

# HAMPSHIRE COUNTY COUNCIL

## Officer Decision Record

<b>Decision Maker:</b>	Jonathan Woods
<b>Title:</b>	Braishfield Footpath No. 4 – Diversion Order

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### 1. The decision:

1.1. That an Order to divert Braishfield Footpath No. 4 is made under Section 119 of the Highways Act.

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

2.1. The land owner has applied for a diversion to increase privacy and security to their property and young family.

2.2. The property has been unoccupied for some time and it is the family's intention to renovate it and make it their family home.

2.3. The definitive route currently runs through a livestock field and is hampered by two awkward stiles, one of which is on a steep bank. It then progresses through a very wet, sloping and root burdened section that is not very user friendly, with limited views.

2.4. This proposal is not considered to be less convenient to the user, and some may feel it an improvement, as it will be traffic free, more accessible with removal of 2 stiles, enhanced views and improved terrain.

2.5. The Area Countryside Access Manager has indicated that they are happy with the proposed route which is not considered to be substantially less convenient to the user.

2.6. Proposed alignment of Braishfield Footpath 4 commences at a junction with Paynes Hay Road, approximately 115 metres west of the start of the definitive line, Point D on the plan (SU 3679 2557), through a pedestrian gate and proceeding along a 2 metre wide grass field edge, in a generally south eastward direction. Continuing along the edge of the field in a south westward direction, with woodland to the east and views over countryside to the west, then bearing east with the woodland to the north and open fields to the south, continuing along 2 metre wide field edge to Point B on the plan.

2.7. Officers consider it would be expedient to divert this footpath not only in the interest of the land owner but also the user.

**3. Other options considered and rejected:**

Not applicable.

**4. Conflicts of interest:**

Not applicable.

**5. Dispensation granted by the Head of Paid Service:**

Not applicable.

**6. Supporting information:**

6.1. Appendix A – Consultees

6.2. Appendix B – Impact Assessment

6.3. Appendix C - Plan

<b>Approved by:</b>  <b>Jonathan Woods</b> <b>Countryside Access Group Manager</b>	<b>Date:</b>  <b>22 October 2018</b>
<b>On behalf of the Director of Culture, Communities and Business Services</b>	

**Consultations with Other Bodies:**

Test Valley Borough Council

Test Valley Borough has been consulted on this diversion but have made no comment.

Local Member – Councillor Dowden

Councillor Dowden has been consulted on this diversion but has made no comment.

Braishfield Parish Council

Braishfield Parish Council have been consulted on this diversion but have made no comment.

Area Countryside Access Manager

The Area Countryside Access Manager is supportive of this proposal.

The Ramblers

The Local Ramblers welcome the proposed new route between. They feel it will provide a better surface with fine views. They note a pedestrian/kissing gate is to be provided at point D and request that the route needs to be waymarked at Point C, (the 90% turn). They feel the new route will provide a much better walker experience.

The Open Spaces Society

Following a site visit the Open Spaces Society had no comment to make except they chose to leave the decision to the local Ramblers.

## 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 proposed route is no more or less convenient than the existing route.

### 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: The proposed change has a better surface and outlook than the original route.