

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	Dedication under common law to record a public footpath with cycling rights in the Parish of Dummer

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1. The decision:

1.1 This is a proposal for the dedication of a public footpath with cycling rights in Dummer, under common law. The proposed footpath runs east of the definitive line of part Dummer Footpath 7.

2. Reason(s) for the decision:

2.1 Hampshire County Council proposes to enter 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, in Dummer, near Basingstoke.

2.2 The route, which was constructed as part of works to build an access road to the new development, is already on the ground and in use. It is proposed that, in due course, that part of Dummer Footpath 7 that runs down the middle of this access road, 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.

2.3 The dedication route is shown on the accompanying plan.

3. Legal Framework:

3.1 Creation of footpath, bridleway or restricted byway by agreement.

A local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath, bridleway or restricted byway over land in their area.

An agreement under this section is referred to in this Act as a “public path creation agreement”.

4. Background

4.1 The proposal is a result of a recent housing development on Longwood Copse Lane in Dummer. Hampshire County Council proposes to enter into a creation agreement with Bellway Homes Limited (Wessex) under common law to record 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). The route is already on the ground and in use.

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:

15 January 2021

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

Appendix A

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 has no objection to the dedication of the new footpath along Longwood Copse Lane.

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 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 not considered to be substantially less convenient.

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.