

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

<b>Decision Maker:</b>	Jonathan Woods
<b>Title:</b>	Application for a Public Path Diversion Order for part of Bramshott and Liphook Footpath 7

**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 Highways Act 1980, to divert part of Bramshott and Liphook Footpath 7.

1.2 A 1.5 metre wide open grass path between Point A and B, a fenced path of widths between 1.7 and 1.8 metres between B and C.

1.3 A plan of the proposed route is attached.

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

2.1 The developer has applied for this diversion to amend an existing anomaly due to the used route not reflecting the definitive line of the path. This area is currently under development, and although this path is not affected by the building works the landowner is content to make the application correct this anomaly.

**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 This area is being developed for housing, which has affected many of the routes in the local network. This section of Bramshott and Liphook Footpath 7 is not affected by the development, but the walked route is 'offline'.

3.2 Due to the lack of availability of the definitive line of the path, the majority of users have chosen to walk southward along the footway alongside the nearby road to the east of the balancing pond, then proceeding westward south of the pond, continuing south-westward to re-join the definitive line.

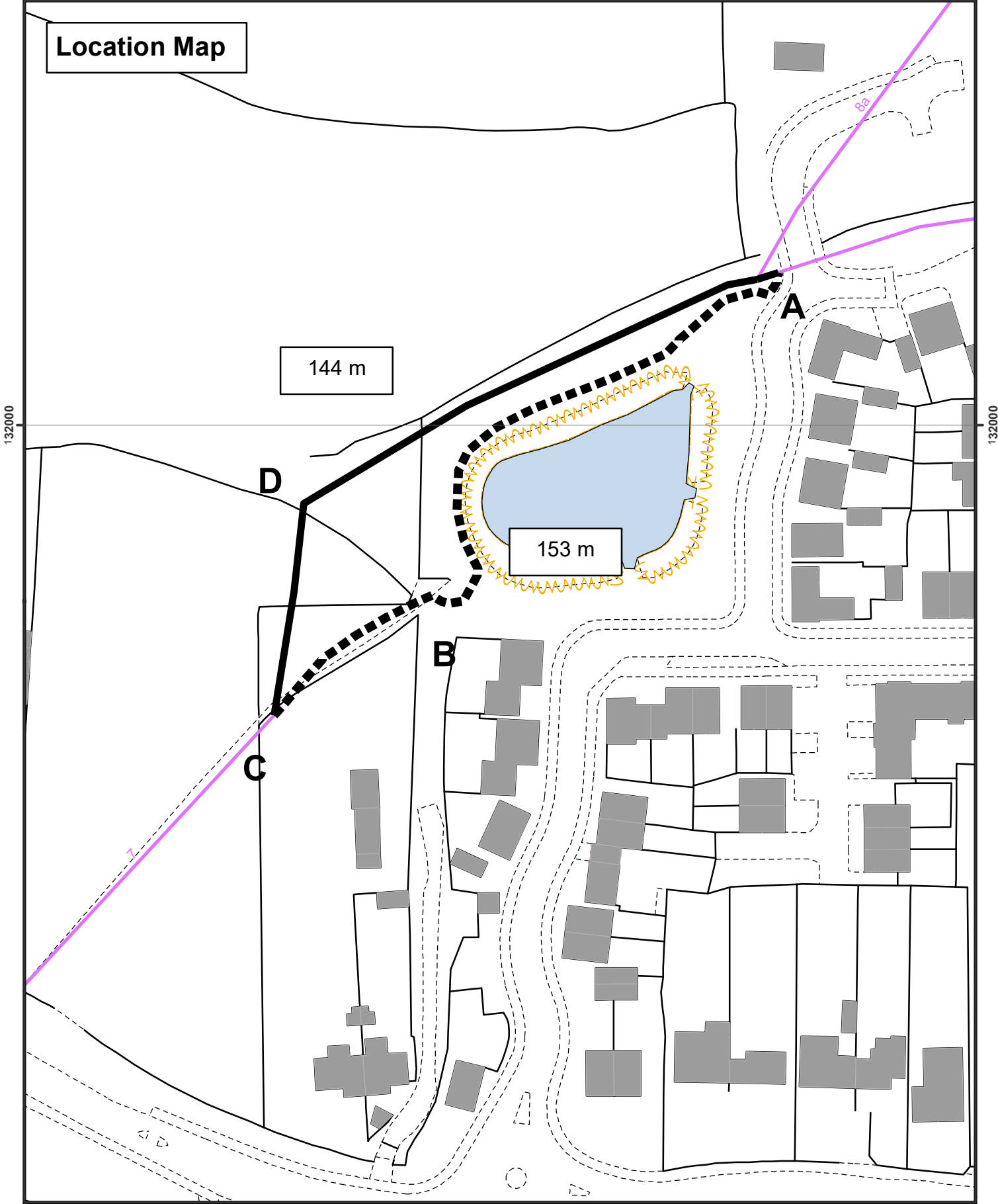
- 4. **Other options considered and rejected:** Not applicable.
- 5. **Conflicts of interest:** Not applicable.
- 6. **Supporting information:** None


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

**Date: 06/01/2022**

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

**Location Map**



 **Hampshire**  
County Council

**Application for a Public Path Diversion Order for part of Bramshott & Liphook Footpath 7**

**LEGEND** **1:1,000**

- 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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## Appendix A

### **Consultations with Other Bodies:**

#### East Hants District Council

East Hants District Council have been consulted on this proposal and see no reason to object to this application.

#### Local Member – Councillor Curnow-Ford

Councillor Curnow Ford has been consulted on this proposal and has no objection.

#### Bramshott and Liphook Parish Council

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

#### The Ramblers

The Ramblers have been consulted on this proposal but made no comment.

#### The Open Spaces Society

The Open Spaces Society were consulted, they confirmed that they felt the alignment of the proposed diversion looked reasonable, however they have expressed concerns about the width of the section of the path between fences.

#### Area Countryside Access Manager

The Area Countryside Access Manager is supportive of this proposal to resolve the issue that a section of the path has eroded and is no longer safe for users.

## 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 have to be considered in conjunction with the over-arching duty of s149 Equalities Act. This diversion will correct an anomaly which has arisen and cannot be considered less convenient.

### 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.