

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Footpaths 57 and 712 in the Parish of Bramshott and Liphook and Footpath 12 in the Parish Whitehill.

Tel: 0370 779 0112

Email: tara.pothecary@hants.gov.uk

1. The decision:

1.1 That the Countryside Strategic Manager gives the authority for an Order to be made under Section 119 of the Highways Act 1980, to divert part of Footpaths 57 and 712 in the Parish of Bramshott and Liphook and Footpath 12 in the Parish Whitehill.

1.2 A plan of the proposed route is attached.

2. Reason(s) for the decision:

2.1 The landowner (the Ministry of Defence) has applied for the diversion to rationalise the currently used path network, giving clarity and consistency for users. The diversion will reroute the paths around historic obstructions that have been in situ for many years (70+ years). Formalising the routes over which the public have a right of way will also protect and improve the current SSSI habitat by diverting onto a more sustainable line (this has been agreed with the MOD ecologist).

Legal Framework:

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, 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 diversion; and
 - (b) extinguish... 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'."

3. Background

3.1 The proposed diversions are considered an improvement and enhancement of the existing network. The proposals offer the public the opportunity to walk the paths safely and be able to see and understand some of the training and physical features found on site.

3.2 The most westerly diversion offers improved vistas across the Woolmer Range and will resolve an anomaly by connecting the proposed diversion with Bramshott and Liphook 67, which is currently a legal cul-de-sac.

4. Other options considered and rejected: Not applicable.

5. Conflicts of interest: Not applicable.

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

7. Supporting information: None

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

Date:

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

Consultations with Other Bodies:

East Hants District Council

East Hants District Council were consulted on this proposal and stated that “assuming all necessary requirements are met, they see no reason to object”.

Local Member – Councillor Adam Carew

Councillor Carew was consulted on this proposal and confirmed that he had no objection, assuming that the proposed route does not destroy any archaeology, badger’s setts, or protected plant species. He commented that he felt the views would enhance the walk.

Local Member – Councillor Floss Mitchell

Councillor Mitchell was consulted on this proposal and was happy to defer to Councillor Carew, as she felt he knows the area better.

Bramshott and Liphook Parish Council

Bramshott and Liphook Parish Council were consulted on this proposal but made no comment.

Whitehill Town Council

Whitehill Town Council were consulted on this proposal but made no comment.

The Ramblers

The Ramblers were consulted and had no objections to the proposal.

The Open Spaces Society

The Open Spaces Society have been consulted and confirmed that they have no comments to make on this diversion.

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 must be considered in conjunction with the overarching duty of s149 Equalities Act. The proposed routes are not considered to be substantially less convenient than the existing routes and adds a connective route which was currently a cul-de-sac.

2. Impact on Crime and Disorder:

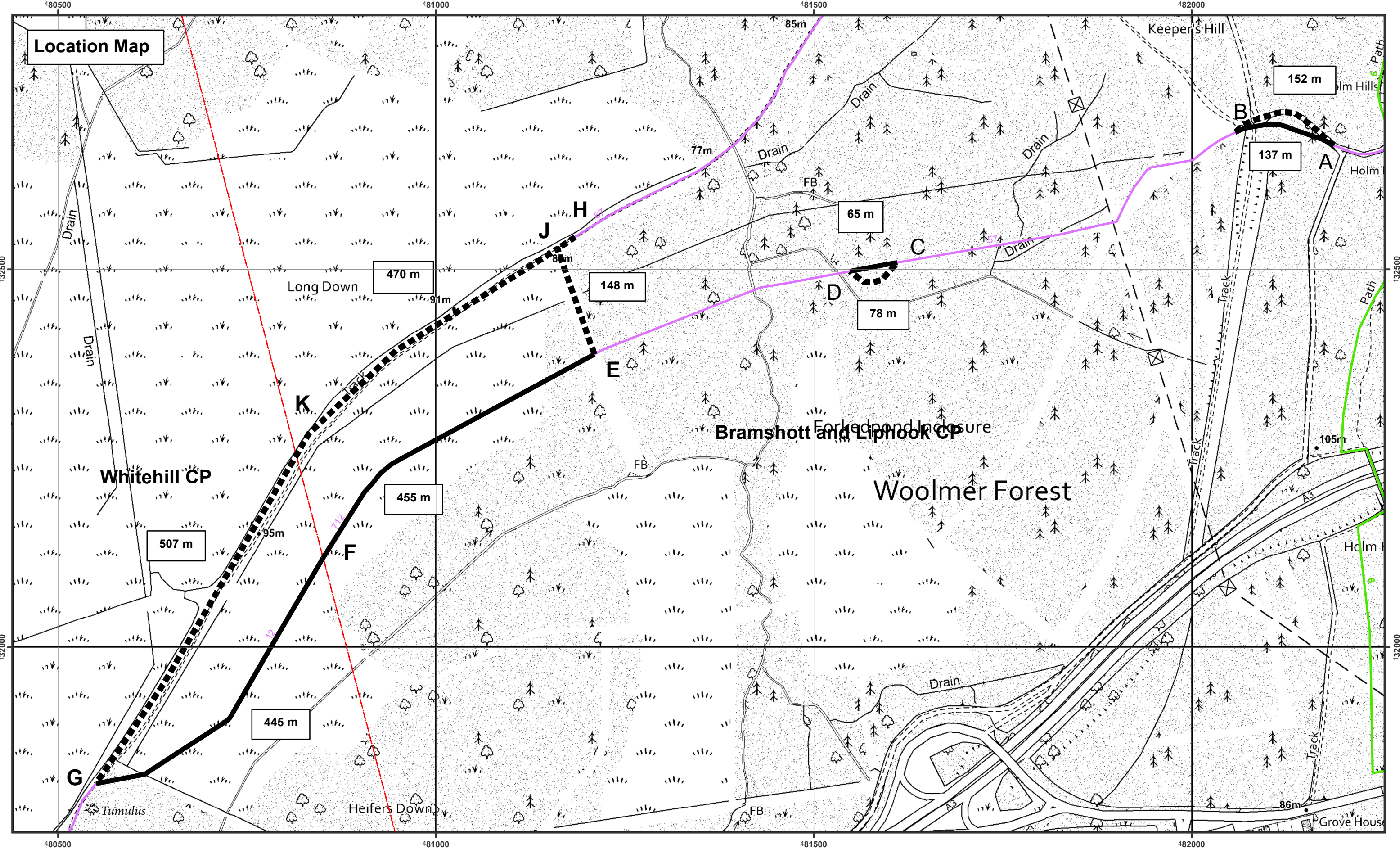
- 2.1. It is unlikely that this proposal will have any impact on reported crime in this area

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

Application for a Public Path Diversion Order
for part of **Bramshott & Liphook Footpath 57,**
Footpath 712 and Whitehill Footpath 12

LEGEND

- Public Footpath
- Bridleway
- Footpath to be Extinguished
- - - Footpath to be Added
- - - Parish Boundary

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

1:4,500

© Crown copyright and database rights 2021 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.