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24/01558/DIC & APP/24/00578

Date

19 August 2024

E-mail

countryside.planning@hants.gov.uk

For the attention of the Case Officer,

Planning reference:

Site location: Berewood

Proposal: Berewood planning applications - WCC application 24/01558/DIC and HBC application APP/24/00578

24/01558/DIC - WCC

Berewood Phase 1 Hambledon Road Denmead Hampshire
Discharge of conditions 3, 6 (ii) a) b) c) e) f) i) l), and 11 of planning consent
10/02862/OUT

APP/24/00578 - HBC

Town Park at the Berewood Phase 2 Development Site, London Road, Purbrook, Waterlooville
Reserved Matters application pursuant to outline application APP/10/00828/ (and WCC 10/02862/OUT) and approval of conditions 6 (i) a), b), c), and d), and conditions 3, 6 (ii) a), b), e), f), i) o), 7, 10 and 11, for approval of landscape detail and access for the town park and layout and appearance of the park and multiple sports area.

Commentary

Thank you for consulting Hampshire Countryside Service as the 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 (HCC) Country Parks and Countryside Sites.

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>

The documents submitted for planning applications 24/01558/DIC and APP/24/00578 are confusing, incomplete, and what they do propose is not possible in terms of public highway. They both include proposals that are not achievable for Public Rights of Way [PROW] creating unacceptable conditions according to the Highways Act 1980.

Although the principle of these developments is established by outline permissions, the information presented in both these applications are confusing, incomplete, and what they do propose is not possible in terms of public highway – the proposals presented are not possible (including under the Highways Act (1980)).

Therefore, Hampshire County Council Countryside Service, Highway Authority in regards to the Public Rights of Way [PROW] network, must **Object** to both applications in their current form. This is on the grounds they lack information and fail to demonstrate policy accordance in regards to protecting the Public Right of Way [PROW] network.

We recommend a PROW drawing submitted for each application – one that CLEARLY shows the existing PROW routes and their proposed routes, as well as their treatments, width, etc. This can then be supplemented with a document describing the management plan to transform these PROW from existing to proposed – thereby allowing consideration of commuted sums, design standards, PPOs, temp diversions, public safety, etc. this is the level of information requires to consider the application in a positive way – allowing the Highway Authority to have confidence and be able to guide the applicant in how to achieve the works they propose.

To highlight the issues for each case:

To clarify: Footpath Newlands 731 is that considered for application 24/01558/DIC and Footpath Newlands 732 is that considered for APP/24/00578.

24/01558/DIC – the WCC for discharge of conditions for the safe route to school.

- The application on the WCC site lacks a planning statement and has no other demonstration of what is proposed. Public Rights of Way Plan GA_09.DWG rev C is full of incorrect and impossible features:
- The majority of the safe school route is shown as bridleway, but annotated as a permissive route to be maintained by the developer – this is not possible. This designation also implies equestrian use.
- The safe school route colour changes between Marrelsmoor Avenue and Plant Rowe – implying a change from permissive shared cycleway/footway and a bridleway – this is not possible (a bridleway (any PROW) must connect

to public highway at each end (i.e. not be a dead end in public access terms)).

- There is confusing use of the term footpath on Berewood, Public Rights of Way Plan GA_09.DWG rev C.
- A diverted route of FP731 is annotated on the drawing – its extent is unclear and whether if or how it connects to public highway at both ends.
- The 3m shared footpath / cycle path – Type E: is this PROW? Drawing GTWVILLE_PROW/CD/701 is not submitted as part of the application.
- The submitted CEMP – 2.8 is the only place in the application that explains some of what is proposed. No mention of PROW management through the construction – is this in SPS SRTS Construction Traffic Management Plan (CTMP)?

APP/24/00578 – HBC - Town Park at the Berewood Phase 2 Development Site, London Road, Purbrook, Waterlooville

- The submitted GA phase plans 1-8 include nothing about PROW.
- There is one reference, that of a '1m wide mown verge alongside Footpath 32 diversion route' in the key – but FP732 is not shown or labelled.
- Misuse of the term footpath throughout the drawings, implying many footpaths are proposed throughout the park – these should be permissive footways.
- No information on the interaction of the end of PROW and ways with vehicular roads – do they just butt into each other? How is public safety and pedestrian priority addressed?
- Park perimeter treatment is unclear – This is material to PROW network as PROW access for the public must be continuous (ie. 24 hours per day, every day – therefore, one cannot close the park at night).
- The agreed intension is that FP732 is to be diverted onto the grass verge adjacent to a bound surface route through the park – based on the Highway Authority not maintaining the non-standard surface material.
- In the Landscape Design Statement: Page 16 misuses the term footpath and no information is included about the Footpath (FP 732) .

Conclusion:

The documents submitted for planning applications 24/01558/DIC and APP/24/00578 are confusing, incomplete, and they both include proposals that are not achievable for Public Rights of Way [PROW] creating unacceptable conditions according to the Highways Act 1980.

Although the principle of these developments is established by outline permissions, Hampshire County Council Countryside Service, the Highway Authority in regards to the Public Rights of Way [PROW] network, must **Object** to both applications in their current form. This is on the grounds they lack information and clarity; and thereby fail to demonstrate policy accordance in regards to the protection of the Public Right of Way [PROW] network.

Informatives:

1. 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.
2. Should the developer identify the need to temporarily close or adjust a PROW, they should follow the guidance on the Hampshire County Council website. This includes further information on the duties as a land owner and/or developer, found at [Landowners guide to public rights of way | Hampshire County Council \(hants.gov.uk\)](#).
3. 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.
4. Granting of planning permission does not grant the applicant access rights to the site via the PROW network and separate consent is required.
5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic (or Environmental) Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highway Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of biodiversity and public safety.
6. 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).
7. 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 upon the completion of the build.

Yours sincerely,

Philip Millard MRTPI AIPROW BEng (Wales) MSc (UWE, Sal)

Countryside Planning and Development Control Manager

Countryside Planning

Hampshire Countryside Service

Hampshire County Council