

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	AUTHORISATION TO ERECT A BARRIER ACROSS A PUBLIC RIGHT OF WAY AND ANCILLARY ACTIONS
<b>DATE OF DECISION:</b>	11 DECEMBER 2012
<b>REPORT OF:</b>	HEAD OF REGULATORY SERVICES
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

**BRIEF SUMMARY** To seek authorisation to install an appropriate gated barrier across the entrance to Restricted Byway 28; being necessary to prevent public vehicular access and those acts of serious fly-tipping that occur at the northern-most end of Coxford Road.

**RECOMMENDATIONS:**

- (i) That Panel authorises the installation of an appropriate gated barrier whose position is indicated in Appendix 1, that prevents public vehicular access to and along Restricted Byway 28, (RB28), but which retains legitimate use for which a Restricted Byway may be used by the public, and also those utilities that have a private right of vehicular access to their respective areas, installations and equipment. Such a barrier to be within permitted development tolerances under Class A of Part 2 to schedule 2 of the Town and country Planning (General Permitted Development) Order 1995 (as amended); and
- (ii) That Panel proposes a Traffic Regulation Order that will prevent horse riding and horse-drawn carriage driving along RB28.

**REASONS FOR REPORT RECOMMENDATIONS**

1. The wooded area at the end of Coxford Road has been identified by the new cross-council flytipping working group as the number 1 flytipping hotspot in the city. The dark and secluded area just inside the woods is regularly accessed by vehicles for the illegal dumping of waste. This has a significant detrimental impact on the amenity of the area. Southampton City Council investigates each flytip and clears the waste away. This has a significant cost implication for the council.
2. In order that only those categories of use, for which this Council has evidence, can operate along the right of way, legal authority needs to be in place to restrict those activities for which there is no evidence; that is horse riding and horse-drawn carriage driving. This is necessary as the installation of a gated barrier will prevent access by horse-drawn carriage as well as unauthorised motor vehicles.

**DETAIL (Including consultation carried out)**

3. RB 28 was added to the Definitive Map & Statement under relevant sections of the Wildlife & Countryside Act 1981, (“the 1981 Act”), and based on evidence of pedestrian and cycle use only, as directed by section 31(1A)(b) of the Highways Act 1980, as amended, (“the 1980 Act”).

4. The route, whilst a continuation of the hard-surfaced highway of Coxford Road, the metalling stops just before its junction with Bridleway 12 and the start of RB28, continuing as such northwards along an earthen, non-metalled surface.
5. The route is bisected by the administrative boundary that separates the City of Southampton from Test Valley Borough Council, with responsibility of Public Rights of Way being vested in Hampshire County Council.
6. Where RB28 meets the City boundary, the public right of way continues as a definitive right of way footpath, "Chilworth 3", which is presently being investigated by Hampshire County Council towards possible upgrade to Restricted Byway.
7. The installation of a gated barrier will prevent vehicles driving straight along Coxford Road and onto RB 28 and into the secluded wooded area of Lords Wood. It will therefore make it impossible to quickly dump large quantities of waste straight from a vehicle in an area where it is very hard to be seen. Currently, unauthorised vehicles have no right to use the Restricted Byway. However due to the lack of any physical barrier vehicles do regularly use and park on RB 28, using it as a car park for the woods. Installation of a barrier will protect the Byway for its proper use, but would mean a change in current car parking habits for some users and potentially local residents. At the moment car parking is available on Coxford Road and Dunvegan Drive area, which have no parking restrictions.
8. The Living Lordswood group have been contacted and their initial comment was that local residents in the stretch of Coxford Road beyond Dunvegan may be a bit 'miffed' at having extra cars parking outside their homes.
9. There are several parties who will continue to require vehicular access to RB 28: to serve the Orange Telecommunications mast and the Southern Gas Network gas pressure reducing station, the Forestry Commission, the Police, Hampshire Fire and Rescue, and land owners to the north who have access rights along the Byway. Such authorised vehicular access will be possible via a multipoint lock on the barrier to which they will have a key. These parties have been consulted and have indicated that this arrangement would be acceptable at a site meeting on 14 August 2012.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

10. A Gating Order under section 129A of the Highways Act 1980 (as amended).

## **RESOURCE IMPLICATIONS**

### **Revenue**

11. Cost of removing flytips
  - Between 30<sup>th</sup> August 2011 and 31<sup>st</sup> August 2012 there have been 15 recorded flytip incidents in this area (source: City Patrol).
  - Each flytip was cleared by Open Spaces at a cost estimated to be £250 - £300 per clearance.(source: Open Spaces)
  - This gives a cost of clearance to the Council of £3750 - £4500 over the last year alone.
  - Flytipping in this location, and clearance by the council, has been

ongoing for many years.

#### Cost of installing a gated barrier

- Quotes have been obtained for the supply and fitting of a gated barrier:
- Total of £2456 + Vat (Material costs £1246 + Labour £1210)
- No ongoing maintenance costs.

#### Benefits of installing a barrier

- Payback within 2 years
- Reduction in costs to the council each subsequent year from year 3 of around £3750 to £4500

#### **Property/Other**

12. In 2009, the land ownership of the route that constitutes RB 28 was investigated through HM Land Registry, and by Notice on Site, as part of the research into the status of the route; the aim being to add it to the Definitive Map & Statement of Public Rights of Way by means of a Definitive Map Modification Order.

As part of that Order making process, the land owner, if known, must be notified or, in the case where the landowner cannot be identified, dispensation for that part of the process must be obtained from the Planning Inspectorate.

Such dispensation was obtained in a letter from the Inspectorate dated 9<sup>th</sup> March 2010.

#### **LEGAL IMPLICATIONS**

##### **Statutory Power to undertake the proposals in the report:**

13. The Highways Act 1980 (as amended), section 66(3).

##### **Other Legal Implications:**

14. None

#### **POLICY FRAMEWORK IMPLICATIONS**

15. None

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**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Proposal Plan illustrating routes and proposed site of installation
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**Documents In Members' Rooms**

1.	None
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**Integrated Impact Assessment**

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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**Other Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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**Integrated Impact Assessment and Other Background documents available for inspection at:**

<b>WARDS/COMMUNITIES AFFECTED:</b>	BASSETT / COXFORD
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