

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	West End Footpath 15 – Extinguishment Order Under Section 118 of the Highways Act 1980 and Definitive Map Modification Order to record public footpaths running from Moorhill Road to Thornhill Park Road and Pine Drive East

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1. The decision:

1.1 That the Countryside Access Group Manager approve the making of an Order under Section 53 Wildlife and Countryside Act 1981 to record public footpath 118 Highways Act 1980, to extinguish West End Footpath No.15 and record rights via Definitive Map Modification Order.

2. Reason(s) for the decision:

2.1 Officers consider it is expedient to extinguish Footpath 15 in the interest of the land owner, and to correct an anomaly on the definitive map (on the grounds that FP15 is not needed for public use). By recording an alternative route already in use by the public, the DMMO will enable the extinguishment order to be made

3. Background

3.1 It is proposed to extinguish the whole of this path which runs through several houses and should have been diverted or stopped up under Section 257 of the Town and Country Planning Act 1990 when the estate was built.

3.2 An alternative, surfaced route is available and there is evidence to show that the path ought to be shown on the definitive map as a public footpath.

3.3 Any changes to the definitive map must reflect public rights that already exist. It follows that changes to the definitive map must not be made simply because such a change would be desirable, or instrumental in achieving another objective. Therefore, before an order changing the definitive map is made, officers must be satisfied that public rights have come into being at some time in the past. The route is surfaced and signed, and officers are satisfied that the route should be recorded.

4. Other options considered and rejected:

4.1 Not applicable.

5. Conflicts of interest

5.1 Not applicable.

6. Dispensation granted by the Head of Paid Service:

6.1 Not applicable.

7. Supporting information:

7.1 None

Approved by: Jonathan Woods Countryside Access Date:
Group Manager

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

Consultations with Other Bodies:

Local Member – Councillor Keith House

Councillor House was consulted on this proposal and confirmed that he had no comments to make.

Eastleigh Borough Council

Eastleigh Borough Council were consulted on this proposal but made no comment.

West End Parish Council

West End Parish Council made no comment on the order

Area Countryside Access Manager

The Area Countryside Access Manager has no comments to make on the proposal.

The Ramblers

The Ramblers would object to an Order unless it is both an Extinguishment Order and Map Modification Order which adds the paths that were physically created at the time FP 15 was built on. The Definitive Map will then have been properly rectified and brought up to date.

The Open Spaces Society

The Open Spaces Society made no comment on 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:

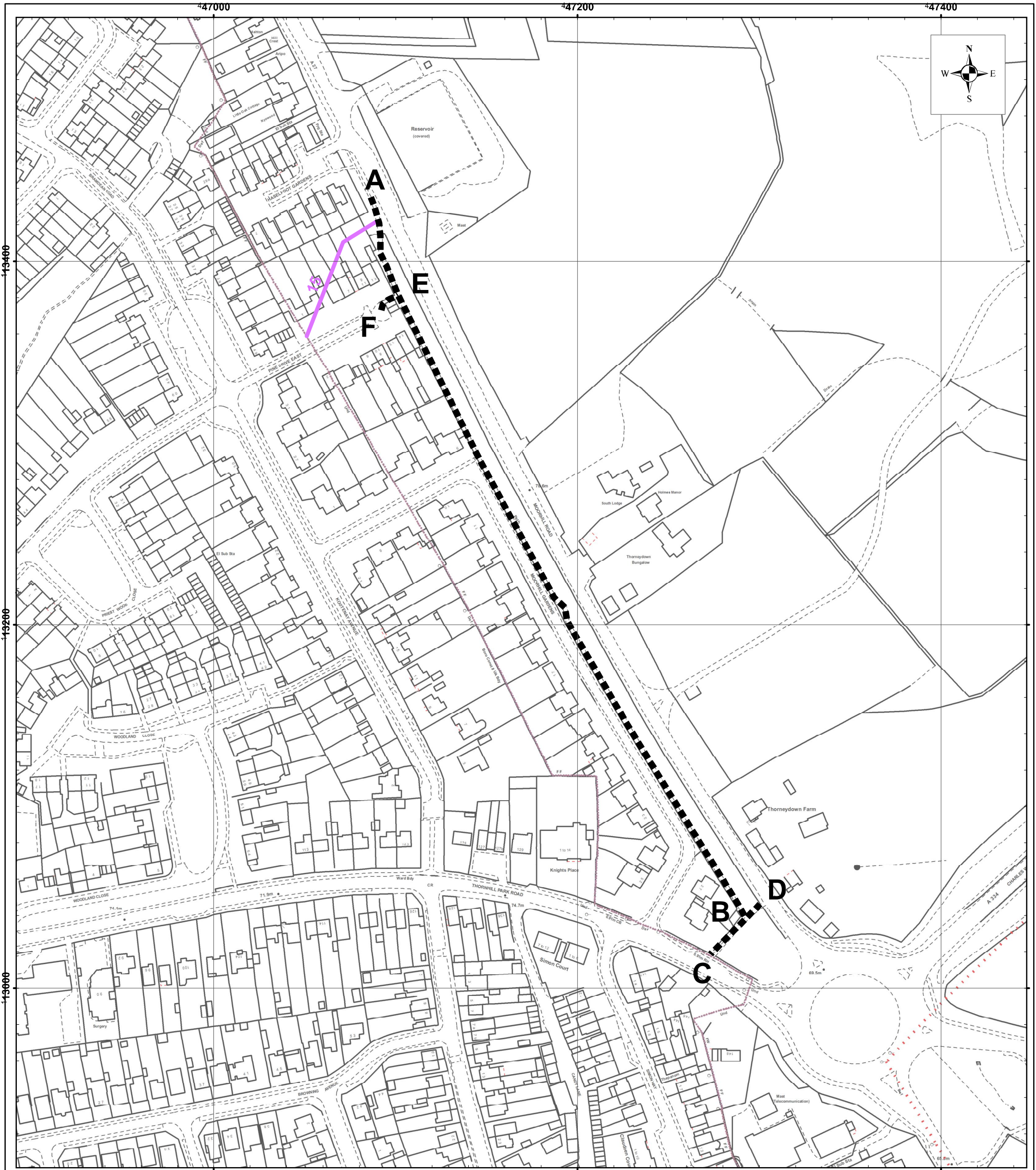
No impact identified.

HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (EASTLEIGH BOROUGH NO.26)

(PARISH OF WEST END DEFINITIVE MAP STATEMENT MODIFICATION ORDER 2019)



SCALE 1:2,000

LEGEND

FOOTPATH TO BE
ADDED TO THE MAP:-



EXISTING FOOTPATH
TO BE RETAINED:-



MAP NO.475 PRODUCED FROM DIGITAL DATA
SUPPLIED BY ORDNANCE SURVEY

THE COMMON SEAL OF HAMPSHIRE COUNTY
COUNCIL WAS HEREUNTO AFFIXED IN THE
PRESENCE OF:-

..... AUTHORIZED
SIGNATORY

DATE.....

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HCC LICENCE No.100019180 DATE (21.03.19)

FELICITY ROE,
DIRECTOR OF CULTURE, COMMUNITIES
AND BUSINESS SERVICES, WINCHESTER

HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (EASTLEIGH BOROUGH NO.4)
(PARISH OF WEST END - FOOTPATH NO. 15)

PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019



SCALE 1:1,000

LEGEND

FOOTPATH TO BE DELETED:-



EXISTING FOOTPATH TO BE RETAINED:-



MAP NO. 1670 PRODUCED FROM DIGITAL DATA SUPPLIED BY ORDNANCE SURVEY

THE COMMON SEAL OF HAMPSHIRE COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-

.....AUTHORISED SIGNATORY

.....

DATE.....

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FELICITY ROE,
DIRECTOR OF CULTURE, COMMUNITIES AND BUSINESS SERVICES, WINCHESTER