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Enquiries to

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Your reference RM/24/98388

Date

13 November 2024

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

For the attention of the Case Officer

Planning reference: RM/24/98388

Site location: Land west of Allbrook Way, Allbrook, SO50 4LZ

Proposal: Reserved matters relating to layout, scale, appearance and landscaping of the proposed development pursuant to outline permission O/19/86980 for the construction of 49 no residential dwellings.

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.

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>

Commentary:

The Applicant proposes four onward connection links into Allbrook Footpath 716 (FP716) to for pedestrian movement to and from proposed residential site. This are illustrated as orange arrows on the Landscape plans.

Director of Universal Services
Patrick Blogg

Having reviewed the plans, the service must require a plan that confirms both the extent to which these links connect to FP716, and the overall design and materials used for these links. This is to ensure that the PROW is not illegally obstructed, an offence under the Highways Act 1980, and that the design meets the requirements of the Service in its duty to ensure protection of PROW and the right for its users to have safe and convenient access. Design guidelines are made available by the Service on the HCC website: see [Countryside Service design standards | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/countryside-service-design-standards).

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).

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 – including and clearing of vegetation adjacent to the PROW. 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 \(hants.gov.uk\)](https://hants.gov.uk/apply-for-a-temporary-closure)

Conclusion:

In the circumstances, the Service hereby raises an objection against this application until such time as further information requested is supplied, including revised proposals and plans that demonstrates the protection and enhancement of the PROW network, in accordance with the National Planning Policy Framework Section 104. The Service shall then re-assess the application and provide further comment.

Yours sincerely,

Grant Mintram

Countryside Planning Officer
Hampshire Countryside Service