

This document (version 2.0) is correct as of 22 June 2020 and will be regularly updated. Please check the website for the latest version.

## **Hampshire County Council**

### **Economy, Transport and Environment Department**

#### **Covid-19 Response**

#### **Interim Policy Statement for Highways Regulation and Guidance for the Prioritisation of 'Pop-Up' Schemes (Version 2.0)**

### **Introduction**

As Government continues to ease Covid-19 'lockdown' measures it is recognised that the retail and business sectors across Hampshire will gradually start to re-open their premises to customers. In order to operate safely in line with Government and Public Health advice on social distancing measures, businesses and other organisations will clearly need to adapt their trading arrangements to ensure the safety of their workers, customers and the general public. In many instances this is likely to have an impact on the highway network and its usage, especially in pedestrianised areas and footways in busier city and town centres. It is essential that any measures that are implemented on the public highway do not compromise safety.

This policy statement and guidance sets out Hampshire County Council's approach to actively support the safe re-opening of the retail areas or similar whilst keeping the highway network safe and free from excessive, unnecessary and dangerous obstructions, or other safety related hazards.

For more information on Government guidance see the [Coronavirus \(Covid 19\) Safer Public Places](#) document.

For Hampshire County Council guidance and support please go to <https://www.hants.gov.uk/business/tradingstandards/covid19>

Hampshire County Council is preparing an initial list of potential transport interventions to enable 'social distancing', particularly within commercial areas, and to improve the safety and attractiveness of walking and cycling, particularly where capacity and concerns about the use of public transport may cause problems with access to key destinations. It is continuing to receive and seek ideas and proposals.

The purpose of this guidance on Pop-up schemes is to identify the sort of schemes that the County Council is seeking to progress and also to set out the factors it took into account in prioritising them and will take with future proposals.

The following document is presented in two parts: the first relates to guidelines on pop-up schemes and the second to regulation of the highway. Note that the document is a live document and may need to be updated to reflect emerging national guidance – please check back when considering works, to make sure that you have the most up to date version (each update will have a version number in the title).

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## **Part 1 - Guidance for the prioritisation of 'pop-up' schemes on the highway network**

Hampshire County Council has received suggestions from a range of sources and has created a long list of potential interventions. The County Council has sieved these suggestions and come up with an initial programme of interventions, for implementation in a series of 'waves'.

The purpose of this note is to identify the sort of schemes that the County Council is seeking to progress and also to set out the factors it took into account in prioritising them and will take with future proposals.

The County Council will deliver many of these schemes itself; but also wishes to facilitate suitable schemes coming forward from local bodies, including District and Town Councils. It will wish to review and approve such schemes and will support where it can, either by facilitating delivery or by fast tracking any necessary approvals.

Much of the funding to implement the County Council developed schemes will come from the Government's Emergency Active Travel Funding scheme – schemes will therefore also need to meet the broad requirements of the Fund. This includes that the schemes should make a meaningful change to the status quo and that schemes should be bold in their ambition.

### **Key Principles**

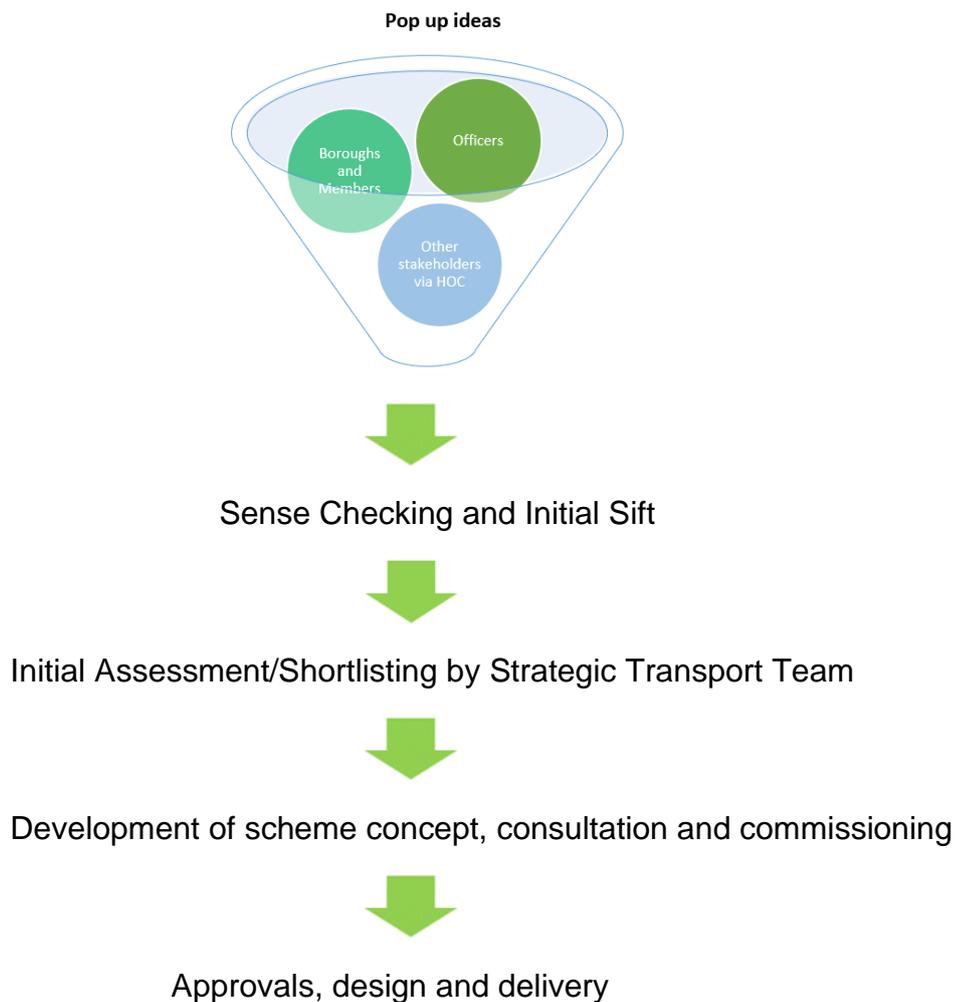
- Measures should support a green, clean and healthy recovery - this isn't about 'returning' to where we were but, rather, to where we aspire to be.
- Underpinning a green recovery are concepts of 'living local' and, as a consequence, needing to travel less.
- Support will be focussed on areas where there is both the greatest demand and the greatest need - and it will be targeted at genuine problems.
- Generally, measures will target areas of highest population density, areas with high levels of deprivation and/or areas suffering from existing poor air quality.
- Schemes will need to be adaptable and capable of revision to adjust to changing circumstances – the Council will also take the opportunity to test new concepts and to innovate and learn from its experiences and the experiences of others.
- The initial focus is on low cost temporary schemes – however, the County Council will keep its operation under review and may wish to convert successful schemes to permanent status – potentially with associated revisions to infrastructure.
- Schemes should support wider objectives including improved air quality, carbon reduction and sustainability, including ensuring that there is not a significant long-term maintenance burden.

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- We will work closely with local stakeholders to ensure that measures are being properly co-ordinated, to maximise the benefits for all.
- Schemes – particularly those retained beyond the trial stage - should be as attractive as possible in design and should contribute to developing attractive places. In many cases will need to take account of other high street improvement schemes and other investment.

### **Prioritisation Process**

In assessing proposals, the County Council will follow the following process



(Note: HOC refers to Highways Operations Centre)

Initially ideas were sought by e-mail. The County Council has developed an online public engagement tool, the 'Hants Covid Travel Map' – this can be accessed via this link: <https://www.hants.gov.uk/covidtravel>.

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### **Types of Schemes Sought**

The County Council is introducing – and will support further proposals for – the following types of scheme –

- Schemes to enable or support social distancing in busy areas – especially town centres, markets and shopping areas. This could take the form of –
  - o Signs to reinforce social distancing;
  - o Selective road closures/point closures or reallocation of road space;
  - o Revisions to/removal of street furniture to minimise pinch points;
  - o Removal/relocation of on-street parking;
  - o Reintroduction of parking charges and rationalisation of off-street car parks to manage demand;
  - o Revision to kerb lines to increase the space available for pedestrians;
  - o Creating space for shops, cafes, etc to cater for some operation in the open air;
  - o School street trials, closing the street outside the school gate to traffic during school pickup and drop-off;
  - o Low Traffic Neighbourhood Trials.
- Cycling schemes that provide an alternative for short bus journeys, including those serving Park and Ride sites.
- Walking and cycling schemes to improve local access to key destinations including town centres, hospitals and schools.
- Additional cycle parking where demand is unmet or likely to increase as a result of other initiatives.

However, this should not be considered as exhaustive list as the County Council wishes to promote innovation and trial new approaches, where appropriate.

The following section talks about factors to take into account around high streets and also shows how some of these type of schemes have been implemented already in other centres.

Schemes will need to be developed in close co-operation with key local partners to ensure that initiatives are complimentary and mutually supporting. This will include the need to ensure that off street parking is managed in such a way as to support an agreed approach. There will also be a need for co-ordinated public communications within each area through joint communications plans. Consultation will be undertaken with key stakeholders including businesses, bus operators, hauliers and local disability groups.

Feedback will be proactively gathered through [Sustrans' Space to Move campaign website](#). QR code stickers will be placed on the temporary facilities to point people towards the website, and communications will include this message. Your own feedback on the schemes will also be very valuable, particularly as traffic surveys will be difficult to arrange in these times. Schemes can be tweaked according to feedback received.

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## ***High Streets and Covid19 Temporary Measures***

### **What guidance is the government giving?**

[The Safer Public Places: Urban Centres and Green Spaces guidance](#) tells owners and operators to consider a number of things when planning for reopening of high streets, namely:

- the utilisation of pedestrian space;
- movement of people;
- queuing requirements and;
- traffic management.

The government is also recommending that people use the [High Street Task Force Recovery Framework](#) to develop a plan for high streets reopening. Among other things, it recommends planning for more walking and cycling, and managing public space to allow safe physical distancing.

DfT funding is to implement measures at speed in the interests of public safety. The Reopening High Streets Fund could be used to then make those temporary changes more attractive as they may need to be in place for some time.

### **How much impact will physical distancing have on my local high street?**

People want to know that they can safely return to high streets—and that it's a pleasant experience. That involves not only the measures put in place inside shops and restaurants, but also how people use the space outside. Queuing outside shops may need to be in place for some time, particularly if we have further waves of Coronavirus. The Government have not yet issued guidance for restaurants, bars and cafes, but guidance from other countries suggest that occupancy indoors will be significantly reduced.

Picture your local high street.

Do people currently have enough space to queue outside of a shop and have others walk past 2m away?

Will cafes and restaurants be able to reopen with reduced capacity for indoor seating 2m apart, or will they need additional outdoor seating to bring in enough income?

Can people walk down the high street maintaining physical distancing, or are there narrow pavements and/or street 'clutter' (A-boards, signs, etc.) that further narrows the pavement? If they can't, is there another option?

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*The space outside shops that are more likely to have queues outside (orange arrows), obstacles on the pavement (yellow) and pavement widths (existing or temporarily extended) will affect how people feel*

The Centre for Towns has created a [briefing that uses the example of Bolton centre](#) to help show how many people can occupy a town centre with physical distancing in place.

### **How else might coronavirus impact my local high street?**

It's still too early to tell, but a few other factors may impact the high streets.

Bus/Train usage – many are suggesting it will drop, although Local Authorities and bus operators are working to make changes to bus stops, contactless payments, and allowing for physical distancing on buses.

Working from home – People who used to run errands on their way to/from a city centre or business park have been looking at local high streets to fill that gap. Many office-based employers seem to be planning for staff to continue to work from home, at least part-time. This may mean that people continue to walk or cycle to the shops.

Shielding – Those over 70 and those in households where someone is at high clinical risk from contracting coronavirus have been told until recently not to leave their homes. As that is slowly being lifted, it is difficult to know how their shopping might change. Nationally, 29% of retired households don't have access to a car, and even though with a car may have been using bus services. The importance of local shops within walking distance may be increasingly important for this group, as well as options for delivery.

### **How important is car parking to high street recovery?**

Access for people with mobility issues is important – whether they are parking in a disabled bay, arriving by mobility scooter or adapted bike, or walking short distances.

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But, for most shoppers, on-street parking immediately outside shops is less important.

When local shop owners were asked how they thought their customers travelled – in Bristol, Toronto, Riga and other locations – they overestimated car use by 100%.

Most parking surveys for town centres don't survey shoppers to find out how they travel, they focus on measuring car park occupancy.

In Ashurst, Surrey, the parking survey did ask and found that only 44% of shoppers came to the town centre by car. In the outer London towns, such as Haynes and Hornchurch, TfL surveys found that shoppers who came by bus, cycling and walking, spent more over the month than people who drove.

### **How important is a sense of 'place' and experience to high street recovery?**

The Institute for Place Management, which supports economic development of Business Improvement Districts, discovered that there are 200 factors that affect high street vitality. In the top 30 are factors including footfall, accessibility, place attractiveness, connectivity, walkability and public transport. Car parking ranked number 44 in terms of its impact. On-street parking spaces may be better used for improving walkability or attractiveness.

With the need to provide additional outdoor space for restaurants and cafes, car parking spaces may be well used to provide tables and chairs for diners. Surface car parks could be used to house outdoor markets if there isn't enough space on the high street for queuing outside shops, outside market stalls, and still leave room for people to walk.

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## How are other high streets using public space?



*Temporary barriers separate former parking space from the road in Cincinnati, Ohio, USA*



*In London, camera enforcement can stop through-traffic. Outside London, these planters could be positioned differently to achieve the same effect.*



*A 'parklet' provides temporary space that feels permanent to give more outdoor dining space in Rotterdam, NL.*



*Better Bankside built this temporary pavement extension in 2018 to give people more space.*



*Bollards are raised 11am-11pm in Oxford Street, Southampton, so diners can eat at tables taking up the whole pavement, as people can walk in the street.*



*Winchester Farmers' Market was held for a number of years in the Friarsgate car park.*



*Rotterdam has fast tracked patio licences for restaurants on car parking spaces to support economic recovery*

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## **Part 2 - Policy Statement (Interim)**

Hampshire County Council, as the Highway Authority, will endeavour to provide advice and guidance to businesses, District Councils and other interested bodies regarding the implementation of any reasonable measures deemed necessary to make locations Covid-19 safe and secure.

The County Council has a statutory duty to maintain the public highway and to regulate its use. However, in light of the Covid-10 crisis, the County Council will work collaboratively with businesses, business representative groups, District Councils, Parish & Town Councils, and other interested bodies to consider, review and implement any suggested proposals. These will be considered alongside the County Council's own proposals to reallocate road space for pedestrian and cycle use, in response to Covid-19 and the need to facilitate safe social distancing.

### **Guidance for the implementation of temporary features on the public highway**

This Guidance is based on the Government's Coronavirus (Covid-19): Safer Public Places – Urban Centres and Green Spaces document.

1. The use of temporary queue marking indicators on pedestrian areas, focusing queues along the building frontage where appropriate will be acceptable, subject to the markings being temporary in nature. Markings ideally should be parallel to the frontage and on one side of the footway to allow people to safely pass. Queues should not extend beyond the frontage of individual stores.
2. Hampshire County Council is using a standard template for social distancing markings on footways at several bus stops and outside some Hampshire County Council buildings, such as libraries. The template is shown in Appendix 1.
3. Temporary degradable paint should be used and renewed where necessary. Permanent paint will not be permitted.
4. Stickers or tapes are not recommended on the public highway as they can de-bond and cause a trip hazard or become a slip hazard in the wet.
5. Signs, such as temporary advertising boards (A boards) will be permitted on the public highway (footways and pedestrian areas) to advise customers of specific entrance or exit points from a store, or for identifying the limit to the length of a queue. A boards should be no bigger than 600mm(w) by 900mm(h). A boards advertising specific businesses will not be permitted. **The liability for any incident caused by or attributable to the presence of an A board or similar on the public highway will always rest with the business owner or person that placed it. It is therefore important that any person or business placing an A board, or other social distancing measures, on the public highway satisfies themselves that they hold sufficient public liability insurance, in an amount not less than £5 million.**

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6. Temporary physical pedestrian barriers may be used on footways and pedestrian areas to help separate entrance and exit routes from stores, subject to available space. Pedestrian barriers will not be acceptable if they restrict the ability of the public to safely pass and maintain social distancing.
7. Bollard sleeves and temporary signs attached to existing street furniture to help shoppers maintain social distancing, as shown in the Safer Public Places – Urban Centres and Green Spaces document, will be acceptable to promote social distancing but should not merely be used to advertise a specific business. Where a sign is attached to a pole or light column, it should be mounted at least 2.1m above ground level.
8. Signs, pedestrian barriers, or similar items must not cause an un-safe obstruction or create a safety hazard. Any obstruction to the footway or pedestrian area that reduces the recommended 2 metres (6ft) social distance from others or requires pedestrians to step into the carriageway will not be acceptable.
9. Signs, markings, pedestrian barriers or similar must be placed on the footway or pedestrian area so that they do not obstruct other business premises or amenities, impede or block visibility sight lines, cover or block traffic or warning signs, impede the flow of surface water drainage, obstruct access to fire hydrants, drainage gullies or manhole covers or any apparatus owned by a statutory undertaker (utility company).
10. A boards, pedestrian barriers and other temporary items placed on the public highway (footway and pedestrian area) must be removed at the end of every business day.
11. Any proposals to place table and chairs out onto the public highway will need the consent of the local district council, who issue licences for this activity. HCC as the Highway Authority will need to assess each request in conjunction with the local district council to ensure there are no potential safety issues.
12. No existing street furniture, barriers bollards etc shall be removed from the public highway without the formal written agreement of the highway authority.
13. No excavations shall be allowed in the public highway without the formal written agreement of the highway authority.
14. Any person/business shall fully indemnify Hampshire County Council against all liabilities, claims, costs, expenses, damages and losses (including any direct, indirect or consequential losses) suffered or incurred arising out of or in connection with their actions on the public highway.
15. In line with its statutory duty as a Highway Authority, Hampshire County Council reserves the right to take any action necessary to ensure the safety of the public. However, any action will be considerate of the ongoing Covid-19 situation with intervention only where it is genuinely warranted to protect highway users.

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### **Narrowing the Width or Temporarily Closing a Part of the Public Highway**

16. Any signs or other temporary measures that result in the narrowing of the public highway, to improve pedestrian access, will need to conform to the following:
  - Any temporary road narrowing will require a section 171 licence issued under the provisions of the Highways Act 1980 (there will be no charge for this licence while the Covid-19 restrictions remain in place). A copy of this licence is attached below, see Appendix 3.
  - Barriers must be used to delineate the location of any narrowing and to protect the public from walking into the live carriageway. An example is shown in Appendix 2.
  - The signing for any barriers and all temporary traffic management on the carriageway will be required to be supplied, erected, and maintained in accordance with the Safety at Street works and road works: a code of practice 2013. Below is a link to this guidance - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321056/safety-at-streetworks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/321056/safety-at-streetworks.pdf)
  
17. Any signs or measures that result in the need to temporarily close part of the public highway, to improve pedestrian access, will need to conform to the following:
  - Any temporary road closure will require a Temporary Traffic Regulation Order (TTRO), issued under the provisions of the Road Traffic Regulation Act 1984, and these can (where justified) be obtained at relatively short notice.
  - The signing for any TTRO will be required to be supplied, erected, and maintained in accordance with the Safety at Street works and road works: a code of practice 2013, which can be viewed via this link [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321056/safety-at-streetworks.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/321056/safety-at-streetworks.pdf)

### **Approval of Proposals**

18. Hampshire County Council, as the Highway Authority, will actively work with businesses, business representative groups, District Councils, Parish/Town Councils and any other organisations to support the implementation of proposals. These will be considered alongside the County Council's own schemes and works to reallocate road space in response to Covid-19.
19. Proposals or questions should be emailed to [saferplaces@hants.gov.uk](mailto:saferplaces@hants.gov.uk) The Highways Asset Management team will endeavour to respond as quickly as possible.

Note that a risk assessment will be required in most cases to demonstrate that all reasonable steps have been taken to ensure that proposals are safe and do not pose any risk to highway users.

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### **Maintenance and Removal of Temporary Works**

20. All temporary social distancing measures installed on the highway network must be regularly inspected, ideally on a daily basis, and maintained by the owner/organisation/installer for the duration of their use.
21. The liability for the full and final removal of any item/s placed on the public highway shall remain with the installer/owner of the temporary feature.

### **Permanent Works**

22. Any proposals for permanent works on the public highway will require formal written approval from the highway authority. Please email [saferplaces@hants.gov.uk](mailto:saferplaces@hants.gov.uk).

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## Appendix 1.

Queue Marking Indicator Template used by Hampshire County Council.

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Revision 2.0.

22.06.2020.

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## Appendix 2.

Typical example of the necessary signing and barriers required where part of the carriageway is to be narrowed.



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**Appendix 3.**

Copy of HCC's Section 171 licence for placing signs and temporary traffic management onto carriageways. The application form and related guidance/conditions of consent.

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Consent No :  
«enquiry\_number»

Highways Act 1980 - Section 171

**Application for a consent from Hampshire county Council, the Highway Authority for Hampshire to temporarily deposit Covid-19 related items on the public highway**

ISSUING OFFICE	Telephone: 0300 555 1388 (Roads and Transport)  0300 555 1390 (Textphone)  Email: roads@hants.gov.uk
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**Notes to be read by the applicant**

1. The applicant shall read these notes, the conditions overleaf and any special conditions attached
2. A 1:500 plan must be supplied which clearly identifies the location where the materials are to be stored.
3. The consent will only be granted to the individual or firm making the application. It cannot be transferred to any other person or firm.
4. The applicant will hold £5 million Public Liability Insurance.
5. The applicant shall complete parts 1 to 4 below and the whole application shall be returned to the address shown above.
6. The applicant may be required to provide details of any risk assessment or any signing & guarding that may be required prior to the Highway Authority granting consent.
7. A fee will not be charged for the consent.
8. **Does tacit consent apply?** No, due to safety legislation your application is not approved until you are issued with an Approval Notice from us

**1. Applicant**

Name (and position in company, if applicable) .....

Company name (if applicable) .....

Address .....

..... Post code .....

Telephone (day/office) .....

Emergency contact name..... Emergency contact number.....

**2. Location and materials description**

Full description of address / location where Covid-19 Items are to be deposited and the nature of the items.  
.....  
.....

**3. Period of consent**

Date on which items are to be deposited (**consent start date**) .....

Date by which items are to be removed (**consent expiry date**) .....

**4. Declaration**

I confirm that Public Liability Insurance to the sum of no less than £5 million is in place.

I hereby apply for a consent to deposit the Covid-19 items described above on the public highway subject to the conditions overleaf and special conditions attached, which I have read and accept

Signed ..... Name ..... Date .....

Where approved a consent is granted to deposit the above described items in the above location for the period shown subject to the conditions overleaf and any special conditions attached. Failure to comply with such conditions is a criminal offence and will result in the consent being withdrawn.

A copy of the approval notice shall be displayed on site.

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## **Conditions of consent only relevant for COVID-19**

### **Made under Section 171 of the Highways Act 1980**

1. The applicant shall not deposit any materials or things including but not limited to cones and delineators in the highway, except in accordance with a plan, to be submitted with this application, and approved by the Highway Authority. The applicant shall ensure that persons carrying out the work are qualified and competent. For the purposes of carrying out the works, the contractor shall comply with the Codes of Practice for Training issued under the New Roads & Street Works Act 1991. Specifically, the contractors' supervisor will be trained and accredited to the requirements of the Codes of Practice
2. The materials or other things specifically agreed by the Highways Authority in paragraph 1 above must be placed so that they do not obstruct other premises, impede the surface water drainage nor obstruct access to fire hydrants, gullies, manholes and apparatus of any statutory undertaker. Nor must they be placed in such a position as to contravene any Traffic Regulation Order
3. The materials or other things shall:
  - a) Be placed and stored in a safe manner so as not to cause a danger or nuisance to other highway users
  - b) Be placed in such a position as to be clearly visible to traffic approaching from any direction at a distance of not less than 75m (250ft) and shall not be placed within 20m (75ft) of a road junction)
  - c) Be placed so as to avoid undue obstruction and interference with users of the highway. At least 1.25m on the footpath shall be kept clear for the safe passage of pedestrians at all times. If this clearance on the footway cannot be maintained, a portion of the carriageway must be fenced off for protection. Such fencing will need to be approved by the highway authority and may be subject to further conditions)
4. All materials or other items will require signing and guarding at all times, in accordance with the requirements described in Chapter 8 of the Traffic Signs Manual and any temporary traffic signs and any additional requirements published by the Department of Transport to support social distancing. The Highway Authority may require signing and guarding proposals prior to the approval of the consent

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5. During the hours of darkness (between half an hour before sunset and half an hour after sunrise) the materials or other things shall be illuminated by means of amber danger lamps. Such illumination shall be provided to define the extent of any obstruction of the highway. The lighting requirements will differ with each application and the contractor's proposals for such may be required by the Highway Authority prior to granting the consent. Lamps shall be steady and have an illuminative power of not less than one candela and shall be placed in such a manner as to not cause a nuisance or danger to pedestrians or vehicular traffic and shall comply with S55 Traffic Signs Regulations and General Directions 2002
6. No part of the highway shall be excavated without obtaining the prior express and specific permission of the Highway Authority
7. Except where agreed as part of this consent no part of the highway may be closed at any time without the express and specific consent of the Highway Authority
8. No materials deposited or other things on the highway shall contain any inflammable, explosive, noxious or dangerous material, or any other material that is likely to putrefy or otherwise become a nuisance or danger to users of the highway, wildlife or plant life
9. Any request for an extension to the period for which the consent has been granted must be made by submitting a further application to the Highway Authority at least 48 hours (excluding Saturday and Sunday and Bank Holidays) prior to the expiry of the existing consent
10. The applicant shall indemnify the Highway Authority against all liability, loss, claim, or proceeding whatsoever arising under the statute or common law in respect of any deposit of building materials, rubbish or other thing in the street under s171 Highways Act 1980
11. The applicant shall hold public liability insurance for the duration of the consent in an amount not less than £10million in respect of each and every occurrence or series of occurrences caused by or attributable to any event giving rise to a claim
12. On the expiry of the consent, the highway where the materials or other things were stored shall be left in a clean and tidy condition and any damage to the highway shall be repaired without delay to the satisfaction of the Highway Authority at the expense of the applicant
13. The Highway Authority reserves the right to carry out inspections to ensure compliance with these conditions. Where inspections are deemed necessary

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the Highway Authority will include a fixed number of inspections as a condition of this consent. Such conditions and charges will be notified to the applicant prior to the granting of the consent

14. Nothing in this consent absolves the applicant from their responsibilities to maintain access or provide protection to apparatus owned, used or maintained by Statutory Undertakers
15. The Highway Authority may require the materials or other things to be removed prior to the expiry of the consent
16. If a breach of conditions is committed, the Highway Authority may remove the obstruction, materials or other things and recover reasonably incurred expenses from the person convicted of the offence
17. Consent issued by Hampshire County Council DOES NOT give permission to fell or prune highway (or any other) trees. Ownership of the subject trees must be established by the consent holder and the consent holder must satisfy themselves that they have the correct permissions from the appropriate persons and/or authorities to carry out the works

#### Notes

- The 'highway' can include the carriageway, footway and any verge
- If the applicant objects to these conditions or a refusal by the Highway Authority to approve a consent then he may appeal to the magistrates' court
- A criminal offence is committed if these conditions are breached