



Hampshire
County Council

Countryside Planning and
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Enquiries to

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Your reference APP/24/00052

Date

27 February 2024

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

For the attention of the Case Officer

Planning reference: APP/24/00052

Site location: Tesco Stores Ltd, Solent Road, Havant, PO9 1TR

Proposal: Re-pollard Willow (T2) back to the original pollard points (approx. 7 metre reduction), and cut back encroaching branches from the side of the store to enable a 1-2m clearance where possible. Trees subject to TPO 1282.

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 ('HCC') Country Parks and Countryside Sites.

Site Context:

- Havant Footpath 51 (FP51) runs adjacent to the proposed development site.
- It is noted that the site is not situated in a material proximity to any Hampshire County Council Countryside sites.

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>

Director of Universal Services
Patrick Blogg

Commentary:

The proposed development requires construction work on/adjacent to FP51, which forms part of the PROW network. Assuming the vegetation work proposed as part of this application sits on land within private ownership, the Service will expect the landowner and/or applicant to carry out a risk assessment to determine whether the closure of FP51 will be required during construction.

The Service must take this opportunity to further notify the applicant that FP51 will ordinarily need to remain open and safely accessible at all times during construction and occupation of the development, with its users having priority access along its legal line and width at all times. If the applicant believes safe and priority access to PROW users cannot be provided, and subsequently risk assesses the works an emergency, the applicant will be required to apply for a 5-day closure.

However, should construction be assessed as scheduled works only, the applicant will be required to apply for a temporary closure, giving 6-weeks' notice to the Service. If subsequently approved, the Service would 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)

Further, the National Planning Policy Framework (NPPF) December 2023, paragraph 104 requires planning decisions to 'protect and enhance' the PROW network and this includes ensuring the safety of the public.

Conclusion:

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

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.
2. Prior to commencement, the applicant will carry out risk assessment on the works required to ensure Public Right of Way users have safe and priority access at all times during construction. This will further determine the impacts of construction on Havant Footpath 51 and whether a closure will be required.

Additionally, please see below general informatives for the applicant in regards to the PROW network. The Service requests that these are added to any permission should it be granted:

1. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.

2. Granting of planning permission does not grant the applicant access rights to the site via the PROW network and separate consent is required.
3. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highway Authority. 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).

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service