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Enquiries To Holly Drury
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Date 26 May 2022

My reference 046170
Your reference APP/22/00017
Email havantdc@hants.gov.uk

Dear Sirs,

24 Fathoms Reach, Hayling Island, PO11 0RA

Change of use of public open space to residential garden.

Thank you for the opportunity to comment on the above application. The Highway Authority have considered the detail of the application and have the following comments.

Firstly the applicant refers to the area of land to be taken into its own ownership as public open space. This land is in fact highway land and makes up part of the public realm for the footpath between properties on Fathoms Reach and serves of public benefit to the overall setting of the footpath. This includes the presence of an established Oak tree.

The proposal to remove the area of land from the public benefit would have a negative impact on the setting of the footway binding it by two private property boundaries, narrowing the route and making it a less attractive and safe space to use, especially in the hours of darkness.

In addition the land proposed to be taken into private ownership contains a highway tree which has a significant asset value including to the benefit of the Highway Authority's commitment to the climate emergency. Trees within public ownership do not tend to be subject to Tree Preservation Orders as they are subject to good management by the nature of there ownership. Should the Planning Authority be

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mind to approve the application the Highway Authority would seek that a TPO is placed on the tree to lessen the loss of this public amenity asset.

Should Planning Permission be granted the applicant would also need to apply for the public highway rights to be removed through a Stopping Up Order. Details of this process can be found here:

[Extinguishment \(Removal\) of Highway Rights | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/extinguishment-removal-highway-rights)

For the reasons highlighted above and in addition in view of the County Councils policy of achieving net zero carbon emissions by 2030 the Highway Authority would not be minded to process or support an application for extinguishment of highway rights over areas of publicly maintainable highway which may otherwise contribute to climate mitigation and clearly have a functional benefit to highway users.

Whilst under the NPPF criteria we are unable to object on highway grounds, there is a clear amenity loss as a result of the proposal and therefore the Highway Authority recommend the Planning Authority to refuse the application as a result of loss of amenity. Notwithstanding the decision of the Planning Authority as set out above the Highway Authority would object to the removal of highway rights from the application land through the Stopping Up Process.

Yours faithfully,

Holly Drury
Principal Transport Planner - Highways Development Planning

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