

Title of meeting: Cabinet Member for Traffic and Transportation Decision Meeting

Date of meeting: 17th July 2017

Subject: The Camber Dock - Public Rights of Way

Report by: Alan Cufley Director of Transport, Environment and Business Support

Wards affected: St. Thomas

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 This report sets out the actions taken in response to an application to record a public right of way under Section 53 of the Wildlife and Countryside Act 1981 in accordance with the application route set out on the plan at schedule 1, (the application route), setting out a summary of findings, and a recommendation on how to determine that application.

2 Recommendations

- 2.1 It is recommended that no Order is made to add a Public Footpath or a Restricted Byway to the Definitive Map and Statement for Portsmouth City.
- 2.2 It is recommended that the Cabinet Member notes that, in accordance with established practice, the Harbour Master finalise an Access Policy for the Camber allowing public to continue to use this area subject to the day to day running of the area as an operational Port.
- 2.3 It is also recommended that the Council, as landowner, lodge a statement to the Council, as Highways Authority, under Section 31(6) of the Highways Act 1980 to clarify its position on its intention to dedicate the land as highway.

3. Background

- 3.1 In November 2014, Portsmouth City Council (the Council) received an application for the modification of the Definitive Map and Statement in respect of a claimed Byway Open to All Traffic (BOAT) at the Camber Quay for a continuous route around the entire edge of the Camber. The application asserted that the rights extended over a width of approximately 10 metres.

- 3.2 Further to investigation by the Council, involving analysis of user evidence, witness statements, archive evidence and photographic and mapping evidence, a decision was made that a public footpath could be considered to exist around the edge of the Camber Quay. However it was considered that any public right of way around the Camber would conflict with the statutory purpose for which the Camber Quay was created, and maintained, therefore the application was declined.
- 3.3 The applicants appealed the decision of the City Council to the Planning Inspectorate in 2015. On the 25th May 2016 the Planning Inspectorate concluded that the appeal should be dismissed on the grounds that Section 66 of the Natural Environment and Rural Communities Act 2006 (NERC Act) prevented claims for future routes for mechanically propelled vehicles subject to some exceptions (Section 67 of the NERC Act 2006). The Inspector ruled that there was insufficient evidence to conclude any of the exceptions applied.
- 3.4 On 19th July 2016, two further applications, under Section 53 of the Wildlife and Countryside Act 1981, were submitted by the same applicants, relying on the same evidence with the exception of one additional submission, for the addition of a Restricted Byway and a Public Footpath respectively.

4. Reasons for recommendations

- 4.1 The Council in accordance with Schedule 14, paragraph 3, must *investigate the matters stated in the application*, and has made an assessment of the evidence submitted to it by applicants and collected by the Council, as set out below.
- 4.2 If the point raised in 4.3 below did not apply, the application to make an Order adding a public footpath to the Definitive Map and Statement for Portsmouth City would be accepted and the application to make an Order adding a Restricted Byway to the Definitive Map and Statement would be rejected.
- 4.3 As the application route falls entirely within the undertakings of the Camber Quay then in accordance with the commentary and response of the Harbour Master, at 13 below, no route should be registered as a right of way - as to do so would conflict with the statutory purpose for which the Camber Quay undertaking was created, and is maintained.
- 4.4 The Harbour Master remains committed to permitting the public to benefit from permissions to use areas within the undertakings as walking and recreational routes, subject to the overriding power of the Harbour Master to use areas over which those routes may run, for the purposes of maintaining port and dock facilities, citing buildings in relation to those facilities, and operating machinery in relation to those facilities, and manage access by way of an Access Policy.

5. Investigation, duties, process and findings

- 5.1 On the 19th July 2016 two applications were received by the Council to make Orders adding a Public Footpath and a Restricted Byway to the Definitive Map and Statement (Definitive Map) for Portsmouth City around the entire outer edge of the Camber Quay (as shown in Schedule 1). The application shows the area coloured as that being claimed.
- 5.2 The application relies on the evidence submitted as part of the original investigation (3.1) and all other evidence considered by the Council during the original application and that brought up during the appeal process (3.3).
- 5.3 Due to the extensive efforts of the applicants and the Council to collect evidence as part of the original application from 2014, it is considered that this is acceptable evidence to draw upon when investigating the claims for a Public Footpath and Restricted Byway as well. Given the volume of this information, the comprehensive and contemporaneous nature of the consultation and evidence gathering exercise undertaken by the Council is considered to represent a full and complete discharge of its duty under Schedule 14, paragraph 3, of the Wildlife and Countryside Act 1981. The applicant did, however, submit one additional piece of evidence not originally referred to and this has been included as part of this investigation.
- 5.4 The Council is asked to make an order to modify the Definitive Map on the basis of, section 53(3)(b), or (c):
- (b) the expiration, in relation to the way in the area to which the map relates, of any period such that the enjoyment of the way during that period raises a presumption that the way has been dedicated as a public path.
 - (c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –
 - (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates ...”
- 5.5 Accordingly, the Council needs to consider whether there is evidence before it which demonstrates that the claimed right of way has been used:
- a) by the public;
 - b) “as of right” rather than “by right”, (that is, as if they had the right, rather than pursuant to some express or implied permission)
 - c) without interruption; and,
 - d) for a full period of 20 years (Section 31(1) of the Highways Act 1980)
- 5.6 The Council must also consider whether there is sufficient evidence (for example, by the erection of suitably worded signs, or active efforts to deter trespassers) that there was no intention to dedicate it.
- 5.7 Separately, under section 31(8) of the Highways Act 1980, and in accordance with case law on the matter, the Council must consider whether:
- a) where it has acquired land for a specified statutory purpose, and is continuing to carry out those purposes, whether the prescribed use is incompatible with those purposes; and,

- b) Where express rules apply to the land, derived under bylaws, or other legislation/orders, whether the existence of those rules is to preclude the use of the application route as of right.

- 5.8 The application was investigated with evidence being gathered from a variety of sources including witness statements, photographs, historic maps etc.
- 5.9 It is open to the Council, having investigated the matter, when making an order to modify the Definitive Map to do so with such changes as are necessary - for example to the footprint of the application route, as appear to be requisite in consequence of the evidence.

6 As of right and without interruption

- 6.1 "As of right" use is where the acts of enjoyment of the claimed route are done openly without secrecy, force or permission.
- 6.2 Evidence submitted by witnesses and gathered by the Council certainly shows "as of right" use over the undertaking at times but there are also various reports of individuals gaining access over the claimed route for the purposes of visiting businesses on the Quay, accessing moored boats and for work purposes.
- 6.3 Whilst it is noted that an element of such access for work purposes or to access a business or boat moored on the Quay does not preclude "as of right" use at any time this evidence must be considered when analysing witness accounts to get a clear picture of whether all use is suitable to satisfy the legal tests.
- 6.4 This reported use must also be balanced against the evidence submitted by the Harbour Master (13) and KB Boats (10) in relation to any interruption of use and efforts made to show a lack of intention to dedicate.

7. Evidence of use

- 7.1 The original application submitted included evidence of use from 11 people reporting use on foot, pedal cycle and car (motorised vehicle). Further to this, through the original investigation further evidence of use was put forward amounting to over 90 accounts of various use on foot, pedal cycle and motorised vehicle.
- 7.2 Considering the outcome of the original application and the dismissal of the appeal of the Council's decision not to make an Order adding a BOAT, evidence of use with a motorised vehicle has been discounted from this investigation.
- 7.3 As two applications have been submitted it is first appropriate to consider what level of public use must be proved to establish the status applied for. Firstly, considering the application for Restricted Byway, it should be noted that for an application for such status to be recommended on user evidence would require 20 years ("as of right" and

uninterrupted) use by foot, horseback, bicycle and horse-drawn carriage (or other non-motorised vehicle) Use by a bicycle without other non-motorised vehicle use is more commonly attributed to a public Bridleway (since pedal cycles became permitted on Bridleways under section 30 of the Countryside Act 1968), and bicycle use is dealt with as such in this investigation. In the case of the application for a Public Footpath this will require evidence of use for 20 years on foot ("as of right" and uninterrupted).

- 7.4 To establish the relevant 20 year period it must first be considered when the right of the public to use the way was first brought into question. With the BAR development beginning in 2014, causing the route to be blocked completely, it is a fair assumption that this is when the right was brought into question, therefore the relevant 20 year period would be between 1994 and 2014.

8. Evidence of use by non-motorised vehicle (pedal cycle)

- 8.1 No user evidence has been submitted to support use by non-motorised vehicles, other than pedal cycle. With pedal cycle use being more common to a Public Bridleway status after 1968 the evidence before 1968 has been looked into.
- 8.2 The pedal cycle use is reported to go back as far as the early 1940's but the earliest account does make reference to using the route socially and during the course of work. If use was during the course of work then this could be considered as a private right to use the Camber Quay to access their place of work however it does give an indication that social use may have taken place at other times.
- 8.3 A further 7 reports of pedal cycle use are made prior to 1968 with only 1 of these reporting use throughout the relevant period of 20 years (1948 and 1968). The other 6 witnesses report use from 1952 to 1968 for various periods.
- 8.4 Looking at the pre-1968 figures first it seems that there is limited user evidence to support the claim for a Restricted Byway, based on this non-motorised vehicular use. With limited witnesses reporting use prior to 1952 on pedal cycle it is not considered this is suitable evidence to meet the legal tests to add a Restricted Byway.
- 8.5 Although an application was not received for a Public Bridleway it is considered necessary to investigate user evidence in relation to this status as well. 19 witnesses report use at some time during the relevant 20 year period between 1994 and 2014, with 14 reporting use throughout that whole 20 year period.
- 8.6 Looking into this user evidence further it seems that 11 users report use "as of right" at all times. The other reports make suggestions of accessing the Bridge Tavern at the eastern end of the Camber, the old fish market and accessing boats they have moored on the Camber Quay. Whilst this does not mean that "as of right" use was not undertaken it does raise the possibility that if they were entering and exiting for the purposes of visiting businesses or accessing their own vessels then they were less likely to be challenged at other times.

- 8.7 Considering this reported use it leaves 6 witnesses who have used the route for the full 20 year period (1994 to 2014) with no reference to any private/permissive right at any time and 5 who have used it at some time during that 20 year period with no reference to a private/permissive right at any time.
- 8.8 The evidence of use of pedal cycles during the 20 year period required under section 31 is reasonable with 11 people using it at some time between 1994 and 2014. Some of these reports suggest their use was occasional and looking at the evidence as a whole it seems this level of use was far less prevalent than the evidence of use on foot, addressed below.

9. Evidence of use on foot

- 9.1 All witnesses who have submitted evidence report some level of pedestrian use around the Camber Quay dating as far back as the 1920's. Of all the witnesses 87 report to have used the claimed route within the relevant 20 year period with 56 of those reporting use throughout the whole 20 year period between 1994 and 2014. As with the user evidence on pedal cycle there is reference to gaining access for moored boats on the Quay and accessing the pub and fish market but 69 of the witnesses who used it between 1994 and 2014 report to have used the claimed route "as of right" at all times.
- 9.2 This is compelling evidence and whilst there are various reports of having to stop and divert around various features on the undertaking it all paints a picture of pedestrian use over a period of time suitable to establish a public right under Section 31.

10. Evidence from KB Boats

- 10.1 A "Statement of Fact", accompanied by photographic evidence, has been submitted by Ken Brown Boats, as private boat yard operator and in their capacity as Agents to the Port Authority for the Camber.
- 10.2 Included are various references (and supporting photographs) to occasions when the route was restricted, mainly for health and safety reasons. These include:
- Introduction of the Crane Bay in 1995 restricting access to part of the claimed route at all times by metal posts and chains (as shown in Schedule 3).
 - Associated boat lifting tasks restricting part of the claimed route.
 - The introduction of a red and white barrier on the northern side of the Camber to restrict access.
- 10.3 KB Boats also note "On instruction from the Harbour Master, it must be a condition that any working area of the quays of the operational Port must continue to be blocked off to public access when lifting or other operations within the risk assessments demand".
- 10.4 It should be made clear that KB Boats have not requested public access is prevented altogether at any time and report that part of the character of the Camber is the limited public access and would consider it safe to continue if certain conditions were imposed to retain the safe working environment as an operational Port.

11. Photographic evidence

- 11.1 Photographic evidence has been looked into as part of this investigation in the form of aerial photographs and historic photographs of various locations around the Camber. The historic photographs do support use of the Camber by what appears to be the public but there is little to show whether the use is "as of right" or not.
- 11.2 The aerial photographs again are inconclusive as they support that the claimed route was available, at times fully and at others not, but other than this they add no further actual evidence to this application.
- 11.3 Photographs submitted by KB Boats as part of their submission show examples of when the route was restricted, such as boat lifting, but on each occasion there seems to be some level of public access available to users.

12. Archival documentary evidence

- 12.1 Lots of documentary evidence was submitted by the applicants and further documents were looked into as part of this investigation. Much of this, particularly in the 1980's and 1990's discusses the desire to develop the undertakings in the future and in each case public access (pedestrian predominantly) is encouraged but at no stage does it refer to an established public right of way around the Camber Quay.
- 12.2 Earlier documents are referred to by the applicants, which they believe support public rights around the Camber. One is an extract from the Evening News in 1935. This refers to Cromwell Court being closed as a highway. Cromwell Court seems to have run at right angles from East Street to the North Quay. In this same document however it refers to highways as routes on the Camber that were used by vehicles transporting goods. Therefore this does not support the "public highway" status, as transporting goods to and from the Camber would not be considered "as of right" use.
- 12.3 In relation to the claim for a Restricted Byway this could be successful if the evidence suggests that the route was considered a vehicular highway in the past (when the majority of the 'vehicles' would have been non-motorised). There is little evidence that suggests that non-motorised vehicles used the claimed route for recreation and considering the 1935 document (12.2) it is considered that if non-motorised vehicles (such as horse and cart) did use the claimed route it was most likely for delivering and collecting goods to and from the Quay. As explained in 12.2 this would not be considered "as of right" use.
- 12.4 The applicants, as part of the appeal process, did submit a document dated 1959 (Portsmouth Corporation Bill) where the claimed route, referred to as Town Quay in this document and supporting plans, is recorded as public highway. This adds support to the application but gives no indication as to what status any such highway may be.
- 12.5 Further documentary evidence supports the existence of public access for enjoyment and "as of right" use and an example of this is a guided walk leaflet called "Portsmouth Point". This encourages the public to use the claimed route as part of a larger route.

Whilst this does not put a status on the claimed route it does add support to public use.

- 12.6 During the 1990's there are various documents which deal with the undertakings in a way consistent with public highway. Examples of these are the proposals to pedestrianise the area outside the Bridge Tavern and a temporary closure of the area to the east of the Bridge Tavern to vehicles for 3 months and then future recommendations to implement this permanently.
- 12.7 A fresh piece of documentary evidence was submitted as part of the two new applications (3.4) and this was a report dated 7th March 2000 where the northern, southern and western sections of the Camber are referred to with a view to a prohibition of driving, a prohibition of waiting and waiting restrictions. This report ties part of the claimed route in with other public highway in the area, however, section 142 of the Road Traffic Regulation Act 1984 is clear in providing that traffic regulation orders regulate *roads*, and that the definition of *roads* encompasses not only highways but any other road to which the public has access. Accordingly, it is not inconsistent for the Council to have utilised these powers in relation to the application route.
- 12.8 Whilst the documents referred to above do give some indication that at times part of the claimed route was treated in a way consistent with public highway these all need to be considered against the empowering legislation relating to the undertakings as an operational port.

13. **Statutory purpose**

Officers sought the opinion of leading counsel in relation to the interpretation of the law as it applies to this application, and in particular, the context of the application route lying on what forms a part of the operational port land. A key extract from that opinion is below:

The Council should decline to modify the Definitive Map if it concludes that the dedication of a right of way over the Camber would be incompatible with the exercise of its statutory functions as harbour master. Whether there is such a conflict is a matter of fact for the Council to determine, having regard to what is reasonably foreseeable. However, I have identified a number of areas where, depending upon the relationship between the precise route of the proposed right of way and the operational needs of the harbour, the Council would be entitled to find that such conflict existed.

The areas referred to include:

- a) Whether there is a realistic possibility that a public right of way would impede the use of the adjoining quay to moor vessels;
- b) Whether the existence of a right of way would restrict the Council's ability to alter the existing quay;

- c) Whether the existence of a right of way would interfere with the wish or need to allocate areas of the Camber for parking and to restrict the power to erect fencing (as the empowering legislation in relation to the Camber provides for);
- d) Whether a public right of way would affect the Council's power to set apart and appropriate any part of the dock undertakings for the exclusive or preference use and accommodation of any particular trade, activity, person, vessel or class of vessels;
- e) Whether a public right of way would restrict the Council's ability to construct warehouses, storehouse, sheds or other buildings, or gates, fences, and entrances within the harbour, dock or pier.

The opinion of the Harbour Master is that the existence of a right of way - even one which lies outwith the current disposition of the buildings and fencing - would interfere with the ability of the Council, as manager of the operational port land of the Camber, to organise itself toward current and future operation. The preference of the Harbour Master is to retain the primacy of the port undertaking, but to continue to manage and permit pedestrian access as part of a policy toward encouraging open usage and enjoyment.

The legal advice above continues to be current and accurate for the purposes of this report.

14. Evidence of width and alignment

- 14.1 It is not the Council's position to determine the width of a public right of way based on what is reasonably necessary to exercise a public right. The width is determined by what the evidence demonstrates has occurred, as a matter of fact. If however the width cannot be reasonably established from the evidence submitted as part of this application the Council may need to determine a width suitable for the rights that are proven to exist.
- 14.2 Based on the user evidence submitted it is difficult to establish an exact width due to various changes that have taken place on the Camber Quay, and recognised by the witnesses. There are numerous reports that at times people had to avoid features on the Quay, in line with the working practices taking place and also barriers and obstructions which did not appear to block access but did mean that the whole width of the route applied for was not available.
- 14.3 It could be the case that at times the whole claimed route was available but as both the user evidence and that submitted by the Harbour Master and KB Boats clearly shows, this was not always the case, particularly during the relevant period of 1994 and 2014.
- 14.4 Therefore considering the various reports of features restricting parts of the claimed width it seems unlikely that this whole claimed route was walked without interruption between 1994 and 2014. Examples of this include reference to the Crane Bay on the

Quay which required people to divert around it and the chain fencing erected for health and safety purposes and the introduction of the red and white drop down barrier that may not have been used much but was in operation when required (referred to in paragraph 10.2). Whilst users report these did not stop them from exercising their right to use some of the claimed route it does have implications as to what width, on the balance of probability, can reasonably be claimed.

- 14.5 There is also reference in some witness statements and evidence submitted by KB Boats that people could not always use part of the claimed route due to boats being lifted out and loading and unloading of various items on and off boats moored on the Camber.

15. Application of the legal tests

- 15.1 Responses were received by, and interviews conducted with, a sufficient mix of individuals to support a finding that the uses described more fully, and explored in more detail below, were enjoyed by the public - not a limited group of users, or those exploiting a private right.

15.2 Intention to dedicate

Section 31 of the Highways Act 1980 provides that a right of way which meets all other relevant tests:

Is deemed to be dedicated as a highway unless there is sufficient evidence that there was no intention ...[...] to dedicate it

The commentary above refers to the relevant substantive evidence, and the legal position is that there must be some evidence of the landowner, the Council, having manifested there being no intention to dedicate the route. This is, ordinarily, in the form of signage, and whilst a landowner may establish a lack of intention to dedicate by other means, the legal burden is on the landowner to provide sufficient evidence that his lack of intention was made clear to those who were using the claimed right of way.

In this instance, the evidence of control being asserted is by the periodic control over the areas open to the public to use - and asserted by the Council as landowner, but more particularly in its role as Harbour Master, by way of itself and its agent, KB Boats.

What is clear from the evidence of those interviewed, is that they did not acknowledge that the landowner had sought to prevent them from using the application route but there is recognition that some areas were blocked temporarily and sometimes they had to wait whilst certain activities took place. This evidence is reinforced by the direction and control of the Harbour Master and the Harbour Master's appointed agent over the site.

16. Conclusion

- 16.1 There is evidence to support the existence of a public footpath around part of the claimed route, based on user evidence and supporting documentary evidence referenced above but insufficient user or documentary evidence was found to support a Restricted Byway or a Public Bridleway.
- 16.2 Due to the inconsistencies of the route able to be used by members of the public, as recognised by witnesses and detailed by KB Boats, it is considered appropriate for this right to exist over the width of 2-3 metres to the edge of the footprint of the buildings as shown in Schedule 2.
- 16.3 This route however is subject to the interferences in respect of which the Council is empowered (Portsmouth (Camber Dock and Flathouse Wharf) Harbour Revision Order 1990) to take action, such as the power to:
- Provide facilities for the parking of vehicles on land "within the undertakings", and for that purpose to erect barricades or fencing with related offices, waiting room and other conveniences (Art 4);
 - Set apart and appropriate any part of the undertakings for the exclusive or preferential use and accommodation of any particular trade, activity, person, vessel or class of vessels (Art 7 (1)), with the consequence that no person or vessel may then make use of the part of the undertakings so set aside or appropriated without the consent of the harbour master (Art 7(2))
 - The power to construct warehouses, storehouses, sheds and other buildings and works necessary for the accommodation of goods within the harbour, dock, or pier (section 21). A similar power is conferred under Art 3 of the 1911 Harbour Revision Order, and section 22 of the 1959 Act, which respectively include the power to maintain such gates and fences, and gates and entrances as the harbour authority considers necessary (importing provisions from the Harbours, Docks, and Piers Clauses Act 1847);

As well as this there is a duty to ensure that the Camber is "open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers" upon payment of the relevant rates (section 33, Harbours, Docks, and Piers Clauses Act 1847).

Various examples of this include the erection of crane bay on the southern side of The Camber; the movement of dry stack over areas previously used for parking, the positioning of RS Divers and the locating of the BAR building on The Camber. Therefore considering this and the points raised in 13 it is considered that the Council should decline to modify the Definitive Map and Statement under Section 31(8) of the Highways Act 1980.

- 16.4 The importance of retaining The Cambers existence as a statutory port is further illustrated by the document 'Maritime Futures: Solent Waterfront Sites', produced for the Solent Local Enterprise Partnership (SLEP) in September 2015. This provided a better understanding of the Solent area's waterfront assets further to concerns being raised by the marine and maritime business community and some policy makers that land suitable for marine industries is being lost to alternative uses such as residential.

The loss of land at strategic waterfront sites reduces the Solent area's ability to provide the right sites and cater for demands from the marine and maritime (M&M) sector which is growing.

- 16.5 Section 4 of this report considered the importance of each site in supporting M&M activities relative to one another. In this document Town Quay - BAR (The Camber) is considered a location with good marine access, an existing presence of marine and maritime activities and limited potential to grow, based on the existence of vacant land, derelict buildings and prospects for redevelopment and intensification (for instance, inefficient/ poor land and building utilisation). Considering these factors the location is categorised as Tier 1 - Primary Importance. Sites defined as Tier 1 are of prime importance and are relatively the most important sites for M&M activities in the Solent. They display, on balance, the best characteristics to give continued support and growth to M&M business.
- 16.6 This document highlights The Cambers importance to local business and industry in the Solent and supports the importance of retaining the Ports ability to undertake its statutory purpose, therefore adding weight to the recommendation to decline to modify the Definitive Map and Statement under Section 31(8) of the Highways Act 1980.
- 16.7 A further recommendation is to finalise an Access Policy for the Camber allowing public to continue to use this area subject to the day to day running of the area as an operational Port.

17. Equality Impact Assessment

- 17.1 An equality Impact Assessment is not required for this report as it does not change any physical features on the ground and simply relates to recognition or not of whether a public right of access exists around the Camber.

18. Legal Implications

- 18.1 It is the duty of Portsmouth City Council, as Highways Authority, to keep the Definitive Map and Statement of Public Rights of Way under continuous review.
- 18.2 If the application is refused the applicants will have the opportunity to appeal the Councils decision to the Planning Inspectorate who will consider all the evidence looked at as part of these applications.
- 18.3 The Planning Inspectorate then have the decision to make whether the Appeal should be rejected or upheld. If the Appeal is rejected then no further action will be necessary but if it is upheld the Council may be instructed to make an Order adding a new Public Right of Way around the edge of the Camber.
- 18.4 Any Order made is then advertised and open to objection. If objections are received then the matter may have to be determined at a Public Inquiry but if no objections are received the Order can be confirmed by the Council, unopposed.

19. Director of Finance's comments

- 19.1 Approval of the recommendations within this report do not have any implications.
- 19.2 In the event that the recommendations are not approved as presented, and the application to record a public right of way under Section 53 of the Wildlife and Countryside Act 1981 is accepted, the anticipated financial cost would be managed from existing Traffic and Transport budgets.

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Signed by:
Alan Cufley
Director of Transport, Environment and Business Support

Background list of documents:

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Application under Section 53 Wildlife and Countryside Act 1981 to add a Public Footpath and Restricted Byway to the definitive Map and Statement for Portsmouth City	
Camber evidence bundle	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:
Councillor Simon Bosher
Cabinet Member for Traffic and Transportation

(End of report)