

FAO: Simon Kennedy

SITE: Woodcroft Farm Development Site, Woodcroft Lane, Waterlooville

PROPOSAL: Request to discharge condition 26 and partially discharge condition 5 (3.1.17)

REF: APP/13/00804

Thank you for providing us with this consultation opportunity. Please accept this response as being on behalf of Hampshire County Council's Countryside Service, which in addition to its statutory responsibility for Public Rights of Way, manages Countryside Sites and Country Parks throughout the county.

We note that the TCPA Diversion Order diverted **Havant Bridleway 1** via Point C on the Order map. However, the Order map also indicates that the Order sought to upgrade Section A to D to restricted byway status. Notwithstanding the fact that a simultaneous diversion and upgrade cannot be effected by a single Section 257 Order, the text of the Order does not make reference to the proposed restricted byway between A-D, instead referring to the route as bridleway. Whilst the County Council would be content to record the diversion of bridleway rights based upon this Order, it does consider it appropriate to rely upon it to record restricted byway rights between A-D. As a result, we consider that the S106 requirements of this application have not been fully implemented.

To address this situation we suggest that the Local Planning Authority enters into an agreement with the developer for the dedication of restricted byway rights between A-D via a Deed of Dedication under Section 25 Highways Act 1980.

Further to the diversion works, while a surface specification has been agreed with the contractor, a commuted sum for future maintenance needs to be secured.

I trust this is of assistance.

Regards,

Owen Devine

Countryside Access Development Officer (Planning)

Hampshire County Council