

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Footpath 2 in the Parish of Weston Corbett

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 Weston Corbett Footpath 2.

1.2 A plan of the proposed route is attached.

2. Reason(s) for the decision:

2.1 The landowner has applied for this diversion which will straighten the definitive route. This would be in the interests of both the landowners and the public.

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 diversion would benefit the landowner as it would relocate the route further away from the Reeds Farm Barns, planning permission is currently being sought to develop the barns (Basingstoke 20/03327/FUL). The definitive route does not lie within the "red line" area of the planning application, HCC Rights of Way has been consulted on the planning application and has raised no objection.

3.2 The proposed diversion would provide a more direct route across the arable field, which could not be considered less convenient to the user.

3.3 Although the definitive statement currently records a stile on Footpath 2, there are no stiles, gates, or other limitations on either the section of footpath to be diverted or on the alternative route. The gradients of both routes are similar, as are the views from the routes.

3.4 The proposed diversion route is currently in use as a permissive path.

4. Consultation responses

4.1 There have been no objections from the consultees.

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: 10.06.2021

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

Consultations with Other Bodies:

Basingstoke and Deane Borough Council

East Hants District Council were consulted on this proposal and have no comments to make on the proposal.

Local Member – Councillor McNair-Scott

Councillor McNair-Scott was consulted on this proposal but made no comment.

Weston Corbett Parish Council

Weston Corbett Parish Council were consulted on this proposal and have no objection to the proposal.

The Ramblers

The Ramblers were consulted on this proposal stated that they would accept this proposal “if, and only if, the new route C-D is maintained in good condition – mown through grass, or kept clear if arable, and of adequate width to prevent any tall crops from obstructing the route. The gap at D must not be allowed to become overgrown, as is so often the case”.

The Open Spaces Society

The Open Spaces Society have been consulted and have confirmed that they would 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 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, both routes cross arable land, the surface, gradients of both routes are similar, as are the views from the routes.

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?**

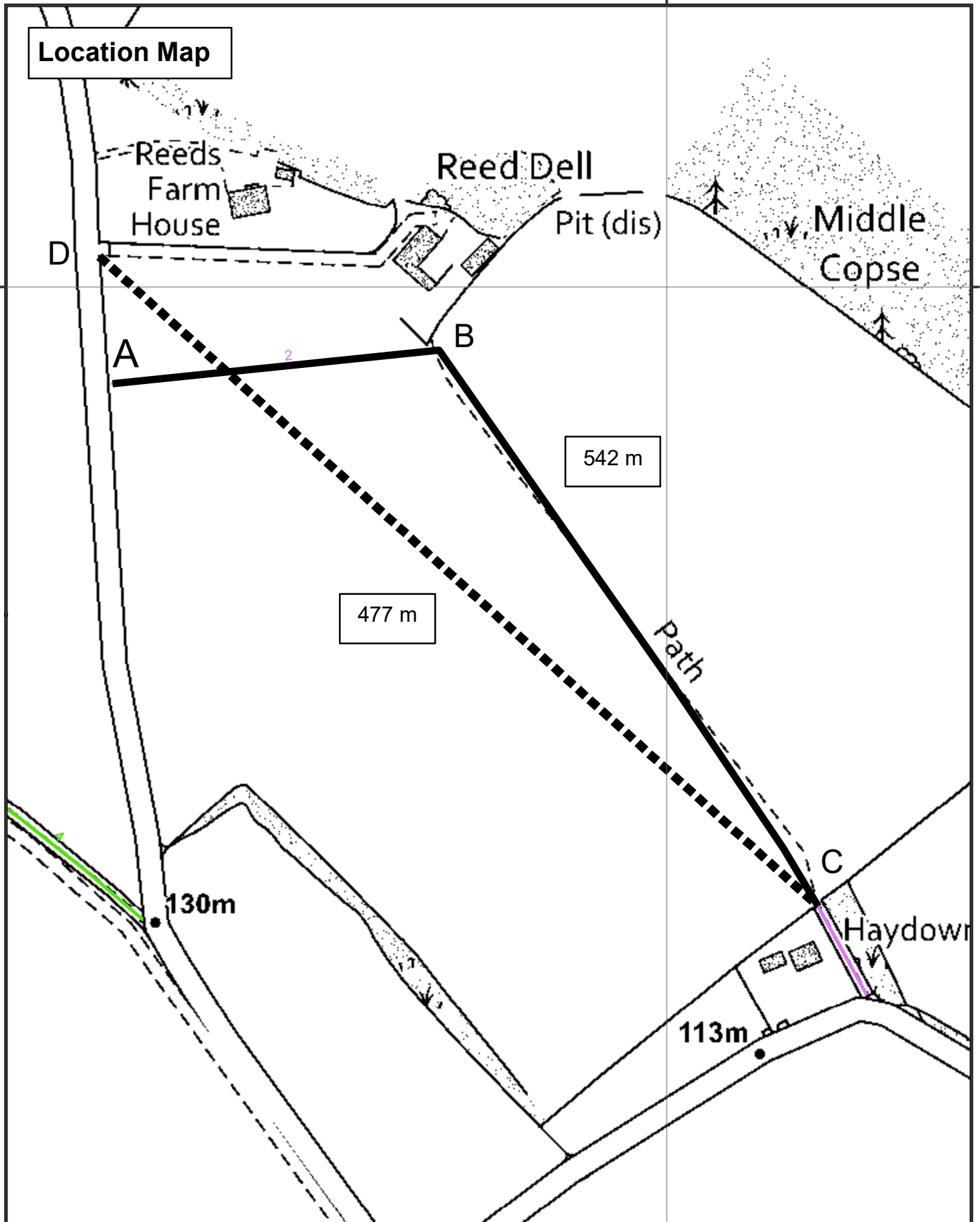
No impact identified.

- b) Environmental:
No impact identified.

Location Map

147500

147500



468500



Hampshire
County Council

**Application for a Public Path
Diversion Order for Part of
Weston Corbett Footpath 2**

LEGEND

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

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

1:2,500

© 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.