

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Footpath 36 in the Parish of Worldham

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 Worldham Footpath 36.

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 as the definitive line currently runs through their garden.

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 landowner would like to divert the path to the far boundary of their land to improve the privacy in their garden.

3.2 They have expressed an interest to fence the path, this is because many dog owners do not control their dogs and allow them to foul over the land.

3.3 The proposed route is not considered to be substantially less convenient to the user and would be just as enjoyable, as it will provide the same surface, gradient and almost identical views as the current alignment.

4. Consultation responses

4.1 There have been no objections from the consultees - the South Downs National Park Authority recommend that as the route is to be double fenced that the new fence line is set back from the proposed definitive line of the path to give the impression of greater width on the ground than the proposed 2.5 metres.

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:

East Hants District Council

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

Local Member – Councillor Kemp-Gee

Councillor Kemp-Gee was consulted on this proposal but made no comment.

Worldham Lawrence Parish Council

Worldham Parish Council were consulted on this proposal and have no objection.

South Downs National Park Authority

South Downs National Park Authority were consulted on this proposal and have no objection.

The Ramblers

The Ramblers were consulted on this proposal and have no objection.

The Open Spaces Society

The Open Spaces Society have been consulted and have no objection.

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:

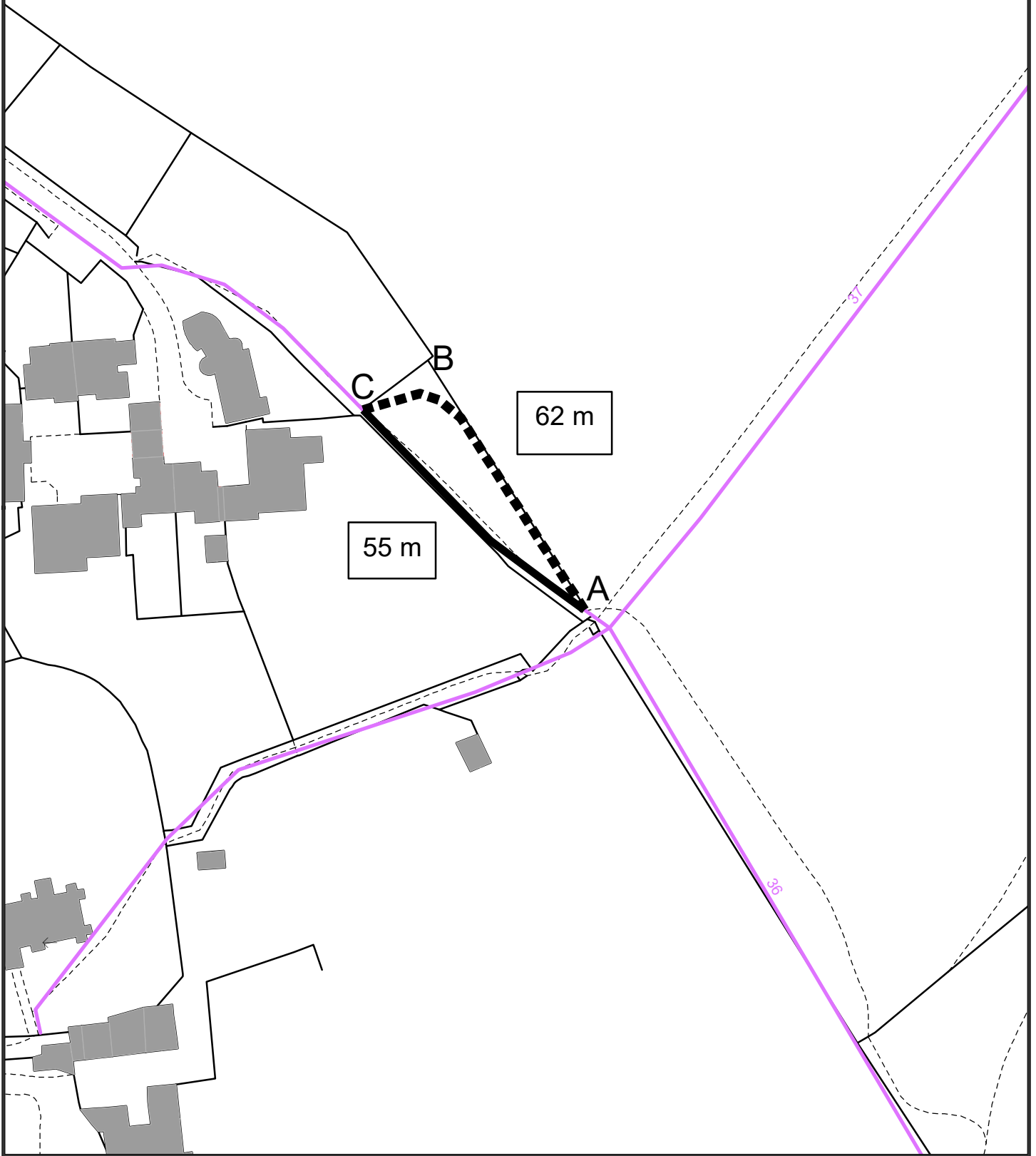
a) **How does what is being proposed impact on our carbon footprint / energy consumption?**

No impact identified.

b) Environmental:

No impact identified.

Location Map



**Application for a Public Path
Diversion Order for Part of
Worldham Footpath 36**

LEGEND

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

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

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