



Countryside Planning and
Development Control
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Date

17 April 2024

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

Planning reference: APP/23/01057

Site location: Land opp 56 Bath Road, Emsworth, PO10 7ES

Proposal: Erection of a 0.77 m high flood prevention wall running 13.2 m in length and incorporating a temporary flood barrier gate at the top of the beach access steps.

For the attention of the Case Officer,

Consultation response: No objection subject to conditions.

Thank you for consulting the Hampshire Countryside Service (the 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 PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

- Footpath Havant 56 (FP56) runs adjacent to the proposed development along The Promenade.
- Wayfarers Walk, a promoted route, runs along The Promenade and FP56.
- Solent Way, a promoted route, runs along The Promenade and FP56.
- The proposed development sits within Emsworth conservation area.
- The proposed development sits within Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- The proposed development sits within Chichester and Langstone Harbours Special Protection Area (SPA)

- It is noted that the site does not lie in a material proximity to any Hampshire County Council Countryside 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:

We note the absence of information surrounding access to the proposed site, material storage and associated works during construction. However, it is presumed the main access is from Bath Road to the west and onto the metaled surface of The Promenade. Should this assumption be incorrect, we trust to be re-consulted by the Local Planning Authority (LPA).

We must advise the applicant that 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. A Construction Traffic Management Plan (CTMP) will be required to show where construction traffic, machinery, materials, and signage will be situated during construction.

The development area shown in *fig 1* below (red box), shows FP56 (*Pink Line*) managed by Hampshire Countryside Service as Highways Authority for PROW. The surface is also managed by Hampshire Highways as Highways Authority for metaled road surfaces (*Orange Line*). It is assumed that private access rights may exist along this section of FP56 for all the properties that require them. With regard to this proposal, the applicant must satisfy themselves, and possibly the local planning authority also, that such rights exist as, without such rights, it is possible a criminal offence is being committed.

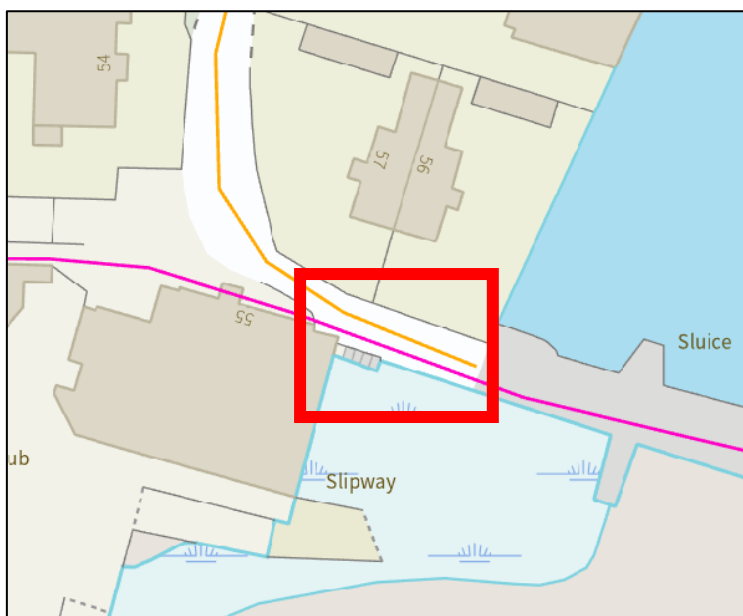


fig.1

The applicant should be further aware that the exercise of private vehicle access along the recorded road highway network and any resultant damage to that surface or boundary by such access, will not be the liability of HCC to repair – it will be for the party causing damage to repair; and should the access route carry a PROW status then such repair will require the prior authorisation of the Service.

The Service must take this opportunity to further notify the applicant that FP56 is to remain open and safely accessible at all times, for its entire width and legal line, during construction and occupation of the development. If the applicant believes it is impractical to keep FP56 open during construction, prior to the Service approving any application for its temporary closure the applicant will need to demonstrate other possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to the Service, and subsequently approved, the Service would ordinarily expect an applicant to provide a local alternative route at its liability for the duration of a temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/apply-for-a-temporary-closure)

The King Charles III English Coast Path (*KCIIIECP*), an emerging national trail, is proposed to run along FP56/The Promenade. Should this route be open at the time of development (subject to approval), we must advise that there will be a separate and additional process for a temporary closure/diversion of the KCIIIECP that needs to be undertaken; should this be required. If a permanent closure is required, the Applicant will need to contact HCS, specifically Alison Perry (the KCIIIECP project Manager) to discuss the implications.

It is noted from the documents submitted that the ownership of the proposed development is yet to be established. Being an adopted highway, we must take this opportunity to advise both the Applicant and the LPA that Hampshire Highways must also be consulted regarding the impacts of the proposed developments. They may additionally wish to offer comments regarding the site ownership.

Conclusion:

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

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.

Reason: To ensure the protection of public safety along the Public Right of Way network and no offence is committed under the Highways Act 1980

2. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highway Authority via a section 278 agreement. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

Reason: *To ensure no offence is committed under the Highways Act 1980.*

3. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users at all times. In cases where legitimate vehicular access is required, a Construction Traffic 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.

Reason: *To ensure the protection of public safety along the Public Right of Way network.*

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service