

From: nerys and rob gilraine [<mailto:nerysandrob@hotmail.com>]

Sent: 17 February 2014 12:49

To: Andrew Turner; Brendan Gibb-Gray; ray.bolton@hants.gov.uk; Daphney Haywood; Planning and Development Shared Mailbox; merylyn@aol.com; Philip Woodhams

Subject: RE: Rights of way

it should also be noted that the applicant is not the only individual with access rights down the lane.

From: nerysandrob@hotmail.com

To: nerysandrob@hotmail.com; at@larcomes.co.uk; brendan.gibb-gray@havant.gov.uk; ray.bolton@hants.gov.uk; daphney.haywood@havant.gov.uk; planning.development@havant.gov.uk; merylyn@aol.com; philipwoodhams@btconnect.com

Subject: Rights of way

Date: Mon, 17 Feb 2014 12:45:51 +0000

Dear Sir/Madam

Ref Havant Council APP/14/00064

I write to you with respect to a proposed development accessing 4, 5 bedrooms houses down Redlands Lane. The design and access statement submitted by the applicant makes reference to rights that don't exist and ignores several key issues and unlawfully encroaches onto a public footpath.

Redlands lane is currently a public footpath with private vehicular access rights forming part of the Hampshire/West Sussex boarder path. It is well used as one of main pedestrian routes up into Hollybank Woods from Emsworth. With the completion of the Hampshire Farms housing development foot traffic has increased significantly. It is currently a green gateway to the public spaces to the North of Emsworth.

We believe the proposal to access these 4 houses via Redlands Lane is not appropriate and unlawful for the reasons set out below.

The applicant has vehicular access rights (see attached file) to the paddock but contrary to the design and access statement no established right to maintain or interfere with the lane surface, the applicant does not own the lane. Ownership of the lane has NOT been determined. Any assertions the applicant makes about on going maintenance of lane need to be viewed in this context. When a future owner is established the surfacing of the lane could easily become a 'ransom' issue, retrospectively breaching planning conditions and rendering the lane unusable to pedestrians and residents

Until ownership and a lawful right to interfere with the lane surface established support for this application should be refused.

The lane was resurfaced by the applicant in October. The degradation of the gravel surface in a few months is extreme and clear in the attached photos. This is with minimal vehicular traffic passing over it (currently paddock access only). The lane is now in a worse condition than it was a few months ago and uneven underfoot. Gravel is not a stable medium on a sloping surface with significant amounts of local run-off. The gravel will simply be washed downhill. The head of Redlands Lane captures water from Long Copse Lane to the East and West. The maintenance proposals by the applicant are vague. It is not clear they will provide funds at the appropriate frequency or quantity to maintain the lane.

The current proposal for surfacing and maintaining the lane are inadequate, support for this application should be refused until it is improved.

In the proposal to facilitate a passing point a 'hammerhead' junction would be placed at the junction between the paddock and Redlands lane. The addition of the hammer head is well beyond the scope of a right of access to the paddock. It therefore constitutes unlawful development of a public footpath. The addition of a passing point was a condition of the Highways Officer, without it traffic will be forced to reverse blind into Long Copse Lane. Traffic can be expected to park in this area blocking the footpath for pedestrians

The addition of the hammerhead is unlawful without it the access to the site is dangerous and support for the application should be refused.

We understand the continued pressure for housing but that should not override proper consideration for existing public spaces.

We would be grateful if you could review the application in light of this information.

(more photographs to follow)

Regards

Robert and Nerys Gilrairie

Redlands House
38-40 Long Copse Lane
Emsworth
Hampshire
PO107UR