



Eastleigh Borough Council

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Universal Services

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Date

28 March 2023

My reference

Your reference DC/23/94783

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FAO Dawn Errington

Planning reference: DC/23/94783

Site location: Construction of road between Allington Lane and Burnetts Lane with associated footway, cycle paths, water crossings, drainage and landscaping

Proposals: Discharge of Condition application for Condition 3 - Final Surface Water Drainage. F/21/91185 Construction of road between Allington Lane and Burnetts Lane with associated footway, cycle paths, water crossings, drainage and landscaping

Response: Holding objection pending receipt and approval of further information

Introduction

The Hampshire County Council (HCC) Countryside Service ('the Service') acts as local highway authority in respect of Public Rights of Way ('PROW') and as Commons Registration Authority. It also manages other public access opportunities, including National Trails, certain permissive paths, Open Access Land, and more; in addition to managing Country Parks and Countryside Sites throughout Hampshire. Please accept this as its response to the above application, taking into account the material considerations relating to PROW, Commons, and impacts to HCC Country Parks and Countryside Sites.

Background and Site Context

This application has been submitted as part of the wider plan to develop land south-west of Fair Oak and west of Horton Heath for 2,500 residential properties, a link

road, and other associated infrastructure. As part of the wider plan, various existing PROW are to be accommodated within the development, some by means of formal diversion, and new public access opportunities are to be created.

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network, also other public access routes and Trails open to the public, is in providing the means to realise many objectives of national and local plans - as examples, but by no means exhaustive, a good local access network can enhance community connectivity and cohesion; improve local environments by reducing local traffic congestion and improving air quality; support personal health and well-being of individuals and groups; and support local economies, whether in providing means of access to and from workplaces, offering passing trade such as with a cafe, or creating need for larger supply businesses as with cycle or equestrian users. Public access should, therefore, be given positive regard in this and all development plans and proposals; and for this reason all public access routes and Trails are a material consideration in determining any planning application - see [DEFRA Circular 1/09](#), para.7.2.

Fair Oak and Horton Heath Public Footpaths 11, 701, 702 and 703 are proposed to be crossed by the future link road. Each are to be subject to a Diversion Order to ensure the safety of future PROW users and link road motorists. Public Footpaths 11, 702 and 703 are to be upgraded in status to Public Bridleways, meaning they will be able to be lawfully used by the public on bicycle and by horse once the appropriate agreement and works are completed.

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

The site is in no material proximity to any HCC Countryside Site.

Comment

Review of the many submitted drawings suggest these do not acknowledge the position or alignment of existing PROW or those intended to be subject to diversion Order. The Applicant must reassure the Service its contractors are aware of the position and alignment of all PROW prior to commencement of any works in addition to the following:

1. All PROW must remain open at all times until and unless subject to a Temporary Traffic Regulation Order (TTRO), for which application can be made to the Service; details can be viewed [here](#).
2. It is an offence to disturb the surface of any PROW without the prior consent of the Service. Where surface disturbance is proposed, the Applicant must submit a specification for the Service's approval and receive its written consent prior to commencement.
3. No works must be undertaken to obstruct an existing PROW to be diverted by Diversion Order as, in the event that Order is unsuccessful, the PROW remains

on its current recorded alignment and the Service must require this to remain available.

The submitted RAMS makes no reference to PROW or to members of the public. The Service expects all site contractors to give appropriate regard to protect PROW and for the safety of PROW users. Where public access is to be prohibited (see above), this needs to be stated; otherwise, the Service expects any RAMS to specify the measures to be implemented to protect PROW users. The RAMS must be revised accordingly and resubmitted for review and comment by the Service prior to commencement.

Regarding the design of drainage works, the Service requires any and all manhole covers to be outside the wearing course of existing and future PROW surfaces as their metal can be slippery in certain circumstances to PROW users, particularly shod horses. Further, where these would be set within an agreed compacted stone surface this will create an inconsistency that will be exploited by water and wear, which will more quickly degrade the future PROW surface. Where manholes must be in the surface of a PROW, which will need to be agreed with the Service, the Service will require them to be other than metal-surfaced; a specification must be put to the Service for agreement prior to any works.

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

Yours sincerely,

Jon Perks

On behalf of Hampshire Countryside Service - Countryside Planning

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