

**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 Mattingley Footpath 14

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**1. The decision:**

1.1 That the Strategic Manager Countryside gives the authority for an Order to be made under Section 119 of the Highways Act 1980, to divert part of Mattingley Footpath 14.

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

2.1 The landowner has applied for the diversion to improve their security and privacy. The section of the definitive line of Footpath 14 proceeds along the access drive to the property, between the property and the gardens.

**3. 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’.”

In accordance with the legal tests for making an Order, the Senior Officer must be satisfied that the diverted route will not be substantially less convenient to the public and must have regard to the effect that a diversion will have on the enjoyment of the path as a whole.

#### **4. Background**

4.1 The landowner has felt intimidated by recent instances of aggression from path users, and the lack of privacy resulting from the current alignment is having a negative impact upon their quality of life.

4.2 By diverting the route the applicant will be able to secure their property which will make them feel safer.

4.3 The proposed route is not considered to be substantially less convenient than the definitive route, and some may consider it to be more enjoyable as it crosses through 2 open fields rather than over the access drive and between hedging and the tennis court. The proposed route is the same distance as the definitive line.

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: 22 September  
2020**

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

**Consultations with Other Bodies:**

Basingstoke and Deane Borough Council

Basingstoke and Deane Borough Council have been consulted on this proposal but made no comment.

Local Member – Councillor Simpson

Councillor Simpson was consulted on this proposal but made no comment.

Mattingley Parish Council

Mattingley Parish Council have no objection to the proposal to divert this route.

The Ramblers

The Ramblers would have no objection to this diversion.

The Open Spaces Society

The Open Spaces Society has stated that it would raise no objection to the proposal.

**Appendix B**

**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 over-

arching duty of s149 Equalities Act. The proposed route is no more or less convenient than the existing route, some users may find the proposed route more enjoyable as it will be a more open 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. However, moving the path would allow the landowner to secure their property and reduce any existing risk further, and would ensure that users do not inadvertently wander off the path and into their garden.

## **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.