

HAMPSHIRE COUNTY COUNCIL
Officer Decision Record

Decision Maker:	Jonathan Woods
Title:	Application for a Public Path Diversion Order for part of Footpath 714 in the Parish of Smannell

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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 of the Highways Act 1980, to divert part of Smannell Footpath 714.

1.2 A plan of the proposed route is attached.

2. Reason(s) for the decision:

2.1 A diversion under Section 119 of the Highways Act is requested to formalise a minor deviation of Smannell Footpath 714, which the public have been using in favour of the definitive line.

2.2 Test Valley Borough Council's Capital Programme provides funding for the resurfacing of this route, but the anomaly relating to the walked route requires resolution prior to works commencing on site.

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 Funding has been allocated from Test Valley Borough Council to improve the routes in and around the area as part of development. The resurfacing of Footpath 714 has been agreed as part of the improvement plans, and the route connects East Anton and the village of Smannell, which has a school and pub. The path also provides a link to the wider network that the public can access from the development.

3.2 The proposed diversion route is the route which is currently in use by the public.

4. Consultation responses

4.1 There have been no objections to the proposal from the consultees.

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

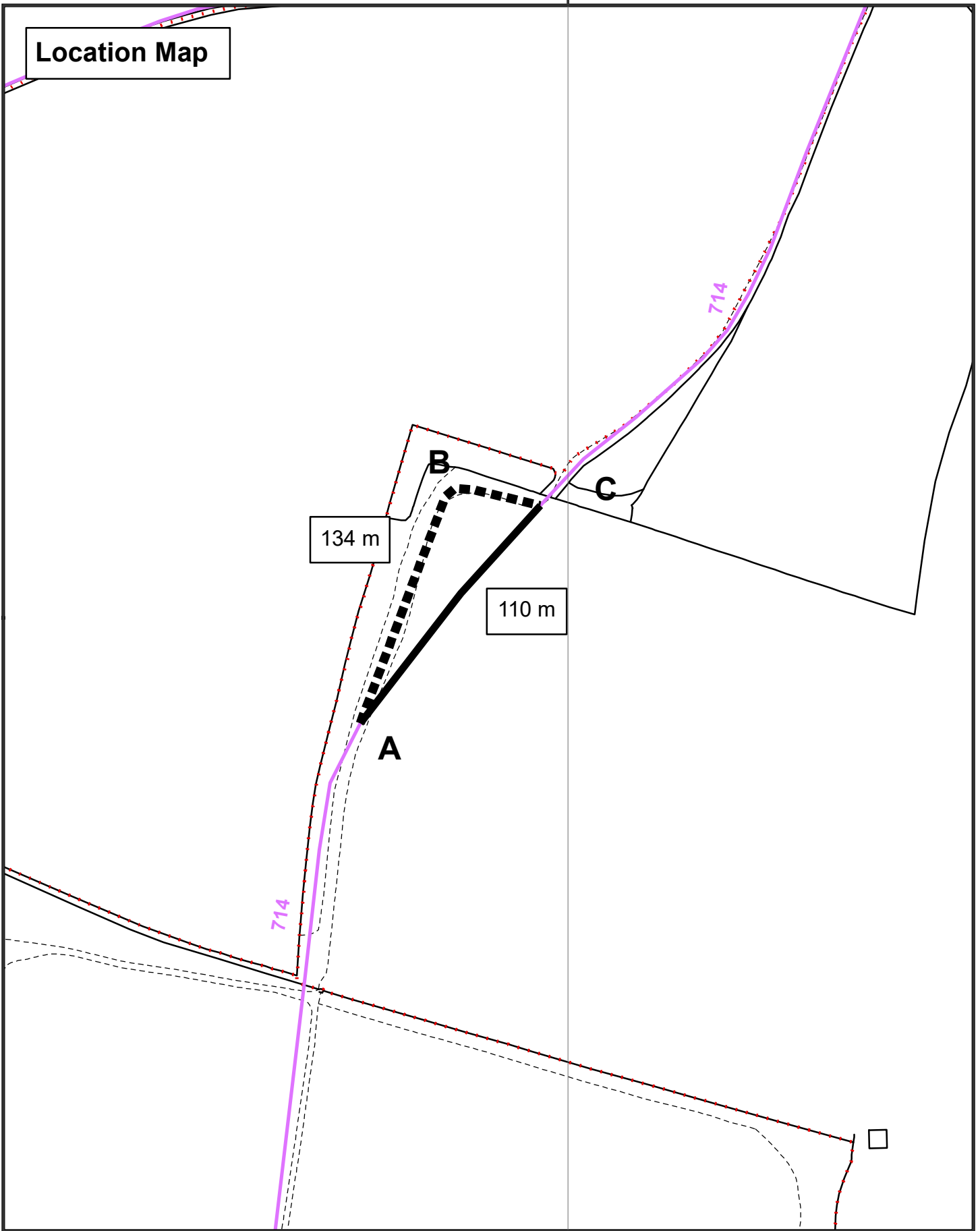

**Approved by: Jonathan Woods Strategic Manager
Countryside**

Date:

21.10.2021

**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 Smannell Footpath 714**

LEGEND **1:2,000**

- Existing Footpath
- Footpath to be Extinguished
- - - - Footpath to be Added
- - - - Parish Boundary

Countryside Access Team
Culture, Communities &
Business Services
Three Minsters House
Winchester, SO23 8UL

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Consultations with Other Bodies:

Test Valley Borough Council

Test Valley Borough Council were consulted on this but made no comment.

Local Member – Councillor Kirsty North

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

Smannell Parish Council

Smannell Parish Council were consulted on this proposal but made no comment.

The Ramblers

The Ramblers were consulted on this proposal but made no comment.

The Open Spaces Society

The Open Spaces Society were consulted and following an initial objection revisited the site and confirmed that providing the proposed diversion and improvements to this path can be established upon these natural lines currently used and illustrated, they would be prepared to withdraw their holding objection.

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 is not considered to be substantially less convenient than the existing route and is currently in use by the public.

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.