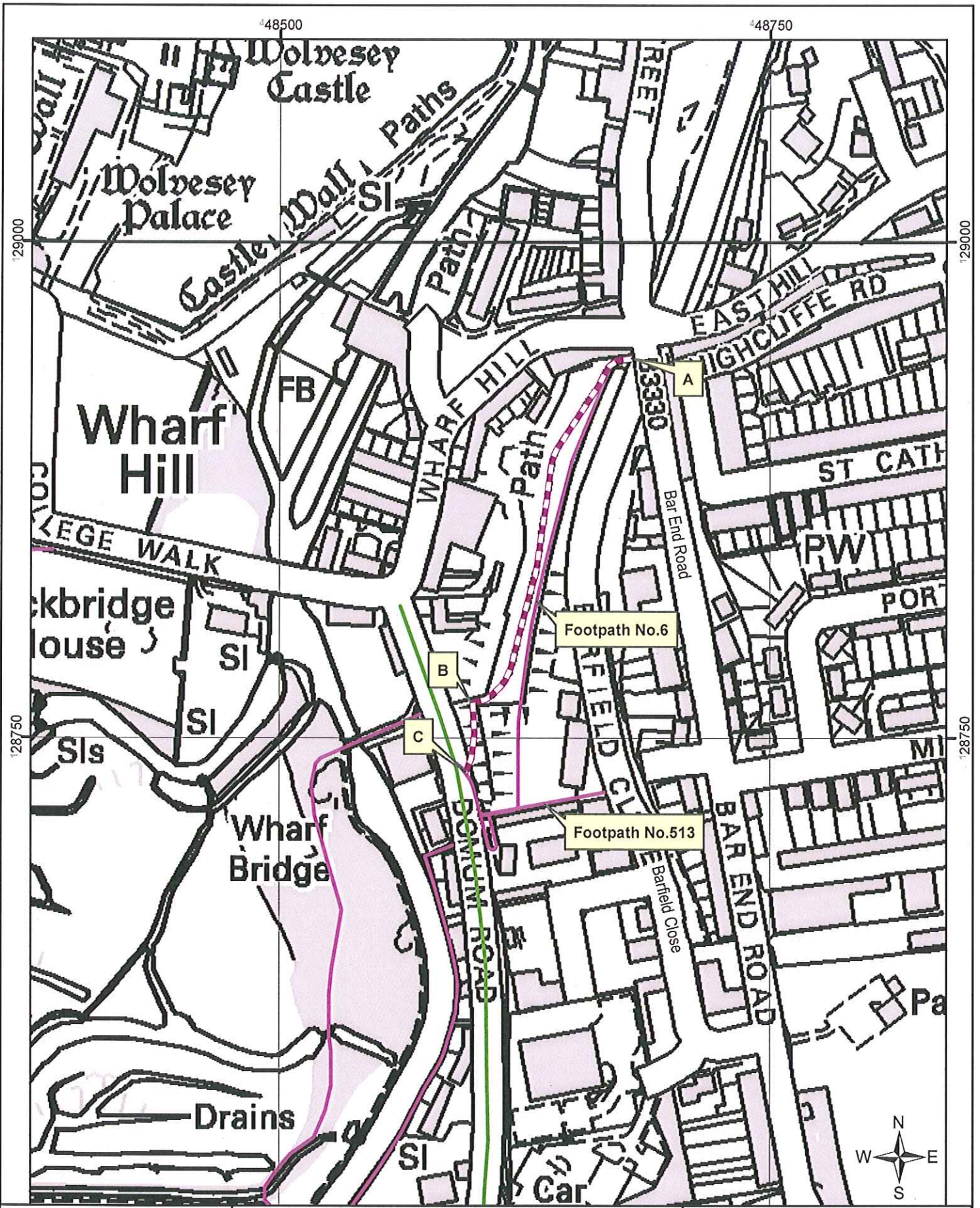
**APPENDIX**


Plan showing Proposed Dedication at Bar End Road, Winchester

**Approved by: (signature)**

**Date of Decision**




**Councillor Stephen Miller – Portfolio Holder for Business Services**




**Hampshire**  
 County Council

**SCALE** 1:2500  
**DRAWN** ES  
**DATE** 04.09.2014

**Proposal to Dedicate Public Footpath**

 Route to be Dedicated as Public Footpath  
 Existing Public Footpath  
 Existing Public Bridleway

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