

## Karen Wooden

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**From:** Countryside Planning [countryside.planning@hants.gov.uk]  
**Sent:** 29 April 2013 10:13  
**To:** Planning and Development Shared Mailbox  
**Cc:** Countryside Planning; 'Alan Unsted'; Havant Auto-Reply  
**Subject:** APP/13/00336 - Land rear of 38-40 Long Copse Lane, Emsworth

### FOR ATTENTION OF AARON WRIGHT

Aaron, 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.

Access to the site would be along [Havant Footpath No 67](#), known locally as Redlands Lane.

**There are no recorded public vehicular rights over this path and it is an offence under s34 Road Traffic Act 1988 to drive over a public footpath, bridleway or restricted byway without lawful authority.**

We have had several discussions with the applicants' agent prior to the formal submission and understand that they do have a private right of access. We are satisfied with the access arrangements and are happy, in principle, with the proposals for the surface of the path.

Should permission be granted, we would ask that the applicants be made aware that :-

- All vehicles, including those of contractors and deliveries, would be accessing the site via a public footpath and should give way to public users at all times.
- 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.
- 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.
- There must be no surface alterations to the footpath, nor any works carried out which affect its surface, without prior 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. **We would therefore urge the applicants to contact us before any proposed work commences.**
- 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.** If there is likely to be an effect on the footpath 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 that **if there is deemed**

to be a risk to users of the footpath, the applicants should contact this office directly to discuss the Temporary Closure of the footpath for the duration of the works.

**In addition, 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.**

**We would be grateful if these requirements could be included in the decision notice if permission is granted.**

In the interest of safety, we would wish to see a condition applied requiring suitable signage to be erected **warning contractors and delivery drivers of the presence of walkers on the footpath and of the requirement to give way.**

Many thanks

*Barry Lockyer*

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