



Eastleigh Borough Council

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Enquiries to

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F/23/95844

Date

31 August 2023

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Planning reference: F/23/95844

Site location: Land at Stoke Park Farm, Bishopstoke, Eastleigh SO50 6DW

Proposal: Use of agricultural land as Suitable Alternative Natural Greenspace (SANG) for recreational purposes, with associated access, car parking, paths, landscaping, infrastructure and other works

Consultation Response: Objection - refusal recommended

Introduction

Thank you for consulting Hampshire County Council's Countryside Service ('the Service') as local highway authority in respect of Public Rights of Way ('PROW') and as Commons Registration Authority. It also manages Country Parks and Countryside Sites throughout Hampshire. Please accept this as its response to the above proposal, taking into account the material considerations relating to PROW, Commons, and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context

Bishopstoke Public Bridleway 724 ('bridleway 724') largely follows Sewall Drive, connecting Bishopstoke village with Stoke Park Farm and running outside the northern boundary of the proposed SANG. Bishopstoke Public Footpath 730 ('footpath 730') runs along the southern boundary of the proposed SANG and north of Stoke Park Wood.

Additional PROW are located in the local area. These are recorded on the Definitive Map of Rights of Way and Definitive Statement, the legal record of PROW, which can be viewed at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

The site is not situated in a material proximity to any Hampshire County Council Countryside site.

Director of Universal Services
Patrick Blogg

Comment

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network is in providing the means to realise many objectives of national and local plans - as examples, but by no means exhaustive, the PROW 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. PROW should, therefore, be given positive regard in this and all development plans and proposals.

Whilst it appears there are no PROW within the proposed SANG (but see also below), bridleway 724 is proposed to be used as the site vehicular access. It has not been made clear within the application whether the Applicant holds a private right of access along the bridleway; without that, vehicle access as proposed would be an offence under the Road Traffic Act 1988 Section 34(1) enforceable by the police. The Applicant must clarify what rights it holds, if any, and its ability to extend these to the public to access to and from the proposed parking area. Without such rights, this application must be refused.

Assuming the Applicant holds such access rights, the Service notes the number of vehicle transits projected, which represents a significant increase over past and existing vehicular use. Increase of vehicle use along PROW is not welcomed in principle for the increase in risk of conflict with lawful PROW users and for the increase in the rate of wear of the surface, which can inconvenience PROW users and, in worse case situations, endanger them, e.g. potholes. Further, a PROW being a public highway, its users have priority over private access users and, as a regrettable general rule, motorists do not give way to PROW users on shared use routes. It is considered, therefore, the proposal will impose on bridleway users' right to safe and convenient use along the path. It is acknowledged the Applicant seeks to mitigate the increased risk to PROW users - Clarkebond drawings 100 PO1 and 101 PO1 suggest a tar and chip surface would be laid on bridleway 724 amongst other works including the creation of 6 passing bays; however, the fact would remain that bridleway users would be exposed to increased hazard and inconvenience, and for this reason the Service objects to the proposal. In support of this position, the Applicant is advised of National Planning Policy Framework (NPPF) (July 2021) para. 100, which states 'Planning policies and decisions should protect and enhance public rights of way and access ...' This proposal does not satisfy that guidance and should, therefore be refused by the local planning authority.

The above notwithstanding, the Service offers the following additional comments for the Applicant's information.

1. It would be a criminal offence to disturb the surface of a PROW without the prior consent of the Service, which acts as the local highway authority for the PROW network. In the event this application is approved, this consent must be granted prior to commencement of any site works. For avoidance of doubt, the Service confirms such approval is required also for any and all proposed junctions with PROWs as proposed in the Design and Access Statement (DAS) para. 6.11.
2. The Service must confirm, for clarity and avoidance of doubt, it does not require or seek for the proposed internal SANG paths to be created as part of the PROW network – they would be for the Applicant to manage in future, presumably the responsibility of a future site management company.

3. Surface drainage is proposed largely to flow north into the existing ditch alongside Sewall Drive/ bridleway 724. With an increased volume to carry and discharge, this increases the importance of maintaining the ditch and its outfall in order that it does not fail, when it could create a hazard and/ or a public nuisance to users of bridleway 724. It is unclear who has on-going responsibility for the ditch – it is not HCC as local highway authority – so confirmation of the party responsible and their on-going management programme would be required in the event this development proceeds.
4. The application proposes access onto footpath 730 in the south-west corner of the site. The Site Location plan is unclear whether footpath 730 runs within or immediately outside of the proposed SANG site boundary - DAS para. 2.20 suggests not but clarification would be needed by the Service in case any determination of the width of footpath 730 is required.
5. Reference to wheelchair users within the DAS is welcomed and would support NPPF para. 112b. The Service would seek clarification the Applicant includes recognition of users of power-driven devices, which are increasingly popular for individuals' mobility; and it recommends all users have convenient access through all gates described in DAS para. 6.8 and otherwise around the site.
6. The above proposed access onto footpath 730, also those proposed onto bridleway 730 and Bishopstoke Public Bridleway 729 ('bridleway 729') would be required to be provided (and maintained) to a standard defined by HCC Highways' [Technical Guidance Note 3](#) concerning suitable visibility splays.

Should the Applicant seek to revise the proposal in light of the recommendation for refusal by the Service, consideration of the above comments is strongly encouraged. Further, and to offer an alternative to shared use of bridleway 724 with vehicles, footpath 730 from bridleway 729 to Stoke Park Road, also Bishopstoke Public Footpath 782 from footpath 730 north-west to Sewall Drive, could both be upgraded to Public Bridleway status – this would be readily achieved under the Highways Act 1980 Section 25. The agreement of the landowner would be needed; this is understood to be the Forestry Commission, a public body whose remit includes increasing the value of woodlands to society, and as the routes proposed are already wide tracks it would be reasonable for it to support any such request. In addition to providing an alternative to sharing bridleway 724 with motorists, the benefit of such creations would be to establish local circular cycling routes and more direct access for those in Stoke Park Road to bridleway 729 and into Fair Oak village, which would be a safer and more direct route and thereby more attractive for Bishopstoke residents than on-road use of the B3037.

The Service suggests, in the event the Applicant proposes to revise the application as above, adoption of the comments and suggestions above will demonstrate appropriate regard to NPPF paras. 92, 93, 100, 104c, 106d, and 112b-c; and Eastleigh Borough Local Plan 2016-2036 Policies S9, S12, DM13, and DM34.

Should the local planning authority seek to determine this application without revision to the proposal, please contact the Service for reasons for refusal.

Yours sincerely,

Jon Perks

On behalf of Hampshire Countryside Service - Countryside Planning

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