



Hampshire
County Council

Countryside Planning and
Development Control
Hampshire Countryside Service
Hampshire County Council
Three Minsters House
Winchester
Hampshire
SO23 8UL
www.hants.gov.uk/countryside

Universal Services
Countryside Service, Three Minsters House
High Street, Winchester SO23 8UY

Telephone 0845 6035636 (call charges apply
– please see www.hants.gov.uk/contactus)
www.hants.gov.uk/countryside

Enquiries to

My reference

Direct Line

Your reference APP/22/00822

Date

01 August 2024

E-mail countryside.planning@hants.gov.uk

For the attention of the Case Officer

Planning reference: APP/22/00822

Site location: Boatyard, Marine Walk, Hayling Island, PO11 9PG

Proposal: Extension to existing pontoons.

Consultation response: No objection subject to Conditions.

Thank you for consulting Hampshire Countryside Service (*the Service*) as Highway Authority in respect of Public Rights of Way (*PROW*) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to Public Rights of Way, Commons and impacts to Hampshire County Council Country (*HCC*) Parks and Countryside Sites.

Site Context:

- Havant Footpath 103 (FP103) runs adjacent to the southern boundary to the proposed development.
- The proposed development lies within the *Solent Maritime*, Special Area of Conservation (SAC)
- Chichester and Langstone Harbours, a conservation area, a Special Protection Area (SPA) and a Sites of Special Scientific Interest (SSSI) all sit within the boundary of the proposed development.
- The site is not situated in a material proximity to any Hampshire County Council Countryside site.

Director of Universal Services
Patrick Blogg

Additional PROW are located in the local area. These are recorded on the Definitive Map of Rights of Way and Definitive Statement. A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Policy

In the Applicant developing the proposal and in the Local Planning Authority reviewing that prior to determination, regard needs to be given to appropriate national and local planning policy. The National Planning Policy Framework (NPPF) December 2023 variously considers PROW and outdoor recreation, wellbeing, non-motorised access, and more. The Service considers NPPF paras. 96, 97, 102, 104, 108, 110, and 116 to be particularly relevant to the PROW network and its users.

Commentary:

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network, also other public access routes and Trails open to the public, is in providing the means to realise many objectives of national and local plans - as examples, but by no means exhaustive, a good local access network can enhance community connectivity and cohesion; improve local environments by reducing local traffic congestion and improving air quality; support personal health and well-being of individuals and groups; and support local economies, whether in providing means of access to and from workplaces, offering passing trade such as with a cafe, or creating need for larger supply businesses as with cycle or equestrian users. Public access should, therefore, be given positive regard in this and all development plans and proposals; and for this reason all public access routes and Trails are a material consideration in determining any planning application - see [DEFRA Circular 1/09, para.7.2](#).

Regrettably, the supplied plans do not identify FP103 that runs adjacent to the sites boundary, as required by national validation requirements. Where PROW are close to application sites or are used for access to the development site, applications must show these on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated by the Local Planning Authority (LPA) unless such a plan has been submitted. (*Validation of Planning Applications - Statutory national information requirements paragraph 48 d*).

The applicant has not provided clarity on how they intend to access the development site and whether they plan to use FP103 for vehicular access during both construction and occupation, specifically for future access to the slipway. The Service presumes that access to the site for, during both construction and occupation, will take place on the track on the southwest corner of the land within the applicants blue line boundary. Should this presumption be correct, there may be close interaction with the public using FP103 as part of this PROW runs across this entrance. (see definitive map link above).

In considering the impacts as a result of proposed development, the Service must be able to reasonably ensure the safe, convenient and priority access of PROW users at all times. The Service must request that suitable signage is installed during construction and occupation of development, that warns vehicles of the presence of PROW users. The Applicant is reminded that users on foot have priority over a FP103 for safe and convenient access.

During site construction, FP103 is to remain open and safely accessible at all times. Following the necessary assessments, if the developer believes it is impractical to keep the PROW open during construction, the applicant will need to demonstrate all possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to the service, and subsequently approved, the Service would ordinarily expect an applicant to provide a local alternative route at its liability for the duration of a temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/apply-for-a-temporary-closure)

The King Charles III English Coast Path (*KCIIIECP*), an emerging national trail, is proposed to run along/near FP103. Should this route be open at the time of development (subject to approval), we must advise that there will be a separate and additional process for a temporary closure/diversion of the KCIIIECP that needs to be undertaken; should this be required. If a permanent closure is required, the Applicant will need to contact the service, specifically Alison Perry (the KCIIIECP project Manager) to discuss the requirements.

The Service must further advise the applicant that there must be no surface alterations to the PROW network without the consent of Hampshire County Council as Highway Authority. Planning permission under the Town and Country Planning Act 1990 does not provide this and separate consent is required via a Section 278 agreement. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

Due to the nature of the surrounding habitat, the Applicant will likely, at the very least, be required to obtain SSSI Consent, undertake a HRA (Habitats Regulation Assessment) and FRAP (Flood Risk Activity Permit). As such, the service trusts the Applicant will consult and liaise with the relevant environmental colleagues during this planning application.

Based on the information presented in this application, we raise no objection subject to the following conditions:

1. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times.

Reason: To ensure the protection of public safety along the Public Right of Way network and no offence is committed under the Highways Act 1980

2. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highway Authority via a section 278 agreement. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

Reason: To ensure no offence is committed under the Highways Act 1980.

3. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users at all times. In cases where legitimate vehicular access is required, a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highway Authority prior to any approval by the Planning Authority, and prior to commencement. This must include the locations and type of signage to be installed, and where construction vehicles/machinery are to be situated during construction.

Reason: To ensure the protection of public safety along the Public Right of Way network.

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service