

**HAMPSHIRE COUNTY COUNCIL  
Officer Decision Record**

<b>Decision Maker:</b>	Jonathan Woods
<b>Title:</b>	Creation of Public Footpath Rights in the Parish of Upper Clatford

**Name** Tara Pothe Cary

**Email:** tara.pothecary@hants.gov.uk

**1. The decision:**

1.1 This is a proposal for the creation by order of public footpath rights in Upper Clatford, under Section 26 of the Highways Act 1980. The proposed footpath will be 1.5 metres wide, commencing at a junction with Upper Clatford BOAT 16 at Point A, to a junction with Upper Clatford Footpath 702 at Point D.

1.2 A plan of proposed footpath is shown on the accompanying plan attached.

**2. Reason(s) for the decision:**

2.1 The proposal arises from a request from Test Valley Borough Council (which in turn was approached by Andover Ramblers) for the County Council to explore the possibility of creating a pedestrian link to better connect the rights of way network immediately to the south of the A303 at a point where it runs past Andover. The Ramblers have been in discussions with TVBC regarding this proposal for several years.

2.2 The proposed creation will provide 1676 metres of off-road path, linking Upper Clatford BOAT 16 at its western end with Upper Clatford Footpath 702 to the east.

2.3 In considering this proposal the County Council has had regard to the additional maintenance liability that would arise from the creation of the path, in light of current financial constraints. However, due to the length of time this particular route has been under discussion and the benefit it would provide to the rights of way network in this area, it was agreed that the public benefit outweighed any impact on the County Council's maintenance liability.

**Legal Framework:**

Section 26 of the 1980 Act allows authorities to make an order creating footpaths, bridleways and restricted byways where it appears to the authority that there is a need for them:

***Compulsory powers for creation of footpaths, bridleways and restricted byways.***

1) Where it appears to a local authority that there is need for a footpath, bridleway or restricted byway over land in their area and they are satisfied that, having regard to—  
(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and  
(b) the effect which the creation of the path or way would have on the rights of persons interested in the land...,  
it is expedient that the path or way should be created, the authority may by order made by them...create a footpath, bridleway or restricted byway over the land.

### 3. Background

3.1 As part of works to deliver countryside access improvements in the vicinity of the development at Picket Twenty, and following consultation with the Andover Ramblers, Test Valley Borough Council has identified several key locations where the improvement of an existing right of way or the creation of a new route would improve access into the wider Test Valley and, in some cases, improve public safety.

3.2 As part of this exercise, it has been proposed that this new public footpath link be recorded. The proposed route, which appears to follow a pre-existing path running around the edge of a solar farm, would provide a new east-west connection on the rights of way network and reduce the need to cross the A303 at grade by connecting two routes which provide tunnel access under the road.

### 4. Consultation responses

4.1 No objections were received by consultees in relation to this proposal.

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: 03 February 2025

-----

**Consultations with Other Bodies:**

Test Valley Borough Council

Test Valley Borough Council requested this creation and are therefore fully supportive.

Local Member – Councillor North

Councillor North was consulted on this proposal but made no comment.

Upper Clatford Parish Council

Upper Clatford Parish Council were consulted on this proposal but made no comment.

The Ramblers

The Ramblers were consulted and confirmed that they are very supportive of this and were pleased to see that after 5 years of requesting this it is finally processing.

The Open Spaces Society

The Open Spaces Society have been consulted on this proposal but made no comment.

Landowner

The Wherwell Farms Limited were consulted as the landowner and confirmed that they are happy for the footpath to be created.

**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 must be considered in conjunction with the overarching duty of s149 Equalities Act. The proposed creation provides an off road link connecting with three rights of way.

**Impact on Crime and Disorder:**

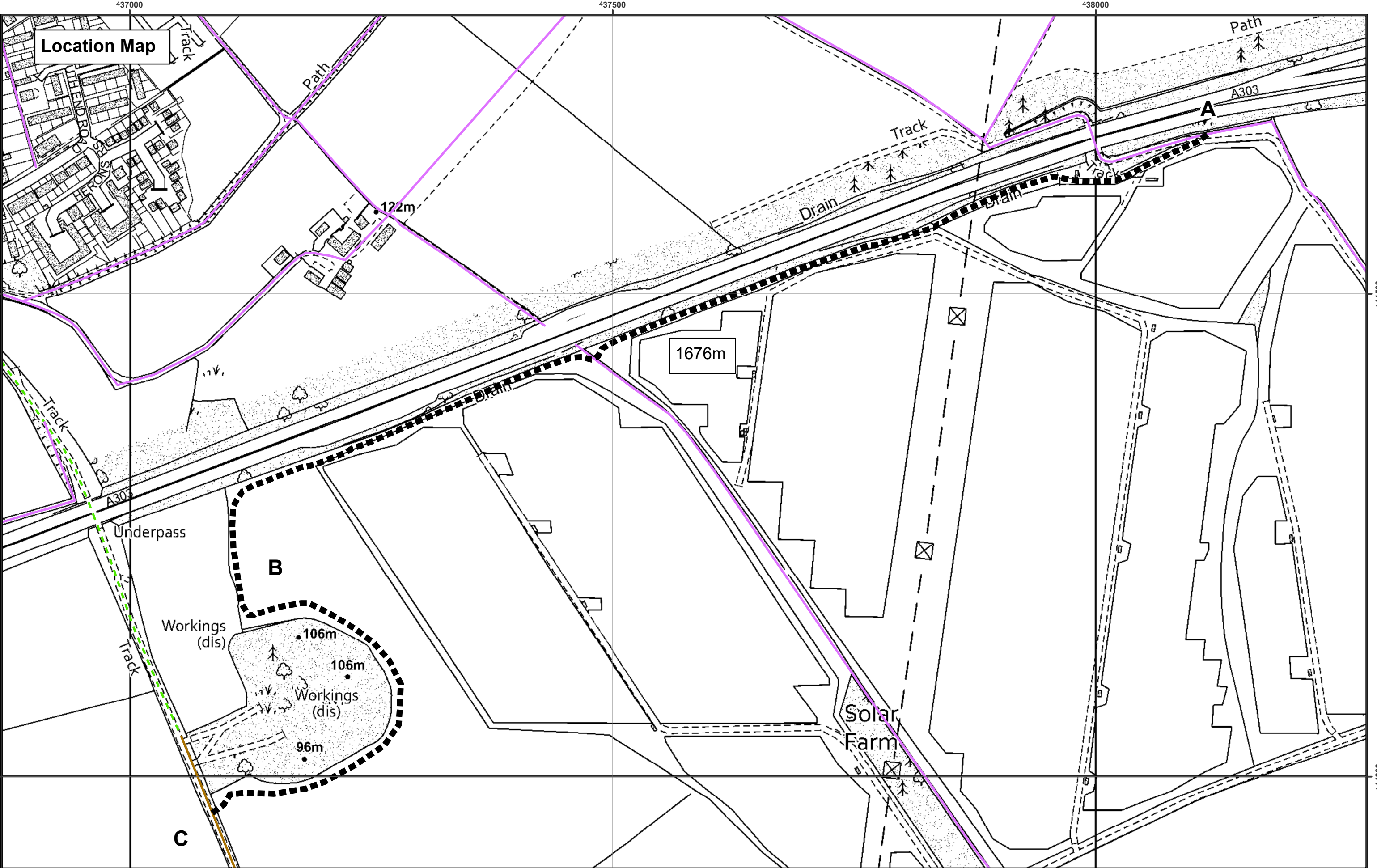
- 1.3. It is unlikely that this proposal will have any impact on reported crime in this area.

**2. Climate Change:**

- a) **How does what is being proposed impact on our carbon footprint / energy consumption?**





No impact identified.

- b) Environmental:  
No impact identified.



**Creation of Footpath Rights in Upper Clatford**

**LEGEND 1:3,500**

-  Footpath
-  Bridleway
-  BOAT
-  Footpath to be added