

# HAMPSHIRE COUNTY COUNCIL

## Officer Decision Record

### (Non-Executive Decision)

<b>Decision Maker:</b>	Jonathan Woods
<b>Title:</b>	Dedication of Public Footpath Rights and Extinguishment of part of Footpath 717, in the Parish of Bighton

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#### 1. **The decision:**

- 1.1 This is a proposal for the dedication of public footpath rights in Bighton, under Section 25 Highway Act 1980. The proposed footpath runs north-east of the definitive line of Bighton Footpath 717.
- 1.2 It is also proposed that authority is given for an extinguishment order to be made under section 118 of the Highways Act 1980 for that part of the definitive line of Footpath 717 that will no longer be needed for public use as a result of the dedication.
- 1.3 Both the dedication route and the proposed extinguishment are shown on the accompanying plan. Both proposals result from an application received from one of the property owners which the route crosses.

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

- 2.1 The line of the route subject to the dedication runs adjacent to the definitive line of Bighton Footpath 717. The path width varies between 1.10 and 2.10 metres with pinch points at SU 6304 3304 and SU 6300 3309, SU 6295 3314 and SU 6292 3322. This has been used by the public for a significant period of time, in place of the definitive line of Footpath 717, which has created a long-standing anomaly on the Definitive Map. Dedicating the new route will enable this anomaly to be resolved.
- 2.2 It is recommended that the dedication be accepted. The dedication can then be followed by a Public Path Order under Section 118 Highways Act 1980 to extinguish the part of the definitive line of Footpath 717 that is no longer needed for public use.

**3. Background**

3.1 The landowners have agreed to dedicate the route which has been preferred by users over the years, part of the definitive route which is not used can then be extinguished once this is complete.

3.2 There are three landowners who have consented to this application being processed.

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

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

**6. Delegated Authority**

6.1 This decision has been taken on the basis of express delegation from the Regulatory Committee.

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

**8 Supporting information:** None

**Approved by: Jonathan Woods Countryside Access  
Group Manager**

**Date:**

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**21 May 2020**

**On behalf of the Director of Culture, Communities  
and Business Services**

**Consultations with Other Bodies:**

Winchester City Council

Winchester City Council have been consulted on this proposal and have no concerns as the route is already on the ground.

Bighton Parish Council

Bighton Parish Council were consulted on this proposal and have no objections to retaining the footpath route that has been used for many years. The Councillors felt this was a sensible decision.

The Ramblers

The Ramblers fully support this proposal as it will be another anomaly removed from the list.

The Open Spaces Society

The Open Spaces Society support 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. 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:

No impact identified.