

**HAMPSHIRE COUNTY COUNCIL**  
**Officer Decision Record**

<b>Decision Maker:</b>	Jonathan Woods
<b>Title:</b>	Diversion of part of Footpath 13 in the Parish of Worldham and part of Bridleway 24 in the Parish Selborne

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**1. The decision:**

1.1 That the authority is given for a diversion of part of Footpath 13 in the Parish of Worldham Bridleway 24 in the Parish of Selborne under Section 119 of the Highways Act 1980.

1.2 A plan of both the routes are shown on the accompanying plan attached.

**2. Reason(s) for the decision:**

2.1 The diversion of part of Selborne Bridleway 24 has been applied for by the landowner. This section of the bridleway currently runs along the access track to Wick Hill Farm. The landowner has applied to divert the path south of the original line, which will then enable the landowner to gate the access track and better secure their property.

2.2 Worldham Footpath 13 currently terminates at the edge of a steep bank which leads to a narrow lane. The landowner has allowed users to continue through the field to a junction with Wick Hill Lane opposite Bridleway 24. In order to rectify this anomaly, the landowner has agreed to formalise the route whilst at the same time realigning the part of the path that crosses the field to straighten the alignment, which would allow better management of the route and better reflect current use.

**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**

3.2 An application was made in 2017 and the authority to make an order was granted on 21 May 2018 via Officer Decision. The applicant did not progress with this at this time but would like to proceed now.

### **4. Consultation responses**

4.1 No objections were received by consultees regarding this proposal.

**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:**

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**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 confirmed that they have no objection.

Local Member – Councillor Kemp-Gee

Councillor Kemp-Gee was consulted on this proposal and confirmed that he is happy with these proposals.

Selborne Parish Council

Selborne Parish Council were consulted on this proposal and confirmed that they have no objection.

Worldham Parish Council

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

The South Downs National Park Authority

The SDNPA were consulted and made no comment.

The Ramblers

The Ramblers were consulted and have no objection.

The Open Spaces Society

The Open Spaces Society have been consulted and had no objections.

The Cycling UK

The Cycling UK were consulted on this proposal and confirmed that they have no objection.

The British Horse Society

The BHS were consulted on this proposal but made no comment. They did however respond to the initial consultation in 2017 and confirmed that they would have no objection at that time.

## 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 of the bridleway is not considered to be substantially less convenient than the existing route and the footpath diversion not only resolves an anomaly, which will benefit the user, but will realign the route for ease of management for the farmer.

### Impact on Crime and Disorder:

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

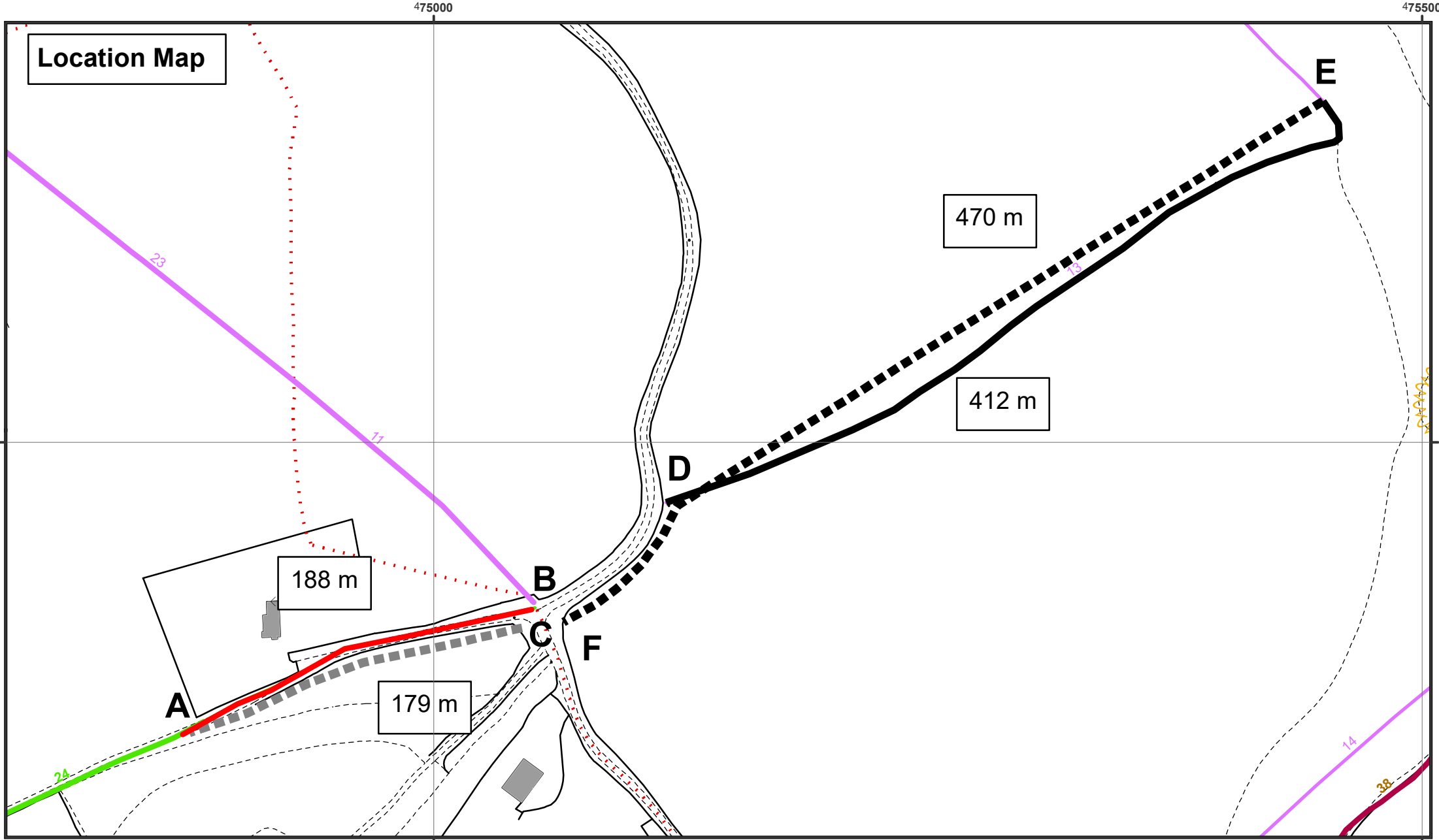
### 2. Climate Change:

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 Selborne Bridleway

### 24 & Part of Worldham Footpath 13

475000

## LEGEND

Public Footpath

Footpath to be Extinguished

Footpath to be Added

Bridleway

Bridleway to be Extinguished

Bridleway to be Added

Parish Boundary

## 1:2,500

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

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