

Planning Reference: APP/19/00224

Site Address: Padnell Grange, Padnell Road, Waterlooville PO8 8ED

Development Proposal: Demolition of existing Padnell Grange and ancillary structures and erection of 86 dwellings with associated parking, landscaping, SUDS and other drainage works and the removal of 3No. TPO Oak trees.

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 as Highway Authority in respect of Public Rights of Way and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire

Site Context

Havant Footpath 127 runs from Park Lane north-eastwards along path enclosed between fences, across meadow and along a ten foot wide roadway to Padnell Road. Havant Bridleway 22 runs from Havant Footpath 127 on the Sheepwash Road to the Borough boundary and provides a link for cyclists, pedestrians and equestrians adjacent to the Padnell Cut Woodland to Hazeltown Local Nature Reserve. Havant Bridleway 22 offers a connection via Havant Bridleway 123 (Park Lane) and Rowlands Castle Bridleway 502 to the National long-distance route Monarchs Way into the South Downs National Park and the Staunton Way. Bridleway 22 and Footpath 127 are green infrastructure link to Staunton Country Park, approximately 2km to the east, and to Queens Enclosure to the south, as well as providing access to on-road cycle lanes around Waterlooville.

A copy of the Definitive Map of Rights of Way can be found at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap> and HBC leaflet [Cycling in the Havant Area](#)

Comments

The development proposed would obstruct the definitive line of Havant Footpath 127. The position of Footpath 127 within the submitted plans is different from the Definitive Line (that is, the legally recorded route) of the path, which runs through 72 to 90 Cherry Tree Avenue and entering Padnell Grange immediately to the south of number 138. Within the Padnell Grange application site the route of Footpath 127 is not shown on Definitive Line.

A copy of the Definitive Map of Rights of Way can be found at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

We understand Havant Footpath 127 is proposed to be used a vehicular access road. We suggest consideration of the diversion of Footpath 127 to the eastern boundary of the site within a green corridor in accordance with best practice and guidance provided by Rights of Way Circular (1/09). In order to implement the development according to the submitted plans, an application of the diversion of Footpath 127 through the proposed development area would need to be made to Havant Borough Council as Planning Authority, under Section 257 of Town & Country Planning Act. Planning permission is separate from any consents required in relation to access and rights of way. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use,

until the necessary order has come into effect. It cannot be assumed that because planning permission has been granted that a diversion or extinguishment order under S247 or S257 will invariably be made or confirmed. If an order to divert or extinguish a right of way is opposed, it must be submitted to the Secretary of State for a decision, and this would impose significant and unavoidable delays to development. As Highway Authority we would need to be satisfied that any proposed changes to the public right of way are of benefit to the legitimate users. In line with Highway's comments of 2 May 2019, vehicular access on a footpath will normally require that vehicular rights are dedicated and the route is adopted by the Highways Development Planning through a S278 Highway Agreement.

According to National Planning Policy Framework, public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users. As requested by Highways Development Planning, we recommend that the access from Padnell Road should be adopted, in order to provide a connection for cyclists and equestrians from Havant Bridleway 22 to Waterloo via the Padnell Road. The proposal for 86 residential dwellings, community facilities, a nursery, commercial and local retail, open space and the pedestrian and cycle links would generate significant increased use of the local rights of way network. The increase in use means that surface improvements to Bridleway 22 may be required and the financial burden incurred in maintaining the right of way is likely to increase. No alternative path is proposed to compensate the use of Footpath 127 as an estate road and a cycleway. We therefore propose a financial obligation is secured towards the enhancement of the local rights of way network to mitigate this loss and provide enhancement in line with Local Plan policy and NPPF.

For the above reasons we must **object** to the application as currently presented and request that the applicant amend their plans to show the definitive line and revise the application to include a diversion under S257 of the 1990 Town & Country Planning Act. In the interest of public amenity, sustainable travel and road safety a contribution to the Countryside Service towards increase in the cost of maintaining and enhancing the rights of way, and the provision of cycle and pedestrian access related to the development should be secured by legal agreement prior to granting of any planning permission.

It is unclear how the applicant proposes to provide a cycle link from the south of the development to Cherry Tree Avenue, and whether the current walked route and the footway maintained by Highways are of adequate width to upgrade the access. To allow cycles to be permitted to use the route, cycling rights will need to be established by means of a legal order under Section 26 Highways Act 1980. There must be no surface alterations to the right of way, nor should any work be carried out which affects its surface, without the prior permission of Hampshire County Council as Highway Authority. In relation to this application a Highway Agreement with Highways Development Planning or the Countryside Service will be required which we request is also secured as part of the legal agreement.

According to Rights of Way Circular (1/09) the local planning authority must ensure that applicants are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Hampshire County Council is unable to

provide a Temporary Closure on a route that is to be diverted until the diversion has been confirmed. Following confirmation of the diversion order, any Temporary Closure Order should be applied for at 12 weeks prior to the commencement of works. Details of how to apply can be found at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosures>.

We would be happy to provide further comment when plans have been amended to show the Rights of Way on the correct line and a diversion application has been made.

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