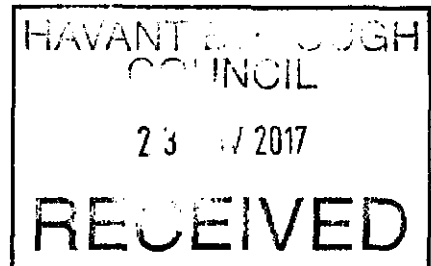


Havant

BOROUGH COUNCIL

Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX



APPLICATION FORM

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
STOPPING UP/DIVERSION OF FOOTPATHS/BRIDLEWAYS

NOTES

- There is no authority for the extinguishment or diversion of a highway until the notice announcing the Borough Council or Secretary of State has confirmed and published the order. Any preliminary obstruction of, or interference with, the highway concerned may not only be an offence, but may make it impossible to proceed with the making of an order.
- Please read Guidance Notes before answering the questions.
- Please ensure all the necessary enclosures accompany this form.

A COPY OF THIS FORM, PLANS AND SUPPORTING INFORMATION SHALL BE
SUBMITTED TO THE ABOVE ADDRESS

APPLICANT(S) NAME AND ADDRESS

Name: Tony Haffenden

Address: Environment Agency, Guildbourne House, Chatsworth Road,
Worthing, West Sussex,

Postcode : BN11 1LD Daytime Phone No: +44 208 474 8630

Email : tony.haffenden@environment-agency.gov.uk

1. AGENT'S NAME AND ADDRESS (if any)

Contact Name : Tony Sloan

Company/Firm Name : AECOM.

Address : Beechill House, Beechill Road, Belfast

Postcode : BT8 7RP Daytime Phone No: +44-28-9070-5111

Email: tony.sloan@aecom.com

2. POSTAL ADDRESS OF PLACE, TOWN OR VILLAGE IN WHICH THE HIGHWAY(S) IS/ARE SITUATED. Land east of Southmoor Lane, to the west of Langstone, Havant, Hampshire.
Easting: 471127 Northing: 105011

3. NAME OF PARISH IN WHICH HIGHWAY IS SITUATED

Parish of Havant

4. DETAILS OF DEVELOPMENT WHICH NECESSITATES THE STOPPING UP/DIVERSION FOR?

- (a) Planning permission Reference number : PP-06368234
- (b) Date planning permission granted : Pending
- (c) Description of approved development as shown on the decision letter. Southmoor Managed Realignment-
 - Local 'borrow area' to facilitate the construction of three clay-cored sea defence embankments (1 no. approximately 350 metre length embankment incorporating diversion of footpath no. 45 and footpath no. 49, 1 no. approximately 270 metre length embankment running along the north to south boundary, 1 no. approximately 130 metre length embankment to the east of Mill Lane);
 - ground raising and associated protection works around Southern Water assets;
 - associated drainage; and
 - the active breach of the existing coastal sea wall to allow the creation of a dynamic inter-tidal habitat.

5. HIGHWAY(S) TO BE STOPPED UP OR DIVERTED

- (a) The highway is a:
Footpath ☒ Bridleway ☐ Unregistered right of way ☐
Other ☐

- (b) Application for the highway to be:
Stopped up ☐ Diverted ☒ Created ☐

- (c) Please give details:-
Type: Footpath/Bridleway/BOAT/etc.
Footpath 45 & Footpath 49

Name(s) and/or No(s), if any
Footpath 45 & Footpath 49

Description of each section:

Footpath 45- Currently runs along the existing sea defence. Providing a route between Harts Farm Way and the junction of Footpaths 49 and

51. The footpath has already begun to deteriorate and it is likely to become increasingly unsafe to use.

Footpath 49- Provides a route between Southmoor Lane and the junction of Footpaths 45 and 51. The Footpath isn't clearly defined and has an uneven surface which becomes marshy and muddy after heavy rainfall or extended periods of wet weather.

6. NEW HIGHWAY(S) TO BE CREATED (including route of diverted highways)

(a) Description of each section:

Footpath 45- The deliberate breach of the existing sea wall proposed under the Southmoor managed realignment scheme will inevitably result in the inundation of part of footpath 45. As a result, footpath 45 will need to be diverted. The diverted path will be positioned along the existing adjacent green lane permissive path providing a diverted route between Footpath 45 and Footpath 49. This existing green lane permissive path will be updated to meet DDA compliant standards.

Footpath 49- The footpath will be situated on top the new 350m long (approx.) Main Rear Embankment proposed under the Southmoor managed realignment scheme. The new Embankment will follow the same route as the existing Havant Footpath 49. The new footpath will be 2m wide to meet DDA compliant standards.

(b) Who owns strip of land to be dedicated as new highway?

Hampshire and Isle of Wight Wildlife Trust Limited
Robert George Carrell & Peter John Carrell

(b) Distance from existing highway (approx in metres north, south, east, west etc.)

Footpath 45- The diverted path will be positioned along the existing adjacent green lane permissive path providing a diverted route of approximately 200 metres between Footpath 45 and Footpath 49.

Footpath 49- Will follow the same route as the existing Havant Footpath 49 along the top of the proposed Main Rear Embankment.

(c) If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication?

Yes ☒ No ☐

(d) If 'Yes', please attached copies of any correspondence.

7. TIMING OF DEVELOPMENT

(a) On what date is the development affecting the highway expected to begin? March/April 2018

(b) Has the development which necessitates the diversion or stopping up already begun?

Yes ☐

No ☒

(c) If yes when? _____

(d) Is the development substantially complete?

Yes ☐

No ☒

8. DECLARATION

(a) ~~I/We~~* understand that no authority for the ~~stopping up/diversion~~* of a footpath/~~bridleway/other~~* is conferred unless and until an Order made under s257 of the Town and Country Planning Act 1990 has been confirmed and, if appropriate, certified.

(b) ~~I/We~~* declare that the footpath(s)/ ~~bridleways(s)/ other~~—(specify 45 and 49)* to be stopped up or diverted ~~is/are~~* in no way obstructed and that ~~it/they~~* ~~is/are~~* fully available to the public. ~~I/We~~* undertake that ~~it/they~~* shall in no way be obstructed before the Order comes into operation.

(c) ~~I/We~~* declare that to the best of my/~~our~~* knowledge and belief all particulars given are true and accurate.

(d) ~~I/We~~* hereby agree:

(i) To a site visit by a group of Council Officers, Members and other interested parties to inspect the proposed routes on a pre-arranged date. To make up the new lengths of footpaths/~~bridleway/other~~ 45 and 49 * to such standard as is required by the Highway Authority or to meet the costs of the works.

(ii) To reimburse to the Borough Council all expenses incurred by it in connection with the making of the order, whether or not the Order is confirmed.

(iii) To the information supplied within and in support of this application being supplied to other parties as necessary in the context of the application and in accordance with the provisions of the Data Protection Act 1988 and Freedom of Information Act 2000.

Date 21/11/2017 Signature(s)  Tony Haffenden
2017.11.21 17:45:23 Z

Address Environment Agency, Guildbourne House, Chatsworth Road,
Worthing, West Sussex

Postcode BN11 1LD

Email tony.haffenden@environment-agency.gov.uk

Daytime telephone number(s) +442084748630 +447585108706

*Delete as applicable

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

STOPPING UP/DIVERSION OF FOOTPATHS/BRIDLEWAYS

Notes for applicants

1) 'Highway' is a generic term encompassing various public rights of way over land. Highways, or parts of them, may be classed as follows:-

- a) 'Footpath' – a highway in its own right over which the public have a right of way on foot only.
- b) 'Bridleway' – a highway over which the public have the following, but no other, rights of way that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

2) Section 257 of the Town and Country Planning Act 1990 empowers the local Planning Authority to make a stopping up or diversion order if it is satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3) An application can only be considered if it can be shown that the diversion is:-

- a) In the interest of the owner, lessee or occupier of the land crossed by the path, or
- b) In the interest of the public.

In addition the diverted path must not be substantially less convenient to the public and regard will be had to the effect on public enjoyment of the path as a whole, to the effect on other land served by the existing path, and to the effect on land over which the new path will run.

4) Submission of Plans and Forms

- a) One copy is required to show the location and the proposal. They should be based on Ordnance Survey maps (please note the information on OS Copyright on our website), and draw to scale not less than 1:2500.
- b) Where footpaths and/or bridleways are proposed to be stopped up or diverted they should be shown by a solid black line. New footpaths and/or bridleways should be shown by thick dashes.
- c) A North point must be clearly marked on the plans, and the plans preferably prepared so the point is parallel with the vertical side of the plans and pointing upwards.
- d) The terminal points of the lengths of highway proposed to be stopped up or diverted should be clearly evident on the plans.
- e) It is necessary to identify highways such as footpaths and bridleways in words (e.g. the footpath/bridleway leading from Chesil Street to Magdalen Hill) and sufficient information should be given on the plans and under questions 6 and 7 to enable the Local Planning Authority to prepare an adequate description.
- f) An unmarked Copy of the plan is also required for reproduction purposes. This should be of good quality and show no details of the stopping up or diversion.
- g) A copy of the application form should accompany the submission.

5) Recovery of Costs of making an Order

The costs of making the public path order include the placing of adverts in the local newspaper and processing time by the Council's Legal Services will be recharged to the applicant.

The power to recharge costs is contained in the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (as amended by the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996).

Havant Borough Council charges £500 as an initial payment at the time of making the application.