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Enquiries to

My reference

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Your reference APP/25/00229

Date

11 August 2025

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

For the attention of the Case Officer

Planning reference: APP/25/00229

Site location: Yacht Haven Development Site, Copse Lane, Hayling Island

Proposal: Design changes to 1No detached boat store office building and 1No detached boat store as approved under application APP/13/00317 and a change of use to a marine related from use previously restricted by condition 4 of APP/13/00317 (purposes incidental to the use of the approved dwellings within the site, or for the purposes of the Even Keel sailing charity).

Consultation response: Holding objection subject to further information.

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:

- Footpath Havant 86 (FP86) runs throughout the proposed development site.
- It is noted that the site does not lie in a material proximity to any Hampshire County Council Countryside Site

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

Director of Universal Services
Patrick Blogg

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Policy:

Any future development proposal will need to demonstrate regard to the National Planning Policy Framework (NPPF), of which requires the planning system to promote sustainable transport. The NPPF has various paragraphs relevant to PROW. The Service highlights the following:

- Para. 105: *'Planning policies and decisions should **protect and enhance public rights of way and access**, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'*.
- Para.109 c): *'**Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: ... c) opportunities to promote walking, cycling and public transport use are identified and pursued'***.
- Para. 111: *'planning policies should "**provide for attractive and well-designed walking and cycling networks** with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).'*
- Para. 117 a-c): *'Within this context, **applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas**; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards'*

Commentary:

The Applicant proposes material changes to the design of its development proposal and conditions previously approved under application reference APP/13/00317 and APP/13/00317 respectively.

Having reviewed the plans, the Service notes that FP86 is proposed on a new alignment. While this may not reflect the currently walked route, potentially due to previous urbanisation, the legal alignment of FP86 does not correspond with the current proposals. This discrepancy will require resolution under Section 257 of the Town and Country Planning Act 1990.

Furthermore, the *Department for Environment Food and Rural Affairs (DEFRA) Circular 1/09*, paragraph 7.2 states, *"the effect of development on a public right of*

way is a material consideration in the determination of applications for planning permission”; and goes on to add that local planning authorities “should ensure that the potential consequences are taken into account whenever such applications are considered”. Accordingly, in determining any planning application, the Local Planning Authority (LPA) is obliged to consider the impact of development on the existing PROW facility.

As such, the Service awaits confirmation from the applicant and LPA of the intended mechanisms to resolve the legal line of FP86, impacted significantly by this proposal.

The Service must further advise the applicant that there must be no surface alterations to the PROW network or removal of furniture 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. This must be secured prior to the commencement of development. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

Additionally, it is noted that FP86 is scheduled for restoration. While the service is not opposed to such mitigation in principle, any restoration must adhere to the relevant design standards ([Countryside Service design standards | Hampshire County Council \(hants.gov.uk\)](#)), be supported by a detailed Construction Plan, and only commence once the necessary Section 278 approval has been secured.

The applicant is reminded that 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.

The Service must take this opportunity to further notify the applicant that the PROW network is to remain open and safely accessible at all times during construction and occupation of the development. If the applicant believes it is impractical to keep the PROW open during any phase of construction, a temporary closure will need to be applied for. Prior to the Service approving any application for its temporary closure the applicant will need to demonstrate other 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 \(hants.gov.uk\)](#)

Conclusion:

In the circumstances, the Service hereby raises an objection against this application until such time as further information requested is supplied, in accordance with the NPPF, and aforementioned policy/legislation. Upon receipt of the above, the Service shall then re-assess the application and provide further comment.

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service