



Eastleigh Borough Council

Sent via email:
Liz.Harrison@eastleigh.gov.uk

Universal Services
Countryside Service, Three Minsters House
High Street, Winchester SO23 8UY
Telephone 0845 6035636 (call charges apply
– please see www.hants.gov.uk/contactus)
www.hants.gov.uk/countryside

Enquiries to

Philip Millard

My reference

Direct Line

Your reference
F/22/93194

Date

14 December 2023

E-mail

countryside.planning@hants.gov.uk

Planning reference: F/22/93194 – re consultation 01.12.23

Site location: Ageas Bowl, Marshall Drive, West End, Southampton SO30 3XH

Proposal: Revised - Full planning application for the erection of 186 dwellings, a 71-bedroom care home (Use Class C2), a 142-bedroom hotel (Use Class C1), a well-being centre (Use Class E / F2), improvements to existing stadium, new vehicular access, car parking, pedestrian circulation, together with associated tree planting, landscaping, SuDS and biodiversity enhancements (Amended description)

Consultation Response: No Objection subject to conditions and obligations to improve and protect the PROW network and thereby accord with relevant policy.

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.

Public rights of Way on and in proximity to the site:

- West End Footpath 509
- West End Footpath 10
- West End Footpath 506

Comment

The local planning authority and the Applicant are requested to refer to the Service's earlier comments dated 17 November 2022 and dated 23 August 2023.

Review of the documents submitted since 23.08.23, notably:

- Amended Proposed Site plan (character area 4), rev J
 - Has no key or labels to explain what it shows. A dashed line looks like it may show the existing definitive line of FP 509.
- Amended typical footpath detail for diverted PROW footpath, J00828-D-01 –
 - It is assumed this is FP 509 to its east end– timber edging is not supported by HCS hoggin surface supported, width to be 2m.
- Amended Landscape Plan Area 1 (sheet 1 of 6) (West)
 - no comment, other than is the pedestrian/cycling access route to be publicly adopted or permissive?
- Amended Landscape Plan Area 4 (sheet 4 of 6)
 - Suggests no improvements to FP509.
 - New maintenance access – with gate – does this suggest fence alongside PROW? Traffic management plan required and signage to control maintenance vehicles and ensure public safety.
- Amended Proposed Site Plan – 21016 (PL) 100 rev M
 - Has no key or labels to explain what anything is. A dashed line looks like it may show the existing definitive line of FP 509.
- Amended Access and circulation Strategy Plan (J00828-MP-010)
 - Shows FP509 – being crossed by new maintenance access to south of site.
 - East end joins a pavement. To connect to Botley Road.
 - This plan combines proposed pedestrian footways and footpaths – these should be shown separately – as one is a public right of way the other may or may not be adopted by the highways authority or be a permissive route.
- Amended Landscape Plan Footpath Link to Telegraph Road, rev 08
 - Steps. Not usually supported – but route to not be dedicated.
 - remove kissing gate at telegraph road – swing gate replacement preferred or no gate at all.
 - Drawing shows route to be 1.2m wide - section and revision box state min 1.5m, 2m preference, but 1.5 acceptable for a permissive path.
- Amended Design and Access Statement Addendum 01.12.23
 - Character area 1 [hotel] New cycle and pedestrian routes established.
 - Character area 3-4 [Care home and pavilion] - Footpath & cycle route added to the west of the existing well-being centre to improve connectivity through the site.
 - The proposed footpath/cycle route – seems to just end north of the proposed care home.
 - This route needs confirmation it will have public access rights.
- Amended landscape masterplan character areas 1-5 (rev 11)

- shows FP509 including diversion around proposed car park to north-east of the site adjacent to Botley road and for the footpath to meet with Botley road on pavement next to car park entrance.
- Cover letter with revised submission
 - *Comments have been raised by the Ramblers Association and EBC Countryside Services in respect to footpath routes. As a result of the proposed new car park, part of the existing footpath route will need to be diverted. The revised submission includes an Access and Circulation Strategy Plan (drawing ref: J00828-MP-010) which details the proposed diversion in further detail, alongside all pedestrian routes through and across the site. In response to the comments made by the Ramblers Association on the proposed 10th tee, the revised layout will ensure safer conditions for pedestrians using the Public Right of Way (PRoW). The existing layout has two tees (Tees 2 & 3) that play across / in the vicinity of the PRoW and the 1st green is located c.7m to the west of the PRoW at its closest point. The proposals would also include the removal of the existing 1st green to remove this potential conflict with the existing PRoW route. For the proposed 10th tee, access along the PRoW route when the tee is occupied would require caution, as is currently the case when using the route. There would be good visibility when crossing the fairway. We would also expect a common-sense approach from both ramblers and golfers to ensure a safe passing, combined with the usual suite of advisory signs which will be provided by the Club to warn pedestrians when passing through a golf course. The existing PRoW and proposed footpath diversion would also be enhanced with new waymarkers to ensure good clarity along the route. The diverted section would also be surfaced to a high standard. Therefore, it is considered that the development proposals will improve conditions for users of the PRoW on site.*
- Amended proposed site plan (character area 1 and 2) (rev G) – Has no key or labels to explain what anything is. A dashed line looks like it may show the existing definitive line of FP 509.
- Drawing Site Location with Boundaries, 21016(PL) 001 E shows the site area (red) and the ownership area (blue).

The additional documents submitted by the applicant set out:

1. The proposed diversion and proposed construction details for the eastern end of Public Footpath 509
2. Details on the width and construction of the proposed footway to Telegraph road. It is proposed to be 1.5m wide with steps to the eastern end.
3. The cover letter makes an address to the Ramblers' comments and Hampshire County Council Countryside Services [HCS] issues raised in regards to PROW. It states the diversion, adjustments to the golf course in that area, and new waymarkers along the remainder of the route.

Comments

1. To re-emphasise previous responses, the existing site and the proposed development DO NOT have good off-road, nor active travel, connectivity to its surroundings. The scheme has no public routes that provide movement flow through the site and therefore does not promote active travel.
2. The additional information still lacks clarity and consistency in the information regarding active travel and the PROW network. There are drawings with no key. The focused drawings for PROW are:
 - a. MP-007 Rev 11, Landscape masterplan Character areas 1-5
 - b. MP-009 Rev 08, Landscape Plan – Footpath link to Telegraph Road
 - c. Amended typical footpath detail for diverted PROW footpath, J00828-D-01
 - d. 21016 (PL) 001 E, Site Location Plan
3. The proposed diversion of part of FP 509 has been clarified and improvements to public safety is supported, although, bearing in mind the continuous, priority public access along the footpath, further safety improvements should be proposed, particularly in regards to the golf course. For example, the applicant should approach safety from the public access perspective, not from the golfer. So, in the cover letter, *'For the proposed 10th tee, access along the PROW route when the tee is occupied would require caution, as is currently the case when using the route.'*, is not an acceptable position. The applicant must deliver protection and improvement to PROW; it is the golfers that require caution, not the public using FP509.
4. A maintenance road has been proposed to cross FP509 including a gate to the footpath's northern side. No fencing is shown on the landscape or site drawings along the route of FP509 between the footpath and either the proposed development or the golf course. It would be considered unacceptable to increase the enclosure of FP509 and therefore no such fencing should be proposed. This therefore requires clarity or a condition to any permission to ensure this does not occur.
5. Any CTMP and operational TMP needs to include risk assessment and traffic management procedures in regards to the PROW. Particular key points include around the car park and entrance from Botley Road, the new maintenance access crossing of FP509, and any vehicles used on the golf course. This management document may also be a good place to include risk assessment and safety procedures regarding the public safety of PROW users from risks incurred from golfing. This can be secured via a condition.
6. The proposed construction details of the FP509 diversion, shown on drawing J00828-D-01, are not to HCS design standards, and are considered unacceptable. The service does not support the use of timber runner boards to the surface edges. The surface should be installed without edge boards. If this design alteration is acceptable, then HCS accept the design. This drawing will require revision. To suit. This design revision can be secured via condition and the S278 highways agreement. The S106 should secure the need for the

developer to enter into a S278 highways agreement to carry out works on FP509 – and this will include confirmation of acceptable design and inspection by the Area Countryside Access Management team.

7. The diversion to FP509 will require separate permission to any planning permission hereby granted. This is most likely via the LPA making an order under S257 of the Town and County Planning Act (1990). The diversion is considered necessary for the proposed development.
8. The current, submitted scheme includes no improvement to the PROW network, including Footpath 509. The diversion of FP509 is for the benefit of the development, rather than the public user. Therefore, the current scheme is considered to not be in accordance with relevant policy as it does not achieve reasonable enhancement of the PROW network. This is to the detriment of both the scheme itself, its future residents and users, as well as the local existing community.

HCS is currently working to seek gaining dedication through Telegraph Woods to extend Footpath 509 from its western end to the southern end of Telegraph Road. This will secure public pedestrian route from the site to the south.

Therefore, HCS seek, as mitigation to the increase in demand for use generated by the proposed scheme and to provide a suitable route for active travel, on foot, into the site for both residents and public visiting the site for its services and sports events, for the following obligations to improve the local PROW network:

1. A contribution for surface and future improvements for the proposed extension to FP509 through Telegraph woods, secured by a S106 legal agreement. This would typically be an unbound, 2m wide surface; at 725m long. A forecast of this sum is in the region of £169,000. This figure will be reviewed and confirmed by Hampshire County Council following site assessment from HCS.
2. The proposed diversion to the eastern end of FP509, to HCS design standard, unbound surface at 2m wide, approximately 180m long.
3. Surface improvements to the full length of the existing FP509, thereby continuing an improved, to HCS design standard, unbound surface at 2m wide, from the proposed eastern end extension through to the point FP509 leaves the site and land control of the applicant. This would be carried out under a S278 highways agreement as secured by a S106 legal agreement. Alternatively, the applicant can choose to be obligated to a contribution to cover the cost of HCC carrying out this improvement work to FP509 on their site, rather than carrying out the improvement works themselves.
4. Commuted sums for the maintenance of the improvements to FP509 for the public maintenance of the PROW surface in perpetuity secured by a S106 legal agreement. For the proposed length of FP509 within the site, approximately 480m (including the proposed

diversion), a forecast of this sum is in the region of £96,000. This figure will be reviewed and confirmed by Hampshire County Council following site assessment from HCS.

These improvements to FP509 are particularly necessary and significant as it would boost accessibility, bearing in mind the close proximity of the footpath to the new residential properties, sports stadium, the proposed hotel, and the proposed care home. Not only would it service the users of the scheme, but also provide safe, public pedestrian access for the significant existing population to the west and south of the site, enabling active travel access, and recreation, to both the site and to services and employment sites (commercial/retail) to the east of the M27 in Hedge End.

This is considered a proportionate, relevant, and necessary improvement to the PROW network for a proposal of this scale and nature, and would enhance the scheme providing benefits for the public and future residents and visitors to the site. It meets the requirements of the three tests for obligations.

9. The proposed footway link to Telegraph Road from the western edge of the proposed development. HCS, the Highways Authority in regards to the PROW network, does not seek the dedication of this route as a Public Right of Way. Therefore, it would be a permissive path with the landowner(s) gifting the public a right of access along it.

In order to secure public benefit for a reasonable period of time and prevent premature removal of public access by the landowner(s). HCS seek an obligation within the S106 legal agreement to secure public right of access, and developer maintenance for the route, for a suitable period of time, such as 30 years from completion of the scheme. The service recommends the path is constructed to HCS design standards. We would prefer to see a 2 metre width path, but as a permissive path, this is the choice of the applicant.

Conclusion.

It is considered that the current scheme still does not protect or enhance the PROW network, and is therefore not in accordance with national or local policy. Given the prominence of PROW and off-road access within the NPPF, the Eastleigh Local Plan, HCC's Transport Plan 4, and other policy documents, the Service considers the application should be refused unless conditions and obligations are applied to any permission granted to ensure suitable mitigation and compensation for the public rights of way network.

Therefore, Hampshire Countryside Service, the Highways Authority, in regards to the PROW network, have **No Objection subject to conditions and obligations to improve and protect the PROW network and thereby accord with relevant policy.**

The following obligations and conditions would make the proposal acceptable for HCS in terms of the policy relevant to PROW and this application:

1. A single drawing showing both the definitive line of the existing FP509 and the proposed line of FP509, incorporating the proposed diversion. It shall also annotate all proposed works to the PROW including proposed surfaces, proposed widths, etc. This is required as an appendix to the S106 and the agreement will not be completed without this. A revision of the MP-007 Rev 11, Landscape masterplan Character areas 1-5 may suffice.
2. A condition requiring a Construction Traffic Management Plan and an Operational Traffic and Site Activities Management Plan that seeks to ensure the safe use of FP509 through the construction and occupation phases.
3. A condition that states that FP509 shall not have any increase to its existing enclosure at any point along its length within the land and site shown on the Site Location Plan without prior approval from Hampshire Countryside Service.
4. The applicant shall ensure that permission for temporary PROW diversions and closures are applied for prior to commencement of any works requiring these and that these temporary closures shall be for the shortest time possible.
5. A S106 legal agreement that secures the applicant/developer will:
 - a. Enter into a S278 highways agreement for works on Footpath 509. Works to be carried out by the developer, completed and reopened to the public prior to occupation of the proposed hotel or the first dwelling.
 - b. Carry out surface works to the extent of FP509 to HCS design standards;
 - c. Pay a contribution for necessary improvements to the local PROW network, including to the extension of FP509 through Telegraph Woods.
 - d. Developer to maintain their works to FP509 until a certificate of maintenance is issued by Hampshire County Council under the S278 agreement. Upon this, pay a commuted sum for the public maintenance of FP509 in perpetuity.
 - a. Ensure public access along and maintenance of the proposed footway link to Telegraph Road, as shown on drawing MP-009 Rev 08, Landscape Plan – Footpath link to Telegraph Road, for a minimum of 30 years.

As a full planning application, the PROW issues and obligations must be resolved and secured at determination stage, should permission be considered. Particularly as this will require obligations that will need to be secured in a S106 legal agreement. Should the local planning authority be minded to determine the application in the absence of the above requirements, Then Hampshire Countryside Service revise their response to an Objection and recommend refusal of the application.

Yours Sincerely,

Philip Millard MRTPI AIPROW BEng (Wales) MSc (UWE, Sal)
Countryside Planning and Development Control Manager
Hampshire Countryside Service

Universal Services
Hampshire County Council