

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date of Decision:	20 June 2012
Title:	Request to Rescind a Public Path Diversion Order made in 2006 for Parts of Odiham Footpath Nos. 18, 22, 23 & 25
Reference:	4023
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary:

- 1.1. The purpose of this paper is to seek Committee approval to rescind a Public Path Diversion Order made in 2006 for the above footpaths.
- 1.2. This paper seeks to provide members with the necessary information with which to determine this proposal. In light of the formal objections received in response to this Order and the lack of action from the applicant to pursue it, Officers no longer consider that it is expedient to divert these paths in the interests of either the landowner or the public. The recommendation is to rescind this Order, made under s119 of the Highways Act 1980.

2. Legal Framework for the Decision:

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, subject to subsection (2) below, 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, as from such date as may be so specified in accordance with the provisions of subsection (3) below, 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'."

Members 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.

3. Purpose of Report:

- 3.1. Hampshire County Council received an application to divert parts of Odiham Footpaths 18, 22, 23 and 25 that resulted in a Public Path Diversion Order being made in 2006. This Order attracted a significant level of objection that could not be resolved. The applicant has not indicated that they wish to pursue this application and in view of this it is recommended that this Order be rescinded.

4. Background to the Proposal:

- 4.1. Hampshire County Council received an application to divert parts of Odiham Footpath Nos.18, 22, 23 & 25 in the interests of the public. This application was considered by Regulatory Committee on 26 April 2006 and it was resolved that an Order should be made for these diversions under section 119 of the Highways Act 1980.
- 4.2. The Order (*Hart District No.69*) (*Parish of Odiham - Part of Footpath Nos.18, 22, 23, and 25*) *Public Path Diversion Order 2006* was made accordingly and displayed both on site and in the local press between 19 December 2006 and 19 January 2007. A number of sustained objections were received giving valid grounds for objection to this Order.
- 4.3. The applicant expressed an intention to meet with objectors to try and resolve any concerns in December 2007, but has not made any further contact with Officers since that time. In light of this it is no longer considered expedient that these paths should be diverted in the interest of the public.

5. Conclusions:

- 5.1. Due to the significant level of objection received to this Order, and the failure of the applicant to engage with the Council for such an extended period, Officers no longer believe it is expedient to pursue this contested Order.

6. Recommendations:

- 6.1. That the (*Hart District No.69*) (*Parish of Odiham - Part of Footpath Nos. 18, 22, 23, and 25*) *Public Path Diversion Order 2006* be rescinded and the file closed.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Links to the Corporate Strategy

	Yes	No
Hampshire safer and more secure for all	<input type="checkbox"/>	<input type="checkbox"/>
Maximising well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enhancing our quality of place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OR

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report.

(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
General Correspondence	I:\Recreation and Heritage\Countryside Service\Rights of Way\Vicky Bowskill\PPOs by Parish\Diversions
Proposal File	VB\Div\Odiham18,22,23&25

IMPACT ASSESSMENTS:

This decision has been assessed to see what impact it may have in the following areas. If it has been identified that there are possible implications which may have a negative impact this grid should identify the part of the report which covers the recommendation about how those potential negative impacts are managed or avoided.

Impact Level: **S**= Significant Impact **L** = Low Impact **None** = No impact

IMPACT AREA	IMPACT LEVEL	COMMENTS	WHERE COVERED IN REPORT (Where there are details of how impact could be managed)
Equality & Diversity Impact	None		
Crime Prevention (under Section 17)	None		
Environmental	None		