



Countryside Planning and
Development Control
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Enquiries to

My reference

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Your reference **F/23/96527**

Date

16 May 2024

E-mail

countryside.planning@hants.gov.uk

For the attention of Dawn Errington,

Planning reference: F/23/96527

Site location: Solar Farm, Allington Lane, West End

Proposal: Variation of condition 6 of permission 34313/006 to allow a change of wording to - " The development hereby permitted shall be used only as private, non-commercial stabling and for no other purpose." "Reason. To prevent the stables from being used for commercial purposes to the detriment of the locality".

Consultation response: Objection

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 Public Rights of Way, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

This is a follow up response to incorporate the additional information submitted to the LPA dated 8 April 2024. Please find below our comments regarding the additional information sent to the LPA by the applicant:

1. Land north of the railway line

- a. proposed public access in perpetuity – assume this referred to the route being dedicated as a PROW, rather than being a permissive route.
- b. We support the proposal to create a PROW along this route. If this is to be a permissive route – It carry no material value to us as it would not have secured public right of access, as so would not be taken into consideration in our views of this case.
- c. It is incorrect to assume construction costs will not be the responsibility of the applicant. The highways authority requires from the applicant, secured via S106 agreement as part of any planning permission granted, either a contribution to cover the cost of construction of the PROW by ourselves, or the applicant/developer can construct the path themselves (to a design approved by us) and then this can be handed to the Highways Authority for ongoing maintenance and management. This second option will also include a commuted sum to cover the cost of the that maintenance.
- d. As a PROW – the highways Authority is only responsible for the maintenance of the PROW surface, as land ownership is retained by the current landowner, all other responsibilities for maintenance fall to the landowner – this includes vegetation, trees, any fencing, etc.
- e. The applicant/developer/landowner will need to enter into a dedication application with the definitive map team, part of Hampshire Countryside Service acting as part of the Highways Authority.

2. Land to the south of the railway line

PROW – ‘the route’.

- c. Thank you for confirming this is proposed to be put forward for dedication as a Public Right of Way. As such it will be required to be dedicated by the Highway Authority as such. The applicant/developer/landowner will need to enter into a dedication application with the definitive map team, part of Hampshire Countryside Service acting as part of the Highways Authority.
- d. It will be required to be to our design standards. A unbound surface shall be a minimum of 3m wide.
- e. A commuted sum will be secured by the Highways Authority for the ongoing maintenance of this proposed PROW. To be secured either in the planning S106 or the dedication application process.

3. General Points

- c. Signage falls under the responsibility of the Highways Authority, and shall not be installed along a PROW by others.
- d. Gates and other PROW obstacles and furniture need to be proposed to and approved by the Highways Authority to ensure access and accordance with our design standards and relevant legislation.
- e. The routes shall be built to minimum surface widths of 3.0m for a bridleway and 2.0m for footpaths. Those numbers referred to by the applicant as for existing routes improved by parishes and other

groups. We are currently working on developer PROW guidance that will be available soon.

- f. Of particular concern is the width of any corridor created that contain a proposed PROW. For existing PROW, we do not support the increase of enclosure of PROW. However, as these are new PROW, we need to ensure that any proposed corridor is of a sufficient width to be suitable for both access, maintenance and for amenity. This is typically at least 2m to edge nearside edge of the PROW surface, but potential further for tree planting or particularly imposing boundaries (such as high and non-typical fencing for a countryside setting). This can be considered on drawings submitted for our approval on the details of the PROW routes and any associated green corridors they are proposed to be within.
- g. Prior to any permission being granted, the Highways Authority require the submission, for our approval, details as to the width of proposed PROW corridors, screening, boundaries, any furniture, their routing, and confirmation of whether to be footpaths or bridleways. Or preference is for bridleways.
- h. The Highways Authority will seek to enter into a S106 legal agreement for any permission granted to secure contributions, commuted sums, routing, design, and commitment to enter in dedication applications from the development. Hence the need for pre-determination details of the proposed PROW.

The application cannot therefore currently be considered in accordance with the following Policies. However, we feel further information could enable this:

NPPF:

- Para 104: Protecting and enhancing the PROW network
- Para 116: Priority to pedestrians and cyclists

of the EBC Local Plan (2022):

- Policy S1 Delivering sustainable development
- S5, New development in the countryside
- policy S9, Green infrastructure
- Policy S11 Transport and Infrastructure
- Policy S12 Strategic footpath, cycleway and bridleway links.
- Policy DM1, General criteria for new development
- Policy DM13, General development criteria – transport
- Policy DM38, Funding infrastructure

Conclusion:

Therefore, Hampshire County Council Countryside Service maintain their **Objection** to this application for the following reasons:

- Insufficient details for the proposed PROW and so no demonstration of quality of design relating to the proposed PROW and no ability for the Highways Authority to consider if the scheme addresses the requirements for this to occur.
- Information submitted by the applicant does not confirm commitment to obligations to PROW as required by the Highways Authority.

Yours sincerely,

Philip Millard
Countryside Planning Manager
Hampshire Countryside Service