



Countryside Planning and
Development Control
Hampshire Countryside Service
Hampshire County Council
Three Minsters House
Winchester
Hampshire
SO23 8UL
www.hants.gov.uk/countryside

Universal Services

*Countryside Service, Three Minsters House
High Street, Winchester SO23 8UY*

Telephone 0845 6035636 (call charges apply
– please see www.hants.gov.uk/contactus)
www.hants.gov.uk/countryside

Enquiries to

countryside.planning@hants.gov.uk

My reference

Direct Line

Your reference APP/23/00085

Date

29 March 2023

E-mail countryside.planning@hants.gov.uk

Planning reference: APP/23/00085

Site location: Emsworth Sailing Club, The Promenade Pontoon, Bath Road,
Emsworth, PO10 7ES.

For the attention of the Case Officer,

Consultation response: No objection subject to conditions

Thank you for consulting Hampshire Countryside Service as Highway Authority in respect of Public Rights of Way [PROW] and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to Public Rights of Way, Commons and impacts to Hampshire County Council Country Parks and Countryside Sites.

Site Context:

- The development site, a landing stage referred to as 'Emsworth Jetty', sits within Chichester Harbour, approximately 580 Metres south of the A259 (Havant Road), where it connects to the metalled walkway called 'The Promenade'. 'The Promenade' runs along the southern boundary of Emsworth Mill Pond, where it connects Bath Road to the east and South Street to the north, of the development site.
- Footpath Havant 56 (FP 56) lies adjacent to the western boundary of the development site, where it runs in a south-west to south-east direction.
- FP 56 form part of both the 'Wayfarers Walk' and 'The Solent Way', both of which are promoted and long-distance walking routes.
- The site sits within Chichester Harbour, an Area of Outstanding Natural Beauty (AONB)

- The site sits within Chichester Harbour, a Site of Special Scientific Interest (SSSI).
- The site sits within Chichester and Langstone Harbour, a Special Protection Area (SPA).
- The site sits within Chichester and Langstone Harbour is a designated Ramsar Site, which are considered wetlands of international importance designated under the Ramsar Convention.
- The Site sits within the Solent Maritime, a Special Area of Conservation (SAC).
- Emsworth Millpond, a Site of Importance for Nature Conservation (SINC), lies adjacent to the northern boundary of the development site.

A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Commentary:

The development proposes the installation of an access control gate on a landing stage, an existing structure, referred to as 'Emsworth Jetty', to form a permanent solution to anti-social behaviour. It is noted, however, although mentioned in the 'Design, Access & Heritage Statement', the supplied plans do not identify FP 56 as required by national validation requirements. Where PROW are close to application sites or are used for access to the development site, applications must show these on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such a plan has been submitted.

It is also important to note that FP 56, is a key route for both users of the promoted routes, 'The Wayfarers Walk' and 'The Solent Way', in addition to serving as key access around bodies of water, to both the southern and eastern sides of Emsworth Village.

Although not clear within the submitted documentation, presumed access is long the Promenade, and subsequently along FP 56. It is noted that no installation information has been provided to confirm if the development, its construction, and machinery, will have any impact on FP 56. Therefore, raising concerns over both public priority and safety along this Public Right of Way during construction.

The proposal seeks to make changes within its existing boundaries. It is therefore assumed, that there will be no alterations to said boundary, and as such, confirming no construction or modifications will be carried out on the existing PROW network adjacent to the development site. A PROW, being a public highway, must not be obstructed or its users inconvenienced by the Applicant and their contractor during works, which would be offences under the Highways Act 1980. Further, the National

Planning Policy Framework (July 2021), paragraph 100 requires planning decisions to protect and enhance the PROW network and this includes ensuring the safety of the public.

Conclusion:

Based on the information presented in this application, we raise no objection subject to the following condition:

1. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times.

Attached below are general informatives for the Applicant in regards to the PROW network. The Service requests these are added to any permission, should it be granted:

- Where Public Rights of Way are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such a plan has been submitted.
- Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
- Should the developer identify the need to temporarily close or adjust a PROW, they should follow the guidance on the Hampshire County Council website. This includes further information on the duties as a land owner and/or developer, found at [Landowners guide to public rights of way | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/landowners-guide-to-public-rights-of-way/).
- All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic (or Environmental) Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highway Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of biodiversity and public safety. The planning

permission does not grant the applicant any additional access rights to the site via the PROW network.

Countryside Planning would welcome further engagement with the Local Planning Authority and the applicant. Please contact countryside.planning@hants.gov.uk to discuss further.

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service