

BURSLEDON RIGHTS OF WAY & AMENITIES PRESERVATION GROUP

OBJECTION

HOUND FOOTPATH 1 DIVERSION ORDER

**in connection with the application for development of 182 dwellings with access
from Bursledon Road at Land south of Bursledon Road Southampton**

(O/15/77121)

Bursledon Rights of Way & Amenities Preservation Group (BROWAPG) has been in existence for 26 years. It maintains an annual membership of approximately 100 households. It works to protect, preserve and maintain Bursledon's rights of way and natural amenities in partnership with local authorities. It is keenly interested in planning issues and has been responding for many years to Eastleigh's Local Plan proposals, consultations and planning applications where they affect public rights of way. BROWAPG also works to link rights of way on the Hamble peninsula and within the Hamble River Valley by seeking and obtaining dedications (2 in Hound Parish). We are currently engaged in a project to record lost ways and awaiting consultation on the local route of the English Coast Path.

Although the application site is not within Bursledon parish, it is within the Bursledon and Old Netley Ward of Eastleigh Borough Council, and it is thought by many residents to be within Bursledon. The present use of the site is known and advertised as the Bursledon Car Boot Sale.

BROWAPG is not opposed to the application for use of the site for housing development, but we wish to make a formal objection to this Public Path Diversion Order, in line with County Council advice on the amount of public benefit a proposal for a Public Path Diversion Order must demonstrate:

"...it should be no less convenient to use than the existing route and should not adversely affect the public's enjoyment of the path as a whole. Distance, view, gradient and accessibility are relevant..."

BROWAPG's main objection is the fact that the proposed diverted route lies within the designated Hamble Lane Air Quality Management Area (AQMA) and users of the route will be required to travel alongside a heavily-polluted, congested A road, where vehicles are often idling and queuing to enter Windhover Roundabout.

The specific grounds for BROWAPG's objection are:

1. That the route of the diversion begins at Windhover Roundabout and runs down the eastern edge of the site, designated an **Air Quality Management Area** by DEFRA.
2. The diversion is **not of equivalent quality** to the footpath it is to replace and therefore adversely affects the public's enjoyment of the path as a whole.
3. The proposals provide **Insufficient evidence of public benefit**.

These grounds for objection are explored with reference to the **Statement of Community Involvement August 2015 and other correspondence**.

1 Air Quality

We submit that air quality was not included as a consideration *when the footpath diversion was discussed*, according to anecdotal evidence from Hound Parish councillors and an EBC Officer. There is evidence of the absence of responses from Environmental Health officers in the **Statement of Community Involvement August 2015** that bears this out:

- **Engagement with Statutory Consultees** p.4
Eastleigh Environmental Health Officer - Numerous attempts have been made by both our noise and air quality consultants to discuss the scope of works with EBC's EHO however no response has been received."
- **4.2 Consultation with local authority** p.6 *Air Quality and Noise Considerations- advise liaise with Neil Scott.*
Noted and attempted to speak with Neil Scott on several occasions without success.
- 4.3 The initial pre-application response also notes the absence of formal responses from the Head of Housing and Environmental Health ...p6
- 4.4 A written response was provided on March 25 2015(Appendix2) by Louise O'Driscoll, Head of Development Management. The **Contamination, Pollution and Amenity** section states:

*"The site abuts the Hamble Lane Air Quality Management Area (AQMA) and the scheme has the potential to be affected by existing air quality levels and contribute to these levels as a result of increased traffic movements and vehicles queuing in the vicinity of Hamble Lane. The Transport Assessment (TA) will help to inform an air quality report that responds to these points, whilst it is likely the Council in accordance with the planning application SPD will seek a contribution towards ongoing monitoring and management of AQMA (saved Policy 32ES). This would equate to £100 per dwelling...
...This letter contains the responses of all consultees apart from the Head of Housing and Environmental Health... "*

(Thus, air quality was flagged up as an issue, but only in the context of mitigation).

Further email correspondence (Appendix 3) from the Case Officer fails to include any comment on Air Quality.

4.5 proposes a pedestrian and cycle access to the adjacent Taylor Wimpey site when the suggested vehicular route between the two sites is rejected. P.8

5.31 **General Feedback from Exhibitions** p12 included **Impact on Air Quality/Pollution** as the fifth *common theme*:

A small number of respondents were concerned about the proposed development's impact on air quality and the pollution associated with additional traffic to be generated by the development.

5.32 The response to this was that “the applicant has submitted an Air Quality Assessment in support of the application. This assessment included studies into the level of traffic generation estimated for the site and assessed how an appropriate mitigation strategy could help the potential outcomes on the site. The assessment included the closest neighbouring properties to the scheme on Hamble Lane. The Hamble Lane AQMA is located 300m south of the proposed development site boundary.* The assessment concludes that the development would have a negligible or imperceptible impact on the pollutant concentrations in the area. (The next sentence is unfinished) “

*An email, dated 21 October 2015 to Neil Scott, Eastleigh Environmental Health Officer, from Matthew O'Brien for Mott McDonald, comments on Air Quality Assessment for Land South of Bursledon Road,

- that the Air Quality report has under-predicted by 37%, which exceeds guidelines for accuracy
- that the proposed additional arm to Lowford Roundabout will not be used with the expectation (unproven) that air quality on Hamble Lane would improve
- that it is incorrectly stated that the development is situated 350m north of the Hamble Lane AQMA. ***“It should have been noted that the AQMA encompasses a strip of land within the development site alongside Hamble Lane.”*** This, of course, is the proposed footpath diversion.

The aforesaid written response of Louise Driscoll, Head of Development Management, on **Contamination, Pollution and Amenity** in March 2015 raises the question of noise and states:

“The site experiences high levels of noise associated primarily with traffic movements which will require some mitigation with developable areas/layout carefully considered in the light of realistic and deliverable mitigation measures (Saved policies 30ES and 31 ~S). In the absence of a draft noise

report I am unable to comment on the extent of development proposed at this stage. The provision of a bund to reduce noise impact would need to be considered as part of the LA process and landscaping strategy to ensure not only its effectiveness but also its visual impact on the locality is acceptable. I would advise Mott Macdonald makes contact with my EHO colleague (Neil Scott) to talk through these points in more details.”

The **General Layout** section states:

“the framework masterplan develops good principles through the use of perimeter blocks and setting the development back from Hamble Lane and Bursledon Road. The dwellings will need to front these roads to minimise noise disturbance from traffic ...”

An email, dated 22 October 2015 to Neil Scott, the Eastleigh Environmental Health Officer, from Max Forni, Technical Director for Mott McDonald, sets out 9 detailed mitigation measures proposed to be installed in the properties facing Hamble Lane. These include:

- orienting facades to reduce noise levels by up to 3dB to benefit all rooms ... and to present opportunities to include additional solid boundary treatment
- designing internal layout with potential noise reduction of 10dB
- solid boundary between properties to achieve maximum screening
- 6mm glass to provide sound insulation of 30dB reduction
- Standard double glazing to provide sound insulation performance of 30dB reduction
- Acoustic glazing to provide sound insulation performance of 50dB
- Open Windows to provide 10dB of attenuation when fully opened and 15 dB partially open
- Open windows with secondary insulation with staggered openings and absorbent reveals to provide 25dB reduction
- Attenuated passive ventilation systems to provide up to 25dB attenuation

In addition, the email reports that the acoustic report specified extending the bund southwards by approximately 7m as a minimum and dependent on acoustic mitigation elsewhere.

BROWAPG is at a loss to understand, given all this evidence of noise and its potential impact, and mitigation measures and bund to be offered to residents in the dwellings facing Hamble Lane, how users of the proposed diversion are to be protected from the noise of traffic and the adverse effects of air pollution.

We conclude, in the absence of evidence to the contrary, that this consideration was never raised or discussed at meetings to discuss the proposed footpath diversion and we regret that there seems to have been no local input at these meetings. We submit that acceptable air quality is a pre-requisite to the enjoyment by the public of a right of way and this proposed diversion does not offer that.

2 The diversion is not of equivalent quality to the footpath it is to replace.

BROWAPG submits that the excessive noise of traffic alone would make the route unpleasant for users. We note the pre-application enquiry response by Louise O'Driscoll, EBC Head of Development Management, of March 2 2015 which states:

"The rights of way passing diagonally through the site could be diverted along the northern boundary and then south towards Green Lane (more attractive) rather than along the eastern boundary... Footpath 1 is currently rural in character and there will need to be an adequate buffer alongside the path to minimise the urbanising effect of this development."

One of the Exhibition Boards, Site Constraints and Opportunities states:

*"Existing Public Rights of Way (PRoW) run through the site. These routes will be accommodated and **enhanced** within the development proposals."*

In our view, a noisy, urbanising, polluted cycleway/footpath round the periphery of the development between noise bunds and hedges does not enhance the attractive, existing public right of way with its open views on all sides and rural setting (FP1).

The Applicant's Design and Access Statement contains many photographs designed to demonstrate Bursledon's local character, but Bursledon Green, a housing development on the opposite side of Hamble Lane, is not included. It contains a wide, open, spacious, convenient, tree-lined path that runs attractively through the middle of the large estate linking Lowford to the A27 and Tesco. Something similar, retaining the existing Hound FP1, would enhance the new housing development and provide an accessible, convenient and safe route for all the residents.

The line of the original footpath (Part 1) would be more convenient, healthy and accessible for all the families living in this development. The proposed route will be longer, not as accessible, much less enjoyable. It will require users to travel two sides of the triangle instead of along the hypotenuse, which is the original route. The original path measures 375 metres. The proposed diversion is a total distance of 477 metres - 100 metres longer. The new path should be no less convenient to use than the existing one: accessible, roomy, spacious, and as easy to use.

3 Insufficient benefit to the public

BROWAPG understands that, in order for this application to succeed, positive benefit must be demonstrated and we are unable to discover any. Notionally, its proximity might be considered an advantage to the residents alongside the proposed route, but this would have to be balanced by lack of privacy and noise of passers-by at all times.

We welcome the proposal to introduce a bridleway for the use of horse riders and cyclists, but believe that Hound FP15 would be preferable for this purpose with its ready access to the countryside.

In conclusion, BROWAPG believes that to accept the proposed diversion is to lose an opportunity to improve non-vehicular access to Old Netley and Netley Abbey from the top of Hamble Lane directly to Green Lane via the existing Hound FP1, which would be an undeniable benefit to local people and a new extension of the Eastleigh's Strawberry Trail for walkers from further afield.

BROWAPG is affiliated to the Ramblers and have noted Eastleigh Ramblers' response to the planning application:

“Our comments below should not be construed as supporting this application as many of our members remain very concerned about the proposals for residential development in the vicinity of Hamble Lane ...Our comments are solely concerned about the need to maintain an effective rights of way network ...”

Diane Andrewes
Hon. Secretary
Bursledon Rights of Way & Amenities Preservation Group