



## OFFICER REPORT TO LOCAL COMMITTEE (WAVERLEY)

### CATTLE GRIDS: HINDHEAD COMMON

14 December 2012

#### KEY ISSUE

To consider a proposal from the National Trust for the installation of cattle grids and bypasses on Hindhead Common

#### SUMMARY

The National Trust has applied under section 82 of the Highways Act 1980 for the installation of cattle grids and bypasses on a number of Byways Open to All Traffic (BOATs) at Hindhead Common. The locations are shown on drawing no. 3/1/14/H50 (attached at **Annex 1**). Following the opening of the new road tunnel on the A3 they intend to reconnect the internationally important heathlands by applying to the Planning Inspectorate for fencing to enable conservation grazing. Where BOATs cross the fence-lines, cattle grids are needed to allow legitimate motorised vehicle access with bypass gates for other users.

#### OFFICER RECOMMENDATIONS

**The Local Committee (Waverley) is asked to agree that:**

A Notice be published pursuant to section 82 of the Highways Act 1980 relating to the installation of cattle grids and bypasses on BOATs 21a Haslemere and 500, 501, 502, 503 Thursley, as shown on Drawing No. 3/1/14/H50, for a statutory 28-day objection period. If there are no objections the cattle grids and bypasses can be granted. If objections are received that they are forwarded to the Secretary of State for Transport for determination.

## 1 INTRODUCTION AND BACKGROUND

- 1.1 The National Trust has applied under section 82 of the Highways Act 1980 for the installation of cattle grids on a number of Byways Open to All Traffic (BOATs) at Hindhead Common. This relates to BOATs 21a Haslemere and 500, 501, 502 and 503 Thursley as shown on Drawing no. 3/1/14/H50 (attached at **Annex 1**). The National Trust own the land involved apart from the one shown at location 7.
- 1.2 Following the opening of the new road tunnel on the A3, it was always the intention of the National Trust to reconnect the internationally important heathlands on the Punchbowl to those on Hindhead Common. This will be the first time in an English context that two important fragments of heathland, formerly divided by a main road, have been re-connected to restore the landscape and ecological unit. They are proposing to submit an application to the Planning Inspectorate for fencing to enable a continuation and extension of the extensive conservation grazing by cattle and ponies for the long-term management of the commons. Where BOATs cross the fence-lines, cattle grids are needed to allow legitimate motorised vehicle access with bypass gates for other users.
- 1.3 Hindhead Common and the Devil's Punch Bowl, represent an outstanding area of landscape, which is nationally and internationally important for the wildlife associated with its heathland. Over decades without grazing and the other traditional uses on the commons such as heather and gorse cutting for fuel, much open heathland was lost as pine and birch took over. The site holds both dry and wet heathland and mires as well as areas of ancient woodland. The internationally protected Dartford warbler, woodlark and nightjar nest there and other interests include uncommon plants, rare invertebrates and beetles, and the rare nail fungus, associated with pony grazing.
- 1.4 The long-term, sustainable management of the Devil's Punch Bowl SSSI is best achieved by extensive livestock grazing. The rationale for this is contained within the most recent National Trust Biological Evaluation and there is also useful information on this subject in the RSPB publications Conservation Grazing on Lowland Heaths (RSPB 2004) and the Lowland Heathland handbook (RSPB 2003). It is important to stress that in the Devil's Punch Bowl some of the rare and notable species present are associated with ancient woodland and scrub habitats, though there are also many heathland specialists present. For this reason, a dynamic mosaic of open heath and woodland is the most ecologically desirable state for the site.
- 1.5 The application relates to the installation of nine cattle grids and bypass gates, five of which already exist on the ground. The National Trust has agreed to pay for and construct all of the associated works, which will comply with the British standard for such structures. In agreement with the County Council, they will also be responsible for the future maintenance. The numbering on the plan, **annexed at 1**, relates to the description of works to be carried out as detailed below:
- 1) BOAT 21a Haslemere – an existing cattle grid. A new 3.0-metre wide bypass gate to be constructed on the eastern side.
  - 2) BOAT 502 Thursley – an existing cattle grid and bypass gate. No works required.
  - 3) BOAT 503 Thursley – install new 3.0-metre wide cattle grid and 3.0-metre wide bypass gate. Exact location to be determined linked to current Traffic Regulation proposal.

## ITEM 7

- 4) BOAT 500 Thursley – install new 3.6-metre wide cattle grid and 3.0-metre wide bypass gate, 3.0 metres east of junction with Public Bridleway No. 103 Thursley. Fill in part of existing pond and construct gate on southern side of cattle grid.
- 5) BOAT 500 Thursley – install new 3.6-metre wide cattle grid and 3.0-metre wide bypass gate on western side.
- 6) BOAT 500 Thursley – an existing cattle grid. Repair damaged grid and install new 3.0-metre wide bypass gate on western side.
- 7) BOAT 500 Thursley – install new 3.6-metre wide cattle grid and 3.0-metre wide bypass gate, 3.0 metres north of junction with BOAT 501.
- 7i) BOAT 500 – remove existing cattle grid and reinstate level surface.
- 8) BOAT 501 Thursley – an existing cattle grid and bypass gate. No works required.
- 8i) BOAT 501 - remove existing cattle grid and reinstate level surface.
- 9) BOAT 501 Thursley – existing cattle grid. Install new 3.0-metre wide bypass gate on western side.

## 2 ANALYSIS

- 2.1 The Highways Act 1980 sections 82 to 90 give highway authorities power to provide, manage and enter into agreements for cattle grids and bypasses in or adjacent to the highway. The main provision is contained in Section 82 and Section 87 provides for the highway authority to enter into an agreement with a landowner should it be necessary for an access or gate to be placed in conjunction with a cattle grid on land that is not highway. An agreement may be required in this respect, which would allow for the granting of highway rights.
- 2.2 Schedule 10 of the Highways Act 1980 indicates the procedure for determining the provision of cattle grids. This is set out in **Annex 2**. Before determining, under section 82 or 86 of this Act, the following questions must be considered—
  - (a) whether it is expedient to place any part of a cattle-grid in, or provide a by-pass on, any such land not forming part of a highway and not belonging to the highway authority as is mentioned in section 82(4), or
  - (b) whether it is expedient to provide a by-pass along any part of a highway, or
  - (c) whether the purpose for which a right to install gates is exercisable will be adequately achieved by the provision of a cattle-grid.
- 2.3 If cattle grids were installed this would allow, with the proposed fencing, conservation grazing to reconnect the internationally important heathlands on the Punchbowl and Hindhead Common. It is therefore considered expedient that the cattle grids and by-pass gates are installed.

## 3 OPTIONS

- 3.1 It is the Officer's recommendation that a Notice be published inviting representations on the application.
- 3.2 The alternative solution would be to reject the application.

#### **4. CONSULTATIONS**

4.1 Various user groups and other organisations have been consulted. The Open Spaces Society have replied saying they would prefer not to comment until they have seen the application for fencing to see how everything fits together. The Ramblers' have stated they have no issues. Mr Bob Milton would like to see the full application for fencing and has suggested a perimeter fence rather than internal fencing. He has also queried the bypass gates. This is addressed in 2.1 above. Mr Milton's email is attached at **Annex 3**. Thursley Parish Council consulted with landowners and raised no objection. Surrey Fire and Rescue Service has no objections. The British Horse Society has requested that the gates are properly hung, are easy to use from horseback and properly maintained in the future. They have also asked that there is sufficient space to manoeuvre through the gates. No other responses have been received to date.

#### **5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

- 5.1 The National Trust has agreed to undertake all the works and maintain the structures in the future.
- 5.2 If Notices are published this will incur an advertising cost of approximately £1,200, which would be met by the National Trust.
- 5.3 If objections were received and maintained and caused a public inquiry to be held, costs in the region of £4,000 would be met from the Countryside Access team budget.

#### **6 EQUALITIES AND DIVERSITY IMPLICATIONS**

6.1 The cattle grids and bypass gates will provide access for all users of the BOATs.

#### **7 CRIME AND DISORDER IMPLICATIONS**

7.1 There are no crime and disorder implications.

#### **8 CONCLUSION AND RECOMMENDATIONS**

8.1 Members are asked to consider the proposal and approve the publication of a Notice under section 82 of the Highways Act 1980.

#### **9 REASONS FOR RECOMMENDATIONS**

9.1 Officers do not have delegated powers to proceed with cattle grid applications. Officers support the installation of cattle grids and by-pass gates.

#### **10 WHAT HAPPENS NEXT**

10.1 Should Members decide to accept the application, a Notice will be published, in accordance with statutory procedures, in two successive weeks in one or more local newspapers circulating in the area and placed on site stating generally the questions for determination set out in 2.2 above. All interested parties and user groups will be consulted.

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10.2 After the advertising period has expired, if any objections have been received the proposal will be submitted to the Secretary of State for Transport for determination.

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<b>BACKGROUND PAPERS:</b>	File 3/1/14 Hindhead cattle grids

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