

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

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| Decision Maker: | Jonathan Woods |
| Title: | Application for the Extinguishment of part of Footpath 7, in the Parish of Dummer |

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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 118 of the Highways Act 1980, to extinguish part of Dummer Footpath 7.

1.2 A plan of the proposed route to be extinguished is attached.

2. Reason(s) for the decision:

2.1 Hampshire County Council entered into a creation agreement with Bellway Homes Limited (Wessex) under common law to record a public footpath with cycling rights along Longwood Copse Lane to a junction with Beggarwood Lane.

2.2 The legal test for section 118 of the Highways Act is that the route is no longer needed for public use. In light of the creation agreement, the County Council is satisfied that this legal test is met.

2.3 It is proposed that part of Dummer Footpath 7 is extinguished under the provisions of Section 118 of the Highways Act 1980, as the route will no longer be needed for public use as a consequence of the above-mentioned creation.

2.4 Following completion of a Section 278 Agreement between Hampshire County Council and Bloor Homes, a small section of Footpath 7 leading from Beggarwood Lane to a boundary with the Bloor Homes development has been retained to facilitate a pedestrian link into the new development. A copy of the plan forming part of the agreement has been appended to this report for context.

3. Legal Framework:

Section 118 - Stopping up of footpaths and bridleways

Where it appears to a council as respects a footpath or bridleway in their area that it is expedient that the path or way should be stopped up on the ground that

it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.

4. Background

4.1 The proposal is a result of a recent housing development on Longwood Copse Lane in Basingstoke. Hampshire County Council entered into a creation agreement with Bellway Homes Limited (Wessex) under common law and recorded a public footpath with cycling rights along the newly constructed footway of Longwood Copse Lane which terminates at a junction with Beggarwood Lane (as shown on the attached map).

4.2 It is therefore proposed that part of Dummer Footpath 7 is extinguished under the provisions of Section 118 of the Highways Act 1980, as the route, which now runs down the centre of the access road, will no longer be needed for public use as a consequence of the above-mentioned creation.

5. Other options considered and rejected: Not applicable.

6. Conflicts of interest: Not applicable.

7. Dispensation granted by the Head of Paid Service: Not applicable.

8. Supporting information: None

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

Date: 02.02.2023

On behalf of the Universal Services

Consultations with Other Bodies:

Basingstoke and Deane Borough Council

Basingstoke and Deane Borough Council are aware of this proposal.

Councillor Julian Jones – Dummer Parish Council

Councillor Jones has been consulted on this application and would not object to this order.

The Ramblers

The Ramblers were consulted on this application but did not comment.

The Open Spaces Society

The Open Spaces Society do not object to the application.

Appendix B

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 route is no longer needed for public use.

2. Impact on Crime and Disorder:

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

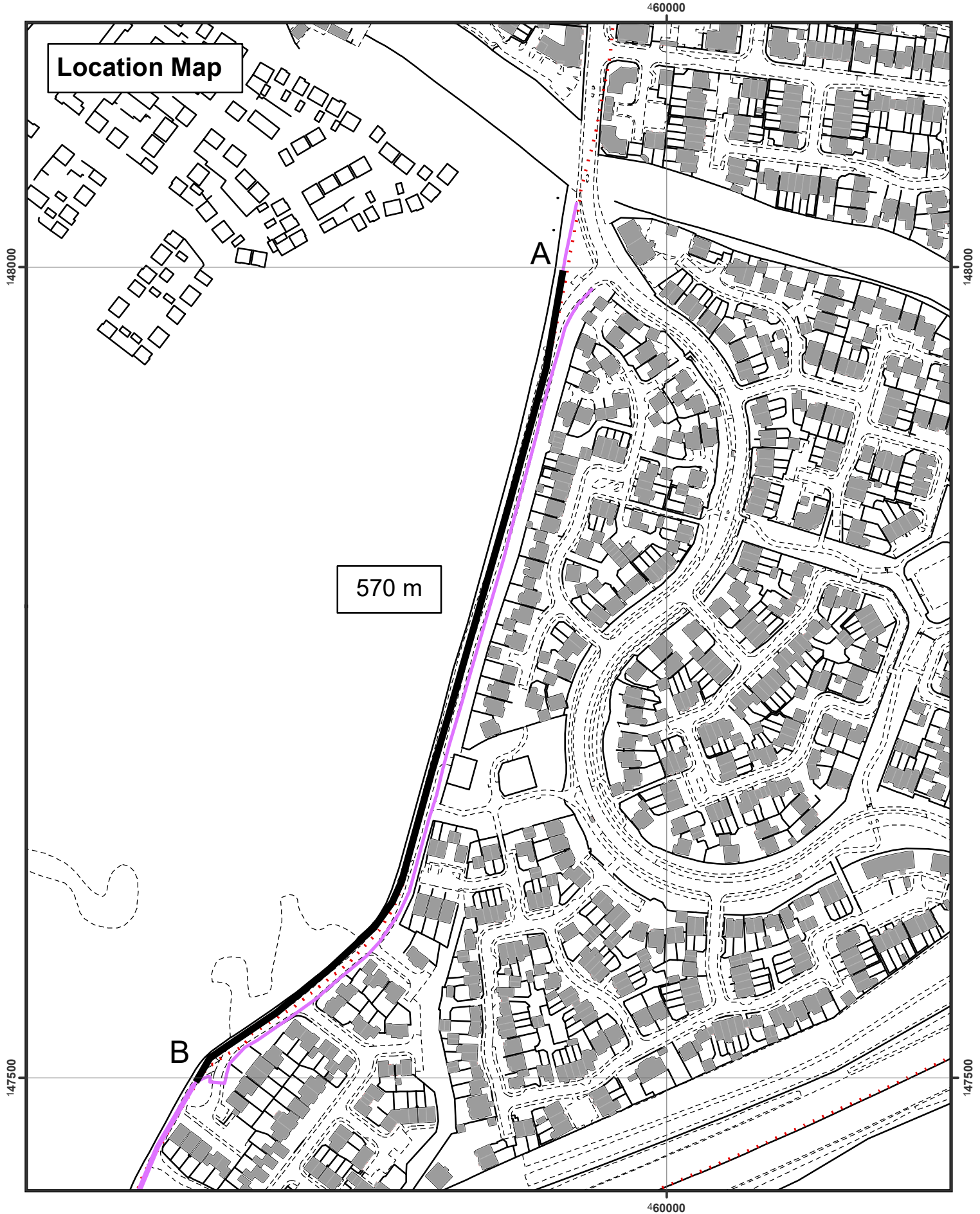
3. Climate Change:

- 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
Countryside Access Team, Universal Services,
The Castle, Winchester, SO23 8UL

**Application for an
extinguishment of part
of Dummer Footpath 7**

LEGEND 1:3,000

- Footpath to be extinguished** 
- Public Footpath** 

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