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SO23 8UD
24th January 2023

Dear Lisa,

Planning Application CS/22/92277 Proposed Extraction of Sand and Gravel at Hamble Airfield, Hamble-le-Rice – Cemex UK Ltd

Hamble Parish Council has reviewed the additional documents provided by Cemex UK in response to the County Council's Regulation 25 request for more information on a wide range of matters relating to this application. In the absence of all Statutory Consultees responding to the application, Hamble Parish Council is submitting this as an interim draft response. We reserve the right to comment further as and when other consultee responses are available and hope to have a final version with you by the second week in February 2023. Given the live nature of the application we may continue to make further submissions during the passage of the application up to decision.

It remains our considered view that the proposed development does not conform with the policies of the relevant development plan documents and that there are material considerations which indicate that the development would have an unacceptable impact on the local community. This is contrary to the requirements of the Hampshire Minerals and Waste Plan 2013 ('HMWP'), the recently adopted Eastleigh Borough Council Local Plan 2016 – 2036 ('EBCLP'), the July 2021 update of the National Planning Policy Framework (NPPF) and Planning Practice Guidance. The parish council therefore restates that it **OBJECTS** to the planning application and asks that the planning authority **REFUSE** permission for the development.

Our reasoned justification for that position is set out below.

Consultation and Engagement

Government planning practice guidance strongly advocates meaningful consultation and engagement between an applicant and an affected community, stating:

“Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development..”¹*

Cemex UK has failed to carry out any such meaningful engagement with residents, businesses or service providers who will be impacted by the development. It has made no effort to address any of the concerns raised in earlier consultation responses or provide us with even basic information which might provide some reassurance about its construction plans or operating procedures. It has ignored requests from the parish council for support with active community engagement and failed to speak with residents living close to the site who are understandably concerned about the impact on them and their property. In fact aside from one virtual meeting in February 2022 it has been entirely silent and has neither collaborated, understood or sought to resolve any issue with us.

It is also very surprising that there have been so few pre-application discussions with statutory agencies and in particular the highway authority.

We acknowledge that this failure to consult or seek advice through pre-application dialogue is not a standalone basis for refusing the application. It must, however, raise serious questions about the care and consideration of the applicant for the local community, and their ability to provide accurate and timely technical information. This is also demonstrated by the cursory and at times dismissive approach to the provision of information required in support of the application, often recycling information obtained years ago rather than commissioning new studies.

We ask that the planning authority has regard for the way in which Cemex has approached this application when weighing the evidence with which it has been presented. It should consider whether the applicant would treat the operation of the site and complying with conditions with the same dismissive attitude to its responsibilities and it should give weight to these concerns in the planning balance.

Principle of Development

¹ Planning Practice Guidance Reference ID 20-001-20190315

The allocation of the Hamble Airfield site for mineral extraction in the HMWP was made in the face of significant concerns raised by the local community, in particular the effect on traffic movements on Hamble Lane and the environmental impacts on sensitive local receptors such as the adjacent secondary school.

We have previously pointed out that the information now provided in support of the planning application demonstrates fundamental flaws in the evidence on which the HMWP allocation was based. The detailed Transport Assessment ('TA') provided by Cemex is at odds with the information they provided during the preparation of the HMWP regarding likely traffic volumes. This seriously underestimated the number of vehicle movements required to operate the site commercially, and therefore the impact of the operation on Hamble Lane.

The EBCLP adopted in April 2022 excluded further development on the Hamble Peninsula as unsustainable by virtue of the impact it would have on Hamble Lane. This is also recognised in the strategic transport assessment which has been carried out for the partial review of the HMWP currently underway which confirms the difficulties associated with the site.² Hamble Airfield is the only location in the whole draft review proposed as an allocation for mineral extraction and rated as 'amber' in relation to access.

At the time of the original allocation the decision makers involved will have considered it both necessary and possible that conditions on Hamble Lane would be improved through a comprehensive scheme of works as described below. This would also have mitigated the impact of additional traffic from residential development allowed on appeal which has been added to Hamble Lane since 2013.

There is, of course, no mechanism for the site to be 'unallocated' from the current plan against which this application will be tested. However, we would expect the Regulatory Committee to be explicitly advised of the difference between the evidence used in the site allocation process and the evidence which accompanies this application. This is necessary to ensure they place appropriate weight on the evidence submitted with the application as a material consideration.

Highways Issues

The Transport Assessment Addendum ('TAA') provided by the applicant on 28 November 2022 confirms that the impact of the proposed development on the highway network would be severe, and that it would create a clear and on-going risk to the safety of road users, pedestrians and cyclists. These are sufficient reasons for the application to be refused as a clear breach of Policy 12 of the HMWP.

² "Of the only amber site at the Former Hamble Airfield, issues have been identified that may affect delivery of the site. These issues primarily relate to access, capacity constraints on Hamble Lane and impact upon local residents and sensitive sites." Para 4.5.4 Strategic Transport Assessment August 2022

Were the application to be approved it would reduce the likelihood of people making a modal shift to walking and cycling, which is also contrary to local and national active travel policies and therefore also a reason for refusal.

The parish council draws attention to the report it has commissioned from highway consultants RGP and the report commissioned by Eastleigh Borough Council from Systra. The planning authority will be aware that these are both highly respected and reputable consultancies with the capabilities and experience to express a robust judgement.

Highway Safety

The proposed site access junction has been subject to a formal road safety audit carried out by Fenley Associates on behalf of the applicant. **The findings of the audit are that the junction required for access to the proposed site is unsafe.** As RGP point out, this is not a conclusion requiring complex or sophisticated analysis or counter argument – it is clearly stated within the road safety audit by Cemex’s own advisors.

The audit identified three matters of safety concern which are:

1. The swept path of larger vehicles which may access the site overruns the footway where pedestrians may be arriving or waiting to cross the junction
2. The new highway code gives pedestrians priority crossing the junction which will lead to HGVs pausing and backing up in the traffic stream, possibly stopping abruptly. This is a risk to pedestrians, to other vehicle drivers who may be required to stop sharply from speed, and it will increase traffic queues at peak operating times over and above any effects modelled elsewhere
3. The junction is located at a point where large numbers of pedestrians, particularly school children use both the shared cycleway/footway and the highway verge, to make their way to their destination. The design of the junction will not deter them from crossing in a way which is difficult for HGV drivers to observe thus creating a collision hazard.

The response from Cemex to its auditor’s report is to dismiss the concerns they raise and to offer specious justification for their design rather than to address any of the issues with due regard for safety. They have had ample time and opportunity to redesign and consult on revisions to the junction but have not done so. From this the planning authority must conclude that a safe access is in fact not possible.

Paragraph 5.35 of the HMWP starts by saying:

“Highway and pedestrian safety and capacity are issues of paramount importance.”

Data collected for the parish council by Kestrel Surveys on a typical school day (11th January 2023) indicates 125 pedestrian and cycle journeys being made on Hamble Lane eastbound between 7.45 and 8.45, almost all of whom are school children on their way to Hamble Secondary School or users of the railway station, with these movements 'mirrored' later in the day as children leave for home. The impact of an unsafe site access on this volume of pedestrians and cyclists would pose a daily threat of injury or death.

The parish council reminds the planning authority that the meaning of 'paramount' is 'above all other things'. The design and location of the proposed junction clearly interferes with the safety of road users, pedestrians and cyclists and the application and if this is truly 'above all other things' as it should be then the application should be refused in accordance with the development plan policy and the NPPF.

Impact on the Highway Network

Para 5.38 of the HMWP says that:

"All minerals and waste development should give the greatest consideration to potential highway and transportation impacts that may be associated with their development."

The relevant parts of Paragraph 110 of the NPPF (July 2021) say that:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- b) safe and suitable access to the site can be achieved for all users
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree"

It is a matter of record that Hampshire County Council considers Hamble Lane to be 'heavily congested' and that "additional development along the corridor would compound the existing problems"³

In our initial consultation response (15 March 2022) we set out in some detail the process by which the highway authority had concluded that improvements to Hamble Lane were essential to meet existing demand, the development of the Hamble Lane Improvement Scheme and the subsequent failure to deliver any of these improvements for reasons of funding. As a result the highway authority has adopted a policy position that it will object to further development which would place additional traffic onto Hamble Lane⁴

³ Report to the Executive Member for Environment and Transport 'Hamble Lane Improvements' 12 March 2019

⁴ Ibid

The highway authority has confirmed this position by way of its evidence in relation to the recent planning application for residential development at Satchell Lane. In its letter of objection, using words subsequently repeated in the highways officer's Proof of Evidence at the Satchell Lane Planning Inquiry in November 2022, the policy was clearly articulated:

“..it is very clear that congestion issues are already experienced on Hamble Lane in terms of cumulative impacts.”

Referring to the Hamble Lane Improvement Scheme he goes on to say:

“Until the above mitigation has been secured any additional development that directly feeds onto Hamble Lane (as is the case with this application) should not proceed. If otherwise, severe impact will result from cumulative effects.”

The current condition of Hamble Lane according to the highway authority (and this was not disputed by the Planning Inspector determining the Satchell Lane application) is of severe congestion which has been compounded by the failure of the highway authority to deliver any part of a scheme it has itself said is essential to ensure that the road is fit to meet even existing demands and organic traffic growth.

The Cemex application would add 144 HGV daily HGV movements and an unspecified number of light vehicle movements to traffic on Hamble Lane, focussed mainly on the morning peak period. The application provides no confirmation of the type of vehicle that would be permitted and therefore of their potential abnormal impact on junctions or on the condition of Hamble Lane (which is already poorly maintained). This cannot be considered as anything other than a significant intervention in the operation of the highway network.

It is the responsibility of the applicant to demonstrate that the impact of this additional traffic on the highway network would be acceptable, with mitigation if this is considered possible. Despite this, Cemex's TA did not even assess the impact of development on junctions along Hamble Lane demonstrating its lack of concern for planning policy, let alone the impact on the local community. This exercise has only been undertaken in response to criticism of the TA led by the Parish Council.

Junction modelling has now been submitted in the TAA. RGP and Systra have both evaluated the conclusion of Cemex's consultants that there will be no significant impact on the network and concluded that it is demonstrably incorrect. The junction analysis using very recent traffic count data (which reflects activity on Hamble Lane as it is today and not extrapolated from previous years) shows clearly that several junctions are currently operating over capacity. Modelling shows that traffic generated by the development would worsen their performance. Cemex and their consultants assert that the impact of this extra traffic is insignificant. That assertion is not borne out by their own data, and both RGP and Systra agree that the impact

would require substantial highway improvements at these junctions which are not proposed by the applicant or by the highway authority.

It should be further noted that Cemex's consultants have stated that it is not necessary to allow for any additional background growth in traffic flows during the course of the development (which will be at least 14 years and possibly longer). This is clearly incorrect, and there is no justification for not providing an allowance for 'organic' growth in traffic volumes accordance with normal modelling practice. The aim, of course, is to underplay the potential impact of development traffic over time.

It should also be noted that pedestrian and cycle journeys along Hamble Lane towards the schools and the railway station involve a number of crossings and pinchpoints, as well as hazards created by the poor implementation and maintenance of the footway and cycleway where these are present. The occurrence of densely packed HGV movements coinciding with the peak time for these 'active travel' journeys will create a perceived additional safety hazard and may lead to a modal shift away from active travel to car use if parents consider this a safer option for their children – entirely the opposite of government and county council policy requirements.⁵

A correct reading of the data submitted in the TAA is that the cumulative impact of the additional HGV traffic generated by the development would be highly significant and would make an already severe situation even worse for users of Hamble Lane. **On the applicant's own evidence the application is contrary to the policies of the development plan and the NPPF and should be refused.**

Restoration and Biodiversity Net Gain

Policy 9 of the HMWP and the relevant provisions of the NPPF both require that a permission for mineral extraction can only be granted if fully acceptable proposals for the restoration of the site are provided, which includes certainty over the delivery and future management of restoration proposals. Policy 9 says:

“Restoration of minerals and waste development....should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan”

This requirement must now be seen in conjunction with measures to ensure the delivery of biodiversity net gain which will be a legally mandated requirement from later this year and is currently a policy requirement of the HMWP and the EBCLP. To be 'credited' as biodiversity net gain, proposals should be left intact and effectively managed for at least 30 years.

⁵ As variously set out in various sources including 'Active Travel: Local Authority Toolkit' Department for Transport August 2022

The proposals for restoration submitted by Cemex are physically distinguished between the northern part of the site where more complex features such as ponds and hedgerow planting are introduced and the southern part of the site which is restored more simply. Proposals for the management of the two areas are similarly distinguished. These include vague references to the 10 or even 20 year management of the northern part of the site, but no management proposals for the southern part.

It is unclear from the information submitted by Cemex how they intend that long term management of the site should be carried out or by whom. The 'draft heads of terms' for a Section 106 submitted on 28 November 2022 contain no meaningful detail and has only been included for technical reasons. There is no proposed involvement of any organisation with expertise or experience in long habitat management, nor is any provision made for the costs of long term management. The applicant has not provided sufficient information to meet the requirement of Policy 9 of the HMWP.

The purpose of the differentiation of the site into two 'zones' is clearly to allow the landowner, Persimmon Homes, to bring forward development proposals on the southern part without conflict with the management of the more complex features. Whilst there is nothing to stop Persimmon pursuing such plans in the future, they should not be allowed to intrude into the determination of this application. The methodology for the calculation of biodiversity net gain requires that whole of the site is incorporated into the relevant calculations (because the whole site will be affected by development) and that this should be secured by way of planning obligations contained within a Section 106 agreement.

Although the achievement of a 10% net biodiversity net gain is not yet a legal requirement as it will become later in the year, the applicant has made great play of its biodiversity net gain potential and Policy 3 of the HMWP requires that where possible, proposals should:

“...enhance, restore or create designated or important habitats and species”

It is therefore clear that the proposals as submitted:

- do not meet the requirements of Policy 9 in securing the restoration and management of the site; and
- will not meet the requirements for the calculation of biodiversity net gain and therefore the whole of the site must be included in a Section 106 agreement which secures biodiversity net gain over a minimum of 30 years.

For these reasons the application should be refused.

Recreational Disturbance

Hamble Airfield is used extensively for casual recreational activity, particularly dog walking, and this use has continued since at least 1986. The applicant has taken no effective steps to discourage or prevent this activity despite it being obvious that it is taking place. A survey undertaken by the parish council in April 2022 confirmed that at least 300 people use the site for dog walking on a regular basis most of whom will do so several times each week.

The development would entail all of this recreational activity being displaced immediately on commencement. From the first day of the operation the site will be fenced and (it is to be hoped for the purposes of public safety) proper security measures taken to exclude public access. As a result a large volume of dog walking and casual exercise will immediately be transferred to other locations, and may have considerable impact on one or all of the three Special Protection Areas (SPAs) designated in the Solent area under the Conservation of Habitats and Species Regulations 2017 (known as the 'Habitats Regulations'). It is not possible to be sure since the applicant has failed to make any assessment of this effect.

Were this to be a residential application an impact assessment and mitigation would be required in accordance with the Solent Recreation Mitigation Strategy which was approved by local authorities in the area in 2017 as the means to discharge their responsibilities under the Habitats Regulations following formal advice from Natural England.

Although that Strategy does not contemplate the possibility that disturbance will be caused by existing, rather than new, residents within the area of the Strategy, it must follow that where a site which serves to provide recreational capacity and therefore limit the impact of existing development is to be lost, it should be subject to the same scrutiny as new development which 'creates' disturbance. The question of whether the use of a site is authorised or unauthorised is irrelevant to this question by virtue of the legal obligations of planning authorities under the Habitats Regulations. If Hamble Airfield is lost to recreational use then there may well be a tangible impact on the SPAs which has an adverse effect on their condition.

No assessment has been made of this impact by the applicant and they make no provision for mitigation. The parish council suggests that the planning authority (which is the 'competent authority' for the purposes of the Habitats Regulations) must consider this impact in reaching its decision, that it should conclude that the effect would be unacceptable and therefore that it should refuse the application.

Protection of Soils and Agricultural Land

Natural England have pointed out in their consultation responses that Hamble Airfield has previously been identified as agricultural land and that it has been officially and independently rated as grade 1 and grade 2 'best and most versatile' agricultural land due to the quality of the soil across the site. That classification has

been confirmed by Cemex's own consultants in the updated Environmental Statement.

It would appear from reviewing the documents available at the time Hamble Airfield was allocated in the HMWP that the status of the land was not fully recognised or investigated.

Policy 8 of the HMWP states clearly that minerals and waste development:

“...should protect and, wherever possible, enhance soils and should not result in the net loss of best and most versatile agricultural land.”

Given that no example has been given (and we believe none exists) of the successful reinstatement of grade 1 or 2 land to undamaged agricultural use after mineral extraction and restoration (as would be required by the interpretation of Policy 8 indicated by the supporting text at 4.68), it is therefore not in dispute that the proposed development:

- would not enhance soils; and
- would result in the net loss of best and most versatile agricultural land

The application (and indeed the original allocation) is therefore flatly contrary to the policies of the HMWP and the protection given to best and most versatile land in the NPPF and should be refused.

Environmental Impacts

The proposed location of the quarrying operation adjacent to residential property and a major educational facility is not unique, but it is unusual and it creates a requirement for certainty that the environmental impact will remain within acceptable limits. Policy 10 of the HMWP states that:

“Minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts”

The parish council is concerned that the information provided with the application has been insufficient to ensure that development as proposed would comply with this policy. In particular:

Noise

The Eastleigh Borough Council environmental health officer has expressed concern that the proposals to measure and control noise will not meet the requirements set out in the EBCLP and potentially fail to meet those identified in planning practice guidance. The parish council acknowledges that noise can be controlled through on-site measures but considers that inadequate attention has been given to the sensitivity of local receptors, in particular the secondary school.

Air Quality and Dust

The public health consultation response draws attention to the fact that the World Health Organisation states that there are no 'safe' levels of air pollution. The application will give rise to an increase air pollution, possibly from the extraction operation itself, but certainly from the increase in heavy commercial traffic on Hamble Lane the bulk of which will coincide with morning peak pedestrian journeys. An Air Quality Management Area has been declared by Eastleigh Borough Council for a portion of Hamble Lane on the route of all HGV traffic to the development site reflecting historic exceedances in nitrogen dioxide emissions. HGV traffic is a proportionately higher source of nitrogen dioxide and particulate pollutants than passenger vehicles and this effect will be most noticeably where they are in close proximity to roadside and stationary or moving slowly as they will be at the access to the site.

The Chief Medical Officer has recently reported on the health risks of air pollution and recommends:

“Urban planning should support reducing air pollution concentrations locally – such as reducing air pollution near schools and healthcare settings. Shifting to active travel where possible has direct health wins as well as reducing air pollution from vehicles – planning should support this.”⁶

Cemex has provided no information on the age, type or emissions profile of vehicles that would be permitted to access the site, and it is therefore impossible to adopt the necessary precautionary approach to quantifying the impact of roadside air pollution particularly at the access to the site where pedestrians and HGVs will coincide. The planning authority will no doubt be aware that vehicles meeting Euro 6 emissions standards are readily available for any responsible fleet operator and that access to any site can be limited to such vehicles.

The parish council believes that the details provided with the application do not provide sufficient reassurance for the planning authority to be sure that the practical effect of permitting a high level of additional HGV traffic on Hamble Lane will not increase air pollution and that permission can safely be given as required to satisfy the requirements of Policy 10.

Flood Risk

The proposals for the management of water during the proposed extraction appear to be generally satisfactory, and with an operator on site the scope exists for any problems to be dealt with effectively. However, the proposals for restoration with the importation of inert construction waste raises issues of greater complexity and long-term concern. As the response from the Local Lead Flood Authority has indicated the way in which the site will respond to water infiltration after the extraction of relatively porous sand and gravel and replacement with material of much greater

⁶ Chief Medical Officer's Annual Report 2022 'Air Pollution' Recommendation 6

density, possibly including dense clay and soils from construction sites with entirely different geology, is of considerable concern. The reason why the current flood risk associated with the airfield is low is precisely because of the structure and performance of the existing mineral deposits. If these are removed and replaced with other materials than that baseline assumption must in turn be called into question.

The parish council does not consider that the response provided to the concerns of the Local Lead Flood Authority is sufficient to satisfy the requirement of Policy 11 of the HMWP. The site is currently in an area with a low risk of flooding, but insufficient evidence has been provided that this will remain the case, engaging the policy requirement that development should:

“not result in an increased flood risk elsewhere and, where possible, will reduce flood risk overall”

Landscape Impact

Although consultees have indicated that they are generally satisfied that the visual impact of the site will not be adverse (allowing for the fact that a quarry is being dug in an area that is currently wildlife and recreational habitat) the parish is concerned that the location of the proposed bunds is too close where it abuts residential property and where it is adjacent to the proposed new permissive footpath. The parish council asks that the planning authority takes a precautionary approach to the impact of the bunds and their performance in managing noise and pollutants and requires if development is permitted it is only on the basis that these are located at least 100m from the outer boundary of the site.

The parish council also notes and endorses the comments of the County Council's countryside and rights of way officers in their most recent consultation response and expects the planning authority to take these fully into account in considering the application.

Conclusion

The parish council has identified specific reasons why the application for sand and gravel extraction at Hamble Airfield is contrary to local and national policy and why there are material considerations which indicate that the application should be refused. If the County Council is nevertheless minded to approve the application the parish council believes that it will be necessary to include a number of planning conditions and planning obligations which go well beyond those suggested by the applicant and would wish to be advised of how these would be made effective.

We note that at the time of drafting this response a number of consultation responses from statutory agencies had still not been received. This is a clear breach of their duty to provide substantive responses with the timetable specified in planning

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practice guidance and has compromised the ability of other consultees to respond effectively to this application.

If the County Council, despite the evidence which justifies the refusal of this planning application, is minded to give its approval, the parish council would expect to be consulted on the proposed conditions, monitoring arrangements and planning obligations. Sand and gravel extraction at the site would have an impact on the local community for many years and other changes in the local environment may occur in that time. It is therefore essential that local consultation takes place so as to give us the opportunity to provide local knowledge and insight into how specific concerns could be addressed.

The parish council reserves the right to submit further evidence and views in response to material received from other consultees or from the applicant up to the decision making meeting and expects that this will be reported by way of update even if it is not included in the officer's report to the committee.

Yours sincerely,

Ananda Jelling

Clerk

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