

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Selborne Footpath 32

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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 Selborne Footpath 32.

1.2 A 1 metre-wide path is proposed to the east of the original route over a new footbridge which was replaced due to bank erosion of the original position.

1.3 Details can be seen in the accompanying plan.

2. Reason(s) for the decision:

2.1 A diversion is required to realign a section of the path due to the erection of a new footbridge. The original bridge was unstable and needed replacing, following an assessment of the banks of the stream it was agreed that the bridge would need moving. This work was carried out in September 2021, the diversion is required to correct the line of the path to link to the new bridge.

2.2 The proposed route is not considered substantially less convenient and is as enjoyable.

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 Area Countryside Access Manager requires this section of Selborne Footpath 32 to be diverted in order to connect with the newly erected bridge.

3.2 The proposed route is not considered to be substantially less convenient and is as enjoyable. The surface and views are the same as the original route and the new bridge provides a safer crossing of the stream for the user.

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

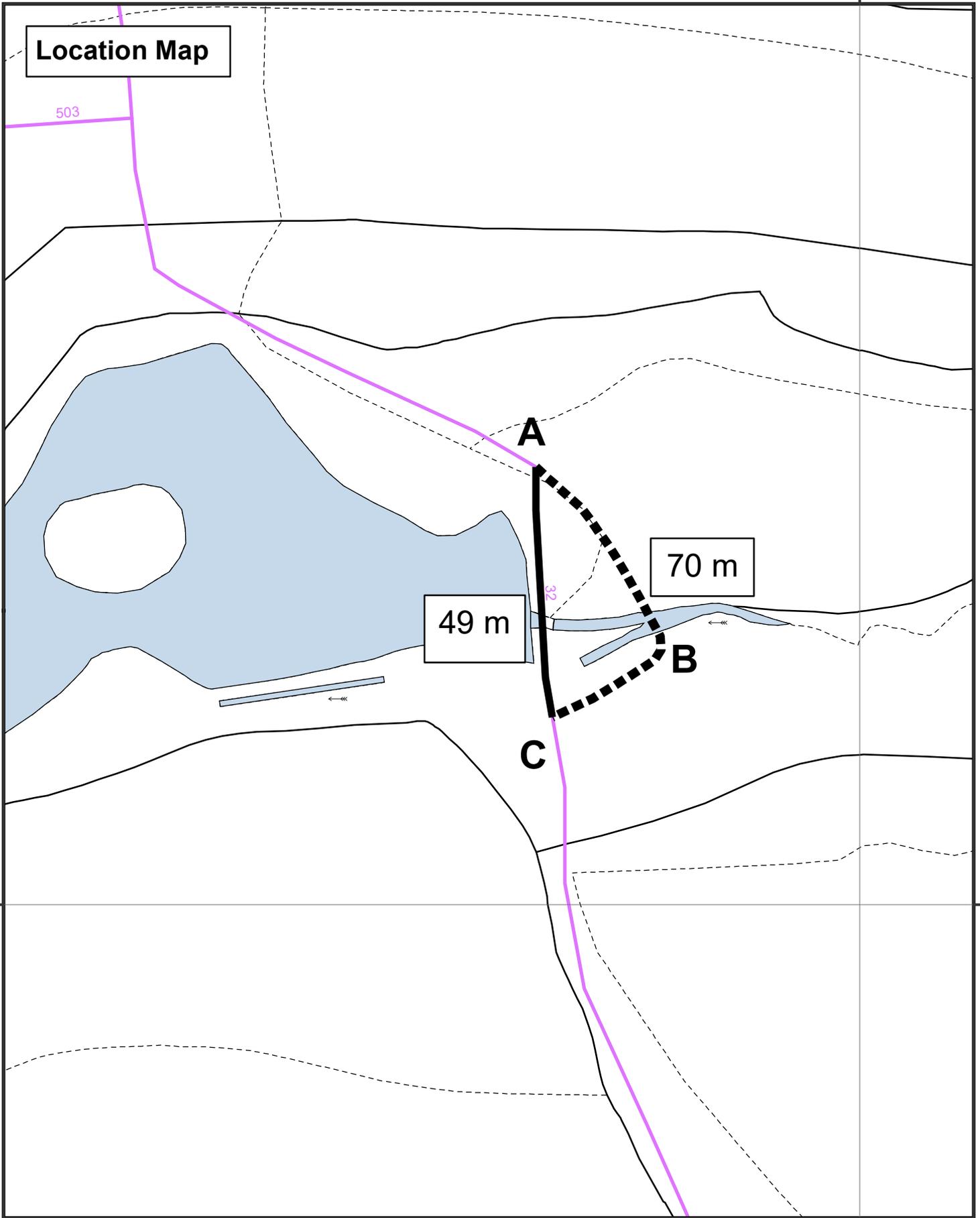
**Approved by: Jonathan Woods Strategic Manager
Countryside**

Date: 28 April 2022

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

Location Map

503



132500

132500



Hampshire
County Council

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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**Application for a Public Path
Diversion Order for part
of Selborne Footpath 32**

Consultations with Other Bodies:

East Hants District Council

East Hants District Council have been consulted on this proposal and would not object to this proposal as it is needed to align the footpath with the new and relocated bridge.

Local Member – Councillor Kemp-Gee

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

South Downs National Park Authority

South Downs National Park Authority were consulted, they felt that the proposed route is not substantially longer than the existing and does not hinder the existing view of the lake and offers new views of an attractive meadow to the west.

Selborne Parish Council

Selborne Parish Council have been consulted on this proposal and have no objection.

The Ramblers

The Ramblers have been consulted on this proposal, they visited the new bridge and footpath, and confirmed that they found everything to be perfectly acceptable and had no further comments to make.

The Open Spaces Society

The Open Spaces Society were consulted and have no objection.

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.