

## Planning Policy

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**From:** david clark <  
**Sent:** 29 July 2018 09:06  
**To:** Planning Policy  
**Subject:** Local Plan - Issues and Options Consultation  
**Attachments:** Summary of planning guidelines Version 2.doc

Your consultation document invites comment. I am responding on behalf of the Andover Ramblers.

I suggest that an important part of the Local Plan is the approach to Rights of Way. As far as I can see this receives only passing reference on in Para 7.1, although Questions 31, 32, 40-42 also touch upon it.

The Local Plan should state clearly that it intends to protect and enhance the rights of way network within Test Valley and explore how this can be done. This can be done in two major subject areas: building developments and access to the countryside.

Building developments. Experience of the East Anton development has shown developers riding roughshod over planning rules and guidelines. For example, rights of way are diverted along estate roads or closed entirely during building work in contravention of Defra and other Guidelines. I attach a more complete list of such guidelines. It would be useful for the Local Plan to reference these. Whilst we fully accept that major building developments will take place they should accommodate existing and new rights of way along green corridors at the initial planning stage. Often developers start with a green field site with the only feature on it being rights of way; there is no reason therefore why rights of way cannot set the scene for the development, encouraging more healthy living and as a positive design feature (Q40-42). This has been prevented from happening as the developers' objective seems to be to pack in as many houses as possible.

Access to the Countryside. The Local plan should be encouraging the expansion of the RoW network by joining up existing paths so as to provide circular routes to encourage countryside walking as well as establishing routes that connect local communities. For example, the A303 cuts through a number of rights of way discouraging their use as well as cutting off walking routes between communities; if these could be joined it would greatly enhance the countryside accessibility. Often the lack of off-road parking means some areas of great natural beauty are not easily accessible. Perhaps village halls and local pubs could be encouraged to permit parking for walkers. Small TVBC parking areas could perhaps be created where paths meet major roads. This would also encourage more tourism (Q31 and Q32).

The Local Plan is an opportunity for TVBC to promote walking by access to the countryside and protect and enhance the rights of way without sacrificing other important needs. This has positive effects regarding health and well being of local residents as well as encouraging tourism. I am happy to discuss this further should you wish to do so.

Walking Environment Secretary

**SUMMARY OF OFFICIAL GUIDELINES REGARDING RIGHTS OF WAY AND NEW HOUSING DEVELOPMENTS**

**Extract from 2016 TVBC Local Plan Page 126**

9.12 The Rights of Way Network forms part of the highway network. Within the Borough they are an important part of the transport infrastructure in providing alternative and convenient routes as well as an important recreation resource. Development should not adversely affect the use of the existing network by discouraging users and where possible it should provide improvements to it. The County Council has prepared Countryside Access Plans for Hampshire, three of which cover Test Valley; The Hampshire Downs, The Test and Itchen and the New Forest and South West Hampshire. They provide a framework for seeking improvements to the network in association with new development. Key issues arising from work undertaken so far are fragmentation of the existing network and poor condition of parts of the network.

**Extract from the National Planning Policy Framework March 2012**

Extract from Para 69: Planning policies and decisions, in turn, should aim to achieve places which promote: ..... safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

**Extracts from Defra Circular 1/09 Version : 2 Status : Released Page 46 of 66  
Date : October 2009**

7.1 Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

7.2 The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

7.5 Notwithstanding the existing position described in paragraphs 7.3 and 7.4, it is likely to be to the benefit of the planning authority, highway authority and the developer to be aware of the impact of a development scheme on the local rights of way network as early as possible in the process (this might be at the pre-application stage or the outline planning stage).

7.6 Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the early liaison between the developer, planning and highway authorities, local amenity groups, prescribed organisations (Appendix A) and affected individuals.

7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

7.11 The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.

### **Hampshire County Council Walking Strategy January 2016**

Extract from 1.3. Ensure new developments have easy access to local services and facilities by walking and protect and enhance existing rights of way within development areas.

Extract from 2.2. Build on the actions identified in the Hampshire Countryside Access Plan to improve access to the Hampshire countryside via the rights of way and permissive path networks.

Extract from 3.4.1. Equally the value of new and existing pedestrian routes can help to define the place-making context within new development or existing urban and rural settlements.

Extract from 3.5.1. For large new residential or commercial developments, travel plans are required to be implemented as part of planning permission. These aim to ensure a range of travel options are provided in order to limit dependence on the private car. Travel plans will typically include measures to encourage walking or running (including lockers and showers and maps).

### **ANDOVER RAMBLERS' INTERPRETATION OF THE ABOVE GUIDELINES WITH REGARD TO NEW HOUSING DEVELOPMENTS**

## **TVBC Local Plan**

To 'not adversely affect the use of the existing network by discouraging users and where possible it should provide improvements to it' and provide 'improvements to the network'.

Bearing in mind that previously the RoW usually crossed an open field with (even in the flattest of fields) some reasonable view the path should not be simple enclosed with fences on both sides. This would not only be not an improvement it would be just the opposite, a down-grading of the path. Walking in an enclosed path would dissuade the user. Also people approaching each other with rucksacks would need a space wider than the normal 1 meter to pass each other.

Also temporary or permanent closures without a suitable diversion being in place before a path is closed adversely affects the existing network.

The answer would be a path through a green corridor with bushes/trees.

## **Defra Circular 1/09 Version : 2**

To 'avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic' supports the Local Plan and the observation above. Again a green corridor is called for.

Para 7.11 states building should not start until any diversion order has come into effect. So the diversion must be formally open before building commences on the old path.

## **Hampshire County Council Walking Strategy January 2016**

To 'protect and enhance existing rights of way within development areas' is similar to the local plan. Protecting existing rights of way means first not closing them and second keeping as much as possible to the original course of the path. This should be possible as for most green field site developments the only feature that is present and must be accommodated in the new estate plans is the RoW.

In addition, the travel plans are necessary to 'ensure a range of travel options are provided in order to limit dependence on the private car' This is an opportunity to expand the RoW network to connect other RoW in the area and various communities.

## **Summary**

Andover Ramblers are unlikely to object to new housing developments per se. However they are likely to object to a planning application and any stop orders that legally seek to divert or extinguish RoWs unless the above guidelines are followed. From the above we would expect new housing developments to incorporate RoW in their plans submitted for planning approval by including the following:

- Plans should clearly show on the maps the original RoW, the proposed diversion and the parts of the RoW to be extinguished.

- RoW should follow the original route as much as possible.
- They should not normally increase the route by more than 10%.
- They should not be enclosed with fences on both sides.
- They should not follow estate roads.
- They should follow green corridors that are landscaped with trees/bushes and preferably open views.
- Where possible the RoW network should be expanded to provide links to other RoW and to link communities and facilities.
- Any diversions (either temporary or permanent) should be in place before any permanent or temporary path closures are actioned.

Walking Environment Secretary  
Andover Ramblers  
30 Jan 2017