

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Common law dedication of public footpath rights – West of Waterlooville by West of Waterlooville Developments Limited

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1. The decision:

- 1.1. Hampshire County Council has received a proposal for the dedication of public footpath rights by (West of Waterlooville Developments Limited).
- 1.2. The dedication is linked to a planning application approved by Winchester City Council. The proposal is for a common law dedication of footpath rights on a new footway to be constructed as part of the new development (see plan).
- 1.3. The maintenance obligations for the road network within the development will be adopted via an agreement under Section 38 of the Highways Act 1980 agreement. Maintenance will then become the responsibility of Hampshire County Council.
- 1.4. Once the Common Law dedication has been completed, an application to extinguish the definitive line of Southwick and Widley footpath 30 under Section 257 Town and Country Planning Act 1990 will be undertaken by Winchester City Council.

2. Reason(s) for the decision:

- 2.1. Officers consider that it is expedient to progress the dedication to allow Winchester City Council to extinguish the definitive line of Southwick and Widley footpath 30.

3. Other options considered and rejected:

- 3.1. Not applicable.

4. Conflicts of interest:

- 4.1. Conflict of interest declared by an Executive Member who is consulted by the officer which relates to the decision:

Not applicable.

5. Dispensation granted by the Head of Paid Service:

5.1 Not applicable.

6. Supporting information:

6.1. None

Approved by: Jonathan Woods Countryside Access Date: 18/12/2017
Group Manager

**On behalf of the Director of Culture, Communities
and Business Services**

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1) Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

In determining this application, the County Council is exercising its functions as the highway authority and as such must give due consideration to the statutory tests set out in s119 Highways Act 1980. These statutory tests have to be considered in conjunction with the over-arching duty of s149 Equalities Act. The proposed route is no more or less convenient than the existing route.

2. Impact on Crime and Disorder:

2.1. It is unlikely that this proposal will have any impact on reported crime in this area.

3. Climate Change:

a) **How does what is being proposed impact on our carbon footprint / energy consumption?**

No impact identified.

b) Environmental:

No impact identified.