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PLANNING
DEPARTMENT
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HERTFORD SG13 8DN

Mrs L Hughes
Planning and Building Control
Welwyn and Hatfield Borough Council

The Campus
Welwyn Garden City
Herts
AL8 6AE

Contact: Dawn Grocock
My Ref: HCC/ROW/DG/041018
Your Ref:
Date: 23rd December 2009

Dear Mrs L. Hughes

**Essendon Public Bridleway 018 and Public Footpaths 19 and 20
Application No. S6/2009/2574/FP**

We object to this development, as it will have a significant impact on the public footpaths that cross through and adjoin the site and the public bridleway, which forms the access road to the site.

The previous unfinished development caused a number of problems for the public bridleway, with construction traffic accessing the site severely damaging the bridleway surface and bridge.

We believe the damage to the surface was repaired, but not the bridge. Therefore investigation of the bridge's structural soundness would be needed. A survey to determine the weight and vehicle movement capacity of the bridge would also be required.

Heavy and frequent traffic movement along the bridleway would not just be an issue in the construction phase, but also on a day to day basis, with daily movements of staff, horse boxes, feed deliveries etc. This may also cause safety issues for walkers, cyclists and horse riders using this popular bridleway, which is also widely promoted, as it forms part of the 'Hertfordshire Way'.

The Design and Access Statement details that the previous application proposed stabling for 20 horses, but this has been reduced to 16 horses. Although this area of Essendon and Hatfield Parishes has a number of public bridledways, restricted byways and byways that horses can use, they are linked by busy and often dangerous roads. There are also a number of livery stables and private stables in the area which put a great deal of pressure on this fragmented public right of way network.

We appreciate that within the site plan there is a private access track for horses kept at this development, but it is more than likely the horses will use the public rights of way network in the area as well. Therefore mitigate this extra pressure, public bridledways could be dedicated on land in the developers control or money could be given in a section 106 agreement to help secure extra public bridledways in the area.

Regarding the public footpaths across or adjoining the site, any fencing off of these routes would need to give a generous width (3 to 4 metres), as the public has been able to walk unrestrained along them. However, it should be noted that if the public have walked a wider width than this, they may apply to us (with evidence) to have a wider width recorded.

Point 7.18 of the Landscape and visual Appraisal states, that stiles will be erected on these public footpaths. Any structure to be erected on a public right of way must be authorised by us. Legally the County Council as Highway Authority only has two powers to erect structures on footpaths, bridleways and restricted byways. One is section 66 of the Highways Act 1980 for safety and the other is section 147 for controlling animals for agricultural purposes. The default position is not to restrict the public highway at all; therefore any access restriction needs to be justifiable.

In order to use section 147, the land has to be in use for agriculture and the structure has to be needed to control the ingress or egress of animals. We also no longer consider stiles appropriate under the Disability Discrimination Act 1995 and any structure that is approved by us must be made and installed to the current British Standard BS7709.

We are happy to discuss the above and ways that these issues maybe able to be addressed, with either you or the applicants.

Yours sincerely



Dawn Grocock (Miss)
Countryside Access Officer
Public Rights of Way Service

Enc: Plan of Public Rights of Way and section of Hertfordshire Way