

FOR THE ATTENTION OF HEATHER LEALAN

Thank you for sending us this consultation. Please accept this response as being that of The Highway Authority in respect of Public Rights of Way.

This application acknowledges the existence of two unrecorded footpaths across this development site between Kingsclere Avenue and Dunsbury Way. As both Havant Borough Council and the applicant are aware, an application has been made to this department of Hampshire County Council under the Wildlife & Countryside Act 1981 for a Definitive Map modification to record these paths as Public Rights of Way.

We welcome the intention to retain public access across the site within the proposed development, but note that this is proposed along a different route from the paths that are currently used by the public. Under the provisions of section 257 of the Town & Country Planning Act 1991 it is possible, and strongly recommended, that the two un-recorded public paths are formally diverted onto the proposed new path, on the grounds that diversion is necessary 'to enable development to be carried out'.

We therefore ask that, should planning permission be granted, a Condition is made requiring application to be made to Havant Borough Council under section 257 Town and Country Planning Act 1991 for diversion of the two unrecorded footpaths.

Development, in so far as it affects the two paths, should not be started and the footpaths should be kept open for public use, unless or until the necessary order has come into effect, in order to ensure that the unrecorded footpaths remain available and convenient for public use.

We understand it is intended that ultimately this pedestrian access would be formally adopted, together with the roads through the new development.

Many thanks,

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