

## **BEECH ROAD SAFETY WORKING GROUP**

### **MINUTES OF THE FOURTH MEETING HELD AT 19:30 ON 7 May 2020**

**1. Attendees:**

Charles Cockburn (CC)  
Tony Ransley (TR)  
Nick Ward (NW)  
Malcolm Ward-Close (MWC)  
Ian Gibson (IG)

Apologies for absence: Eric Baker (EB), David Roger Ison (RI), Brian Wagstaff (BW)  
David Walker (DW)

2. The Minutes of the previous meeting on 20<sup>th</sup> April were reviewed and approved unanimously. Approval was proposed by Malcolm Ward-Close, seconded by Ian Gibson and signed off “virtually” by the Chairman, Charles Cockburn. Charles will formally sign off in front of the meeting next time we are able to meet in person (post lockdown). There were no matters arising from this review.
3. The Chairman proposed a motion to delay discussion of the Actions generated from the previous Minutes until the next meeting on 25<sup>th</sup> May 2020. The motion was carried unanimously.
4. The Chairman also proposed a motion to delay the Report on Workstream progress until the next meeting on 25<sup>th</sup> May 2020. This motion was also carried unanimously.
5. **Declaration of Interest** – (in accordance with the National Association of Local Councils Model Code of Conduct adopted July 2018) Councillors and Working Group members are reminded of their responsibility to declare any disclosable pecuniary interest which they may have in any item of business on the agenda no later than when that item is reached. Unless dispensation has been granted, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State under the Localism Act 2011. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.  
**No interests were declarable at this time.**
6. Tony and Malcolm introduced the topic of new signs designed to highlight the issue of speed and pedestrian vulnerability on the village roads especially given the lack of pavements. The relevant elements of sign content, design, location and impact on recorded speeds were discussed, together with the required budget to purchase and install, and the following decisions were made:
  - a) 6 distinct sign designs were approved by the Group, all of which conform to Hampshire Highways standards and have already been approved by the Hampshire Council representative. It was agreed that “rainbow 30” decals would not be included and that some of the silhouetted people would be illustrated in a different colour (red).
  - b) 5 locations within the village were discussed and agreed by the Group. The proposal

will be to rotate the signs between locations and measure to see if there is any effect on actual speed recorded versus the position with no signs and also between signs placed in different locations.

c) The budget required to achieve this proposal was reviewed and a discussion around Risk assessment and Statement of Works was completed. The Group is satisfied that an appropriate RA and Statement of Work exists to enable safe installation of these signs and that a budget of approx. £600.00 will be suitable.

**FOLLOWING THIS REVIEW THE GROUP AGREED UNANIMOUSLY THAT A PROPOSAL BE MADE TO THE BEECH PARISH COUNCIL TO ENDORSE THIS INITIATIVE AND MAKE THE NECESSARY FUNDS AVAILABLE.**

**Actions:** Malcolm to make minor adjustments to the presented designs to reflect the decisions taken at this meeting.

Tony to finalise a proposal to the Parish Council and present it to the Clerk by Sunday 10<sup>th</sup> May (latest) for inclusion on the agenda for the PC meeting to be held on 18<sup>th</sup> May.

7. The date of the next meeting of BRSWG was confirmed as Monday 25<sup>th</sup> May. Details to be agreed nearer the time depending on developments on the current lockdown situation.
8. CC raised the matter of an email, circulated to members late this afternoon and attached as Appendix A, which he had received from Mr Colin Bengree of I Kings Hill (Deer Cottage) earlier in the day which included information regarding the possible existence of 'dedications' on land bordering Medstead Road. As part of the WG's on-going information gathering effort, the Chair will follow up this email and raise it as an agenda item at a future WG meeting.

N J Ward

## Appendix A

Begin forwarded message:

**From:** colin bengree <colinbengree@gmail.com>

**Subject:** Fwd: Medstead Road footpath

**Date:** 7 May 2020 at 14:50:23 BST

**To:** tony.ransley@gmail.com, charles@cockburn.biz

Gentlemen - please see the attached e-mail exchange between myself and Mr Housby of HCC. Mr Cockburn and I have exchanged e-mails recently regarding this matter where he stated that the council could not develop a pathway along parts of the Medstead Road as they didn't own sufficient land. This was, I believe, decided upon by studying house deed documents for properties along the Medstead Road. As you can see by Mr Housby's reply this assertion is not accurate.

The fact that land is dedicated, and original owners compensated, is still current and will remain so. House deed documents showing land boundaries should also show land dedicated to the council but the fact many don't does not mean that the council cannot use the land for the originally prescribed purpose.

Therefore seeking permission from land owners for the proposed footpath is academic as the exercise was carried out in the 1970s by the HCC.

So, for the sake of transparency and openness this information should be put in the public arena. Only at this point do I believe that you will truly be able to accurately determine the appetite for such a project.

Regards  
Colin Bengree

----- Forwarded message -----

**From:** Housby, Mark <mark.housby@hants.gov.uk>

**Date:** Wed, 6 May 2020 at 11:53

**Subject:** RE: Medstead Road footpath

**To:** colin bengree <colinbengree@gmail.com>

Thanks Colin, yes I'm happy for you to pass this on to the parish council.

**Mark Housby** <sup>[SEP]</sup>**Highway Asset Information Manager** <sup>[SEP]</sup>Hampshire County Highways  
<sup>[SEP]</sup>01962 832194

**From:** colin bengree <colinbengree@gmail.com> <sup>[SEP]</sup>**Sent:** 06 May 2020 11:08 <sup>[SEP]</sup>**To:**  
Housby, Mark <mark.housby@hants.gov.uk> <sup>[SEP]</sup>**Subject:** Re: Medstead Road footpath

Good morning Mark - thank you for your prompt and comprehensive reply. The reason I am asking is that there have been a number of road related incidents in the area recently that have

driven calls for this to be looked at again. I fear that the Parish Council members do not have the depth of knowledge that you have and are embarking on a project that is based on a flawed premise.

Do I have your permission to pass your e-mail on to the members of the Parish Council pursuing this project.

Regards

Colin

On Wed, 6 May 2020 at 10:46, Housby, Mark <[mark.housby@hants.gov.uk](mailto:mark.housby@hants.gov.uk)> wrote:

Hello Colin,

....Personal comments redacted ...

There was a proposal to improve Medstead Road, Beech and Beech Road, Medstead in the 1970s which if I recall correctly even got as far as a compulsory purchase order being made. The improvement included a widening of the road and the construction of a footway. Much of the land required was dedicated to the County Council, however, as the Country entered into 1980s and the economy took a downturn, the proposed scheme along with several others was put on hold. I presume that as the 80s became the 90s, the scheme slipped off the radar.

A dedication of land is where a landowner enters into an agreement with the County Council to allow the Council to use the land dedicated for highway purposes when and if the Council requires it. It is not a conveyance and does not involve a transfer of land. You could perhaps think of it as an option. Because no land is transferred dedications are not normally registered with the Land Registry, nor are they recorded as a memorandum on the title deed of the property. The dedication should be kept with the deeds for the property, but from my experience dealing with solicitors the dedication agreements often seem to become detached. Also, as solicitors rely more and more on Land Registry titles rather than the original title deeds, these dedications get overlooked. The upshot being that a subsequent owner may have no knowledge that part of his land is dedicated to the Council for a highway improvement.

Dedication agreements are not time bound and since there is no transfer of title adverse possession is not applicable. So technically it would be possible for the Council to act upon these dedications, even after 40 years. One problem however, is that Medstead Road is not the same as it was in the 1970s, and many properties will have new drives, walls, even constructed garages on the dedicated land. As the compensation was paid and the accommodation works agreed at the time the land was dedicated, you can imagine the consternation should the County Council demolish a garage and replace it with a hedge!

Any improvements to Medstead Road would have to be designed and built by the Council, so my thoughts are that if the parish council would like to see an improvement to the road, it should approach the Council in the normal way and we will look at the feasibility of an improvement scheme, including what land is available. The Council can then explore with its legal team whether it would be possible, and indeed expedient to draw upon this bank of 40 year old dedications.

Does that help?

Kind regards

**Mark Housby** Highway Asset Information Manager Highways Operation Centre  
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[www.hants.gov.uk/transport](http://www.hants.gov.uk/transport)

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**From:** colin bengree <[colinbengree@gmail.com](mailto:colinbengree@gmail.com)> **Sent:** 05 May 2020 18:55 **To:** Housby, Mark <[mark.housby@hants.gov.uk](mailto:mark.housby@hants.gov.uk)> **Subject:** Medstead Road footpath

During our discussions...personal comments redacted... you mentioned that the subject of a footpath along the Medstead Road and into Kings Hill had been looked at by the Council a couple of times in fairly recent history.

I believe you said that the council had 'dedicated' the land required to construct a footpath the length of the Medstead Road and partially up Kings Hill. The reason I ask is that the Parish Council have announced that they are proposing to spend £12,500 on a feasibility study to see if a partial footpath is possible. They are looking at a partial footpath as the feasibility paper states a full footpath is not possible as :-

" Hampshire Highways owns little or no land on either side of the carriageway in the centre of the village".

The feasibility study paper states that the commission manager is Mr Jamie Roan who I believe is a council employee.

Am I correct in saying that the land dedicated by the council is in fact sufficient to construct the footpath. I believe their assertion that the land is not available to the council is based on house deed documents.

I would be grateful for clarification on this matter. I hope you are keeping well during these strange times.

Regards

Colin