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Universal Services
EII Court West
The Castle
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Hampshire
SO23 8UD
13th February 2023

Dear Lisa,

Proposed extraction of sand and gravel, with restoration to grazing land and recreation using imported inert restoration materials, the erection of associated plant and infrastructure and the creation of a new footpath and access onto Hamble Lane (Application No. CS/22/92277)

Please accept our further representations on this application in the light of the consultation responses and communications which have been received since our letter of the 24th January 2023.

Response from the Highway Authority, 30th January 2023

The views of the highway authority will form a key part of the planning judgement for this application. It is therefore essential to fairness and transparency in the decision-making process that it should respond in a timely fashion and provide adequate and cogent reasons for its advice. We have previously drawn attention to the failure of the highway authority to meet its obligations as a statutory consultee as defined in Planning Practice Guidance. We have further concerns about the fairness of the consultation process given the late arrival of its most recent response and whether the community has been effectively consulted.

In the meantime, we would like to make the following substantive points arising from the response itself:

1. The highway authority agrees that the applicant has failed to submit a safe design for the site access. However, its advice to you is that 'the matters highlighted can be addressed through detailed design work for the access' and should be subject to 'a suitably worded condition'.¹ The parish council does not agree that planning consent could be granted unless and until you have a design which has been independently audited and found to be safe. The community should also be consulted on the design to ensure that it incorporates knowledge of local conditions and pedestrian movements. Leaving such an important matter to be determined once the applicant has its consent would be unacceptable.

2. The highway authority concludes from accident data that ‘there have been no accidents involving large vehicles’ and that ‘the accident recorded has not identified any patterns that are likely to be exacerbated by this application’. Where a large volume of HGV traffic is to be introduced for the first time into a tightly defined part of the highway network it should be obvious that previous data is no guide to future conditions. No consideration has been given to the number or proximity of pedestrians or cyclists using Hamble Lane, or the specific risks arising from movements to and from the secondary school campus which includes a community sports centre and a preschool, and other educational facilities along the road. The survey commissioned by the parish council (a copy of which is included) provides evidence that these would coincide with the proposed ‘peak’ of vehicle movements to and from the application site. In the light of this information there is inadequate reasoning to justify the highway authority’s conclusion and the use of planning conditions to manage arrival times not an adequate solution to safeguard users.
3. The highway authority accepts the applicant’s highway modelling even though it does not include any uplift in background traffic growth for future years. This is contrary to accepted good practice as pointed out by highway consultants acting for the parish council and Eastleigh Borough Council. No explanation is provided as to why the highway authority agrees this approach even though it will tend to underplay the impact of the development on the highway network and therefore materially affect the level and type of mitigation which might be required. We request that the highway authority reconsiders this decision and that the applicant is asked to submit revised modelling including background growth.
4. In relation to the impact of the development on Hamble Lane the highway authority concludes that:

“The development traffic, particularly in the AM peak does worsen the position and therefore appropriate mitigation will be required to offset this impact”.

No assessment is provided as to how or where (in practical terms) the operation of traffic flows on Hamble Lane will worsen or of the impact on other travel modes. The highway authority says:

“A number of active travel and sustainable transport schemes are currently being developed for the area that include greater provision for cyclists and pedestrians on Hamble Lane, and with a specific focus on improving access to Hamble rail station. This is to encourage more longer distance trips to be taken by train, as well as improving walking and cycling for local trips. It is considered that this would be an appropriate form of mitigation for this development, given the increase in HGV trips. There is also a Hampshire County Council scheme for the Portsmouth Road/ Hamble Lane Junction that forms part of the wider Hamble Lane Improvement Scheme (this was subject to public consultation in 2019 but has subsequently been unable to secure adequate external funding to be delivered in whole).”

The description of the mitigation considered necessary to offset the impact of the development is vague, and no indication is provided as to how or why it would operate effectively. In the interests of transparency a detailed package of measures should be identified, with costings, sources of funding (we understand that Section 106 contributions of approximately £3million are currently in hand) and a timetable for implementation. There should be a reasoned explanation of how these would offset the otherwise 'worse' highway conditions created by the development. Modal shift is a desirable objective but any such measures should also ensure the safety of pedestrians and cyclists along Hamble Lane and particularly in the vicinity of the development access should permission be granted. Reference to the Portsmouth Road/Hamble Lane junction is left hanging as a statement but nothing follows to identify works that would be sufficient to mitigate the impact of the development.

A far greater level of detail and explanation of proposed measures will be required before the local planning authority, or the local community, is able to assess whether they would be adequate to mitigate the impact of the development. The highway authority should publish its requirements now, not following the completion of negotiations so that it can be seen whether it has been able to secure everything considered necessary from the applicant. Only when you have a design led assessment (which should be a public document) demonstrably linked to detailed measures and planning obligations to be sought from this application will it be possible to make a proper planning judgement.

5. The evidence of the highway authority to the recent Satchell Lane residential appeal (APP/W1715/W22/3292580) was given in Mr Matt Grantham's Proof of Evidence (October 2022). In that proof he described the highway authority's position as being that:

3.8 *...no further development should take place on Hamble Lane until:*

- a. *The Hamble Lane Corridor Study is complete.*
- b. *The package of necessary mitigation measures is fully identified, tested and found to be feasible; and*
- c. *Funding sources for the implementation of such works*

3.9 *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."*

In the light of this evidence, it is extremely difficult to understand the reasoning of the highway authority in relation to the current application only three months later. Clearly none of the 'pre-conditions' set out above has been satisfied. The Hamble Lane Corridor Study is not complete. There is no package of identified, tested and feasible mitigation measures.

There is no funding identified for those measures and it is not even possible to make a 'ballpark' estimate of what will be required.

The development at Hamble Airfield has highway implications which are at very least as serious as those which would have arisen from development at Satchell Lane. However it appears the highway authority has now completely resiled from its evidence to the Satchell Lane inquiry and is willing to 'sign off' the current application without any of its own criteria being met.

The parish council understands that without adequate funding the highway authority cannot implement the Hamble Lane Improvement Scheme, but the highway authority now seems to suggest that because it cannot be funded, it was never necessary in the first place. That is not a properly reasoned position.

6. The response mentions only one suggested condition relating to the timing of vehicle arrivals at the site and gives no consideration to the use of Grampian conditions to ensure that any necessary highway works are completed before quarrying is commenced. There is no evidence that the highway authority has undertaken a structured appraisal of what conditions may be required or what wording should be suggested to the planning authority, and we hope that this will be forthcoming.

Between 2017 and 2019 the highway authority undertook extensive and commendable consultation with the community on an extensive package of works it considered necessary because of the "clear need for an improvement to help address existing traffic problems and to help manage future demand associated with background growth."² In that same report it set out its policy position as follows:

"Therefore until at least the preferred Scheme for the northern section has been implemented, it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane".³

The highway authority response is inconsistent with this clearly stated commitment to Hamble residents and the **reasonable expectation** they have been given following extensive public consultation. It sets aside the highway authority's own evidence about the importance of the Hamble Lane Improvement Scheme to a recent planning inquiry and fails to provide a reasoned assessment of the impacts of the development. It provides no evidence that the mitigation identified (such as it is) would have any practical effect on highway network or be spent efficiently and effectively. If the highway authority is already working on further detail which would address these concerns the parish council would welcome the opportunity to be consulted on the measures that it proposes to bring forward.

Response from UKHSA, 27 January 2023

² Report to Executive Member for Environment and Transport 12 March 2019 Para 3.2

³ Ibid

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As stated in their letter it is unusual for the UKHSA to offer comments on a particular planning application and they have done so at your specific request. Their interest reflects the proximity of sensitive receptors to the site to which we have previously drawn attention.

Whilst the UKSHA does not raise any direct objection to the application, it says that in relation to PM₁₀ :

“...we are concerned that this (the proximity of sensitive receptors) has the potential to result in an increase in the exposure of the local population.”

The parish council has previously drawn your attention to the fact that it is government policy to further reduce exposure to PM₁₀ (and PM_{2.5}) and that it is WHO policy that there is no safe level of exposure. The UKSHA reminds the planning authority that any increase in exposure, particularly for children and vulnerable adults, arising from the quarrying operation and HGV movements along Hamble Lane must therefore be fully evaluated and an impact on air quality given appropriate weight in the decision-making process.

The UKHSA has suggested additional information that you should obtain from the applicant, and this should be available to the Regulatory Committee as part of its decision making process.

Response from the Local Lead Flood Authority, 30 January 2023

The further response from the local lead flood authority confirms that they are still not satisfied with the information provided by the applicant. It draws attention to the “insufficient information” regarding the “unknown fill material” that will be imported into the site for the purposes of restoration, a concern that has been raised with you previously.

You will be aware that it would not be acceptable for this lack of information to be ‘sidestepped’ by condition. If it is not possible for the applicant to demonstrate the impact of different types or consistencies of fill material on infiltration rates and therefore flood risk, then any condition as to the type of material which may be imported would be ineffective.

The parish council therefore strongly supports the precautionary approach taken by the local lead flood authority and awaits sight of the further information requested from the applicant before any is decision is made.

Engagement with the Applicant

You will be interested to know that Cemex UK has once again declined an offer from the parish council to arrange a public meeting at which they could present the details of their application and provide reassurance to the community. They claim to have provided sufficient opportunity for community engagement already, although they are perfectly well aware that no consultation has taken place since the application was submitted. They have however agreed to arrange a visit to an operational site for members of the parish council which we hope will be informative.

You will be aware that it is unusual for an applicant to be so unwilling to engage in a constructive dialogue about its proposals or to listen to public concerns, uncomfortable though that may sometimes be. We trust that this will be reported to the Regulatory Committee in due course.

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The parish council reserves the right to make further comments on consultation responses as they are received. We hope to see the response from Natural England shortly.

Yours sincerely,

Amanda Jobling

Clerk

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