



Countryside Planning and
Development Control
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Date

19 February 2024

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For the attention of Dawn Errington:

Planning reference: F/24/96817

Site location: Stoke Park Farm (Rowley Green Meadow), Stoke Common Road, Eastleigh

Proposals: Excavation of seven new wildlife ponds. Associated habitat creation - hedgerow and tree planting. Stock fence along field boundary.

Thank you for consulting Hampshire Countryside Service (the Service) as Highway Authority in respect of Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Consultation response: No objection, subject to conditions

Site Context:

- Colden Common Footpath 21 runs east from Bishopstoke Lane to the property West Lodge.
- Colden Common Bridleway 25 runs east from Bishopstoke Lane, becoming Bishopstoke Bridleway 735 (BW735), which runs southeast to Stoke Park Farm.

- A section of Bishopstoke Bridleway 724 (BW724) runs along a vehicle access between the housing development on Sewall Drive and Stoke Park Farm.
- Bishopstoke Footpath 504a (FP504a) runs northeast from Stoke Common Road adjacent to Sewall Drive.
- The site is not located in a material proximity to any HCC Countryside Site.

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

Commentary:

This application acknowledges that the legal alignment of a section of BW735, as recorded on the Definitive Map, is not used by the public and that bridleway users instead use the farm track that runs northeast of, and parallel to, the PROW. It is unclear whether the legal line is accessible or not and, to formalise the diversion that appears to be already occurring on the ground and ensure the bridleway route is accessible to the public, the applicant is advised to apply to an order-making authority to divert BW735 onto the used route. Given that the applicant, Eastleigh Borough Council, is also one such order-making authority, the most expedient way of formalising the diversion shall be internally with them. The Service, as Highways Authority for PROW, would expect to be consulted on the diversion order before its publication.

The statements made in the Planning, Design & Access Statement (PDAS) paras. 10.4-10.7, regarding measures to mitigate the impact of the works on users of the bridleway and its surface, are supported by the Service, as is the statement in the Land Management Review, page 3, under 'Hedgerows and Vegetation' relating to the cutting back of vegetation.

The proposed hedgerow and fence next to the farm track currently used by bridleway users are acceptable in principle. Should an application to move the recorded route of BW735 to the farm track be confirmed, any fencing and planting must not encroach upon the legal minimum width of the bridleway (3.5m if enclosed between boundary features, e.g. hedges, fences, walls). The hedgerow should be planted a minimum of 2 metres distance from the edge of the bridleway surface to prevent root systems disturbing the surface once the hedge becomes established.

The Service raises no objection to this application, subject to the following conditions.

Conditions:

1. Prior to commencement of works, the applicant shall apply to an order-making authority to formally divert part of the recorded route of Bishopstoke Bridleway 735 onto the farm track running parallel to and northeast of the existing legal alignment, and have such an order confirmed. Should an application be made to the planning authority under Section 257 of the Town and Country Planning Act (1990) Hampshire Countryside Service, as Highways Authority for PROW, shall be consulted on the draft order prior to its possible confirmation.
2. No vehicles, machinery, equipment, materials, waste or anything else associated with the works hereby proposed shall be parked, stored or positioned on or near to Bishopstoke Bridleway 735 as to cause an obstruction, hinderance or hazard to the public, who retain the right to use the PROW at all times.

Yours sincerely,

Peter Miles
Countryside Planning Support Officer
Hampshire Countryside Service