

From: Countryside Planning <countryside.planning@hants.gov.uk>
Sent: 13 January 2021 13:23
To: Havant Planning and Development Mailbox New
Subject: RE: REMINDER - LATE CONSULTATION RESPONSE - Planning Application APP/20/01031 Land south of, Lower Road, Havant

For the attention of: Daphney Haywood

Planning reference: APP/20/01031

Site location: Land south of, Lower Road, Havant

Proposals: Erection of 50 new dwellings together with access, landscaping and open space (Revised Scheme).

Thank you for sending us this consultation. Please accept this response as being that of the Countryside Service, in relation to this application we are responding on behalf of Hampshire County Council (HCC) as Highway Authority in respect of Public Rights of Way.

Site Context: DMMO 1262 runs south from Lower Road linking to Havant Footpath 30 to the east which runs south from Bidbury Lane linking to Harts Farm Way and the Solent Way HCC Long Distance Route. Footpath 30 also makes up part of the Wayfarers Walk HCC Long Distance Route. Havant Footpath 107 to the north of the development site links Bedhampton Hill and Lodge Road.

A copy of the Definitive Map of Rights of Way can be found at
<https://maps.hants.gov.uk/rightsofwaydefinitivemap/>

Comment:

We have to advise that an application has been made to the County Council under section 53 (5) of the Wildlife and Countryside Act 1981 for the addition to the Definitive Map of a footpath running through the site and connecting over the railway to Havant Footpath 34 and 30 (see attached plans). The applicant proposes open space and a permissive footpath along a similar line but which doesn't include a link to footpath 34.

We advise that the applicant considers addressing this application through the planning process and proposes either protecting or diverting the claimed path. In the event that the DMMO application is not dealt with in conjunction with the proposed development, in accordance with our statutory duties the claim will be determined the County Council. Should the claim be successful we would require the removal of any obstruction or structure erected on the path the line of the claimed route.

According to National Planning Policy Framework (paragraph 98) public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users, including by adding links to existing networks. There is currently no detail of the contributions or proposals to benefit the local footpaths, the Site Specific Infrastructure Statement referring to Footpath 107 states that "Policy requires enhancement of the path and improved signage". The applicant doesn't propose adding the proposed on-site footpath the Public Rights of Way network. We request detailed proposals of the improvement of footpath 34 or the financial contribution the applicant is offering must be established before the application can be approved in order to secure works by means of a S106 Agreement and planning conditions to secure necessary Highway Agreement and Construction Environmental Management Plan.

For the above reasons we must object to the application. We advise that the applicant should consider revising the application and layout identifying the claimed route and dedicating the permissive route as a public footpath and connection over the railway to Footpath 34, extinguishing line of the claimed route under TCPA S257 and provide full details of work proposed to improve the local PROW network. We request that the applicant contact us at countryside.planning@hants.gov.uk to discuss this further.

I've also sent a pdf document and map showing the route of the claimed route and would be happy to discuss our current objections further with yourself and / or the applicant before the application is determined.

Regards

Sam Thwaites
Countryside Planning Support Officer
Hampshire Countryside Service
0370 779 2990
countryside.planning@hants.gov.uk



Wildlife and Countryside Act 1981

The Hampshire Wildlife and Countryside Act 1981 Section 57(3) Definitive Map and Statement (Dated 1st January 2008)

To: **The Director of Culture, Communities and Business Services**
of: Hampshire County Council
Castle Avenue
Winchester
Hampshire
SO23 8UL

I/We [name of applicant(s)]:

of [address of applicant(s)]:

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981
modifying the definitive Map and statement for the area by:- [delete where appropriate]

- **deleting** the footpath / bridleway / restricted byway / byway open to all traffic
from *NA*
to.....

or

- **adding** the footpath / bridleway / restricted byway / byway open to all traffic
from *GRID REF 701063*
to..... *GRID REF 701061*

or

- **upgrading/downgrading**
to a footpath / bridleway / restricted byway / byway open to all traffic
the footpath / bridleway / restricted byway / byway open to all traffic
from
to.....

or

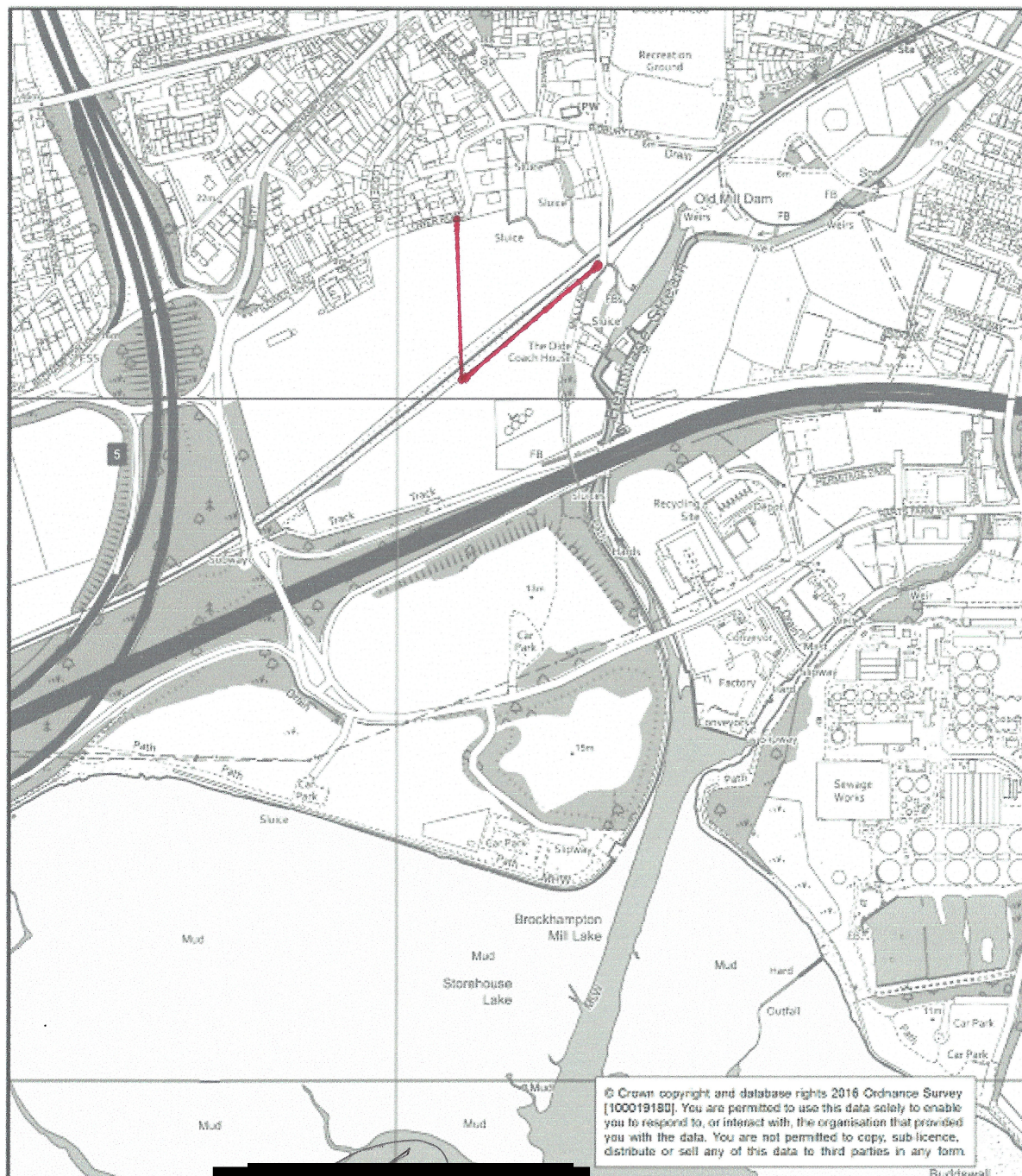
- **varying/adding** to the particulars relating to the
footpath / bridleway / restricted byway / byway open to all traffic
from *GRID REF 701061*
to..... *GRID REF 702062*
by providing that *RIGHT OF WAY FOOTPATH*

and shown on the map accompanying this application.

1:7,471



Hampshire
County Council



Signed...

Dated.....1st February 2020

Wildlife and Countryside Act 1981

The Hampshire Wildlife and Countryside Act 1981

Section 57(3) Definitive Map and Statement

(Dated 1st January 2008)

Certificate of Service of Notice of Application for Modification Order

To: **The Director of Culture, Communities and Business Services**
of: **Hampshire County Council**
Castle Avenue
Winchester
Hampshire
SO23 8UL

I/We [name of applicant(s)].....

of [address of applicant(s)]

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated 21st OCTOBER 2019

Signed

NOTE

Notice of the application should be served on the owners and occupiers of all the land affected by the application. Please note here the names and addresses of all people given notice of the application:

*The land owner as advised by
HCC. Sign attached to the
gate at the northern end
of Narrow Marsh Lane.*

Wildlife and Countryside Act 1981

Hampshire County Council fully complies with the Data Protection Act 1998. The information you enter on this form will become part of the permanent records kept on rights of way in Hampshire and will be available for public inspection. This does not affect your statutory rights.

Schedule 14: Applications for certain orders under Part III

Form of applications

1. An application shall be made in the prescribed form and shall be accompanied by:
 - (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and
 - (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application

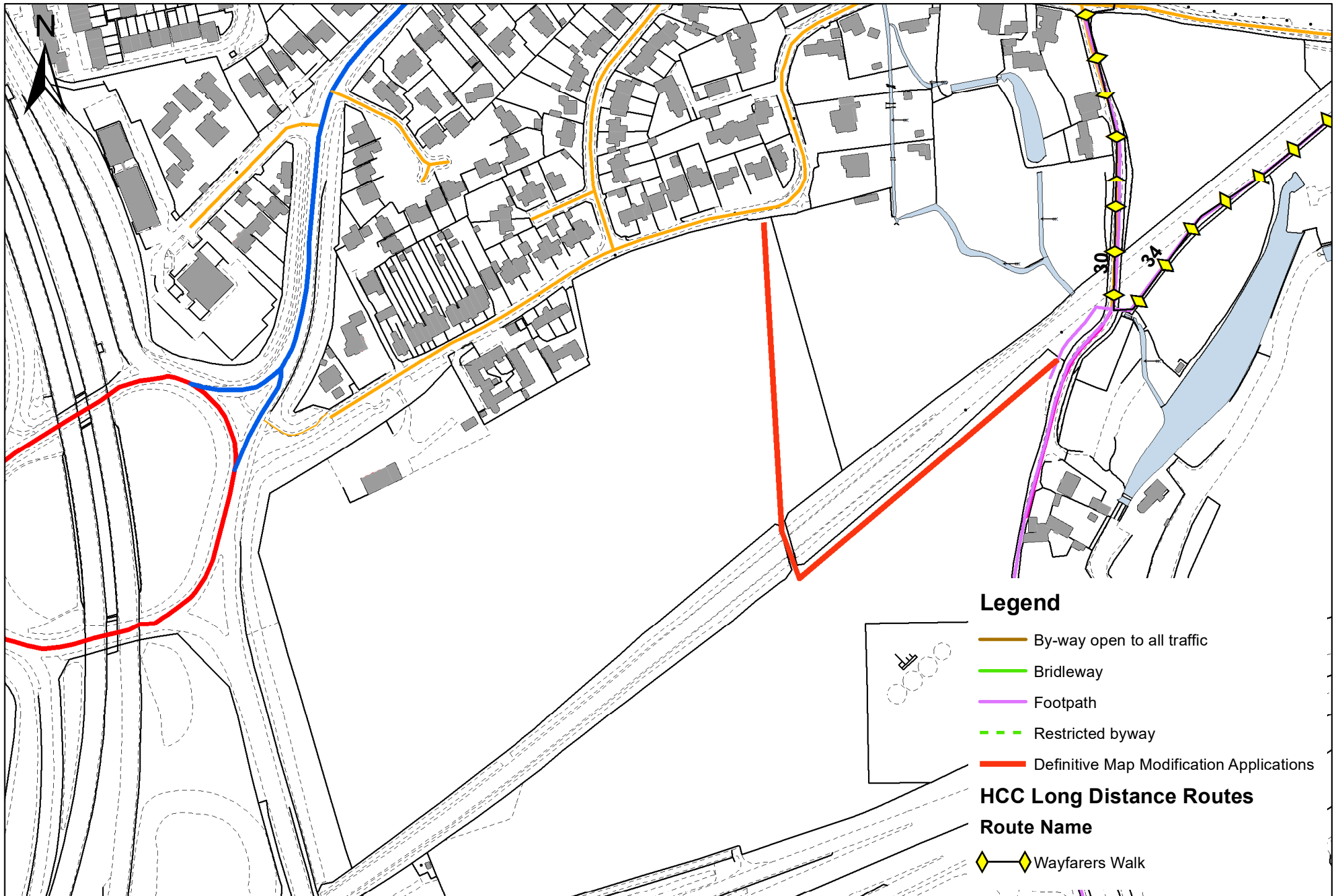
Notice of Applications

2. (1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates.
- (2) If, after reasonable inquiry has been made, the authority is satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
- (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
- (4) Every notice or certificate under this paragraph shall be in the prescribed form.

NOTE

Notice of the application should be served on the owners and occupiers of all the land affected by the application. Please note here the names and addresses of all people given notice of the application:

(Handwritten text: The land is situated in the parish of St. Andrew's, and is owned by Mr. J. H. Smith, of 12, The Green, St. Andrew's, Hampshire. The land is used for agricultural purposes.)



Plan showing Rights of Way at Land south of Lower Road, Havant 1:3,000