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<b>APPLICATION NO.</b>	23/01264/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	18.05.2023
<b>APPLICANT</b>	Mr and Mrs Suckling
<b>SITE</b>	Marwood, Farley Street, Nether Wallop, SO20 8EQ, <b>NETHER WALLOP OVER WALLOP</b>
<b>PROPOSAL</b>	Demolition of existing dwelling and agricultural building, erection of two dwellings and associated works
<b>AMENDMENTS</b>	Amendments received 12.07.2023
<b>CASE OFFICER</b>	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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## 1.0 INTRODUCTION

- 1.1 This application has been called to SAPC at the request of a member as it raises issues of more than local interest.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site consists of a detached chalet bungalow set in a large plot located to the north east of Farley Street. It is within the settlement boundary of Nether Wallop and is also within the Wallops Conservation Area. An access drive off Farley Street leads to the dwelling and associated driveway. To the rear of the plot is a large outbuilding. At the rear of the site runs the Over Wallop 7 public footpath. The existing house is a detached chalet bungalow that is set to the rear of the plot. It is constructed in render and plain tiles. Views of the dwelling are limited from Farley Street due to its distance from the road and the presence of mature trees.

## 3.0 PROPOSAL

- 3.1 This application seeks permission to demolish the existing dwelling and construct a replacement dwelling in the same location. It also seeks to demolish the existing outbuilding and construct a single storey dwelling in its place. The existing access would remain and would serve both dwellings.
- 3.2 The replacement dwelling would be two storeys and would measure approximately 7.3 metres in height. It would be constructed in a combination of brick, render and natural timber cladding with a slate roof. It would be located in approximately the same footprint as the existing dwelling. It would be served by a detached garage located to the side of the dwelling.

3.3 The new dwelling would be sited on the same footprint as the existing outbuilding. It would be single storey and constructed in timber cladding and standing seam metal cladding with a grey metal roof. It would measure approximately 4.3 metres in height. Parking would be provided to the front of the dwelling on the proposed driveway.

#### 4.0 **HISTORY**

4.1 23/00422/FULLN Demolition of dwellinghouse and agricultural building, erection of two dwellings, garage, stable block, and associated works. Withdrawn 12.04.2023

#### 5.0 **CONSULTATIONS**

5.1 **Landscape** – No objection subject to conditions

5.2 **Ecology** – No objection subject to conditions

5.3 **Trees** – No Objection subject to condition

5.4 **Ramblers** – Comment

We are pleased to note the intention to remove the planting and to plant a new screen hedge within the garden perimeter. A condition is recommended to request that the planting is within the garden perimeter and at least 1.5 metres away from the boundary fence to protect the footpath from encroachment.

5.5 **Highways** – No objection

5.6 **Conservation** – Objection

The proposed development would stand out unduly, would not be appropriate development in accordance with Policy E1, and would harm the character and appearance of this part of the conservation area (Policy E9).

5.7 **Natural England** – No objection subject to condition

5.8 **Rights of Way** – No objection subject to informatives

6.0 **REPRESENTATIONS** Expired 10.08.2023

6.1 **Nether Wallop Parish Council** – Objection

Impact on the public right of way – the hedge has been planted on this rather than within the garden and this should be rectified. The subdivision of the plot would leave plot 2 narrower than surrounding dwellings. Increased ridge height of dwellings would result in them being prominent from the road and public right of way. Overdevelopment of the site. No need for two five bedroom dwellings. Development would result in an increase in traffic. Design and materials are not in keeping with the area.

6.2 3 letters of objection to originally submitted plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street, for the following reasons:

- Proposed dwellings would result in overdevelopment of the plot
- Adverse impact on the existing landscape character

- Design is not sympathetic to the character and appearance of the area
- No identified need for dwellings of this size, contrary to Nether Wallop Neighbourhood Development Plan and COM12 of the Local Plan
- Adverse impact on the privacy and amenity of the garden of Aubrey House
- Concerns about the location of the package treatment plants
- Concern about the impact of the proposal on the PROW
- Overlooking towards recreational fields and school from proposed balcony
- Adverse impact on neighbouring properties through loss of light
- Adverse impact on biodiversity including bats

3 further letters of objection to amended plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street for the following reasons:

- Adverse impact on the character of the conservation area
- Noise impact from the proposed driveway and parking area serving plot 2
- Noted that amendments have reduced the overall mass and re-siting of plot 2, but do not address their concerns
- If permission is granted then permitted development rights should be removed
- Whilst the elevations of plot 2 have been amended and number of bedrooms reduced the plot remains overdeveloped
- Amended plans have not changed the proposal enough to warrant a permission

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Character and Appearance of the Area

E5: Biodiversity

E7: Water Management

E8: Pollution

E9: Heritage

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

### 7.3 Wallops Neighbourhood Plan

Area designation only

### 7.4 Supplementary Planning Documents (SPD)

The Wallops VDS

Wallops Character Appraisal

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the area
- Effect on the character and appearance of the Conservation Area and Listed Building
- Biodiversity
- Nitrate Neutrality
- Highways and Parking
- Residential Amenity
- Other Matters

### 8.2 **Principle of Development**

The application site is within the settlement boundary of Nether Wallop and therefore having regard to policy COM2 development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

### 8.3 **Impact on the Character and Appearance of the Area**

Policy E1 and E2 of the RLP seek to ensure that development is of high quality, respects and complements the character and appearance of the area and does not result in a detrimental impact on the landscape character.

8.4 The character of the area is defined by large dwellings on generous plots and set back from the road. Generally dwellings are set centrally within their plots however Marwood is the exception to this where it is set back in the rear of its plot. The proposed replacement dwelling (Plot 1) would be of a similar footprint to the existing but would be taller by approximately 0.6 metres. Plot 2 would be sited on the footprint of the existing outbuilding and would be single storey. It has been designed to reflect the style and appearance of an outbuilding with a simple pitched roof and timber cladding. Views of the existing dwelling are not possible from Farley Street as you approach from the south due to intervening vegetation. Views are also limited from Farley Street at the entrance due to it being set to the rear of the plot and the intervening vegetation. There are views possible from the public right of way to the rear.

8.5 Public right of way, Over Wallop 7, runs along the rear boundary of the site, and there are views into the site from this footpath. It is acknowledged that the proposed dwellings would alter the existing view due to the slight increase in height of the proposed replacement dwelling. However the current domestic setting would be retained and the character of this view would not be significantly altered, nor would it impact on the wider landscape setting. The submitted site plan shows that a large proportion of the existing trees on site would be retained, with some smaller fruit trees requiring removal. The retention of the larger and more mature trees would help to retain the edge of village rural character of the site. Those trees to be removed are small fruit trees that have a limited public amenity value and a larger tree (Robinia) that is in a poor condition. It is considered that the tree removal would not have an adverse effect on the character and appearance of the area.

- 8.6 The design of plot 1 is considered to be sympathetic to the rural character of the area with the use of timber cladding and a slate roof with some small elements of render. Through the submission of amended plans, the massing and bulk of this dwelling has been reduced with its orientation away from the PROW meaning that domestic garden elements would be largely to the south west away from the PROW.
- 8.7 With respect to plot 2, this has been reduced in bulk and massing through the submission of amended plans and is now a single storey building with a simple pitched roof. It would have the appearance of a barn on the footprint of the existing outbuilding and would therefore have a negligible impact on the wider setting. The main garden elevation is to the south west away from PROW and therefore it would not result in any harmful impact on the landscape setting.
- 8.8 The development would result in the loss of a small number of trees, including a Robinia tree that is located adjacent to the outbuilding. The tree impact assessment has provided information to evidence that this tree is in a poor condition and this has been confirmed through a site visit by the Tree Officer. It is proposed to plant three replacement trees to mitigate the loss of the existing trees and these are considered to be of an appropriate size and specimen by the Tree Officer.
- 8.9 It is considered that the proposed development would respect and complement the character and appearance of the area and would have no adverse impact on the wider landscape setting. The proposal is therefore in accordance with policies E1 and E2 of the RLP.
- 8.10 **Effect on the character and appearance of the Conservation Area and Listed Building**  
The application site is located with The Wallops Conservation Area and adjacent to Chapel House which is a Grade II listed building, and therefore it is important to consider the proposal against policy E9. This policy seeks to ensure that development affecting a heritage asset makes a positive contribution to sustaining or enhancing the significance of that asset taking account of its character, appearance and setting.
- 8.11 The existing dwelling, Marwood, is a modern dwelling within the conservation area and lies on land to the rear of Chapel House. It is considered that neither the existing dwelling nor the outbuilding are of any particular architectural merit or historical significance. The Wallops Character Appraisal states that, *'newer development within the conservation area is generally interspersed among the historic development and tends to be larger, squarer in plan form...on infill plots'*  
It goes on to say that in this part of the conservation area the plots, *'are more random in nature and have been subdivided to incorporate more recent built development...the older buildings are more set towards the road frontage and consist of Ringwold House and Chapel House, both listed Grade II. The two modern dwellings are set back to the rear of their plots and are not particularly visible from the road'*.

The proposed dwellings would be located to the rear of their respective plots and as such would not be readily visible from Farley Street and would therefore have a limited impact on the character and setting of the conservation area. There would be views from the PROW but it is considered that the change from this view would be minimal and would still have a domestic setting, and would have a neutral impact on the conservation area. Due to the siting and distance from Chapel House it is not considered that the proposal would have an adverse harm on the character and appearance of this heritage asset.

8.12 It is considered that the proposed development would have no adverse impact on the identified heritage assets, in accordance with policy E9 of the RLP.

8.13 **Biodiversity**

Policy E5 of the RLP seeks to ensure that development does not have an adverse impact on biodiversity. The application has been supported by a Preliminary Ecological Appraisal which has been reviewed by the Ecology Officer. This concludes that the existing barn and dwelling provide no significant features suitable for roosting bats or nesting birds, and the existing buildings have been assessed as having a negligible suitability for roosting bats. It also concludes that the trees on site have a low suitability for roosting bats.

8.14 The report includes a number of recommendations to ensure that the development does not adversely impact on protected species, namely bats, birds, and hedgehogs. A condition has been recommended to ensure that these measures are carried out.

8.15 Subject to these conditions and controls being put in place and adhered to it is considered that the proposal would accord with the requirements of policy E5 of the RLP.

8.16 **Nitrate Neutrality**

In June 2019 Natural England published guidance which required all new developments providing overnight accommodation to demonstrate nutrient neutrality. This guidance was updated in March 2022. The guidance stated that there is evidence that high levels of nitrates from new housing development that results in waste water entering The Solent is contributing towards eutrophication of internationally legally protected sites in the Solent and resulting in a detrimental impact upon the conservation interest of these sites. These sites are;

- Solent Maritime SAC
- Solent and Southampton Water SPA & Ramsar site
- Portsmouth Harbour SPA & Ramsar site
- Solent and Dorset Coast SPA

- 8.17 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.18 The existing dwelling is served by a septic tank, and it is proposed to replace this for package treatment plants that would serve the replacement dwelling and the proposed dwelling respectively. The replacement of the septic tank and the provision of new package treatment plants would result in a reduction in the overall total nitrogen for the site and therefore no additional mitigation beyond this is required to ensure the effect on the European site is achieved. A condition is recommended to ensure that the existing septic tank is removed, and the proposed package treatment plants are installed and maintained in accordance with the proposed details. That will ensure that the total nitrogen load arising from the development has a net-benefit compared to the existing position.
- 8.19 A maintenance and monitoring plan for the proposed package treatment plants (PTP) has been submitted with the application which states that the lifespan of the PTP is 50 years and has a 25 year warranty. The PTPs will be installed by a properly qualified professional servicing company and would be serviced and maintained in accordance with the operating and maintenance guidance.
- 8.20 It is therefore considered that subject to suitable conditions, the proposal would not result in any increase in the total nitrogen and would therefore be in accordance with policy E5 and E8 of the RLP.
- 8.21 **Highways and Parking**  
Policy T1 of the RLP seeks to ensure that development is accessed safely and efficiently. The existing access serving Marwood would be retained and used to access both the replacement dwelling and the new dwelling. The Highways Officer has reviewed the proposal and confirmed that the proposal would not lead to any material detrimental impact on the safety or efficiency of the public highway network, in accordance with policy T1.
- 8.22 Policy T2 seeks to ensure that adequate parking is provided in accordance with Annex G of the RLP. Plot 1 would be a four bedroom dwelling which would require a minimum of 3 car parking spaces. The submitted plans demonstrate that parking would be provided by the proposed double garage and driveway. Plot 2 would be a three bedroom dwelling which would require 2 car parking spaces. The site plan shows that three car parking spaces would be provided within the driveway serving this plot. Therefore both dwellings would be served by a sufficient level of parking.
- 8.23 The proposal would therefore accord with the parking standards as set out by policy T2 of the RLP.

- 8.24 It is acknowledged that third party correspondence has been received concerned about the impact on the public right of way to the rear of the site. The proposal would not impact on the public right of way and there is no requirement for it to be re-routed. There is hedgerow planting that has been carried out by the applicant outside of the red edge of the site and within the public footpath. This in itself is not considered to be development and would not require planning permission and the incursion on the footpath is covered by separate legislation. However, the applicant has indicated that this planting would be removed from the footpath and re-planted within the site boundary. A landscape condition has been recommended to secure that a detailed landscaping plan is submitted and approved with it being implemented in accordance with the approved details.
- 8.25 The proposal is therefore considered to be in accordance with policies T1 and T2 with respect to highway safety and parking.
- 8.26 **Residential Amenity**  
Policy LHW4 of the RLP seeks to ensure that development protects and provides for the privacy and amenity of the future occupants and those that neighbour the site.
- 8.27 *Impact on Chapel House*  
Plot 1 would be a replacement dwelling for Marwood and would be sited approximately in the same footprint as the existing dwelling and approximately 37 metres away from Chapel House to the south east. It is therefore considered that due to the distance and intervening vegetation that the proposed replacement dwelling would not have any adverse impact on the privacy or amenity of the occupiers of Chapel House in terms of loss of light, overlooking or overbearing.
- 8.28 *Impact on Aubrey House*  
Plot 2 would be sited approximately 52 metres to the north west of Aubrey House and would be sited on the same footprint of the existing outbuilding. It is considered that the distance, along with the intervening vegetation, would ensure that the proposed Plot 2 would not have any adverse impact on the privacy or amenity of this neighbour in terms of loss of light, overbearing or overlooking. It is noted that the occupiers of this neighbouring dwelling have objected to the proposal and have raised concerns about the impact of noise from cars entering and leaving the driveway associated with plot 2, however it is considered that as there would be a distance of approximately 31 metres between Aubrey House and the parking area for plot 2 there would unlikely be any adverse noise impact from car movements.
- 8.29 *Impact on Carpenters*  
Plot 2 would be sited approximately 40 metres away from the neighbouring dwelling Carpenters and there is a mature tree to the boundary which provides some screening. It is therefore considered that the proposal would not have any adverse impact on this neighbour in terms of loss of light, overlooking or overbearing. Whilst it is noted that the occupiers of Carpenters have raised an objection to the proposal due to overlooking and noise impacts from car



movements, it is considered that due to the separation distance between this neighbour and plot 2 and its associated driveway as well as the intervening vegetation would ensure that no adverse impacts would result from the proposal.

8.30 *Impact on Wykeham House*

In terms of the neighbour to the north west of plot 2, Wykeham House, there would be a separation distance of approximately 42 metres, and therefore it is not considered that plot 2 would result in any adverse impact on the privacy and amenity of this neighbour.

8.31 *Impact on future occupiers*

There would be approximately 20 metres between Plot 1 and 2 and the existing mature tree positioned to the south east of plot 2 would be retained and would provide a visual separation between the two dwellings. No windows are proposed in the elevation of plot 2 that faces towards plot 1 and therefore there would be no overlooking in this respect. Both dwellings would be served by adequate amenity space through the provision of front and rear gardens.

8.32 In conclusion, it is considered that the proposal would not result in any adverse impact on the privacy and amenity of future occupiers and those that neighbour the site, in accordance with policy LHW4.

8.33 **Other Matters**

It is acknowledged that third party representation has been received concerning conflict with policy COM12 of the RLP. This policy relates to the replacement of dwellings in the countryside and as such this is not relevant to this proposal as the application site is entirely within the settlement boundary.

8.34 It is noted that third party representation has been received concerning conflict with the draft Nether Wallop Neighbourhood Development Plan, however as this is only at designation stage and not yet formally “made” it carries no weight.

8.35 It is noted that third party representation has been received suggesting that if permission is to be granted that permitted development rights should be withdrawn. It is not generally considered good planning practice to blanket withdraw permitted development rights as this is rarely considered to be necessary or reasonable. Whilst it is understood that there is concern about the plot size of unit 2, due to the width of the dwelling there would be no scope for extending the dwelling out to the sides and there would not be the scope to provide dormers within the roof to provide accommodation in the roof due to the low roof pitch. It is therefore not considered necessary or reasonable to withdraw permitted development rights from this development.

9.0 **CONCLUSION**

9.1 In conclusion it is considered that the proposal accords with the relevant policies of the Local Plan and is recommended for permission subject to conditions.

## 10.0 RECOMMENDATION

### PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001 P1, 020 AI, 025 AC, 030 AC, 031 AB, 032 AB, 045 AA, SK13 AB  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby permitted shall not be occupied until the new package treatment plants have been installed in accordance with drawing no. 42078-020 AI. The package treatment plants shall be retained and maintained in perpetuity in accordance with the maintenance and monitoring plan dated July 2023.  
Reason: In order to avoid adverse impact on the Solent and Southampton Water SPA by way of additional nitrates emanating from the development in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policies E5 and E8.
4. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
5. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:
  - proposed finished levels or contours;
  - means of enclosure;
  - car parking layouts;
  - other vehicle and pedestrian access and circulation areas; hard surfacing materials;
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.)Soft landscape works shall include:
  - planting plans;
  - written specifications (including cultivation and other operations associated with plant and grass establishment);
  - schedules of plants, noting species, plant sizes and proposed numbers/densities.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

6. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

7. Development shall proceed in accordance with the measures set out in section 4 of the Preliminary Ecological Appraisal dated 20<sup>th</sup> June 2022, reference S1198.001. Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats and other protected species in accordance with Policy E5.

8. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

9. The development hereby approved shall be undertaken in full accordance with the provisions set out within the SJ Stephens Associates Arboricultural Impact Appraisal and Method Statement reference 1774 dated 31<sup>st</sup> August 2023 and Tree Protection Plan reference 1774-03 Rev C. Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

10. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 11. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 12. Replacement trees, as detailed in SJ Stephens Associates drawing, reference 1774-03 Rev C, shall be planted in the approved positions in the first planting season following first occupation of the development. These trees must be planted in accordance with the recommendations in BS8545:2014 'Trees: from nursery to independence in the landscape -Recommendations'. If any of the trees planted in discharge of this condition, (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies within a period of five years from the date of planting, another tree of the same size and species shall be planted in the same place, or as may be agreed in writing with the Local Planning Authority.**

**Reason: To ensure the continuation of canopy cover in the area and enhance the development, in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.**

- 13. The new dwellings hereby permitted shall not be occupied unless or until the existing septic tank has been disconnected and physically removed from the site and the land backfilled and remediated with suitable material.**

**Reason: In order to ensure the permanent removal of a septic tank from the river catchment and avoid continued adverse impact on the Solent and Southampton Water SPA in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policy E5.**

**Notes to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. 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 any Public Rights of Way, including Footpath Over Wallop 6 and Footpath Nether Wallop 2, as to cause obstruction, hindrance or hazard to the legitimate users. The public retain the right to use the PROW network at all times.**

- 3. There must be no surface alterations to a Public Right of Way, including Footpath Over Wallop 7 and Footpath Nether Wallop 2 (excluding the required removal of the beech whips), 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. To carry out such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).**
-