

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	Smannell Footpath 716 - Diversion Order under s119 Highways Act 1980

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1. The decision:

1.1. That the authority is given by the Countryside Access Group Manager to make an Order to divert part of Smannell Footpath 716 under Section 119 of the Highways Act 1980.

2. Background:

2.1. As part of the development of this area, some routes have been diverted under s257 of the Town and Country Planning Act 1990 as part of the development. To formalise what is on the ground and resolve an anomaly in the rights of way network, Hampshire County Council has proposed that two sections of Footpath 716 are diverted under the Highways Act 1980. The legal tests for doing so state that a path may be diverted only to a point on the same, or a connected, highway which is substantially as convenient to the public.

2.2. Smannell Footpath 716 needs to be diverted as the route has been blocked by housing, this route was not previously diverted by the local planning authority and therefore needs correcting via a diversion to formalise the route on the ground.

2.3. A plan showing the route is attached.

3. Reason(s) for the decision:

3.1. Officers consider that this order is necessary to ensure that the definitive map reflects what is available on the ground.

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 Group Manager **Date:**

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

Appendix A

Consultations with Other Bodies:

Test Valley Borough Council

Test Valley Borough Council are working with Hampshire County Council as part of this development.

Local Member – Councillor Kirsty Locke

Councillor Kirstie Locke has been consulted on this proposal.

Smannell Parish Council

Smannell Parish Council have been consulted on this proposal.

Enham Alamein Parish Council

Enham Alamein Parish Council have been consulted on this proposal.

Area Countryside Access Manager

The Area Countryside Access Manager is aware of this proposal.

The Ramblers

The Ramblers are aware of this proposal.

The Open Spaces Society

The Open Spaces Society have been consulted on this proposal.

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 29 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 s29 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.

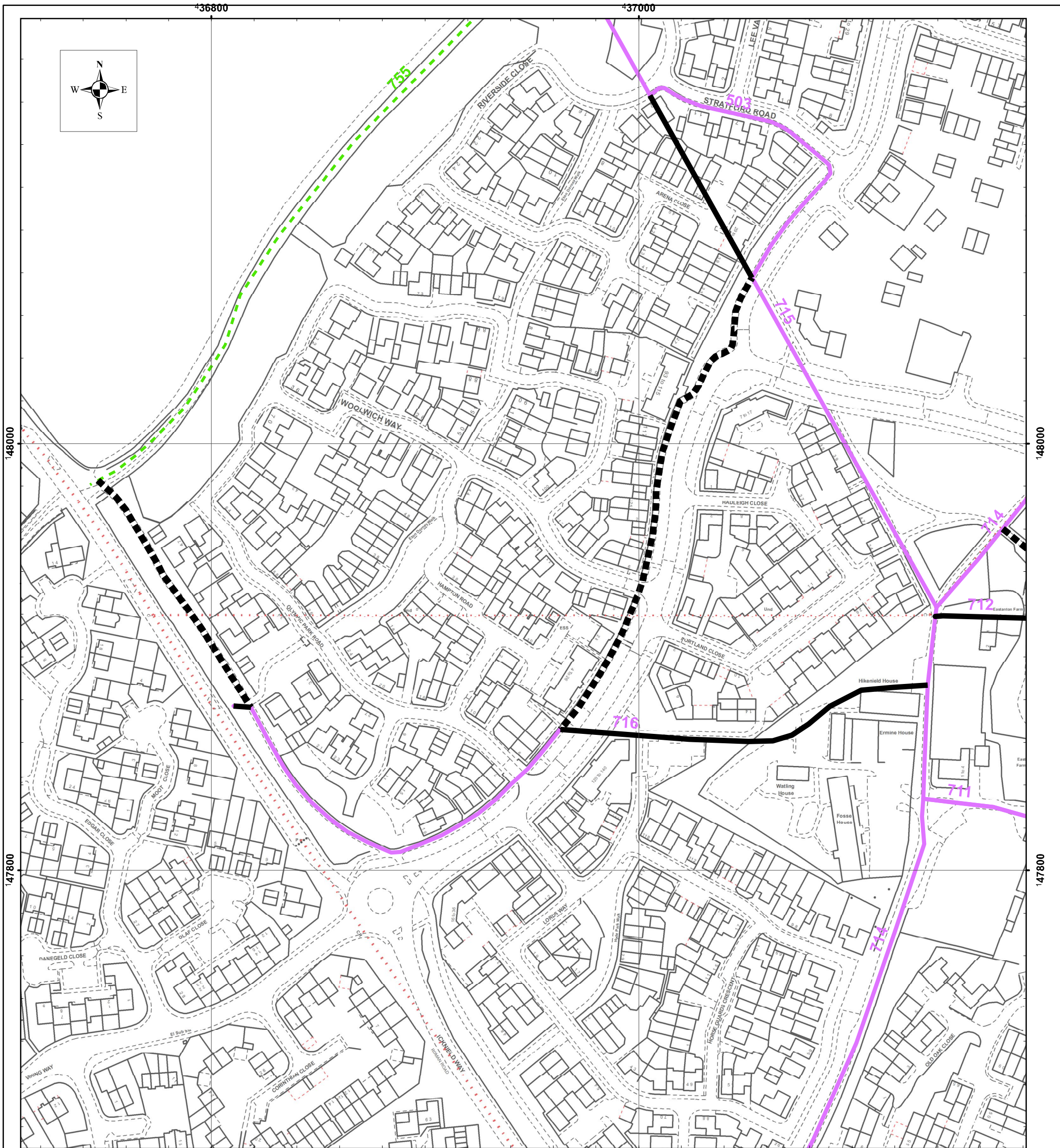
b) Environmental:

No impact identified.

HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (TEST VALLEY BOROUGH NO.16) (PARISH OF SMANNELL
 – PART OF FOOTPATH NO. 716) PUBLIC PATH DIVERSION AND
 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019



SCALE 1:1,750

LEGEND

FOOTPATH TO BE DELETED:-



FOOTPATH TO BE ADDED TO THE MAP:-



EXISTING FOOTPATH TO BE RETAINED:-



MAP NO. 1667 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