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Development Control
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APP/24/00405

Date

22 August 2024

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For the attention of the Case Officer,

Planning reference: APP/24/00405

Site location: Pipeline from the reservoir to the north of Middle Park Way to Bedhampton Pumping Station, Meyrick Road, Havant

Proposal: Hybrid application seeking: 1) Full permission for development of new pipelines to transfer water from Bedhampton Springs to fill the reservoir in the winter and draw it off to treat and supply when needed in the summer, comprising: construction of two predominantly underground pipes in tunnels linking the reservoir with the existing pumping station at Bedhampton with associated infrastructure including: emergency drawdown discharge structure at Hermitage Stream; construction of eight access shafts; upgrades to existing culverts close to shafts five, six and eight to manage flood risk; washout and air valve chambers (typically below ground), new plant at Bedhampton Pumping Station, modifications to Bedhampton 2 operational building and permanent diversion of Footpath 34 at Bedhampton Pumping Station. 2) Outline application for an associated underground cross-connection chamber and above ground kiosk at the reservoir site with vehicular accesses for maintenance. An Environmental Statement has been submitted with the application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Consultation response: No objection subject to the following obligations and conditions

Thank you for consulting Hampshire Countryside Service (HCS, also referred to as 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 (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>

Constraints:

Footpath Havant 34 (FP34)

FP34 runs along the inside of the north-west and north-east boundaries of the application site. It is a key pedestrian connection between Mill Lane and Bedhampton with a high strategic value to be improved to provide for the notable amount of development on the local area of this site. In particular, the likely intensification of its use by residents of the current proposed development off Marples Way and Meyrick Road to the south of Hermitage Stream.

Commentary:

The proposal of development that affects FP34 is therefore highly significant. The scheme proposes the permanent diversion of the footpath from its existing route along the south of the railway embankment to following the northern side of Hermitage Stream, moving the PROW from the northern edge to the southern edge of the site. In accordance with relevant policy, any such diversion must include the protection and enhancement of the PROW network (Para 104, NPPF, 2023), and prioritise pedestrians and cyclists (Para 116, NPPF, 2023).

The principle of this diversion is acceptable to the Hampshire County Council Countryside Service in their role as Highways Authority in regards to the PROW network. The proposed route does not inconvenience the public user of FP34 and has the potential to improve the experience and amenity of its use.

Any diversion of a PROW needs to demonstrate enhancement of the network as well as protection. This is in accordance with Paragraph 104 of the NPPF (2023) and the requirement of Paragraph 116 to prioritise pedestrians (and cyclists). Therefore, this proposal needs to provide a quality route for PROW users. The Public Right of Way Diversion Plan, Drawing HTR-WAB-PI-BD-DR-T-0002 rev P02, is welcomed clarity for the application. Our comments on the details so far provided are as follows:

1. Surface Width and Corridor Width

The Public Right of Way Diversion Plan shows a 1.5m unbound surface, comparable to the Service's Design Standards, with a 750mm unsurfaced space to each side, forming a 3m wide 'corridor' for the diverted PROW. It is assumed the unsurfaced sidings are to have a grass or similar planted surface.

The Service accepts this proposal and seeks any permission granted is conditioned to ensure the diverted FP34 is to have a surface to HCS Design

Standards with a minimum width of 1.5m and be located within a 'corridor' of a minimum width of 3m. The finish of the unsurfaced 'sidings' shall be subject to the approval of HCS.

It is noted that collaboration with Hampshire Highways, the Highway Authority in regards to the road network, has identified Footpath Havant 34 as an active travel route. They may seek to have a bound surface for the diversion. Hampshire County Council can further discuss this option to achieve the best resolution for the proposed scheme.

2. Corridor Enclosure

The Service does not support increased or unnecessary enclosure of PROW. The Public Right of Way Diversion Plan shows chain link and stock fencing to either side of the PROW corridor, of a height of approximately 2-2.1m. This is unacceptable. It encloses the PROW and does not reflect an enhancement for the route. It creates poor amenity, a sense of being trapped and a feeling of low security/safety for PROW users.

The Service accepts that a fence for the security of the pumping station site is likely necessary, but no security fencing on the river side is required. The existing fencing and posts should be removed from the proposed scheme for the entire length of the diversion. Should any barrier be required it should be for public safety – such as in the form of a safer barrier of a suitable height with posts (say 900-1100mm above ground level to suit building regulations). No fencing should be installed between the posts so it retains transparency. Timber maybe a suitable material for this barrier, reflecting the aesthetic of a public right of way.

3. The Proposed Bridge

The proposal is for a new bridge spanning 22.5m. A bridge of the form of the concept shown in the 'indicative bridge type' is acceptable. The detailed specification should be submitted to and approved by the Highways Authority. We require the bridge to have a clear surface width of 1.5m, to match that of the path surface. This is due to its length – allowing users to pass each other on the bridge. The bridge will need to be approved to be to our standards and would form part of the dedication of the route as a PROW.

4. Commuted Sums

As the bridge is to be dedicated, a Commuted Sum is due for the ongoing public maintenance of the bridge, along with that required for the surface of the diversion route as a whole. This will need to be secured via a S106 legal agreement, being that the diversion order is likely to be given by the LPA under S257 of the TCPA (1990). The commuted sum values will be calculated in accordance with the Service's standard costings, based on construction cost subject to a lifespan multiplier.

5. Method of Regulatory Delivery

As mentioned above, the diversion of FP34 to the proposed route can be ordered by the LPA using S257 of the TCPA (1990) should it be considered 'necessary for the development'. The LPA should ensure they notify the

service of the diversion once the order is complete to allow the Definitive Map to be updated. Alternatively, a Public Path Order application will need to be made to the Highway Authority to divert FP34 and dedicate the new route.
[Public Path Orders | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/public-path-orders)

Hampshire County Council seek the capability to enable cycling use along the route of FP34. This reflects the need for improved cycling and active travel routes in the area and the local increase in dwellings, and so population, in the near vicinity to this site.

The applicant/land-owner of this site does not have land ownership along the entire length of FP34, and therefore it is not within their gift to deliver cycling rights along the entire length, either via an upgrade of the footpath to a bridleway or via permissive rights. Therefore, the Highway Authority hereby ask that any permission granted is subject to a S106 legal agreement that secures the following obligation:

- The landowner/applicant shall agree to giving permissive cycling rights, in perpetuity, along the route of Footpath 34 for the full extent of that length on their land ownership, as shown on drawing Public Right of Way Diversion Plan, HTR-WAB-PI-BD-DR-T-0002 rev P02.

The intention of the Highway Authority is to then secure cycling rights for the remainder of the route of FP34 from the relevant landowners as opportunities arise. Then cyclists will be able to use the route.

Conclusion:

The Highway Authority in regards to the Public Rights of Way [PROW] network raises **no objection subject to the following obligations and conditions** to make the proposed development acceptable. Without the following obligations and conditions, the Highway Authority, in regards to the PROW network, objects to the application, on the ground of unacceptable adverse impact to Footpath Havant 34 of the PROW network. We will seek commuted sums to cover the cost to the public to maintain the route. This will include a commuted sum for maintaining the proposed new bridge as well as the surface of the PROW.

Please note that collaboration with Hampshire Highways, the Highway Authority in regards to the road network, has identified Footpath Havant 34 as an active travel route. They may seek to have a bound surface for the diversion. Hampshire County Council can further discuss this option to achieve the best resolution for the proposed scheme.

Obligations

1. Secure via a S106 legal agreement commuted sums to be payable to Hampshire County Council for the surface and structures of the proposed diversion of Footpath Havant 34. The sums shall be in accordance with the Highways Authority standard values and lifecycle multipliers for the unbound surface and the bridge.

2. Secure via a S106 legal agreement the permissive public access right to cycle the route of Footpath Havant 34 for that length of FP34 that is within their land ownership in perpetuity.

Conditions

1. No fencing shall be installed and any existing shall be removed and made good to the Heritage Stream side of the entire length of the proposed diversion route of Footpath Havant 34. The only exception being a suitable and high quality public safety barrier should it be considered necessary for public safety. Any such fencing shall be suitably maintained by the landowner/applicant and be approved by Hampshire Countryside Service.

Reason: to provide a suitable level of protection and enhancement of the Public Rights of Way network, include public safety and security.

2. The diversion shall be set out as shown on drawing Public Right of Way Diversion Plan, HTR-WAB-PI-BD-DR-T-0002 rev P02, with a minimum surface width of 1.5m constructed to Design Standards and subject to inspection and approval by Hampshire Countryside Service and a minimum 'corridor' width of 3m. The build-up and finish of the 'sidings' to each side of the footpath surface shall be approved by Hampshire Countryside Service prior to commencement of works to the diversion.

Reason: to ensure the quality of the proposed public highway diversion and its suitability to be dedicated by the Highway Authority.

3. The proposed diversion of Footpath Havant 34 shall be open for public use prior to the closure of the existing route it seeks to replace. Thereby, public access along Footpath Havant 34 shall be maintained throughout the duration of construction and operation of the development hereby approved.

Reason: To maintain the public right to pass and repass along public highway

4. Prior to commencement, the detailed specification of the proposed PROW bridge shall be submitted to and approved by the Hampshire Countryside Service. The bridge shall have a minimum surface/usable width of 1.5m along its entire length.

Reason: To ensure quality and design is suitable for dedication by the Highway Authority.

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 \(hants.gov.uk\)](https://hants.gov.uk/landowners-guide-to-public-rights-of-way/).
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. 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