

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Fordingbridge Footpath No 8a - Diversion Order

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1. The decision:

- 1.1. That an Order to divert Fordingbridge Footpath No 8a, made under Section 119 Highways Act is made by Countryside Access Group Manager.

2. Reason(s) for the decision:

- 2.1. The application has been submitted by the land owner, who wishes to relocate the route off the vehicular access route to their property, and relocate onto land adjacent to the original line.
- 2.2. Fordingbridge Footpath No 8a, commences at North End Lane, Point A on the plan below, and proceeds in a north-easterly direction along the shared access route for the applicants property.
- 2.3. The length of the existing footpath is 108 metres, with a 2.4 metre width and is on a natural surface that has been worn by traffic and has a few pot holes.
- 2.4. The route bears north off the access road and proceeds for a short distance to a stile, it then continues over a field.
- 2.5. The diversion offers a traffic free route, commencing just north of the original path, through a gate and running parallel to the original line of the footpath. Grassed surface, 2.5 metre width and hedging on both sides. The stile at Point B on the plan will be replaced by a gate.
- 2.6. Although the maintenance of the diversion route will legally fall to the County Council, the landowner has undertaken to carry out cutting of the path.
- 2.7. Officers consider it would be expedient to divert this footpath, not only as it is in the interest of the land owner, but also to benefit the user by providing a traffic free route and replacing the stile with a gate.

3. Other options considered and rejected:

Not applicable.

4. Conflicts of interest:

Not applicable.

5. Dispensation granted by the Head of Paid Service:

Not applicable.

6. Supporting information:

6.1. Appendix A – Consultees

6.2. Appendix B – Impact Assessment

6.3. Appendix C - Plan

Approved by Jonathan Woods Countryside Access Group Manager	Date: 25 June 2018
On behalf of the Director of Culture, Communities and Business Services	

Consultations with Other Bodies:

New Forest District Council

The New Forest District Council has made no comment on this proposal.

Local Member – Councillor Edward Heron

Councillor Heron has no objection to the diversion of the footpath as proposed and would echo the comments of Fordingbridge Town Council.

Fordingbridge Parish Council

It was agreed by the Parish Council that the proposal would increase the safety of the users and it resolved to support the application.

Area Countryside Access Manager

The Area Countryside Access Manager is aware of this application.

The Ramblers

The Ramblers have no objection to the proposed diversion subject to a proper agreement in place regarding the maintenance of the diverted route, including both the cutting and the side cutting to maintain the path width. They also ask that the definitive statement reflects the width of the diverted route.

The Open Spaces Society

The OSS would not raise any objection to this proposal.

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: The proposed change will have a safer route, and more accessible by replacing the existing stile with a gate.