

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Group Manager
Title	Variation Order under Section 326 Highways Act 1980 Alton Footpath 29a

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1. The decision:

- 1.1. The County Council recently confirmed an extinguishment order to resolve a long standing anomaly on Alton Footpaths 29a and 29b. However, during the order making process an objection was received by one of the abutting landowners, who relies upon the existence of Footpath 29a for entry to her property as she has no prescriptive right set out in their title deeds.
- 1.2. Following further discussions with the affected landowner, officers secured the withdrawal of their objection, on the basis that a subsequent Variation Order was made to 'reinstate' a section of Footpath 29a (see Appendix 1).
- 1.3. The decision has therefore been taken to make a Variation Order under Section 326(5) Highways Act 1980 to enable the required alteration to take place.

2. Reason(s) for the decision:

- 2.1. Section 326 Highways Act 1980 allows for confirmed orders to be subsequently varied by a further order. Whilst the County Council's reasons for making the original extinguishment order were sound, the discovery of information indicating that the order (as made) had an adverse effect on the landowner, it is now appropriate for the original order to be varied.

3. Other options considered and rejected:

- 3.1. The route in question runs over land owned by HCC. The Estates team has been consulted over the possibility of HCC granting a permanent easement to the affected landowner, but this option is not preferred due to a) the administrative cost in arranging it, and b) the fact that once granted, easements are not easy to remove. Estates have indicated that they will only grant an easement if all other options have been exhausted.

3.2 The granting of a licence to the landowner has also been explored, but this option would also attract a high administrative cost, and given that it is not a permanent measure it will not fully address the issue raised.

4. Conflicts of interest:

4.1. None.

5. Dispensation granted by the Head of Paid Service:

5.1. None.

6. Supporting information:

6.1. Appendix 1 – Plan

6.2 Appendix 2 – Original extinguishment order

Approved by:

Date:

_____ (signature)

13 June 2017

Jonathan Woods – Countryside Access Group Leader

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

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Reference: PPO/Alton FP29a

Location

Countryside Access Team
Castle Avenue
Winchester
SO23 8UL

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment: N/A

2. Impact on Crime and Disorder: N/A

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption? N/A

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? N/A