

FAO: Mrs D Haywood

Site: Land rear of 38-40 Long Copse Lane, Emsworth, PO10 7UR

Proposal: Variation of Condition 21 of Planning Permission APP/14/00064

(Development of existing paddock with 4No. five bedroom houses and access drive) to vary approved plans relating to position and shape of site road and minor changes to design of dwellings.

Ref: APP/17/01047

Thank you for providing us with this consultation opportunity and apologies for the delay in responding. Please accept this response as being on behalf of Hampshire County Council's Countryside Service. In addition to its statutory responsibility as the Highway Authority for Public Rights of Way, the Countryside Service manages Countryside Sites and Country Parks throughout Hampshire.

Site

The development would be accessed through Redlands Lane, through which **Havant Footpath 67** runs.

Comment

I note that the development proposes alterations to the surface of the right of way, which requires the approval of this department. I attach the response from the previous application requesting that a written specification of the proposed works to the right of way is submitted to and agreed by the Local Planning Authority, as specified in Condition 19 of the Decision Notice. I am not aware that this has been submitted, so request that it is sent to this email address prior to any works commencing.

Construction traffic will need to make use of the public right of way for access. We advise that this route should be kept open throughout the construction period, and an appropriate traffic management system be secured and implemented to ensure the safety and convenience of users of the rights of way.

Informatives

Should permission be granted for this application, we request that the applicant is made aware of the following requirements through informatives:

1. **There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority.** For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

2. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.
3. No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.
4. If there is likely to be an effect on the right of way in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users of the right of way, the applicant should contact the County Council directly to discuss the Temporary Closure of the route for the duration of the works. Temporary Closure Orders should be applied for at least 6 weeks prior to the commencement of works and details of how to apply can be found at <http://www3.hants.gov.uk/row/making-changes/temp-closures.htm>
5. Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.
6. All vehicles, including those of contractors and deliveries, which would be accessing the site via a public right of way, should give way to public users at all times.
7. Any damage caused to the surface of the public right of way by construction traffic will be required to be restored to the satisfaction of the Rights of Way Officer, to not less than its minimum width, on the completion of the build.

Regards,

Owen Devine

Countryside Access Development Officer (Planning)
Hampshire County Council