

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Newton Valence Restricted Byway 31

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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 Newton Valence Restricted Byway 31.

1.2 The proposed diversion route is a 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 to improve security, privacy and safety of King's Farm. However, it is also considered that it would be in the interest of the users, as the proposed route would be traffic free.

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 The current path commences at a junction with Bridleway 23, north of Kings Farm, it proceeds in a south-westward direction through the garden and drive of the farm, it continues for 87 metres between the boundary of the garden and arable field.

3.2 The proposed route will commence on Bridleway 23 50 metres south-east of the original route and proceeds south-westward along field edge and south of Kings Farm.

3.3 The proposed route is not considered to be "substantially" less convenient to the original path, some may feel that this would be an improvement as it is a better access experience for the user and it may take away the feeling of intrusion that some may experience with the definitive line.

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.

Local Member – Councillor Kemp-Gee

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

Newton Valence Parish Council

Newton Valence Parish Council have been consulted and confirmed that they would not object to this proposal.

Southdowns National Park Authority

Southdowns National Park Authority have been consulted and support the proposal, they agree that the proposed route would have an improved access for the user, with a useable width of 4m and an overall width of 5m.

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 have been consulted on this proposal and have no objection.

The British Horse Society

The British Horse Society have been consulted on this proposal and have no objection.

Cycling UK

Cycling UK have been consulted on this proposal but made no comment.

Byways and Bridleways Trust

Byways and Bridleways Trust have been consulted on this proposal but made no comment.

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, some may find the proposed route more enjoyable with improved access.

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?**

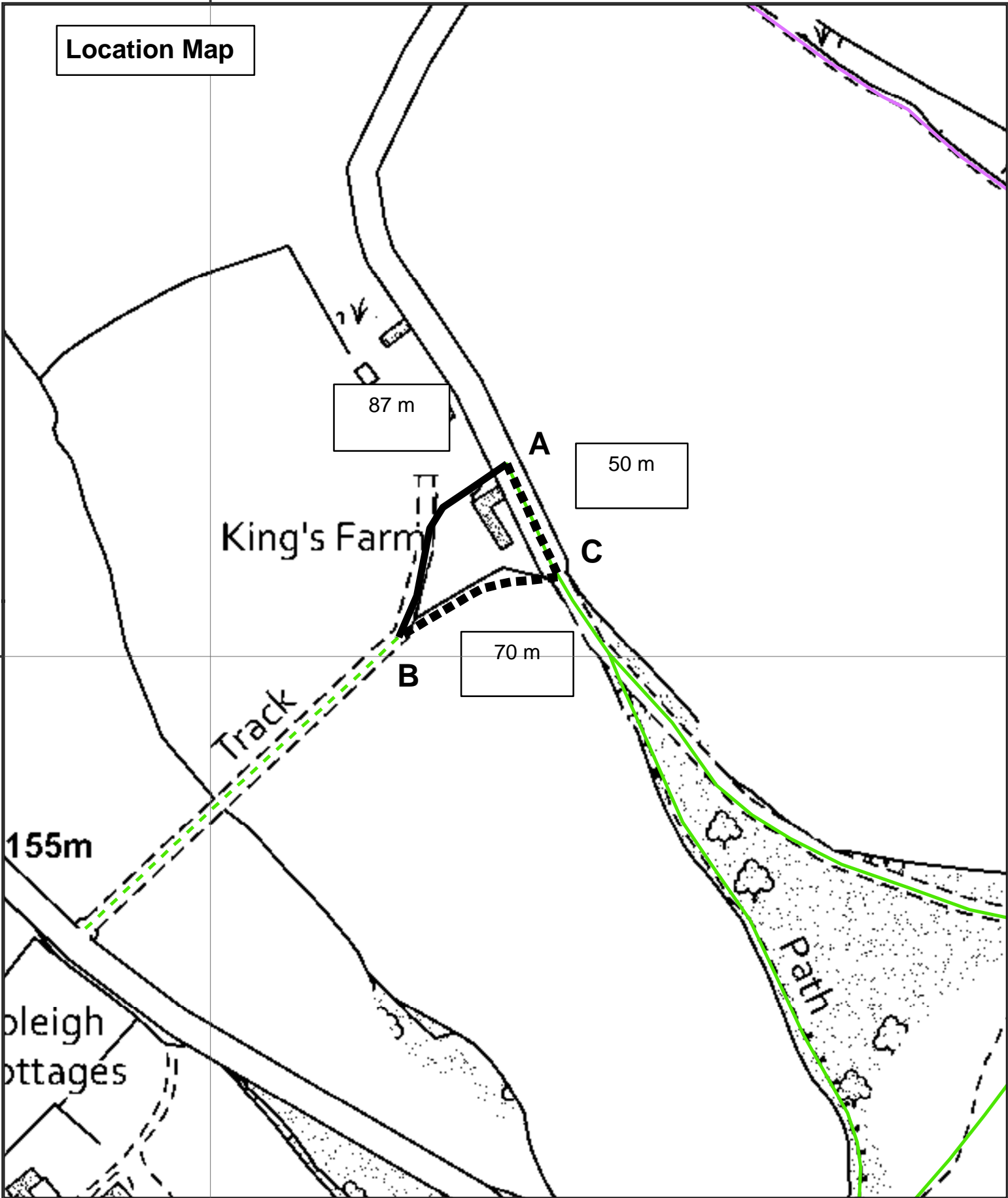
No impact identified.

- b) Environmental:

No impact identified.

473500

Location Map








473500



**Application for a Public Path
Diversion Order for part
of Newton Valence
RB 31**

LEGEND

1:2,000

-  Footpath
-  Bridleway
-  Restricted Byway
-  RB to be Extinguished
-  RB to be Added

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Culture, Communities &
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