



Countryside Planning and
Development Control
Hampshire Countryside Service
Hampshire County Council
Three Minsters House
Winchester
Hampshire
SO23 8UL
www.hants.gov.uk/countryside

Universal Services

*Countryside Service, Three Minsters House
High Street, Winchester SO23 8UY*

Telephone 0845 6035636 (call charges apply
– please see www.hants.gov.uk/contactus)
www.hants.gov.uk/countryside

Enquiries to

countryside.planning@hants.gov.uk

My reference

Direct Line

Your reference

Date

19 September 2023

E-mail

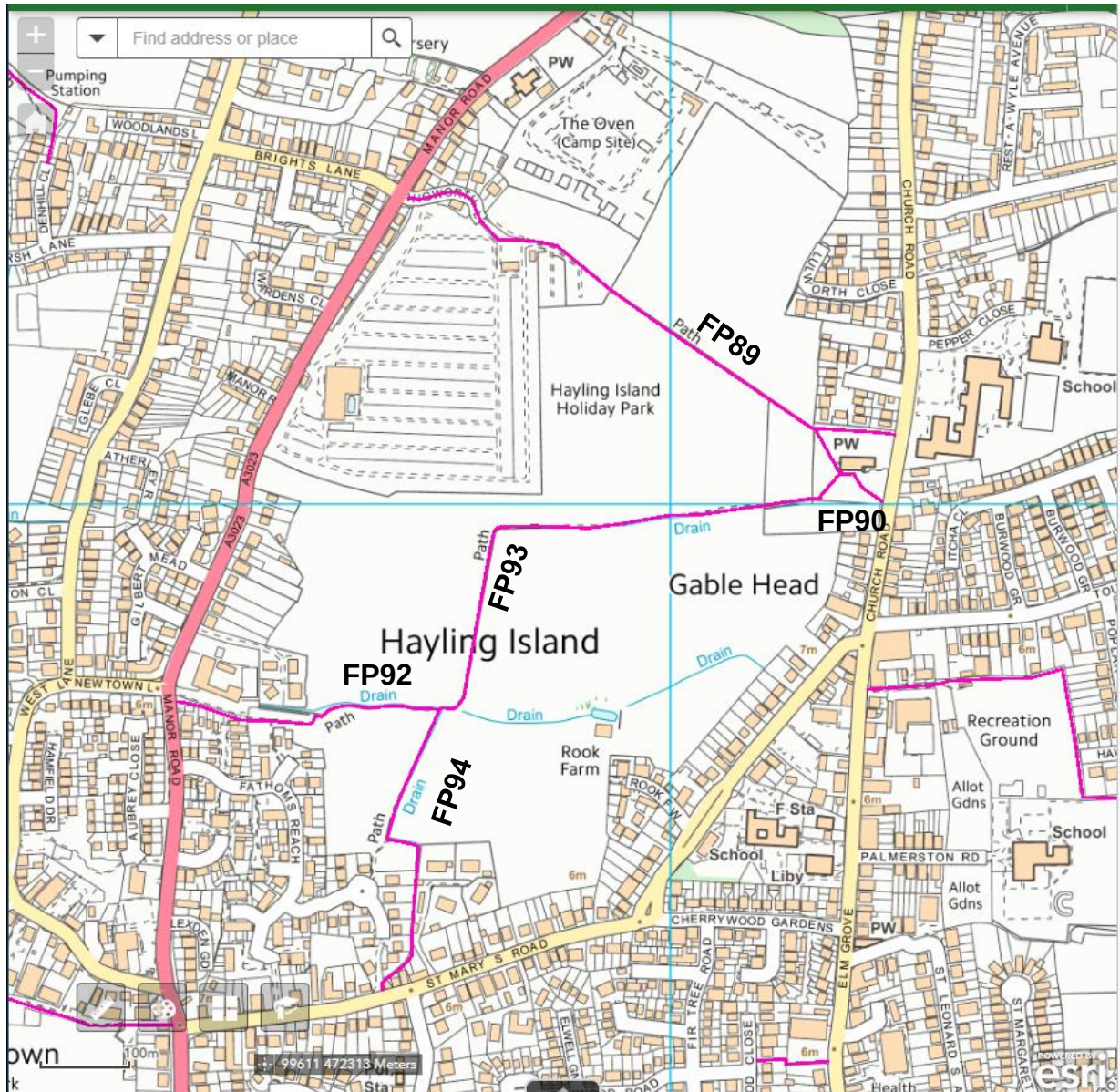
For the attention of the Case Officer,

Planning reference: APP/21/01434

Site location: Rook Farm, land off St Marys Road, Hayling Island

Proposals: Outline application for development of up to 300 dwellings (including affordable housing). The proposal includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works. All matters reserved except for means of vehicular access. Accompanied by an Environmental Statement.

Consultation response: No Objection subject to conditions and obligations secured via a S106 legal agreement.



Thank you for consulting Hampshire Countryside 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 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 93 runs along the perimeter of the application site.
- Footpath Havant 94 runs along the perimeter of the application site.

- Footpath Havant 92 runs west away from the site boundary, where it meets FPs 93 and 94.
- Footpath Havant 90 runs across the ground of St. Mary's Church.
- Footpath Havant 89 runs north-west-southeast north of the application site.
- The site is 800m east of Hampshire Countryside Site Hayling Billy. This is a cycling route, Hampshire County Council promoted and long distance route Shipwrights Way, for cyclists, walkers, and some sections are open to horse-riders. It is also a Local Nature Reserve.

Relevant policy

NPPF

Para 100 – development shall protect and enhance the PROW network.

Para 112 – development shall prioritise pedestrians and cycling.

Local Plan (Havant Local Plan, 2011)

- Policy CS1 Health and Wellbeing– 8. Supports the increased footpath and cycle use through the design of development, linkage and signage
- Policy CS13 (Green Infrastructure) - 2. Incorporates, where appropriate, improvements to existing green infrastructure through the restoration, enhancement or creation of additional resources. 3. Does not undermine the functional integrity of the green infrastructure. 4. Creates, where appropriate, new green infrastructure (including access management measures) either through on site provision or financial contributions.
 - The Policy identified PROW as green corridors.
- Policy CS16 High Quality Design
- Policy CS19 Effective Provision of Infrastructure
- Policy CS20 Transport and Access Strategy
- Policy CS21 Developer Requirements
- Policy DM1 Recreation and Open Space
- Policy DM8 Conservation, Protection and Enhancement of Existing Natural Features
- Policy DM11 Planning for More Sustainable Travel

Commentary

This outline application proposes permission for 300 dwellings on a greenfield site bounded to the north and west by Public Rights of Way [PROW], namely Footpaths Havant 93 and 94.

There is a notable PROW network in the surrounding area of the site. This development, and its future residents, will benefit greatly from this public infrastructure, both for active travel, for recreation, and access to the countryside.

The Hayling Billy is a promoted, off-road, long distance route north-south along the western coast line of Hayling Island. Along with the PROW network, it forms a significant off-road travel routes for pedestrians and cyclists. The small area of the island constraints the route options for the residents and visitors of the Island, and therefore these off-road routes for active travel gain extra significance as alternatives to the road network.

The Access Team's Rights of Way Officer for the area carried out a site visit to the site back in December 2022. He provided us with information in regards to the current condition of onsite PROW and what improvements are required to mitigate the adverse impacts of the proposed development.

It is the requirement of the NPPF (2021), the Town and Country Planning Act [TCPA] (1990) and the Highways Act [HA] (1980) that PROW shall be protected and enhanced by development. The significant boost in local population from this proposed development constitutes a notable adverse impact on the local PROW network and improvements are required to both compensate and mitigate these impacts and allow the PROW network to provide for the needs of this new population.

It should be noted that PROW are Public Highway. They are access routes into and around sites. Therefore, in outline applications where access is not a reserved matter, demonstration of the impacts of the proposal on the PROW network should be submitted as part of that application.

Viewing the application location plan, it is assumed the 'blue ownership line' is either not present or underlies the 'red, site area line'. Therefore, the extent of control for the developer is the red line and so, based upon this presumption, no PROW lay within the development site, rather Footpaths Havant 93 and 94 run along the north and west perimeters (FP93 and FP94). Therefore, improvements to the PROW and active travel network will be offsite.

The submitted masterplan shows the development layout to comprise of housing with a boundary of greenspace around the west and north sides of the site. Road Access is proposed to be from the east side of the site and thereby not crossing any existing PROW. This approach to site layout is supported by Hampshire Countryside Service (Highways Authority in regards to the PROW network); it provides a green corridor to the existing footpaths 93 and 94 and looks to seek connection between those footpaths and the proposed development to enhance pedestrian flow from the site onto the network.

Therefore, the Highways Authority, in regards to the PROW network, have no objection subject to the following Offsite obligations and below conditions. The conditions maybe addressed by a reserved matters application addressing detailed design relating and/or affecting the PROW.

Offsite obligations sought from application/development:

For FP93 – resurfacing. Therefore, a contribution for improvements to this route is sought and a commuted sum to publicly maintain this.

For FP94 – resurfacing, with consideration to drainage to avoid discharge onto the surface. Resolution of root upheave of the surface where it occurs. This will be by root removal or ramping over with root guard underlay. Therefore, a contribution for improvements to this route is sought and a commuted sum to publicly maintain these.

Hayling Billy - is a notable promoted walking and cycling route close to the site provided by Hampshire County Council. Its use will intensify with the proposed development when it boosts the local population. Therefore, a contribution for improvements to this route is sought and a commuted sum to publicly maintain these.

When considering the site layout and design:

- The PROW network routing and consideration needs to be established early – it is Public Highway. All development is required to protect and enhance the PROW network (NPPF, 2021). Therefore, any design coming forward shall need to do this.
- We seek obligations as to mitigate impacts to the PROW network – this will comprise of quality site perimeter design to support the surrounding PROW, and contributions to improvements and commuted sums to publicly maintain those improvements, as well as for the Hayling Billy route. These are to compensate for the increased demand that will occur from the new residents of the site, and provide for both their recreational use and access to the countryside.
- These will be secured through a S106 legal agreement for any planning permission granted.
- Offsite works on PROW will be carried out by Hampshire Countryside Service Projects Team. They will provide costings along with the Access Area management team following a site visit to assess the details of improvements required and their relative costings. These costings and works can then feed into any permission's S106 legal agreement.
- All paths are to be resurfaced to HCS Design Standards at our required standard width of 2 metres for Footpaths, 3 metres for bridleways or footpaths with permissive cycling rights. Design standards can be found here [Countryside Service design standards | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/countryside-service-design-standards).
- All paths should seek to improve accessibility, such as the removal of styles and gates where feasible.
- Permanent diversion of the footpaths, if it provides protection and enhancement of the path and the network, can be supported and it should not be considered essential for PROW to follow their existing route. For example, in this case, the masterplan suggests unbound paths through the greenspaces of the site – it maybe feasible to divert footpaths 93 and 94 onto these routes – thereby not requiring the developer to provide these permissive paths and contributions to improve the footpaths. Proposals such as these need to be discussed with Hampshire Countryside Service prior to any agreement.
- There is some opportunity to the southern end of FP94 to regularise the network to better suit users following the development.

Construction period:

Safety and continuous priority access rights of the public are the most important factors of the PROW network. A construction Traffic Management Plan [CTMP] should be submitted and approved and should contain content as for risk assessment for PROW users and proposed methods of work around the PROW. PROW shall not be obstructed or blocked at any time, unless a pre applied temporary closure or diversion has been permitted by the Highway Authority or the LPA via TCPA s.258 or the Highways Act. In regards to the proposed vehicle access location of the site, it is not foreseen that any access over PROW is required for construction. Note that any works to the surface of a PROW will require a Highways Agreement following any planning permission granted.

Our Rights of Way officer has identified that construction works in proximity may disturb the surrounding ground to the PROW, and concern is raised for the trees in close proximity to Footpath 93. This needs to be considered in any development scheme.

Conclusion:

Hampshire Countryside Service [HCS], the Highways Authority, in regards to the PROW, network state **No objection subject to conditions and entering into a legal agreement to secure contributions** to improve footpaths Havant 93 and 94, and the Hayling Billy trail.

Hampshire Countryside Service ask to be included in the creation of any S106 legal agreement for any permission that maybe granted, in order to secure improvements to the PROW network and associated contribution and commuted sums.

The values of contributions and commuted sums will be provided to the LPA and the applicant as soon as possible by Hampshire Countryside services, and will be based upon a site specific specification and our standard costings.

Recommended Conditions:

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 Public Right of Way, 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://www.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. Prior to commencement, the developer shall submit to and have approved by the Countryside Services details as to works to the perimeter of the development and ensure these works do not have an adverse impact on Public Footpaths Havant 93 and 94. These works will consider surface drainage and arboricultural management with respect to Public Footpaths Havant 93 and 94.
5. Prior to commencement, the developer shall submit to and have approved by the Local Planning Authority a Construction Traffic Management Plan that address the need to ensure the safety and priority use of the PROW network for the public. This should be phased to suit the construction programme and incorporate closures and diversions if and when required.
6. Prior to any works commencing on connections to the PROW, design details shall be submitted to and approved by Countryside Services, as the Highways Authority in regards to the PROW network.
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 will be required to be restored to the satisfaction of the Area Countryside Access Manager.

Suggested conditions 4-6 above could be resolved via the need for a reserved matters application.

Informatives:

There are specific legislative requirements for the Highways Authority, Planning Authority, Developers and Landowners, in regards to the PROW network. The Planning Authority shall be aware of the following, and we request that the applicant is made aware of the following requirements through informatives where appropriate:

1. Separate to planning permission, a separate order under Section 257 or 258 of the Town and County Planning Act (1990) is required by the Local Planning Authority to approve any diversion or extinguishment of a Public Right of Way.
2. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highway Authority via a highways Agreement. To carry out any such works without this consent would constitute an offence under Section 131 of the Highways Act (1980).
3. 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 on 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