

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Footpath 5 in the Parish of Wootton St Lawrence

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 Wootton St Lawrence Footpath 5.

1.2 A plan of the proposed route is attached.

2. Reason(s) for the decision:

2.1 The application has been made by the landowner, following the development of the house and the creation of a bund adjacent to a section of the route. Fencing has been erected which does obstruct a small section of the route to the east.

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 A large house has been redeveloped at Skyers Farm, and in late 2019 Hampshire County Council were notified that an earth bund had been constructed in close proximity to the path. Whilst the bund does not appear to obstruct the definitive line of Footpath 5, a tall deer fence erected nearby does partially obstruct the line.

3.2 The landowner has applied for the diversion to formalise the walked line that has been adopted by the public since the definitive line was obstructed. The proposed diversion is not considered to be substantially less convenient for the user. The diversion would take the path a short distance to the south of the original route and would in fact straighten the path out, providing a modest shortening of the overall distance travelled. The diversion is equally as accessible as the original path, with a comparable surface, and does not affect the strategic connectivity of the path. Views to the south are maintained by the proposed diversion.

4. Consultation responses

5.1 The Ramblers have no specific objection to this change of line. But they did state that “we deprecate the necessity to make such a change after the fact”, and pointed out that when they surveyed the path, the stiles at both ends of this link were poor, that at the west end being non-existent, the surface was not very good. They reported the non-existent stile, which has been rectified, but felt they should mention these issues as they feel “a general lack of respect for this path by the landowner”.

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:

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

Consultations with Other Bodies:

Basingstoke and Deane Borough Council

Basingstoke and Deane Borough Council were consulted on this proposal and confirmed that they had no comments to make on the diversion.

Local Member – Councillor Robert Taylor

Councillor Taylor was consulted on this proposal but made no comment.

Wootton St Lawrence Parish Council

Wootton St Lawrence Parish Council were consulted on this proposal but made no comment.

The Ramblers

The Ramblers were consulted and although they confirmed they have no objection to the change; they had reported broken stiles and poor surface of the route. They feel that the landowner has neglected the route and applied for the diversion after the bund and fencing was completed.

The Open Spaces Society

The Open Spaces Society have been consulted and confirmed their approval of the diversion.

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 route is not considered to be substantially 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?**

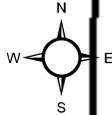
No impact identified.

b) Environmental:

No impact identified.

458500

Location Map



Skyer's Farm

192 m

189 m

A

FB

SHEEP WASH

B

C

Track

5

157000

157000

458500



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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

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