

Re: Planning Application APP/19/01226 Land west of Coldharbour Farm Road, Emsworth

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For the attention of: Ms L Wells

Planning reference: APP/19/01226/

Site location: Land west of Coldharbour Farm Road, Emsworth

Proposals: Construction of 44 dwellings with access, open space, landscaping and associated work and diversion of footpath No. 71 to the west

Further to my email 27 October 2022 information has been shared with me regarding cycling rights along Havant Public Footpath 71. In light of this, Hampshire County Council's Countryside Service ('the Service') is agreeable to withdrawing that holding objection subject to conditions as below.

Response: No objection subject to conditions

Site Context: Havant Public Footpath 71 ('footpath 71') runs north from Washington Road, Emsworth under both the railway and A27 to the western extent of Coldharbour Road, when the path passes inside the western and northern boundaries of the recreation ground to meet Horndean Road.

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>

Comment:

The proposed housing units will not, themselves, affect footpath 71.

Site access, both for construction and on completion for future residents, will be across the line of footpath 71; and, it is presumed so as to accommodate suitable visibility for footpath users, a diversion of a short section of footpath 71 is proposed where the future access road would cross the footpath. Further, provision for cycling is allowed on the footpath north of the future access road into the recreation ground, also south of the crossing onto the footway into the development. This is shown on drawing 5314/006 Rev D.

On the proposal to site an access road across the footpath, subject to the crossing satisfying HCC Highways standards in terms of construction and visibility splays, even if the access road is not to be adopted by HCC Highways, no objection is raised. The provision of a raised table and suitable road markings is noted and

welcomed by the Service for encouraging future motorists to recognise the potential for walkers to cross the access road, also for footpath users' convenience.

During construction of the access road and building out the site, this will present an increased risk of accident or injury to footpath users. When the access road is being constructed it will be necessary to temporarily prohibit public use of the footpath on grounds of safety; the Applicant must apply to the Service for a suitable Order giving at least 8 weeks' notice - details can be found

at: <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosures>



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A public right of way may need a temporary closure if there is: work taking place on or near the route; a potential danger to the public; likelihood of serious damage to the route

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When the site itself is being built out, public use of the footpath is required to be reinstated but site access must take suitable precautions to manage the risk of site vehicles coming into conflict with the public. A Construction Management Plan must be submitted to the Service for review and approval prior to commencement of all works (including the access road) detailing how the Applicant will manage the risk.

Regarding diversion of footpath 71 to accommodate the development, this should be achieved under the Town and Country Planning Act 1990 Section 257 with Havant Borough Council acting as Order Making Authority. The Service will require to be formally consulted when a Diversion Order is made but raises no objection in principle at this time.

Should the Local Planning Authority be minded to permit the application, the Service requests the following conditions:

1. Within 6 weeks of permission, the Applicant must submit an application to Havant Borough Council to divert part of Havant Public Footpath 71 under the Town and Country Planning Act 1990 Section 257. This application will then need to follow the statutory process and be confirmed prior to any works being undertaken to the existing alignment of Havant Public Footpath 71. This is to ensure the public's highway rights are protected in accordance with the Highways Act 1980 Section 130.
2. A specification for the future provision of Havant Public Footpath 71 within the site, being both the actual road crossing and the lengths of path leading to that crossing, must be submitted to Hampshire County Council and its written

approval secured prior to any works being undertaken to the future alignment of Havant Public Footpath 71. This is to ensure the future path is provided to the appropriate standards for the public's safety and convenience.

3. Prior to commencement of works to alter the alignment and surface of Havant Public Footpath 71, the Applicant is required to apply to Hampshire County Council for a Temporary Traffic Regulation Order to temporarily prohibit public use along Havant Public Footpath 71 during the period of works to deliver the future alignment and provision of the path. This is to ensure the public's safety during works on the footpath.
4. Prior to commencement of works to alter the alignment and surface of Havant Public Footpath 71, the Applicant is required to prepare and submit to Hampshire County Council for its written approval a Construction Management Plan detailing how the footpath will be made safely exercisable by the public after the footpath realignment and surfacing works but whilst the remainder of the site is being built out. This is to ensure the public's safety during works to deliver the permitted construction.

It is further requested that the following informatives are added to any permission, should it be granted:

1. When Havant Public Footpath 71 is exercisable by the public, all vehicles entering or leaving the site across the footpath should give way to public users at all times.
2. No vehicles, machinery, equipment, materials, spoil, scaffolding or anything associated with the works should be left on or near Havant Public Footpath 71 - these could create a hazard to users, for which the Applicant may be liable, and amount to an offence of highway obstruction.

Regards

Jon Perks

On behalf of Hampshire Countryside Service - Countryside Planning

Hampshire Countryside Service
Hampshire County Council, Three Minsters House, Winchester, Hampshire,
SO23 8UL

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From: Countryside Planning <countryside.planning@hants.gov.uk>

Sent: 27 October 2022 10:51

To: planning.development@havant.gov.uk <planning.development@havant.gov.uk>

Subject: Re: Planning Application APP/19/01226 Land west of Coldharbour Farm Road, Emsworth

For the attention of: Ms L Wells

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Thank you for sending us this consultation. Please accept this response as being that of the Hampshire County Council Countryside Service ('the Service') as local highway authority in respect of Public Rights of Way.

Response: Holding objection subject to more information

Site Context: Havant Public Footpath 71 ('footpath 71') runs north from Washington Road, Emsworth under both the railway and A27 to the western extent of Coldharbour Road, when the path passes inside the western and northern boundaries of the recreation ground to meet Horndean Road.

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where the future access road would cross the footpath. Further, provision for cycling is allowed on the footpath north of the future access road into the recreation ground, also south of the crossing onto the footway into the development. This is shown on drawing 5314/006 Rev D.

On the proposal to site an access road across the footpath, subject to the crossing satisfying HCC Highways standards in terms of construction and visibility splays, even if the access road is not to be adopted by HCC Highways, no objection is raised. The provision of a raised table and suitable road markings is noted and welcomed by the Service for encouraging future motorists to recognise the potential for walkers to cross the access road, also for footpath users' convenience.

During construction of the access road and building out the site, this will present an increased risk of accident or injury to footpath users. When the access road is being constructed it will be necessary to temporarily prohibit public use of the footpath on grounds of safety; the Applicant must apply to the Service for a suitable Order giving at least 8 weeks' notice - details can be found

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When the site itself is being built out, public use of the footpath is expected to be reinstated but site access must take suitable precautions to manage the risk of site vehicles coming into conflict with the public. A Construction Management Plan must be submitted to the Service for review and approval prior to commencement of all works (including the access road) detailing how the Applicant will manage the risk.

Regarding diversion of footpath 71 to accommodate the development, this should be achieved under the Town and Country Planning Act 1990 Section 257 with Havant Borough Council acting as Order Making Authority. The Service will require to be formally consulted when a Diversion Order is made but raises no objection in principle at this time.

Drawing 5314/006 Rev D proposes the introduction of cycling to the footpath within the site. This raises a number of concerns:

1. Under what authority will cycling be permitted? As a Public Footpath, the public's right is on foot and mobility vehicle only. Does the Applicant propose to change the status of footpath 71; and if so, how?
2. What continuity for cycling will be provided? Simply having cycling on the section of footpath 71 within the site will encourage cyclists to continue along the footpath, which may not be suitable for them or for lawful footpath users. For example, the height clearance to cycle beneath the bridges south to Washington Road, or the visibility available at junctions/ corners. The Applicant must provide the Service with greater detail for it to understand the context of the proposal and to supply further comment. Does the Applicant have the consent of landowners along the length of footpath 71 to provide a 'through route'? Without such consent, cycling 'off site' would be a common law offence of trespass.
3. What provision is intended for a shared walking and cycling route? A detailed specification showing the path construction, its width and signage must, as a minimum, be provided to the Service for approval prior to commencement of all works. This must extend along the entire length of footpath 71 intended to be promoted for cycling.
4. Who is intended to maintain the footpath in future? If the Service is to accept maintenance, this will be subject not only to agreement of the specification but the Applicant accepting to deliver that specification and a commuted sum for future maintenance. This, however, is not able to be determined until and unless all points above are answered and considered by the Service.

In this light the Service must raise a holding objection to the proposal subject to supply of further information and acceptance of points as set out above.

Regards

Jon Perks

On behalf of Hampshire Countryside Service - Countryside Planning

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