

Chidham & Hambrook Parish Council

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Chidham & Hambrook Parish Council response to Consultation in respect of diversion of part of Footpath 227 at Grey Thatch, Harbour Way, Chidham

The Parish Council discussed the request for the Diversion of part of Footpath 227 at Grey Thatch, Harbour Way, Chidham at its Full Parish Council Meeting on 2nd November 2017 (minute nos 146-17 and 147-17 refer) and considered its response to the Consultation by West Sussex County Council.

The Chairman of the Parish Council had forwarded to Parish Councillors prior to the Meeting five written representations from the public regarding the Consultation on the diversion of the footpath.

Three residents made a number of comments during the Public Open Forum on the proposed diversion including the following:

- Most residents of Harbour Way objected to the proposed diversion
- There were concerns regarding security for walkers because of the high hedges along the diversion and for the residents whose properties would be overlooked
The landowner has agreed to a width of 3 metres for the proposed path. This is much wider than the normal requirement for diverted paths – it equates to the width of many country lanes. The Sussex Police –Designing Out Crime Officer has been consulted and his advice from a crime prevention viewpoint has been taken into account. He supports the proposal.
- There were health and safety concerns with the proposed diversion because of a blind corner due to cyclists who it was considered would continue to use the path despite it being a footpath
It is recognised that cyclists may use the path even though the public right is limited to walkers. The corner at point F on the proposed path (plan attached) is rounded to a curve to avoid a blind corner at this point.
- The high hedges were unattractive and the route was significantly longer
The increased width of 3metres will mean that an enclosed and shady twitten effect (similar to that of the existing route B-C) is avoided. The existing route A, B, C, D is approx. 190 metres whereas the proposed route A, E, F, G, D is approx. 218 metres. An increase of less than 30metres is not very significant on a recreational path.
- Harbour Way was a private drive way not a road and there were no benefits to the majority of residents if part of it was closed off; the applicant was not in discussion with the Management Company to buy the part of the road that was marked for closure
The applicant has explained that he would like to change the access arrangements for Harbour Way residents over the drive and roundabout at Grey Thatch - this is a separate matter for him to negotiate with the Management Company or other relevant parties. Like the path proposal, it is part of his overall aims to improve the property, but the two are separate matters .Any concerns about the private access should be addressed to the Management Company or other relevant authority, and the path diversion judged on its own merits.

- There would be an unnecessary cost to the public purse to maintain the additional length of footpath
On the contrary – the proposed path would be surfaced to an approved standard at the applicant's expense and the 2 flights of steps on the existing path(one of which tends to be eroded by the tides) would no longer need to be maintained at public expense.
- The County Council had a statutory duty to conserve and enhance footpaths. The proposal would result in neither being achieved.
The County Council as Highway Authority has a duty to assert and protect the path network and is committed to improve access for all wherever possible including those less able to negotiate steps or standing water/ muddy foreshore. This diversion would make this part of the path accessible to the less mobile which is considered to be an enhancement.

Parish Councillors agreed with the public that there were significant safety concerns created by the diversion past the high hedges. It was considered that the diversion was solely in the interests of the applicant and was of no benefit to the general public.

The legal tests require the applicant to demonstrate that the proposed diversion is in his interests. The tests, in brief, also require that the new route should not be substantially less convenient and that regard be given to walkers' enjoyment of the route as a whole. The legal tests do not ask for public benefit -although in this case there is considered to be improvement to accessibility as above.

Members reiterated and agreed with each of the comments against the proposal given during the Public Open Forum. In addition, two further concerns were expressed:

- First, hedges would, in addition to generating security concerns, spoil the openness and outlook of the walk
Views out from the existing path are blocked by garden hedges northwards over the length A-B and the path is entirely enclosed on a very narrow route B-C. The 3 metre width of the proposed path, even with hedges, will create a much more open route.

Second, Grey Thatch was less impacted than the other houses in Harbour Way in respect of security and privacy, so the argument put forward on these grounds was not felt to be of merit.

On the question of whether the applicant is justified in requesting a diversion on grounds of privacy when it is considered to be less impacted than other Harbour Way houses, I can advise as follows. Legislation is in place to enable any landowner to make application for a path on their land to be diverted if the necessary legal tests can be met. All applications are determined on the basis of their individual merits and not by comparison with other properties or circumstances. In this case the applicant is able to demonstrate that it would be in his interests for the path to be diverted for the reasons set out in the consultation report, section 2 . This part of the legal tests for diversion is therefore considered to be met

It was reported that some walkers walked along the top of the bag work shore protection immediately to the south of the east end of the existing footpath partly because the low part of the foreshore was muddy, to the possible detriment of the bag work.

When I visited the site around high tide the week before last I noticed, during the space of approximately 20 minutes, 2 separate couples of walkers travelling north along the path from the sea wall towards Harbour Way. On reaching the steps down to the quite deeply flooded

path on the foreshore they both turned in beside the memorial bench across the applicant's property. One pair followed the proposed path route, the other simply cut across the grass to rejoin the path close to the house. I also noticed evidence of the fence being climbed through at top of the steps at point C to give access to a route along the top of the sea defence above the foreshore C-D. The sea wall C-D is, I understand, the applicant's responsibility to maintain and he advises that it has been repaired and improved by the family several times over the years.

It was resolved that:

(i) The Parish Council **strongly objects** for all of the reasons described above to the proposed diversion of the footpath at Harbour Way and challenges the applicant's reasons for the diversion.

(ii) The County Council considers an alternative proposal, as follows:

The route of the current footpath remains unchanged but the footpath is widened, the surface of the path is brought up to the requisite standard and the old escallonia hedge on the south side is replaced with a new hedge of a height to the applicant's satisfaction to protect his privacy and security. The seawall going south from the steps C to D in the Consultation Document Map is developed, with the footpath before the steps to the foreshore turning right offering wheelchair accessibility leading to a path along the top of the existing seawall to the same width as the pathway between B and C. This proposal would provide ample space for wheelchair users to enjoy the Harbour views, whilst allowing other members of the public to pass freely. This proposal would also secure the line of mature trees to the north of the footpath.

The alternative proposal you suggest may, in an ideal world, be an enhancement to the path network. Unfortunately though, this is not the proposal that is on the table. There is no reason why the applicant should fund such improvements, especially when the route would still remain close to Grey Thatch, and I'm afraid it is not something that the County Council with its ever more stretched budget would be able to make a priority.