

Repair to Footpath FP7106a

UPDATE TO REPORT

Since completing the Report below, I was informed yesterday 9th February, that:-

"Unfortunately the application was turned down by the panel.

They had the following comments:

- *Who is using the track should contribute to repairs to surface*
- *Access by foot is currently good without repairs.*

With regard to the first comment- I believe this refers to the farm vehicles that are using the track and potentially causing damage to the surface."

Kind regards,

Emma Broadbent
Countryside Access Ranger (Community Engagement).

There would appear to be no grounds for appeal. This would leave the Parish Council with the following four options:-

- resubmit the application next year:** addressing their points ie challenging the accessibility for pedestrians and seeing if the users (farm vehicles?) will contribute by way of cash, materials, or labour;
- proceed with infill but with no SGS funding:** at a cost of nearly £3,000 excl VAT;
- filling in the major potholes and/or upgrading the base:** but to a lower specification.
- do nothing:** and let the base deteriorate further... ?

I have INSERTED immediately after this latest 'cover note' as an ADDENDUM, a detailed proposal (in blue) from Cllr Jan Hertz that takes forward Option iii ***"filling in the major potholes and/or upgrading the base: but to a lower specification"***.

Chris Pottinger,
Clerk, Hannington Parish Council
17th February 2017

Subject: Repair of FP7106a, Berthas Lane behind the Michaels Field pavilion

Purpose of this note:

It seeks an 'in principle' agreement from the parish council to proceed with the repair of Berthas Lane. It proposes that we proceed with filling the potholes to create a useable pedestrian surface for the community by use of the available funds from the Lengthsman scheme and the current HPC reserve of £1,000 by,

- Filling the potholes across the track with hard core aggregate to the level of the surface according to HCC Countryside Services recommendations.
- Apply a Road Planings surface to 5ft (1.5m) rather than the 3 metres (10ft) width of the footpath. This is sufficient to allow two prams to pass each other.

I do have to admit that I was somewhat disappointed by your headline message yesterday,

*"Since completing the Report below, I was informed yesterday 9th February, that:-
"Unfortunately the application was turned down by the panel."*

Although I am not completely surprised by the outcome, I do believe a '**Do Nothing**' approach by the HPC Cllrs **is NOT a tenable approach** as the following emails indicate,

The Hannington Community need for the footpath to be repaired has not gone away!

"I would like to confirm that the Michael's Field Management Committee would give their full support to the resurfacing of the footpath to the west of Michael's Field known as Bertha's Lane. This lane gives very important access for vehicles to the pavilion. Any improvements in access to the Pavilion will improve our chances of the renting the Pavilion out as a facility for sporting and social events. As you know, we are in the process of upgrading the facilities and refurbishing the Pavilion and part of our remit is to increase revenue to enable continued maintenance of the facilities to a high standard."

Source: Tania Brooks, 19th January 2017

". . . The target figure of 4000 visitors (as against estimates of the recent crowds being 2500) is based on car count. We would like to double the car count from around the 500 of the past couple of Fairs to nearer 1000."

Source: Jeff Smithers, 'Hannington Fair Info for HPC', 2nd February, 2017
and 'Event Management Plan - Road Traffic Management' parking in Michaels Field 31st January 2017

"As a dog walker I have had to stop walking the footpath behind Michaels Field as it is so cut up, muddy and uneven that it makes walking extremely difficult plus I don't want to fall over and perhaps break a bone. The only alternative is to walk across Michaels Field which is a no go area for dogs [and is private land]"

Source: Maggie Hughes email 17th January 2017

"This letter is to support the proposed work to be done on the footpath next to the cricket pitch at Hannington. This path is virtually impassable at present. The proposal to fill in the extensive pot holes, some of which are quite deep, would make such a difference to all walkers. This lane joins the road at this side of the village to other paths that link to many more so it is in frequent use. When the path is in such poor condition some walkers cut across the grass by the pitch which given time in the winter will create a mess."

Source: Patrick Sarsfield-Hall email 19th January 2017

"11.e Safety concerns regarding Footpath FP7106a behind Michaels Field. . .in the absence of an identified landowner and with neither the HCC nor BDBC accepting any responsibility, . . . the Parish Council have a Duty of Care to mitigate as far as reasonably possible risks to the public and premises within its parish? . . . that repair is essential . . ."

Source: Hannington PC Minutes 13th December, 2016

Causes of track deterioration

The common view held, is that it is solely the farm vehicles that are contributing to the appalling state of this track, which is quite misconceived, as I would argue that the Hannington Country Fair does **MORE** damage than the farm vehicles which are designed to limit damage to the surface soil. **Hundreds of cars are allowed to exit the fair via the footpath on Berthas Lane with impunity every other year.**

Michaels Field events also clearly use the track as stated by Tania Brookes email above.

The elephant in the room is Hannington Parish Council, who historically have been complicit and allowed vehicles to motor along Bertha's Lane that clearly do damage to the surface. *This is on a footpath where only the landowners vehicles have legal use.*

This historic '*blind eye*' attitude has even been perpetuated by the current parish council. We have **AGREED TO** the Fair '*Event Management Plan*' – see page 5, where the plan clearly shows the use of Berthas Lane as access to Michaels Field Car Park (P.1) then as an exit route to Ibworth Lane. See plan below.

Clearly, Hannington Parish Council has to take responsibility for not looking after this community amenity in the first instance and for not preventing its use as a vehicular traffic thoroughfare, and therefore for any consequences of that use.

The proposal is to proceed with filling the potholes and create a useable pedestrian surface.

However well meaning, the historical approach to repair has been to request or allow the 'farmer' to fill-in the potholes with materials to hand which do not usually improve the surface or even possibly inhibit adequate drainage and cause flooding. The use of such materials do not comply with the HCC Countryside Services recommended standards. For instance, the concrete blocks placed on the path in the last week – see pictures taken below.

The repairs to-date have been adequate for vehicles and pedestrians to pass through according to the HCC Countryside Services folks **BUT NOT ACCORDING TO OUR COMMUNITY.**



Berthas Lane: Concrete blocks February 2017

The recent weather has highlighted the recurrent drainage issues encountered on the footpath in Berthas Lane. See pictures taken below.

Any corrective work would aim to fill-in the pot holes and lay a 'new surface' using the HCC Countryside Services recommended materials as in our submission to the HCC SGS fund. These materials provide for drainage. However, we would need to use less material to limit the impact on the original budget set by the parish council and those funds available from the Lengthsman's Scheme.



Berthas Lane: Flooding looking North



Berthas Lane: Flooding looking South

This approach has practical merit in achieving both the 'community need' and keeping up the momentum to significantly repair or resurface the footpath this year, and largely staving off further deterioration of the footpath. With an outcome of a useable pedestrian surface, Berthas Lane would be accessible again from a community perspective.

More importantly, by undertaking the major repair work now - any future repairs would be significantly cheaper by use of materials to minimise flooding occurrences, and over time build up a consolidated surface material across the track as and when funds become available.

It is proposed repairs are carried out in two phases by the Lengthsman – the indicative costs are to be qualified by the Lengthsman in the next few days,

Phase 1: Scrape away the surface mud and detritus, fill-in the potholes to the surface of the track using 80 tonnes of hard core material. The rental of a digger for two days will be required. Work to commence in this financial year. **Indicative costs £1,570 ex VAT.**

Phase 2: Lay 40 tonnes of Road Planings at 5 ft. (1.5m) width across the length of the track. The rental of a digger will be required. This work will need to be undertaken during an extended period of dry weather in the next financial year. **Indicative costs £1,380 ex VAT.**

The project totals £2,950 ex VAT of which the Lengthsman Scheme fund £2,000 and the remainder funded out of the HPC SGS reserve of £1,000.

Importantly, the fact that the parish council will have 'financially' contributed to the repair of this track gives it a legitimate voice in future to directly ask those folks, who are likely to or are considered to have damaged the track, to repair it at their expense using the appropriate materials. At present, that is certainly not the case.

Considerations

1. The present plan of using Berthas Lane as egress from the proposed Michaels Field Car Park area (P.1) should be reconsidered by the Village Country Fair Committee.

Hannington Parish Council meeting 21st February: Repair to Footpath FP7106a

- a. As permission for egress may be obtained from Kingsclere Estates for the use of the well maintained, now hard tracked, Bridleway 7106b then BW7110 as the exit to the A339. This bridleway track is located to the North of Berthas Lane and alongside Michaels Field.
- b. Alternatively, that all vehicles route through the Michaels Field Car Park area P.1 and exit via the disabled parking area onto Ibworth Lane.

Thus, avoiding the majority of the length of the newly repaired and surfaced Bertha's Lane.

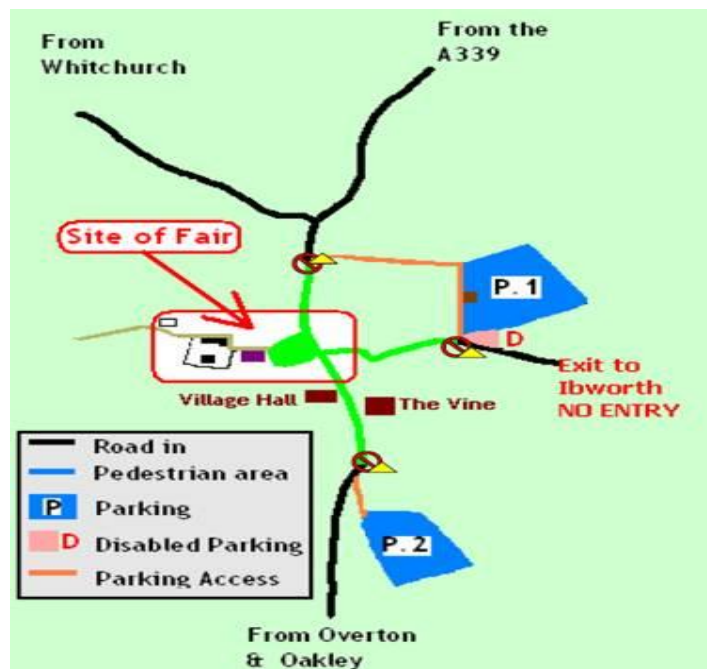
2. Both BDBC and the Lengthsman visitors were surprised that Berthas Lane was not currently being used as a fly tipping site as it was ideal for that offence to occur.

The recommendation here was to install two robust telegraph stumps at each end of the track at a location that would not block either entrance gate to Michaels Field. Nor, stop pedestrians, runners, cyclists and horses using this amenity.

3. Given that Berthas Lane is a footpath and has been newly repaired at the expense of the parish, it is unlikely that Kingsclere Estates (they are not the landowners), if requested, would baulk at not using this route for their vehicles in future.

CLlr Jan Hertz,

16th Feb 2017



Event Management Plan – ‘Road Traffic Management’ parking in Michaels Field 31st January 2017 p.5

PURPOSE OF REPORT (original draft prepared BEFORE receipt of decision to REFUSE SGS funding)

1. To inform the Council of :-
 - a. progress in identifying owners of the footpath,
 - b. plans for undertaking the work,
 - c. funding from HCC Small Grants Scheme (SGS), and,
 - d. net costs to be met by the Parish Council.
2. To seek approval for the release of up to £1,000 (plus VAT) to meet the Parish Council's costs.

BACKGROUND

3. The Parish Council meeting 13th December considered this issue in detail, reaching the following conclusions and agreeing the following actions:

CONCLUSION: At this time, there is no identified owner of the pathway and hedgerow, and therefore nobody can be identified as having responsibility for its maintenance nor having liability for any potential damage to health and property.

CONCLUSION: The Parish Council has the power to maintain the footpath should it choose to do so... but, in the absence of an identified landowner and with neither the HCC nor BC accepting any responsibility, does the Parish Council have a Duty of Care to mitigate as far as reasonably possible risks to the public and premises within its parish? It would be prudent to make some financial provision in the 2017/18 Budget for any costs that would be incurred should the Parish Council subsequently decide to accept it has a 'duty of care' and that repair and maintenance is essential.

ACTION: Clerk to include a financial provision in the Budget 2017/18 (see agenda item 12.c below)

ACTION: The Parish Council will obtain copies of the registered plans for the properties abutting the footpath, at a cost of £8 per application, in order to seek to confirm that those properties were not 'owners' of the hedgerow/trees in question.

FUNDING OPTIONS?

The question then arises, 'if the Parish Council chooses to undertake repairs, can it obtain funding from any other source?'

The response from HCC Countryside Team is that the Parish Council cannot obtain Countryside Services funds from the Small Grants Scheme say for 'matched funding' as **a prerequisite of the fund is to have the landowner's permission...** which we do not have as the landowner is unknown.

4. A full copy of the Minutes of the meeting relating to this issue is reproduced at Appendix A.

Chris Pottinger,

Clerk, Hannington Parish Council

PROGRESS TO DATE

Ownership

5. Cllr Hertz undertook a Land Registry search for FP7106a/Bertha's Lane and it says that a Landowner is not registered for this track. For completeness, he also submitted an online search for Standen House and Hannington House that abut Bertha's Lane, and could find no evidence of ownership/responsibility for either the base of the footpath or the boundary trees/hedges. Although not 100% conclusive, this investigation corroborates the findings by HCC Countryside Team that there is currently no known owner.

Funding; approval in principal from HCC Small Grants Scheme

6. Initial indications from HCC Countryside Team, previously reported to the Parish Council in December 2017, were that an SGS could not be awarded unless the applicant had the owner's permission, which was a problem as no owner could be traced. However, following further investigation by the HCC Countryside Team, the Parish Council was informed by email on 10th January that:

"Further to our telephone conversation yesterday I include below the response received from our legal department with regard to your powers as a Parish Council to carry out works upon a Right of Way where you are unable to locate a Landowner.

As a result I am happy for you to proceed with an application to the Small Grants Scheme for repairs to the surface."

Source: Emma Broadbent, Countryside Access Ranger (Community Engagement) email dated 10th January '17

7. In response to the above decision of HCC Countryside Team that an application for SGS funding was applicable, the Clerk sent an email on 14th January, on behalf of the Parish Council. It is reproduced below.

"I am pleased to confirm that the Parish Council, by way of email correspondence on 14th January, has agreed to proceed with the partial resurfacing/repairing of Footpath FP7106a behind Michael's Field in Hannington. The Council has agreed to a maximum funding of £1,000 (plus VAT), subject to the initiative gaining match funding from the HCC Small Grants Scheme.

It is understood that with HCC SGS monies, this would provide an overall materials budget of £2,000 (plus VAT). The Parish Council understands this amount would be sufficient to purchase a volume of suitable materials that would be sufficient to repair the pot-holes, as reasonably as practical. The outcome would be to provide public, who are less mobile, the ability to negotiate a route to the bridleway beyond.

Authority for the Parish Council to incur the expenditure is provided by the Highways Act 1980 paragraph 50 subsection (2) which states,

The council of a... parish ... may undertake by virtue of this subsection the maintenance of any footpath or bridleway within the ... parish... whether or not any other person is under a duty to maintain the footpath or bridleway; but nothing in this subsection affects the duty of any other person to maintain any such footpath or bridleway.

Whilst every effort has been made to trace an owner of the land, none has been found to date. In reaching the decision to contribute £1,000 (plus VAT) towards the repair to the base of the footpath, the Parish Council is not accepting responsibility, nor setting a precedent, for future and ongoing maintenance and repair of this footpath, but is merely exercising its power, under the above Act, to do so at this time.

I trust that the contents of this email are sufficient for you to proceed with accessing the match funding from the HCC Small Grants Scheme.

Chris Pottinger, Clerk, Hannington Parish Council”

8. This letter from the Parish Council was then followed up and supported by a formal application for SGS funding on 18th January. The application is reproduced in full at Appendix C

Cost of Works

9. An extract from the SGS application detailing the works, supplies, labour and related estimated costs is reproduced below.

| Project Costs <i>Please note the scheme does not cover the costs of VAT</i> | |
|--|-------------------------------------|
| Description of works: | Estimated Costs (£) |
| Purchase of 3 x 15 cubic metres (circa 20 tonnes) loads @ £315 per load of road planings 40mm down from <u>Armstrong</u> including delivery. | £945 |
| Purchase of 6 x 15 cubic metres (circa 20 tonnes) loads @ £205 per load of 6F2, crushed hard core aggregate, 75mm down from Armstrong includes delivery | £1,230 |
| Temporary path closure £160 | <input checked="" type="checkbox"/> |
| Landowner in-kind contribution May form no more than 50% of the total project cost. A breakdown of the costs / contribution must be provided in Appendix 2E. | |
| Estimated volunteer Hours = To be calculated at no more than £57.60/person/day (i.e. £7.20/person/hour) and may form no more than 25% of the total project cost. Use the volunteer calculator to help work out your costs. | 64 @ £7.2ph = 460.80 |
| Total Project Costs (excluding VAT) | £2795.80 |

Costs to Hannington Parish Council

10. An extract from the SGS application detailing the three elements of funding/resources is reproduced below.

| A. Funding requested 50% of the total project costs | B. New Forest National Park 25% contribution – only use this box if you are in the National Park. | C. Match Funding – remaining project costs including landowner contribution | D. Match Funding – volunteer labour | E. Total Project Costs |
|---|---|---|---|-------------------------------|
| £ 1,397.90 + | £ + | £ 937.10 + | £460.80 = | £2,795.80 |
| If a grant is offered, where will the remaining funds (match funding) come from? Please give sources and amounts? | | | Hannington Parish council will contribute £937.10 (plus VAT) | |

11. As can be seen from the above statement, the cost to the Parish Council is currently estimated at £937.10 (excl VAT) and is therefore within the figure of £1,000 approved by the Council at its meeting in December. Recognition and thanks should be recorded for the continued support from the Countryside Team in providing their labour and equipment and to Tim May for agreeing to allow the 40 tonnes of plantings and hard crushed aggregate to be temporarily deposited/stored on his land.

RECOMMENDATIONS

That the Parish Council:-

- a. confirms funding of up to £1,000 (excl VAT), subject to the receipt of appropriate invoices for the repair of the base of the footpath, and,
- b. waives Financial Regulation 9.5 *"Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000 shall be procured on the basis of a formal tender as summarised in paragraph 9.6 below."* on the basis that the provider, Armstrong' is a recognized contractor of HCC Highways Department.

Chris Pottinger,

Clerk, Hannington Parish Council

8th February 2017

Extract of the Minutes from the December 13th meeting

11.e Safety concerns regarding Footpath FP7106a behind Michaels Field

A report was circulated by the Clerk, in advance of the meeting, regarding safety concerns relating to the footpath behind Michaels Field pavilion; with the aim of reaching agreement on what action, if any, the Parish Council should take.

The H&S issue was first raised by Cllr Hertz, by way of email correspondence with BDBC and HCC Countryside Service. A copy of the most relevant email was attached at Appendix A to the cover report. Work to remove the most potentially dangerous overhanging branch was undertaken by HCC Countryside Team, at no cost to the Parish Council.

Notwithstanding the above, there remains concern that the 'left hand' hedgerow opposite the pavilion along this footpath is totally **unmaintained**. So, the bushes have overgrown into very substantial and mature trees (protected by AONB) which over time will/are a potential danger to the public, as a recent example has shown i.e. the overhanging branch over the Michaels Field storage shed (issue resolved referred to above). Given the constant wet and inclement windy weather, it is quite possible that a mature tree might fall damaging a cottage and the power lines.

It is the landowner's responsibility to maintain the hedgerow, not the Countryside Services Team [HCC - Highways]. Enquiries by HCC Countryside Team of Land Registry have been unable to identify the landowner. The Rural Payment Agency has confirmed that it has not received any request from a 'landowner' for grant funding. BDBC has also confirmed it is not their property.

CONCLUSION: At this time, there is no identified owner of the pathway and hedgerow, and therefore nobody can be identified as having responsibility for its maintenance nor having liability for any potential damage to health and property.

LEGAL POSITION OF THE PARISH COUNCIL

The Clerk has sought guidance from HALC on the role and responsibilities of a parish council with regards footpaths and bridleways within its parish. He was referred to relevant paragraphs of the Highways Act 1980. <http://www.legislation.gov.uk/ukpga/1980/66/section/41>. These were reproduced in full at Appendix B to the cover report. The relevant extracts considered by the Parish Council were:-

43 Power of parish and community councils to maintain footpaths and bridleways.

(1)The council of a parish ... may undertake the maintenance of any footpath or bridleway within the parish ... which is, in either case, a highway maintainable at the public expense; ...

50 Maintenance of privately maintainable footpaths and bridleways.

(2)The council of a... parish ... may undertake by virtue of this subsection the maintenance of any footpath or bridleway within the ... parish... whether or not any other person is under a duty to maintain the footpath or bridleway; but nothing in this subsection affects the duty of any other person to maintain any such footpath or bridleway.

The Parish Councillor's Guide 19th Edition includes on page 92 under 'footpaths' the following guidance that seeks to explain in layman's terms the position of a Parish Council,

"the parish council may undertake the repair and maintenance of all or any of the public footpaths and bridleways in its parish. The exercise of this power will not relieve any other authority or person from any liability with respect to repair and maintenance of a public footpath..... The County Council may in such cases meet the whole or part of the expenditure the parish council incurs (defraying)."

CONCLUSION: The Parish Council has the power to maintain the footpath should it choose to do so... but, in the absence of an identified landowner and with neither the HCC nor BC accepting any responsibility, does the Parish Council have a Duty of Care to mitigate as far as reasonably possible risks to

Hannington Parish Council meeting 21st February: Repair to Footpath FP7106a the public and premises within its parish? It would be prudent to make some financial provision in the 2017/18 Budget for any costs that would be incurred should the Parish Council subsequently decide to accept it has a 'duty of care' and that repair and maintenance is essential.

ACTION: Clerk to include a financial provision in the Budget 2017/18 (see agenda item 12.c below)

FUNDING OPTIONS?

The question then arises, 'if the Parish Council chooses to undertake repairs, can it obtain funding from any other source?'

The response from HCC Countryside Team is that the Parish Council cannot obtain Countryside Services funds from the Small Grants Scheme say for 'matched funding' as **a prerequisite of the fund is to have the landowner's permission...** which we do not have as the landowner is unknown.

ACTION: Cllr Finlayson

The Parish Council will obtain copies of the registered plans for the properties abutting the footpath, at a cost of £8 per application, in order to seek to confirm that those properties were not 'owners' of the hedgerow/trees in question.

POTENTIAL UPDATE NOW SGS FUNDING MAY BE AN OPTION...[Oh no it isn't!]



Small Grants Scheme COUNTRYSIDE ACCESS

| Applicant Details | |
|---|--|
| Name: | Janusz 'Jan' Hertz, Councillor, Hannington Parish Council |
| Address: | 12 Oakley Road, Hannington, Hants RG26 5TU |
| Telephone: | 01635 297 694 mobile 07770 876 391 |
| Email: | Janusz@hertz.me.uk |
| Land Owner | |
| Name: | HCC Countryside Services enquired online to Land Registry but were |
| Address: | unable identify a landowner. Local enquiries have also met without |
| Telephone: | a successful outcome. Hannington Parish are applying to SGS |
| Email: | under their legal powers to maintain rights of way, Highways Act 1980. Refer to the HCC Countryside Services Legal team. |
| | Hannington Parish Council as a matter of due diligence are submitting a separate direct enquiry to Land Registry – Source: Hannington Parish Council Minutes item 12c, 13 th December 2016. See note in Appendix 1A. |
| Do you have landowner permission to undertake work? Provide written consent in Appendix 1A | <input type="checkbox"/> |
| If you are the landowner do you have support of the local community? Provide written consent in Appendix 1B | <input type="checkbox"/> |
| About the Project | |
| Parish: | Hannington Parish |
| Path no.: | FP7106a |
| Provide a brief explanation of the proposed work (e.g. what is the work, why do you want to do it, what is the current condition of the area?) Provide photos of the area in Appendix 2A | The repair of a large number of potholes that extend along the length of the footpath that remain flooded for several months of the year. The footpath has not ever been seen to be maintained by a landowner. To the extent that waterlogged potholes have now merged and developed a large surface covering of mud and water. Making the FP very difficult or impossible for the older less mobile or agile members of our community to negotiate. |
| Where is the location of the project? (e.g is it on a right of way, access land, a common or village green) Provide two maps of the area in Appendix 2B: 1 map at 1:25000 Scale 1 detailed map at 1:5000 Scale | Footpath 7106a – 160 metres in length - is located between Ibworth Lane and BW7106b on the East side of Hannington Village. |
| How will the community benefit from the proposed work? (e.g. access to the community, countryside access, route to school etc) | Access to the wider BW/FP network immediately beyond will then be available to the 'older' less mobile folks with stunning views to Reading and Basingstoke. The area is an AONB. The repair work will reduce the risk of injury to all users of this |

| | |
|---|--|
| <p>What evidence do you have from local people that this project is supported? (parish council meetings, wider consultation with local community, local strategies/plans etc.) Please evidence of support in Appendix 3A</p> | <p>footpath.</p> <p>Evidence is provided by emails from the local community supporting the pothole repair work and by the parish council minutes relating to the 'Duty of Care' to address the needed repairs.</p> |
| <p>How do you intend to keep the community informed about the project? (e.g parish notice boards, temporary signs on sites, parish newsletter etc.)</p> | <p>The Parish Council uses the community 'Hannington Parish News' website and the established community email system for distribution of news and reporting on parish council activities and progress.</p> |
| <p>Using the 2015-2025 Countryside Access Plan, please explain which policy area this project covers and how this addresses the actions within this. http://www3.hants.gov.uk/countryside/access-plans.htm</p> <p>DEVELOPING A STRATEGIC APPROACH TO NETWORK MANAGEMENT <i>"Such improvements will benefit all users, including people with mobility difficulties and families."</i> The repair work supports this objective allowing access for the older less mobile of our community to the wider FP/BW network and the stunning AONB views beyond.</p> <p>WORKING WITH OTHER ORGANISATIONS AND VOLUNTEERS The Ramblers have agreed to volunteer and carry out the work – they will use their own Insurance to cover the repair activity. Refer to Jonathan Tinkler, the Ramblers Footpath Secretary – source email dated 14th Jan '17.</p> <p>Kingsclere Estates (farms) have aided the logistics of delivery of the repair material by allowing the transport by 8 wheeled lorries, carrying 20 tonne loads, via their track network to the temporary material storage site on their estate at the North end of FP7106a. Given the nature of the single track public highways in Hannington plus the necessary turning circle of the vehicles, without the support of Kingsclere Estates this project would not be logistically feasible.</p> | |
| <p>Who will be responsible for the maintenance of any structures? (e.g gates, bridges, boardwalks, mapboards, etc)</p> | <p>No structures are involved</p> |
| <p>If works are to be undertaken on a permissive path please tick who will be able to use this route. – A permissive path is not an official Right of Way, but the landowner has given consent for the public to use them</p> <p>Walkers <input type="checkbox"/> Cyclists <input type="checkbox"/> Horse Riders <input type="checkbox"/> Motorised users <input type="checkbox"/></p> | |
| <p>Who will carry out the work?</p> | |
| <p>Contractors If using a contractor provide the quotation in Appendix 4A, and specification in Appendix 4B. Over £2000, two quotes are required.</p> | <p><input type="checkbox"/></p> |

| | |
|---|--|
| Volunteers If using volunteers provide an estimated number of volunteer hours. This time can be used as part of your match funding (See volunteer labour calculator) | <input checked="" type="checkbox"/> |
| Landowner If the landowner will be using their own staff and equipment, this can count as an in-kind contribution and used as part of the match funding. Provide a breakdown of the contribution of appendix 4A and specification in 4B | <input type="checkbox"/> |
| Is a temporary path closure required? This will cost an addition £160 | <input checked="" type="checkbox"/> |
| | |
| Name the project officer you have discussed your project with: | HCC Countryside Services: Emma Broadbent |
| If applying for leaflets, where will they be distributed? | |
| If installing Kissing Gates have you considered a large mobility gate with RADLOCK latch system? Please explain decision (Please consult with project officer for support if needed) | |

"I have read the application and agree to complete the application on the forms must be emailed to sgs@hants.gov.uk by 4pm on the application deadline (25 April, 25 July, 24 October, 23 January)

Signed: _____
Name: Jan Hertz
Date: 18th January 2017
Completed application

| Project Costs | | | | |
|---|--|---|---|-------------------------------------|
| <i>Please note the scheme does not cover the costs of VAT</i> | | | | |
| Description of works: | | | | Estimated Costs (£) |
| Purchase of 3 x 15 cubic metres (circa 20 tonnes) loads @ £315 per load of road planings 40mm down from Armstrong including delivery. | | | | £945 |
| Purchase of 6 x 15 cubic metres (circa 20 tonnes) loads @ £205 per load of 6F2, crushed hard core aggregate, 75mm down from Armstrong includes delivery | | | | £1,230 |
| Temporary path closure £160 | | | | <input checked="" type="checkbox"/> |
| Landowner in-kind contribution May form no more than 50% of the total project cost. A breakdown of the costs / contribution must be provided in Appendix 2E. | | | | |
| Estimated volunteer Hours = To be calculated at no more than £57.60/person/day (i.e. £7.20/person/hour) and may form no more than 25% of the total project cost. Use the volunteer calculator to help work out your costs. | | | | 64 @ £7.2ph = 460.80 |
| Total Project Costs (excluding VAT) | | | | £2795.80 |
| Funding | | | | |
| A.Funding requested 50% of the total project costs | B. New Forest National Park 25% contribution – only use this box if you are in the National Park. | C. Match Funding – remaining project costs including landowner contribution | D. Match Funding – volunteer labour | E. Total Project Costs |
| £ 1,397.90 + | £ + | £ 937.10 + | £460.80 = | £2,795.80 |
| If a grant is offered, where will the remaining funds (match funding) come from? Please give sources and amounts? | | | Hannington Parish council will contribute £937.10 (plus VAT) | |
| <p>"I have read the funding conditions and guidance and if successful in this application undertake to ensure that any work will be completed with these."</p> <p>Signed:</p> <p>Name: Jan Hertz, Councillor, Hannington Parish Council</p> <p>Date: 18th January 2017</p> | | | | |

Completed application forms must be emailed to sgs@hants.gov.uk by 4pm on the application deadline (25 April, 25 July, 24 October, 23 January)

Supporting Documents Appendix Checklist



AP
PENDING
1A
LA

ND OWNER CONSENT

- ☒ APPENDIX 1B PARISH COUNCIL CONSENT
- ☒ APPENDIX 2A PHOTOS OF THE AREA

- ☒ **APPENDIX 2B LOCATION MAP**
- ☒ **APPENDIX 3A EVIDENCE OF SUPPORT**
- ☒ **APPENDIX 4A QUOTATIONS**
- ☒ **APPENDIX 4B SPECIFICATION**
- ☐ **APPENDIX 5A OTHER**

APPENDIX 1A LAND OWNER CONSENT

Please provide written consent from the Landowner – this can be an email or a letter

Hannington Parish Council is applying under their legal powers to maintain rights of way reference Highways Act 1980.

For FP 7106a, the HCC Countryside Services team had investigated landownership online at the Land Registry without identifying any registration.

“Further to our telephone conversation yesterday I include below the response received from our legal department with regard to your powers as a Parish Council to carry out works upon a Right of Way where you are unable to locate a Landowner.

As a result I am happy for you to proceed with an application to the Small Grants Scheme for repairs to the surface.”

Source: Emma Broadbent, Countryside Access Ranger (Community Engagement)
email dated 10th January '17

Land Registry

Application for an official search of the index map

SIM

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Land Registry is unable to give legal advice, but you can find guidance on Land Registry applications (including our practice guides for conveyancers) at www.gov.uk/land-registry.

LAND REGISTRY USE ONLY
Record of fees paid

Particulars of under/over payments

Reference number
Fees debited £

Where there is more than one local authority serving an area, enter the one to which council tax or business rates are normally paid.

1 Local authority serving the property:
Basingstoke and Deane Borough Council, Hampshire

If no postal address insert description, for example 'land adjoining 2 Acacia Avenue'.

2 Property to be searched
Track (known locally as Berthas Lane) adjoining the West side of Michaels Field Recreation Ground in Hannington Village, Hampshire - marked in red with orange fill on the attached plan / map.

Flat/unit number:

Postal number or description:

Name of road:

Name of locality:

Town:

Postcode:

Ordnance Survey map reference (if known):

Known title number:

To find out more about our fees visit www.gov.uk/government/collections/fees-land-registry-guides

3 Application and fee

| Application | Fee paid (£) |
|-------------------------|--------------|
| Search of the index map | £4 |

Fee payment method

Place 'X' in the appropriate box.

☐ cheque made payable to 'Land Registry'

The fee will be charged to the account specified in panel 4.

☐ direct debit, under an agreement with Land Registry

| | |
|---|--|
| <p>This panel must always be completed.</p> <p>If you are paying by direct debit, this will be the account charged.</p> | <p>4 This application is sent to Land Registry by</p> <p>Key number (if applicable):</p> <p>Name: Cllr. Janusz HERTZ</p> <p>Address: 12 Oakley Road, Hannington, Tadley, Hampshire RG26 5TU</p> <p>Email address: janusz@hertz.me.uk</p> <p>Reference:</p> |
| <p>Please note that until further notice all copies ordered using this form will be despatched in paper form. When email despatch becomes available, a direction will appear on GOV.UK and details will be given in practice guide for inspection and application for official copy. Until there is a direction, you do not need to complete this panel to obtain an official copy in paper format.</p> <p>Place 'X' in the box if applicable.</p> | <p>Phone no: 01635 297 694 Fax no:</p> <p>5 Issue of certificate of result of search in paper format where an email address has been supplied</p> <p>If you have supplied an email address in panel 4, then, unless you complete the box below, any certificate of result of search of the index map will be issued electronically to that address, if there is a direction under section 100(4) of the Land Registration Act 2002 by the registrar covering such issuing.</p> <p><input type="checkbox"/> I have supplied an email address but require the certificate of result of search to be issued in paper format instead of being issued electronically</p> |
| <p>Any attached plan must contain sufficient details of the surrounding roads and other features to enable the land to be identified satisfactorily on the Ordnance Survey map. A plan may be unnecessary if the land can be identified by postal description.</p> | <p>6 I apply for an official search of the index map in respect of the land referred to in panel 2 shown on the attached plan</p> <p>Marked in Red with Orange infill</p> |
| | <p>7</p> <p>Signature of applicant: _____</p> <p>Date: 20/01/2017</p> |
| <p>WARNING</p> <p>If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.</p> <p>Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.</p> <p>Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.</p> | |

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APPENDIX 1B PARISH COUNCIL CONSENT

Please provide evidence that you have consent from the Parish Council, this can be a copy of an email /letter.

From: Chris Pottinger <chrispottinger@live.co.uk> Sent: Mon 16/01/2017 12:52
To: Janusz 'Jan' Hertz
Cc:
Subject: Confirmation of decision of Hannington Parish Council 14th December to provide £1,000 (plus VAT) towards the cost of repair t

Dear Cllr Hertz,

I am pleased to confirm that the Parish Council, by way of email correspondence on 14th January, has agreed to proceed with the partial resurfacing/repairing of Footpath FP7106a behind Michael's Field in Hannington. The Council has agreed to a maximum funding of £1,000 (plus VAT), subject to the initiative gaining match funding from the HCC Small Grants Scheme.

It is understood that with HCC SGS monies, this would provide an overall materials budget of £2,000 (plus VAT). The Parish Council understands this amount would be sufficient to purchase a volume of suitable materials that would be sufficient to repair the pot-holes, as reasonably as practical. The outcome would be to provide public, who are less mobile, the ability to negotiate a route to the bridleway beyond.

Authority for the Parish Council to incur the expenditure is provided by the Highways Act 1980 paragraph 50 subsection (2) which states,

The council of a... parish ... may undertake by virtue of this subsection the maintenance of any footpath or bridleway within the ... parish... whether or not any other person is under a duty to maintain the footpath or bridleway; but nothing in this subsection affects the duty of any other person to maintain any such footpath or bridleway.

Whilst every effort has been made to trace an owner of the land, none has been found to date. In reaching the decision to contribute £1,000 (plus VAT) towards the repair to the base of the footpath, the Parish Council is not accepting responsibility, nor setting a precedent, for future and ongoing maintenance and repair of this footpath, but is merely exercising its power, under the above Act, to do so at this time.

I trust that the contents of this email are sufficient for you to proceed with accessing the match funding from the HCC Small Grants Scheme.

Chris Pottinger,
Clerk, Hannington Parish Council

APPENDIX 2A PHOTOS OF THE AREA

Please make sure your photos clearly show the issue you are trying to address. The panel do not know your area so it is essential they can rely on these. If multiple photos are provided, arrange with no less than four photos per page.



Looking North along footpath 7106a



Looking South along footpath 7106a toward Bertha Cottage

replaced; the location of mapboards etc.). HCC can provide maps if required.

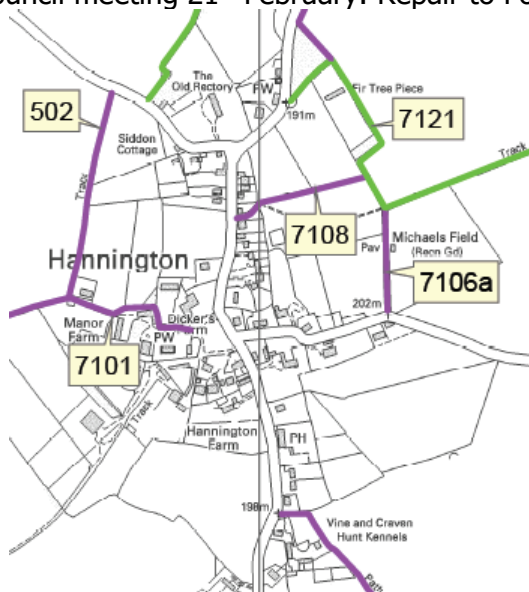
The panel will not be familiar with your area. Please make sure road and landmarks are named and the site of the proposed work is clearly marked.

Site Map (1:5000):

APPENDIX 2B

LOCATION MAP

Maps must be marked to show the relevant information for the application (e.g. the extent of the path on which the works will be completed; the location of any gates to be



The **green flags** mark the repair work area on Footpath 7106a which has an approximate length of 160 metres x 3 metres wide.

Large Scale Site Map (1:25000):



APPENDIX 3A EVIDENCE OF SUPPORT

This can include written reports from the public

Support emails from the public and parish council . . .

"This is great news, as this will definitely provide no excuses for not walking along the footpath rather than cutting across Michaels field like I saw a resident do with her two dogs loose running around the field [private land - no dogs allowed] early last Wednesday morning. "

Source: Clare Kinnear email 16th Jan '17

"As a dog walker I have had to stop walking the footpath behind Michaels Field as it is so cut up, muddy and uneven that it makes walking extremely difficult plus I don't want to fall over and perhaps break a bone. The only alternative is to walk across Michaels Field which is a no go area for dogs [and is private land]"

"This letter is to support the proposed work to be done on the footpath next to the cricket pitch at Hannington. This path is virtually impassable at present. The proposal to fill in the extensive pot holes , some of which are quite deep, would make such a difference to all walkers. This lane joins the road at this side of the village to other paths that link to many more so it is in frequent use. When the path is in such poor condition some walkers cut across the grass by the pitch which given time in the winter will create a mess."

Source: Patrick Sarsfield-Hall email 19th Jan

*"11.e Safety concerns regarding Footpath FP7106a behind Michaels Field
...in the absence of an identified landowner and with neither the HCC nor BDBC accepting any responsibility, . . . the Parish Council have a Duty of Care to mitigate as far as reasonably possible risks to the public and premises within its parish? . . . that repair is essential . . ."*

Source: Hannington PC Minutes 13th Dec'16

APPENDIX 4A QUOTATIONS

*For work costing more than £2,000, at least 2 quotations are required – **2 quotations provided.***



Pro forma estimate.

20.1.2017

Site: Hannington

15 cm loads

40mm down road planings £315 per load

6F2 crushed hard core approx. 75 mm down £205 per load
(6F2 will come with a 10% tolerance wood plastic etc)

7cm Loads

40mm down road planings £190 per load

6F2 crushed hardcore £130 per load

Delivery made by 15cm lorry loads would mean 3 loads for about 60 tonnes and on 7 cm loads it would mean 6 loads of each product.

All prices include delivery and are PLUS VAT.

Overhead cables may be a problem for the 15cm lorrys depending on how low they are.

Note that 15 cubic metres is circa 20 tonnes.