

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Alton Footpath 49 – Diversion Order

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1. The decision:

1.1. That an Order to divert part of Alton Footpath 49, made under Section 119 Highways Act is made by Countryside Access Group Manager.

2. Reason(s) for the decision:

- 2.1. In 2015 Hampshire County Council was notified that the definitive line of Alton Footpath 49 was blocked by a structure on the premises of Hampshire Equine Centre. This was raised with the landowner who subsequently applied to divert the route. It emerged that the County Council had not been consulted at the time planning consent was granted for the structure, and as a result no representations were made in respect of public rights of way by the Countryside Access Team. Consequently, the path was built over (as opposed to being diverted under the Town and Country Planning Act, as should have been the case).
- 2.2. The definitive line of Footpath 49 commences at a junction with Alton Footpath 50c, Point A on the order plan, and proceeds north-westward across a field to a stile and steps at a junction with the A31, Point B on the order plan.
- 2.3. The proposed diversion route commences at a junction with Alton Footpath 50c, Point C on the order plan, and proceeds north-eastward along field edge to a stile and steps at a junction with the A31, Point B on the order plan.
- 2.4. The application has been submitted by the land owner, in order to correct an anomaly which occurred following a planning application which resulted in the footpath being built over.
- 2.5. Officers consider it would be expedient to divert this footpath as a solution to correct this anomaly.

3. Other options considered and rejected:

3.1. Not applicable.

4. Conflicts of interest:

4.1. 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
Group Manager**

**Date: 4th December
2018**

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

Consultations with Other Bodies:

East Hants District Council

East Hants District Council have been consulted and had no comments to make on this diversion.

Local Member – Councillor Joy

Councillor Joy does not object to this proposal.

Alton Parish Council

Alton Parish Council were consulted on this proposal but made no comment.

Area Countryside Access Manager

The Area Countryside Access Manager is supportive of this proposal.

The Ramblers

The Ramblers do not object to a diversion of this route.

The Open Spaces Society

The Open Spaces Society have no objections to this application.

Worldham Parish Council

Worldham Parish Council were consulted as the neighbouring Parish but made no comment.

Councillor Kemp-Gee

Councillor Kemp-Gee was consulted but made no comment.

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.