

PUBLIC RIGHTS OF WAY: FOOTPATHS, BRIDLEWAYS AND BYWAYS

The Parish of Nether Wallop has a large network of Rights of Way, comprising 23 footpaths, one bridleway, and 9 restricted byways. In simple terms, footpaths are for walking; bridleways for walking, horse riding and cycling; and Restricted Byways are for walking, cycling, horse riding and other non-motorised vehicles. (There is legally a fourth class, Byway Open to All Traffic “BOAT” but Nether Wallop does not have any of these).

Maintenance:

The legal duty for recording, signing, and maintaining the Rights of Way lies with Hampshire County Council. In practice, the Council has very limited resources, and only carries out clearance of a five nominated Rights of Way in our Parish once a year (usually Aug/Sep). Routine clearance is therefore carried out, as required, on a voluntary basis by the NWPC Rights of Way Officer, and other volunteer assistants.

Problems can easily be reported to HCC through an online portal (or via NWPC RoW officer)

Landowner Responsibilities

Landowners (including owners of residential properties that border Rights of Way) must refrain from obstructing rights of way, and are also responsible for keeping back side growth and overhanging vegetation that may be encroaching onto paths. Maintenance of stiles and gates is also the responsibility of the landowner, but the County Council check that they are safe and easy to use. There is no obligation on a landowner to make allowance for dogs to get through stiles.

HCC Guidance on RoW Width

The widths of RoW are recorded on the HCC Definitive Statement, but in general:

Cross field footpath: 1.0m

Other footpath 1.5m

Bridleway: 2.5 m

Countryside Access in the NW NDP

Given that overall responsibility rests at County level, it is logical that the NW NDP be consistent with the HCC Countryside Access Plan 2015 – 2025 and its antecedent (still extant) sub plans; e.g. Countryside Access Plan for the Test & Itchen 2008-2013

Whilst HCC has responsibility for maintenance, this is only the horizontal surface. Actual ownership rests with the landowner. Therefore aspirations to “improve” a Right of Way through re-routing, widening, removal of fences/stiles etc needs to follow a very defined legal process, known as a Definitive Map Modification Order. In practice this is very protracted, and costly, process, often taking many years to resolve. A more practical alternative is a “permissive path” (there is currently one of these in the Parish) in which a landowner permits access, but stops short of granting a legal Right of Way. This will often be appropriate on, for example, a working farm where a path may be routed around crops or working buildings.

HCC Priority (following extensive public consultation) is to maintain and preserve the existing RoW, with “improving connectivity” (i.e. creating new ones) a lower priority. It is strongly suggested that NW NDP replicated these priorities. Parish resource should therefore be directed towards supporting HCC in maintaining and improving existing RoW. In this context, “improving” is taken to mean working with HCC and/or landowners to replace or improve boundary crossings such as gates and stiles, carrying out reduction of vegetation and side ingress etc. Improvement must be cognisant of practical realities: Aspirations such as “resurfacing” or “re-levelling”, are in almost all cases impractical, and inconsistent with the rural environment of the Parish.

It is recommended that the NW NDP wording to be used should be along the lines of:

NWPC makes the most of existing Rights of Way, encouraging responsible enjoyment of the countryside, in a manner that takes account of the needs of those who live and work there.

Where there is a group, or a landowner, who wishes to do so, NWPC will enable and support them to maintain and improve specific routes/parts of the network in an appropriate manner

Modifications will be considered on a permissive rather than statutory basis.

NWPC will continue to use the HCC Lengthsman scheme, appoint a NWPC RoW officer, and support and encourage the formation of voluntary Parish working groups to maintain or improve the network.

Mapping and Marking

It was surprising to see comment in the NDP survey that there is a lack of knowledge of where our RoW are located, and that mapping and signage of our 23 paths is poor.

RoW are well marked with timber fingerboards and marker discs. These are HCC “standard” designs and colours. Maintaining and replacing signs is

germane to the maintenance function outlined above, and is carried out either by HCC Access Wardens, or the NWPC RoW officer.

Mapping is publically available in hard copy and online through a multitude of sources, mapping websites, apps etc. These are easily obtained and/or carried. There is also a link to the “Definitive HCC RoW Map” on the NWPC website. There is therefore no need for the NW NDP to refer to improving mapping (which in any case goes way beyond the role of a Parish Council).