

**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 Ashmansworth 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 Ashmansworth Footpath 7.

1.2 A 2 metre-wide field edge path is proposed, north of the definitive path, as detailed on the location plan.

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

2.1 The applicant has applied for this diversion to improve their land management; they wish to move the path north of the original route into a field. Their aim is to reduce the number of solid fences and hedges that currently run alongside the footpath as it cuts through their property. The diversion of the route would therefore be in their interest.

2.2 The applicant feels that walkers would benefit by having a lighter and more pleasant experience, walking on a broader grass path rather than walking through what they feel is a narrow, dark 'tunnel' under the trees, which has many roots and twists. They think that all parties would benefit from this proposal.

2.2 The proposed route is not considered substantially less convenient and will be as, if not more, enjoyable as the existing route, with an improved surface and a lighter, more open route.

**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 applicant has applied to enable them to better manage their property and surrounding land.

3.2 The definitive line of Footpath 7 commences at a junction with Crux Easton Lane and proceeds westward on a path between mature trees and fencing, then continues north-westward along field edge.

3.3 The proposed route is not considered to be less convenient than the existing route – it is the same distance as the definitive route, and it is arguably a more enjoyable route, with improved surface and benefitting from a brighter, more open aspect.

3.4 The Area Countryside Access Manager has visited the site to look at what is being proposed and is fully supportive of the application.

4. **Other options considered and rejected:** Not applicable.

5. **Conflicts of interest:** Not applicable.

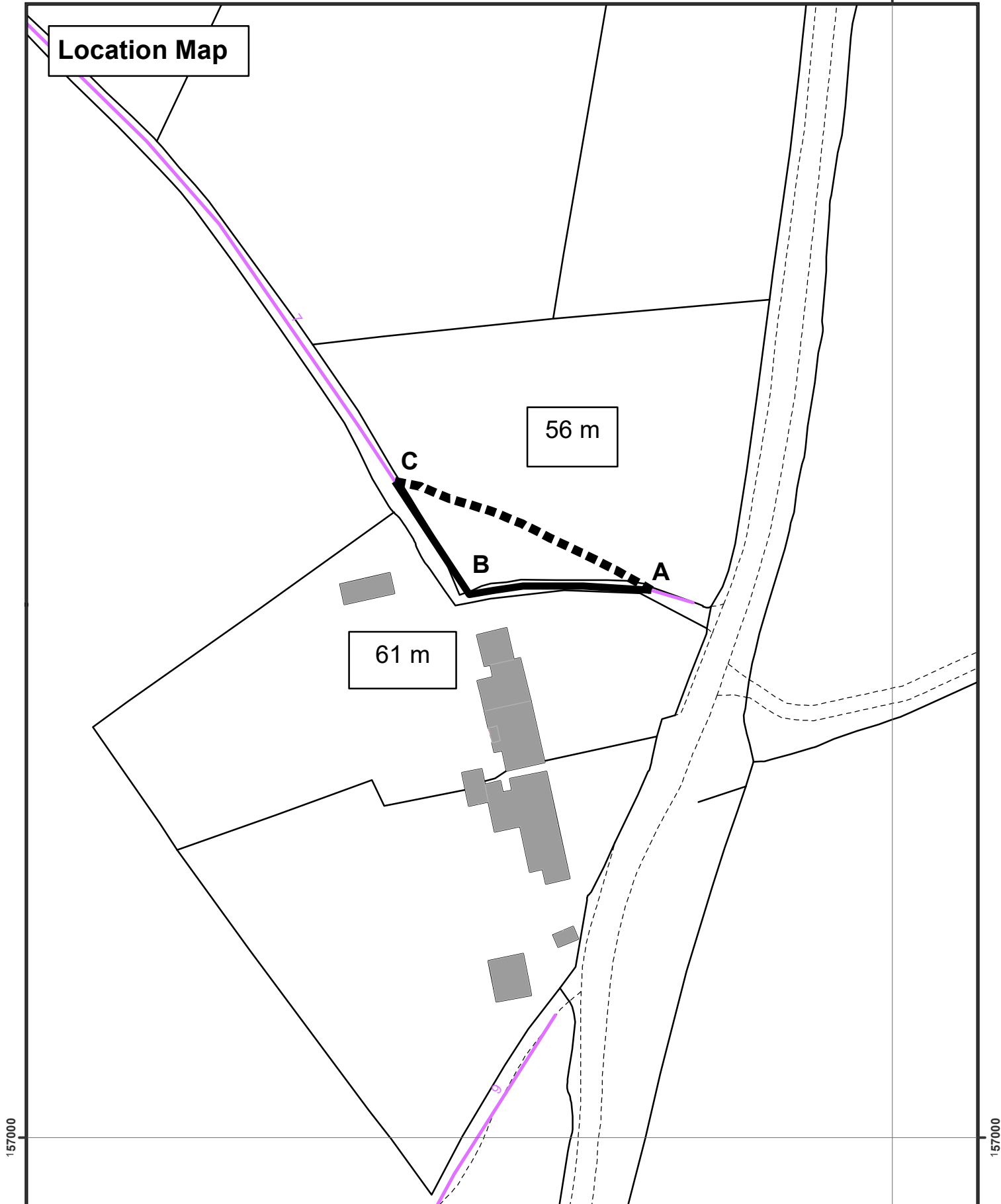
6. **Supporting information:** None

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

**Date: 28 April 2022**

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

**Location Map**



157000

157000



**Application for a Public Path  
Diversion Order for Part of  
Ashmansworth Footpath 7**

**LEGEND**

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

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

**1:1,000**

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## Appendix A

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

#### Basingstoke and Deane Borough Council

Basingstoke and Deane Borough Council have been consulted on this proposal and confirmed that they would raise no objection.

#### Local Member – Councillor Thacker

Councillor Thacker has been consulted on this proposal but made no comment.

#### Ashmansworth Parish Council

Ashmansworth Parish Council have been consulted on this proposal and confirmed that they have no objection.

#### The Ramblers

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

#### The Open Spaces Society

The Open Spaces Society were consulted and whilst they were not supportive of an initial route proposed, they support the revised proposal now being recommended.

#### Area Countryside Access Manager

The Area Countryside Access Manager is supportive of 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 have to be considered in conjunction with the over-arching duty of s149 Equalities Act. This diversion route is not considered to be substantially less convenient and is just as enjoyable.

**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.