

Wright, Richard

From: Countryside Planning <countryside.planning@hants.gov.uk>
Sent: 05 March 2021 15:16
To: Wright, Richard
Subject: P/19/1193/OA Consultation: LAND EAST OF POSBROOK LANE

Importance: High

Reference: P/19/1193/OA

Address: Land East of Posbrook Lane Titchfield Fareham

Details: Outline Planning Application For The Erection Of Up To 57 Dwellings, Together With Associated Parking, Landscaping And Access From Posbrook Lane

Please accept these comments as being on behalf of Hampshire County Council's Countryside Service. In addition to its statutory responsibility as the Highway Authority for Public Rights of Way, the Countryside Service manages Countryside Sites and Country Parks throughout Hampshire including sub-regionally important Titchfield Haven National Nature Reserve.

Site

The appeal site is located in the Meon Valley Strategic Gap. It is crossed north to south by Fareham Footpath 34 and north-east to south-west by Fareham Footpath 39 providing access to Hewett Road. Footpath 34 heads from the appeal site south on the ridge along the Meon Valley to Titchfield Nature Reserve connecting with Footpath 35 at Triangle Lane and linking with Footpath 51 on the Canal path Meon Marsh disused Gravel Pit Accessible Woodlands, coastal paths and Titchfield National Nature Reserve Countryside Site. Titchfield Haven is designated as Site of Importance for Nature Conservation and part of the Solent & Southampton Water Site of Special Scientific Interest and Special Protection Area (SPA) national and international designations. The NNR and Countryside Site which provides strategic scale Accessible Natural Greenspace and green infrastructure within the Fareham western wards. On the southern boundary of the site boundary of the proposed Bird Conservation Area a tarmac track enclosed by hedges and small bridge connect the development to Fareham Footpath 48 providing access along the length of the Titchfield Canal in the Meon Valley floor. To the north Footpath 48 provides access to Bridge Street in Titchfield Village. Titchfield Haven Countryside Site and HCC Hollam Hill Farm Meadows (Meon Valley) managed by the Countryside Service extend from the National Nature Reserve north to the Titchfield Canal to the west of Footpath 48 on the west of the appeal site..

In addition to the network of Rights of Way on an around the appeal site there may be public rights of way that are unrecorded and not therefore currently included on the definitive map. If the route providing access from Footpath 34 to Footpath 48 has been used by public and the landowners have acceptance this use the public may have acquired a right of way over the track through long use.

Planning Policy and Strategic Objectives

In the absence of amendments to the proposed layout, imposition of planning conditions to ensure that the on-site and the connected off-site public rights of way and on-site link to Titchfield Canal Footpath 48 and Footpath 51 are protected and improved and mitigation is secured by legal agreement the development is contrary to National Planning Policy paragraphs 108 to 110 and paragraph 98 and Fareham Local Plan Strategic Objectives and Planning Policies which mean that rights of way and green infrastructure are also afforded consideration and green infrastructure, the countryside, and coast are protect and enhance access to whilst protecting sensitive habitats from recreational pressure, and protect the separate identity of settlements, including through the designation of strategic gaps.

The appeal site is a green field site within a countryside location in the Meon Valley Strategic Gap, and would fall within the 'disturbance zone' for the Solent & Southampton Water SPA that extends over the Titchfield National Nature Reserve. The provision of 57 new dwellings at this location is highly likely to increase disturbance to the Solent & Southampton Water SPA and the biodiversity habitats of the Meon Valley to the east of the Titchfield Canal. The proposal is also likely to increase runoff into the Canal, and into the River Meon and ditches of the National Nature Reserve and SSSI. In the absence of mitigation to compensate the impacts of the development we object to the proposals likely to have adverse impacts upon the local rights of way network and on the HCC Countryside Site.

The application does not provide an assessment of impact on pedestrian users of the track and rights of way. Nor mitigation measures to avoid, reduce and compensate for the impact on access to the countryside provide by the connection of the development to the Titchfield Canal Footpaths 48 and 51 or consider the need opportunities to provide improvements required both by national and Fareham Local Plan policy. If approved Hampshire County Council as Rights of Way Authority and managers of Titchfield Haven Countryside Site and Hollam Hill Farm Meadows we would expect a development in this location to provide a S106 contribution to mitigate the increased footfall on the rights of way network which would be accessible from the site, in particular on Fareham Footpath 48. Increased regular use of this route, especially by dog walkers, is likely to increase recreation disturbance on the biodiversity in particular bird species of the SPA. We would therefore expect developer contributions towards enhancing this route, thereby incentivising users to stay on the path and reduce disturbance to the adjacent protected biodiversity habitats and as well as improving accessibility to the countryside and reducing number of vehicle trips for leisure.

The Illustrative Site Plan appears to show the diversion of Footpath 39. The layout fails to retain the northern section of Footpath 34 in a green corridor and proposes a diversion from to its Definitive Line. Construction the estate road would create vehicular crossing and dwellings erected within close proximity fronting onto the public right of way. The urbanisation of this route would have an adverse impact upon the amenity value of this route, which is currently characterised by its rural nature. The new dwellings would generate increased footfall upon the route, thereby increasing the maintenance burden. There appear to be no proposals to provide surfacing improvements to the southern section of part of the on-site footpath. If the appeal is granted it appears these on-site impacts to Footpath 34 and 39 would not be entirely avoidable and we would expect the appellant to reduced impacts by providing surfacing to onsite routes or funding for the Highway Authority to undertake the works to Hampshire Countryside Service Design Guidelines and to provide a contribution of £183,500 towards improving 1,500 m of surfacing and fencing Fareham Footpath 48 and Footpath 51 and local rights of way network on the Titchfield Canal and habitat protection measures.

The grant of planning permission is separate from any consents that may be required in relation to access and rights of way and that nothing should be done to stop up or divert the public right of way without following the due legal process, including confirmation of any orders and the provision of any new path. It cannot be assumed that because planning permission has been granted that an order under section 257 (or 247) of the 1990 Town & Country Planning Act for the diversion or extinguishment of the right of way will invariably be made or confirmed. Planning permission does not authorise developers to obstruct a public right of way. We therefore advise that a S257 TCPA diversion is secured by condition if the appeal were to be allowed. The LPA and the appellant should be aware that no development should take place on site until full details and method of construction of highway works affecting rights of way including materials and finishes have been submitted and approved by the Highway Authority and there must be no surface alterations to a without the consent of Hampshire County Council. All vehicles would be accessing the site across a public right of way should give way to public users, at all times.

Hampshire Countryside would be happy to discuss suitable mitigation measure with the Local Planning Authority and the developer in order to assist Fareham Borough Council with preparation of your statement of common ground or statement of proof as appropriate. Please let me know if you have any queries.

Kind regards

Tina Cuss
Countryside Planning Officer
Hampshire Countryside Service
Tel 07704018648

