



Countryside Planning and
Development Control
Hampshire Countryside Service,
Universal Services,
Hampshire County Council,
The Castle, Winchester,
Hampshire, SO23 8UD

www.hants.gov.uk/countryside

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Council, The Castle, Winchester,
Hampshire, SO23 8UD**

Telephone 0845 6035636 (call charges apply
– please see www.hants.gov.uk/contactus)
www.hants.gov.uk/countryside

Enquiries to

My reference

Direct Line

Your reference

O/24/98619

Date

28 February 2025

E-mail

countryside.planning@hants.gov.uk

For the attention of Clare Martin:

Planning reference: O/24/98619

Site location: Land south of Mortimers Lane, Fair Oak

Proposal: Outline application with all matters reserved (apart from access) for the construction of up to 245 dwellings (Use Class C3) and up to 350sqm multi-functional building (Use Class E - commercial, business or service or Use Class F2 - Community), with associated open space and play area, landscaping, SuDS, infrastructure, mobility hub and vehicular access off Mortimers Lane.

Consultation response: No Objection subject to obligation

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.

Site Context:

- Fair Oak and Horton Heath Footpath 18 (FP18) runs northeast from the north side of Mortimers Lane between the site access and the Mortimers Farm development access on the south side of the road. It terminates at a junction with Fair Oak and Horton Heath Footpath 19 (FP19).

- FP19 runs northwest from Mortimers Lane opposite the Mortimers Farm development, then west past Tippers Copse to a connection with Fair Oak and Horton Heath Bridleway 23 (BW23).
- Fair Oak and Horton Heath Footpath 21 (FP21) spurs off FP19 in a northeast direction, terminating when it meets BW23.
- Fair Oak and Horton Heath Footpath 17 (FP17) runs southeast from Mortimers Lane just east of the Mortimers Farm development, becoming Durley Footpath 18 at the district boundary and continuing to Alma Lane.
- 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 Definitive Statement and Countryside Sites can be found at

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and
<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Planning Policy and Guidance

National Planning Policy Framework (2024)

105 - Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Eastleigh Borough Local Plan (2016-2036)

Strategic policy S12, Strategic footpath, cycleway and bridleway links

“3. New development should integrate with existing routes and public rights of way and wherever possible maintain, protect and enhance their function. Development that would sever, obstruct or otherwise have a detrimental impact on the existing or proposed network of green routes as shown on the policies map will not be permitted.”

Hampshire County Council Local Transport Plan 4 (HCC LTP 4) (2024)

Policy Rural Transport 2 (RT2):

“We will:

a. work with others to ensure that residents and visitors can access and enjoy the countryside (including key visitor attractions), where suitable funding can be identified and where schemes do not adversely impact highly sensitive environments;

b. seek to improve the accessibility and connectivity of the Rights of Way network.”

Commentary

The Service understands a footway on the southern side of Mortimers Lane is to be delivered as part of the Mortimers Farm development, which would link the access between that site and the one under consideration here. The Service, as Highway Authority for PROW, supports this as it shall improve and encourage access to the PROW network north and east of both developments. In particular, the southern access to FP18 shall be accessible from the new footway on the other side of Mortimers Lane. The Service requests a dropped kerb is installed in the footway at the point opposite the FP18 access to both improve access across Mortimers Lane for all pedestrians and help indicate on the ground that there is something on the other side of the road to cross to. Another dropped kerb on the north side of Mortimers Lane next to the PROW access would be desirable also. Such works can be included in the S278 agreement for Highway works.

For the dropped kerbs to be as useful as possible, however, an existing stile at the junction of FP18/19 should be removed, opening up the rights of way to people with wheelchairs and pushchairs. This would enhance access further north to Bridleway 23, via Footpaths 19 and 21, which connects PROW users to the South Downs National Park to the northeast and Stoke Park Wood and the Itchen Navigation to the west, as well as extensive PROW networks in both directions. In addition, one stile is located at the southern access to FP19 off Mortimers Lane further east of this development (both shown in Figure 1 below). Three more are also located along FP17 (Figure 2), which runs southeast of the development between Mortimers Lane and Alma Lane, all of which further prohibit access to the countryside for some members of the public.

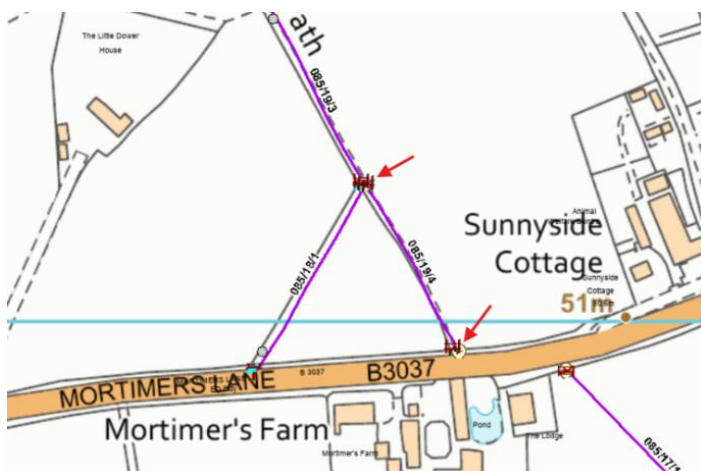


Figure 1



Figure 2

A contribution is sought from the developer to enable the Service, following discussion with the relevant landowners, to replace the stiles with kissing gates in accordance with its design standards ([Countryside Service design standards | Environment | Hampshire County Council](#)).

The Service would also expect a development of this scale to make a contribution towards the ongoing maintenance of the PROW network in the vicinity of the site. Footpaths 18, 19 and 21, as already noted, shall provide residents of the development with extensive countryside access north and west of the site, both for daily dog walks and longer recreational walks in support of their mental and physical wellbeing.

A development of 245 homes can be expected to introduce 588 new residents to the area, based on the average assumption of 2.4 persons per household, many of whom shall likely desire to utilise the nearby PROW for the above purposes. This would represent a significant uplift in footfall on the paths leading to greater wear and deterioration of their surfaces than seen at present, particularly following wet weather, with surfaces breaking up more quickly and more often, to the detriment of the public's convenient use of the PROW and the Service's maintenance liability towards them.

The Service has a statutory duty under the Highways Act (1980) to maintain the PROW network. To mitigate the significant increase in volume of user of FP18, 19 and 21 that is likely to occur as a result of this development, it does not consider it acceptable for it to be burdened with a greater maintenance liability without sufficient compensation. More use of the PROW by the public means more frequent remedial works must be undertaken by the Service to ensure the paths remain safe and convenient for public access at all times.

Conclusion

The Service raises no objection to this proposal, subject to an obligation being included in an S106 agreement for the developer to pay a contribution to HCC Countryside Service of £85,000, detailed below.

HCC Countryside Service price per metre for footpath surfacing = £100

Total combined length of FP18,19,21 = approx. 1600 metres

£100 x 1600m = £160,000 for one maintenance lifecycle of the 3 public footpaths

*£160,000 / 2 = £80,000 (*50% reduction explained below)*

HCC Countryside Service current costing for replacing stile with accessible pedestrian gate = £1000 including cost of new gate and labour

5 stiles identified for replacement (subject to landowner consent)

£1000 x 5 = £5000

*It is understood that the rights of way shall not be utilised by residents for reaching local amenities in Fair Oak – other paths leading west from the development shall provide the most efficient links for such purposes – and it is therefore not considered fair or reasonable in scale and kind to require the full £160,000 as a maintenance contribution. The PROW shall still be used for recreational access, however, as noted above, and the Service, therefore, considers £80,000 (plus the £5000 for the stile replacements) to be a more reasonable contribution.

The rights of way are directly related to the development as they are reachable less than 70 metres from the nearest development access, providing the quickest, most direct active travel and non-motorised user routes into the countryside, including to the South Downs National Park. The obligation is also considered necessary to make this application acceptable in planning terms, aligning with the policies cited above, which require new development to protect, integrate with and where possible enhance the function of the PROW network.

Yours sincerely,

Peter Miles

Countryside Planning Officer

Hampshire Countryside Service