



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 ref APP/23/0047

Date 19 July 2023

E-mail countryside.planning@hants.gov.uk

For the attention of the Case Officer,

Planning reference: APP/23/0047 (WCC ref: 23/01457/OUT)

Site location: Land of North of Fire Station (Blue Star Land), Waterlooville

Proposal: Outline planning application for a residential development of up to 90 dwellings with access from Laxton Leaze and emergency access from Ellisons Crescent and all other matters reserved.

Consultation response: Holding objection pending further information.

Thank you for consulting Hampshire Countryside Service (HCS) 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 outline 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.

Site Context:

- Footpath Havant 11 (FP11) runs in a northwest to southeast direction from Ellisons Crescent, part of the Berewood development scheme, and around the Waterlooville Fire Station to its junction with the A3 Maurepas Way.
- The Waterlooville Fire Station is a Hampshire County Council Site.

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>

Director of Universal Services

Patrick Blogg

Commentary:

The Illustrative Masterplan (ref: IMP-01) proposes retention of FP11 through the site, albeit on a different alignment. It is open to the applicant to seek to divert FP11 and HCS considers, as physical build appears to be intended over part of FP11, diversion could be achieved under the Town and Country Planning Act 1990 Section 257, where the principal legal test is that diversion is necessary 'to enable development to be carried out'. The applicant is advised that a separate application to the local planning authority will be needed – the grant of planning permission is not sufficient authority to divert this or any PROW; and that commencement of development prior to the path's formal diversion may invalidate use of Section 257 and create an offence under the Highways Act 1980.

HCS notes drawing IMP-01 proposes part of FP11 to be provided through open space parallel to a future access road. Were that length to be proposed to follow the footway of that access road, HCS would not raise objection subject to that footway being part of the future adopted road highway network and provided to a standard acceptable to HCC Highways. The footway width would need, amongst other requirements, to be a minimum of 2 metres wide.

Where the future FP11 will cross any road, crossing points must be provided giving priority to pedestrians (and cyclists) as per the NPPF paras 100 and 112. These crossing points should be designed to HCC standards and be subject to approval by HCS (or HCC Highways if part of a future adoptable road).

Given the scale of development as part of Berewood, HCS requires FP11, where not included as part of the adopted road network, to be surfaced with an unbound material to a minimum width of 2 metres; a specification must be approved by HCS in advance of works else an offence is committed under the Highways Act 1980. The applicant is recommended to refer to the HCS Design Standards for further guidance: [Countryside Service design standards | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/countryside-service-design-standards).

HCS notes drawing IMP-01 provides for pedestrian access onto both the A3 Maurepas Way north of an amenity building and connecting with Forest Way in the south. HCC supports the principle of Active Travel and shall require both to be retained for walking and cycling as at present, these currently being cycleways managed by HCC Highways.

Additionally, the applicant is asked to recognise HCS will require any additional trees to be planted are a minimum of 5 metres from any PROW (shrubs at a minimum of 2 metres) so as not in future to disturb the PROW surface, thereby creating a trip hazard, or an offence of encroachment.

During site construction, FP11 is to remain open and safely accessible at all times. If the developer believes it is impractical to keep FP11 open during construction, it will need to demonstrate other possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to HCS, and subsequently approved, HCS would ordinarily expect an applicant to provide a local alternative route at its liability for the

duration of a temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/countryside/planning/apply-for-a-temporary-closure)

In the circumstances, the Service hereby raises a holding objection subject to the receipt and consideration of further information as requested above.

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service