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Date

15 February 2024

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For the attention of the Case Officer

Planning reference: 24/00174/OUTS

Site location: Land At Halterworth Lane Halterworth Lane Romsey Hampshire

Proposal: Outline planning application for demolition of existing buildings and erection of up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage system (SuDS) and vehicular access points. All matters reserved except for means of access.

Consultation response: Holding objection subject to further information.

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 Country ('HCC') Parks and Countryside Sites.

Site Context:

- Romsey Extra Footpath 15 (FP15) runs in a West to East direction through the red line boundary of the proposed development.
- Romsey Footpath 503 (FP503) runs adjacent to the western boundary of the proposed development from Halterworth Lane.

- Halterworth Community Primary School, a Hampshire County Council site, is situated in material proximity to the southern boundary of the proposed development site.

Additional PROW are located in the local area. These are recorded on the Definitive Map of Rights of Way and Definitive Statement. 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>

Policy

In the Applicant developing the proposal and in the local planning authority reviewing that prior to determination, regard needs to be given to appropriate national and local planning policy. The National Planning Policy Framework (NPPF) December 2023 variously considers PROW and outdoor recreation, wellbeing, non-motorised access, and more. The Service considers NPPF paras. 96, 97, 102, 104, 108, 110, and 116 to be particularly relevant to the PROW network and its users.

Furthermore, the Test Valley Borough Local Plan, Adopted January 2016 (currently being reviewed and revised but still the relevant 'Local Plan') is variously relevant to the interests of PROW and its users. The Service considers the following policy to be the most relevant for that interest:

- Policy T1 – *'Development will be permitted provided that:*
 - a) its location is connected with existing and proposed pedestrian, cycle and public transport links to key destinations and networks; and*
 - b) measures are in place to minimise its impact on the highway and rights of way network and pedestrian, cycle or public transport users; and*
 - c) the internal layout, access and highway network is safe, attractive, in character, functional and accessible for all users and does not discourage existing and proposed users; and,*
 - d) it does not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network or rights of way network; and,*
 - e) Provision is made to support and promote the use of sustainable transport, including the submission of a site travel plan where appropriate.'*

Commentary:

HCC supports the principle of Active Travel and expects development proposals to positively propose and deliver infrastructure improvements that aim to benefit future residents, their visitors, and future communities. In introducing 270 dwellings to the site, it is reasonable to expect an additional 675 residents to the area, of whom will use of the local PROW network as part of the future local access network.

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network, also other public access routes and Trails open to the public, is in providing the means to realise many objectives of national and local plans - as examples, but by no means exhaustive, a good local access 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, whether in providing means of access to and from workplaces, offering passing trade such as with a cafe, or creating need for larger supply businesses as with cycle or equestrian users. Public access should, therefore, be given positive regard in this and all development plans and proposals; and for this reason all public access routes and Trails are a material consideration in determining any planning application - see [DEFRA Circular 1/09, para.7.2.](#)

The *Proposed Site Plan* suggests *Proposed Footpaths* (in yellow), will be provided throughout the site. It is presumed these are 'footways' and not public footpaths to be adopted as PROW, but footways offered to Hampshire Highways for adoption. Presuming this assumption is correct, we will refer to these as footways for the purpose of this response.

The service welcomes both the Applicants recognition of the PROW network and the suggestion of internal footways which offers connectivity from the developments southwestern corner beside the Halterworth Primary School and another connecting to FP15. However, the applicant has not shown reasonable improvement and enhancement of the PROW network and the possibility of improved cycling provision within the site. Improvements to the PROW would demonstrate positive compliance with NPPF para 104, which requires planning decisions to 'protect and enhance public rights of way and access'.

It is reasonable to expect the vast number of new visitors to and from the site, using its amenities and additional provisions in the promotion of active travel, to have a consequent increase in use of the local PROW network – including travel to and from Romsey town centre. Internal footways will not deliver all access needs of future site visitors - people will venture from further afield for longer dog walks, for personal/group recreation, or other. The existing path surfaces around the development, whilst acceptable for the present volume of use, will need significant improvement so as to satisfy an increased volume of user and the reasonable expectation of those users to enjoy convenient year-round access – including users commuting to and from Halterworth Primary School and the Abbotswood/Ganger farm developments to the north. As such, the Service will require the uplifting of status of FP15, thereby establishing a public right of cycling along the path.

Furthermore, HCC corporate practice is to secure financial contributions for the future maintenance of its highway assets, whether this is road network or PROW (both are maintainable public highways), where development can reasonably be foreseen to increase the pressure on highway surfaces or other highway facilities. HCC considers it is inappropriate for it, consequentially, to be faced with an increased liability without mitigation. Therefore, the Service will seek either for the applicant to deliver suitable mitigation works to resurfacing the entire length of FP15

(approximately 610 metres) or agree a commuted sum within a suitable Section 106 obligation for it to deliver such work.

The Service would welcome discussion with the Applicant on how to progress and implement these changes but can confirm uplifting the status of FP15 to a Public Bridleway is readily achieved by agreement under the Highways Act 1980 Section 25. As to the alteration of the surface of FP15, the Service will require this to be constructed to its satisfaction and for the Applicant to provide a commuted sum for its maintenance in the years ahead. Design guidelines are made available by the Service on the HCC website: see [Countryside Service design standards | Hampshire County Council \(hants.gov.uk\)](#). As to the size of a commuted sum, this will be calculated as and when the proposal has been defined and according to the latest corporate charging schedule and will be required to be secured within a Section 106 obligation. A commuted sum will be necessary as HCC considers it is inappropriate for it, consequentially from development, to be faced with an increased liability without mitigation.

In addition to the above, the Service encourages the Applicant as a principle to provide year-round useable shared use walking and cycling routes as standard throughout the site and to connect with nearby existing communities, thereby encouraging cultural change to Active Travel rather than future use of motor vehicles for local journeys. The Service consider the applicant can provide improved design to the proposed footways to deliver sustainable access by offering a right to cycle throughout the site, including improved design to facilitate egress from the southern boundary and linking the primary school, Botley Road - where traffic-free cycle paths already exist along the length of Botley Road. Improvements would demonstrate positive compliance with [Cycle infrastructure Design – Local Transport note 1/20, July 2020](#), and [The second Cycling and Walking Investment Strategy \(10th March 2023\)](#) which aims to *'increase the percentage of short journeys in towns and cities that are walked or cycled'*.

Adjacent to the western end of FP15, the Service recognises the installation of a play area, parking and footway links to FP15 are proposed. The supplied documentation does not provide clear information on the construction of these installations and their impact on FP15 and its surface. A PROW, being a maintainable public highway, is considered a vital component for access and as such, the Service must require updated plans and further information at this stage of the application in order for it to reasonably assess the safety and priority use of PROW users, including the applicants requirement to protect and enhance the PROW network. The Service must require the existing alignment of FP15 is to be retained unless the applicant is to propose a Diversion Order. As such, the Applicant is requested to supply further information/plans to clarify these points.

During site construction, FP15 and surrounding PROW is to remain open and safely accessible at all times. If the developer believes it is impractical to keep the PROW open during construction, the applicant will need to demonstrate all possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to the service, and subsequently approved, the Service would ordinarily expect an applicant to provide a local alternative route at its liability for the duration of a

temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/apply-for-a-temporary-closure)

Additional vegetation/trees are proposed adjacent to FP15 within the '*Proposed Site Layout Plan*'. The Service will require that any additional trees are to be planted at a minimum of 5 metres from any PROW (shrubs at a minimum of 2 metres) so as not in future disturb the PROW surface and thereby create a trip hazard or an offence of encroachment. The applicant is requested to confirm this.

The Service must further advise the applicant that there must be no surface alterations to the PROW network without the consent of Hampshire County Council as Highway Authority. Planning permission under the Town and Country Planning Act 1990 does not provide this and separate consent is required via a Section 278 agreement. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

In the circumstances, the Service hereby raises an objection against this application, subject to the further information requested, including revised plans that provide suitable mitigation, demonstrates improved active travel facilities and the protection and enhancement of the PROW network, in accordance with the NPPF para 104 and, in particular but not limited to, the Test Valley Borough Local Plan - Policy T1. The Service shall then re-assess the application and provide further comment. Should the planning authority not be minded to require this further information from the applicant and considers approving the application, the Service's position must be considered as a full objection, and the planning authority should contact the Service for its reasons.

Yours sincerely,

Grant Mintram
Countryside Planning Officer
Hampshire Countryside Service