

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of East Tisted Footpath 8

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1. The decision:

1.1 That the Countryside Strategic Manager gives the authority for an Order to be made under Section 119 Highways Act 1980, to divert part of East Tisted Footpath 8.

1.2 The proposed diversion route is a 2.5 metre wide path.

1.3 A plan of the proposed route is attached.

2. Reason(s) for the decision:

2.1 The application has been made in the interest of the landowner, however it is also considered that it would be in the interest of the public, as the route being proposed is the route which most use in favour of the definitive line.

Legal Framework:

Orders for the Diversion of footpaths, bridleways or restricted byways may be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, in the following circumstances: -

“Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order:

- (a) create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion; and

(b) extinguish... the public right of way over so much of the path or way as appears to the council requisite as aforesaid.
An order under this section is referred to in this Act as a 'public path diversion order'."

3. Background

3.1 At the time of the development of the buildings north of this path, levelling work to provide car parking resulted in a build-up of a bank on the footpath and although it is possible to walk the route it has become more difficult as a result of the creation of the bank. Walkers have therefore been using a nearby farm track to in preference to the definitive line. The proposed diversion will formalise what is being used on the ground.

3.2 Diverting the section which crosses the grassland fields will also enable the Estate to better manage their grazing regime. As the farm track continues west of the cross-field path, most users are choosing to continue along the surfaced farm track.

3.3 The proposed route is not considered to be "substantially" less convenient to the original path. Due to the nature of the routes and the close proximity of the farm track, many walkers already use the proposed route in favour of the definitive line. There are no stiles on the proposed route, as opposed to two on the definitive line (which are currently located at Points C and D on the plan).

4. **Other options considered and rejected:** Not applicable.

5. **Conflicts of interest:** Not applicable.

6. **Supporting information:** None

**Approved by: Jonathan Woods Strategic Manager
Countryside**

Date: 29.09.2022

**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 on this proposal but made no comment.

East Tisted Parish Council

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

Local Member – Councillor Kemp-Gee

Councillor Kemp-Gee has been consulted on this proposal but made no comment.

Southdowns National Park Authority

Southdowns National Park Authority have been consulted and have no objections.

The Ramblers

The Ramblers have been consulted on this proposal, they stated that the Alton Ramblers support the change.

The Open Spaces Society

The Open Spaces Society were consulted on this proposal and have no objection.

Area Countryside Access Manager

The Area Countryside Access Manager is supportive of 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. This diversion is not considered to be substantially less convenient.

2. Impact on Crime and Disorder:

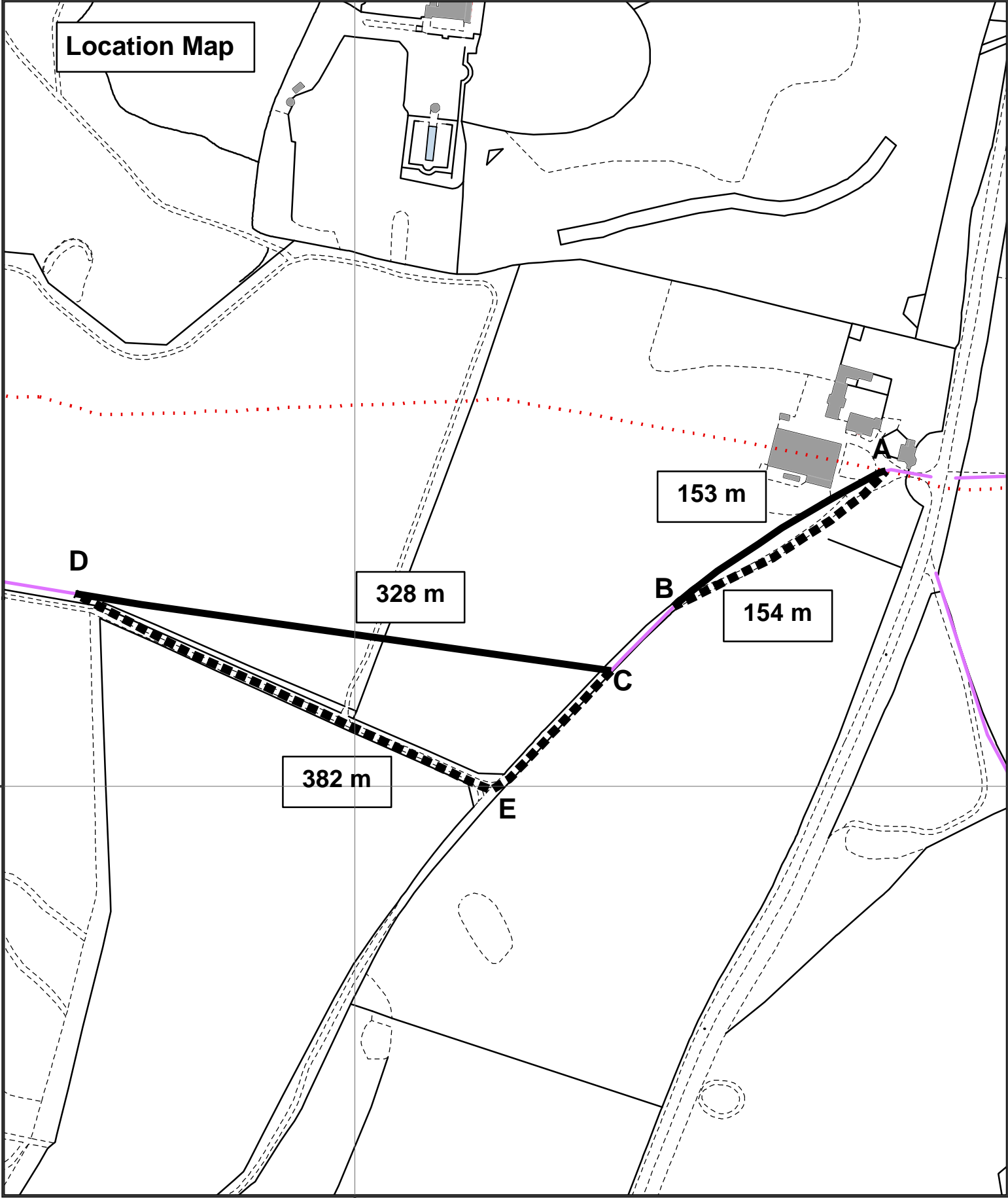
2.1. It is unlikely that this proposal will have any impact on reported crime in this area.

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.

470000

Location Map



1330000

470000



LEGEND		1:3,000
	Footpath	
	FP to be Extinguished	
	FP to be Added	
	Parish Boundary	

Countryside Access Team
Culture, Communities & Business Services
Castle Avenue
Winchester, SO23 8UL

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