

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	Request to Rescind a Public Path Diversion Order made in 2019 for Part of Hurstbourne Tarrant Footpath 12

Tel: 0370 779 0112

Email: tara.pothecary@hants.gov.uk

1. The decision:

- 1.1** The purpose of this paper is to seek senior officer decision to rescind a Public Path Diversion Order made in 2019 for the above footpath.
- 1.2** This paper seeks to provide the senior officer with the necessary information with which to determine this proposal. Considering the sheer volume of objections received in response to this Order, it is recommended that the Order, made under s119 of the Highways Act 1980, be rescinded.

Legal Framework for the Decision:

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, subject to subsection (2) below, 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 (2)diversion; and (b) extinguish, as from such date as may be so specified in accordance with the provisions of subsection (3) below, 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'."

Officers must be satisfied that the diverted route will not be substantially less convenient to the public, and must have regard to the effect that a diversion will have on the enjoyment of the path as a whole.

2 Purpose of Report:

- 2.1** Hampshire County Council made an order to divert part of Hurstbourne Tarrant Footpath No.12 in 2019. This Order attracted many objections which could not be resolved, and the County Council have taken the decision to rescind the order.

3 Background to the Proposal:

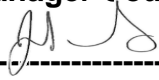
- 3.1** Hurstbourne Tarrant Footpath 12 terminates several metres short of the junction with the road, and for many years, access to the road was possible only via a narrow grass strip running next to the village hall car park.
- 3.2** The ownership of this land has recently changed hands, and the new owner, who is redeveloping the hall, has indicated that they would prefer to see the path realigned to avoid conflict with users of the path. The Countryside Service approached the landowner whose field accommodates most of the path to discuss the possibility of a diversion of the path. The landowner agreed to this as long as the whole line of the path was moved to the edge of the field.
- 3.3** Many users of the route felt that this was not as convenient and therefore submitted formal objections to the Order.

4. Recommendations:

- 4.1.** That the (The Hampshire Borough of Test Valley No.23) (Parish of Hurstbourne Tarrant - Part of Footpath No. 12) Public Path Diversion and Definitive Map and Statement Modification Order 2019 be rescinded, and the file closed.

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

Date: 11th August 2020



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

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. Rescinding the order has no impact on Equalities.

2. Impact on Crime and Disorder:

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

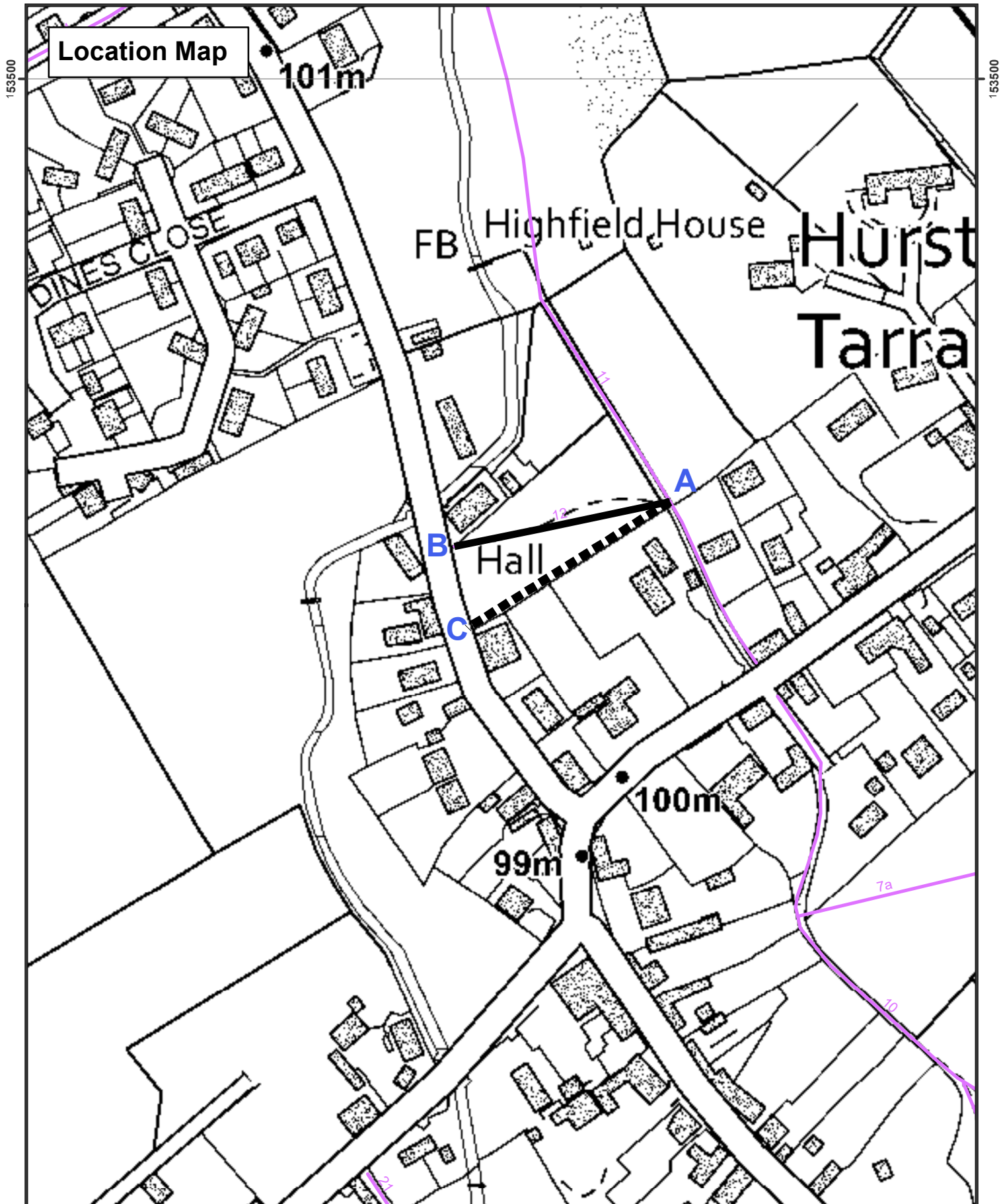
3. Climate Change:

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

Hurstbourne Tarrant
Footpath 12

LEGEND

- Public Footpath
- Footpath to be Extinguished
- - - - - Footpath to be Added

Countryside Access Team
Culture, Communities &
Business Services
Castle Avenue
Winchester, SO23 8UL

1:2,000

© Crown copyright and database rights 2020 Ordnance Survey [100019180].
You are permitted to use this data solely to enable you to respond to,
or interact with, the organisation that provided you with the data.
You are not permitted to copy, sub-licence, distribute or sell any of
this data to third parties in any form.