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*Your reference* H/23/95171

*Date*

30 August 2023

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**Planning reference:** H/23/95171

**Site location:** Walton, Priors Hill Lane, Bursledon, Southampton, SO31 8FG.

**Proposal:** New carport.

For the attention of the Case Officer,

**Consultation response:** No objection subject to conditions.

Thank you for consulting the Hampshire Countryside Service (HCS) 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 PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

**Site Context:**

- Bursledon Footpath 713 (FP713) runs along a metalled track named Priors Hill Lane adjacent to the western boundary of the proposed development.
- It is noted that the site does not lie in a material proximity to any Hampshire County Council Countryside Site.

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>

## **Commentary:**

Regrettably, the supplied plans do not identify FP713 that runs along the proposed sites western 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 unless such a plan has been submitted.

It is assumed that private access rights exist along Priors Hill Lane for all the properties that require them. With regard to this proposal, the applicant must satisfy themselves, and possibly the local planning authority also, that such rights exist as, without such rights, it is possible a criminal offence is being committed.

The applicant should be further aware that the exercise of private vehicle access along the recorded road highway network and any resultant damage to that surface or boundary by such access, will not be the liability of HCC to repair – it will be for the party causing damage to repair; and should the access route carry a PROW status then such repair will require the prior authorisation of the Service.

The Service must take this opportunity to further notify the applicant that FP713 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 FP713 open during construction, 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 HCS, and subsequently approved, HCS 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)

## **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.

Attached below are general informatives for the Applicant in regards to the PROW network. The Service requests these are added to any permission, should it be granted:

- 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.

- 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).
- No works to the surface of the Public Right of Way shall be carried out without prior approval of the Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

Yours sincerely,

Grant Mintram  
Countryside Planning Officer  
**Hampshire Countryside Service**