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Planning Application CS/22/92277 Proposed extraction of sand and gravel at Hamble Airfield – latest Highway Authority consultation response

Introduction

The Parish Council has carefully considered the fourth consultation response provided by the Highway Authority (HA) dated the 29th June 2023 in which it sets out what appears to be its final position in relation to the Cemex planning application for gravel extraction at Hamble Airfield. In this letter we consider the proposed mitigation measures. We have written to you separately with our comments on the HA's proposed conditions.

The HA acknowledges that in relation to the capacity of the Hamble Lane corridor:

...the proposed development traffic would have an unacceptable impact by worsening performance.

It goes on to state that:

Mitigation is therefore necessary in order to offset this impact.

The HA raises 'no objection' to the proposal subject to the applicant entering into a Section 106 agreement to secure the following:

- *A Highway Contribution of £500,000 to mitigate the development impact through the provision of a sustainable travel scheme on Hamble Lane.*
- *A Lorry Routing agreement (stipulating right turn out left turn in)*

The lorry routing requirement is a practical necessity, and the Parish Council has no further comment on that aspect of the response. It is however concerned that the proposal to mitigate the development impact through a contribution towards sustainable travel is deeply flawed. In its consultation response the HA has failed to provide:

- (a) adequate explanation or reasoning to identify the extent of the impact of the development on Hamble Lane or how and why it concludes that this would be 'unacceptable'. For it to reach such a conclusion we assume that the HA must have made its own assessment of the variance between the current situation and the

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situation were development to be permitted without mitigation. If such an assessment exists, it should be available for scrutiny. If it does not exist, then this undermines the requirement for the specified mitigation since there is no way to determine whether it is necessary or adequate by setting it alongside the problem it is designed to solve.

- (b) any explanation of how 'improving walking and cycle access to Hamble Station' would 'potentially off-set the development impact on the Hamble Lane corridor' or justification for accepting a scheme which 'potentially' would not have this impact at all. This relates directly to our point in (a) in that without any explanation of the quantum or nature of the impact to be mitigated it follows that the HA is unable to explain how any package of mitigation would be necessary or acceptable.
- (c) regardless of whether it is considered suitable mitigation, insufficient detail of the works proposed to demonstrate that the contribution would be anything other than a general addition to a HA budget for highway improvements which might, or might not, include active travel works on Hamble Lane. If this is the basis on which the HA seeks a contribution of £500,000 (rather than a greater or lesser sum) then it should make this clear so that the public and you as decision maker can properly assess whether this constitutes suitable mitigation.
- (d) Any explanation as to how the evidence the HA gave to the recent Satchell Lane planning inquiry can be reconciled with this approach to the Hamble Airfield development.

Mitigation Proposals

At no time since the application was submitted has the HA placed on record its own assessment of the effect of this application on traffic movements on Hamble Lane. It has invited you to rely on the transport assessment work carried out by the applicant's consultants. It has also made reference to work commissioned by the County Council (as local planning authority) when the site was allocated in the Hampshire Minerals and Waste Plan 2013 even though this was indisputably based on a much lower number of HGV movements at the site. It is only as a result of the Parish Council's interventions that the HA even asked you to obtain further information from the applicant to address obvious inadequacies in the initial Transport Assessment (TA).

Nor has the HA been able to explain its assertion that HGV movements associated with a gravel extraction operation on the Hamble Lane has been factored into its assessments of traffic flow when preparing its plans for improvements to Hamble Lane (in particular those proposals considered 'essential' in 2018/19) even though the number of HGV movements was not known at the time.

In its latest response the HA provides you with no supporting evidence, no data, and no reasoning to demonstrate to how it has reached the conclusion that the development would have an 'unacceptable impact' on the Hamble Lane. We (and you as decision maker) do not know if their assessment is that is marginally unacceptable or significantly unacceptable or somewhere in between. It has provided no information regarding how, where or why that

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level of impact (whatever they believe it to be) actually arises. It has therefore provided no basis on which you can conclude that any specific mitigation is necessary or justified, or whether what it proposed would be adequate to mitigate the impact of the development.

In its consultation response on the 30th January 2023 the HA indicated that it was minded to consider that active travel and sustainable transport schemes would be “an appropriate form of mitigation for this development given the increase in HGV trips”, but gave no information to support that statement. The HA now seeks a contribution of £500,000 towards a package of measures which is still not explained or described. It provides no analysis as to why £500,000 is an appropriate figure. The response points to the Local Cycling and Walking Infrastructure Plan (LCWIP) for Eastleigh Borough and says that “the route for the scheme” is identified therein. Although it does not give any specific reference the HA appears to be referring to route 338.3 Windhover roundabout – Hamble (p116 of the LCWIP).

In fact the section on route 338.3 in the LCWIP for Eastleigh Borough does not include anything which can be described as a specific or costed scheme. It contains only a number of vaguely described measures, which include several references to the difficulty of implementation and the necessity for third party land acquisition. The content of the LCWIP does not describe or represent a pre-considered mitigation package for the Hamble Airfield development.

We are aware that information now disclosed under a Freedom of Information request suggests a very modest scheme of works might be proposed which has not been discussed or consulted upon with the Parish Council or the local community. This is clearly not an acceptable basis on which to proceed.

Satchell Lane Planning Inquiry

At no point during evidence given to the Satchell Lane planning inquiry in October 2022, in particular in Mr Grantham’s Proof of Evidence and evidence under cross-examination, did the HA suggest that measures to improve cycling and walking might be sufficient to overcome Reason 3 (the impact of the development on traffic congestion on Hamble Lane) of Eastleigh Borough Council’s reasons for refusing that development. It did not propose a contribution towards such improvements as suitable mitigation. Mr Grantham’s evidence endorsed and adopted as HA policy the criteria first stated by the Inspector in the GE Aviation appeal that no further development accessing Hamble Lane should be permitted 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*
- (c) *Funding sources for the implementation of such works have been identified*

The HA has previously maintained the illogical position that the impact of HGV movements arising from an operation at Hamble Airfield has somehow already appeared in the assessment of traffic on Hamble Lane. Its latest response seems now to accept that this is not the case, by recognising that the effect of the development will be in addition to any

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previously considered traffic levels. This is a welcome change, but it therefore engages the current application with the policy position set out by Mr Grantham, in particular the requirement that a package of necessary mitigation is fully identified, tested and found to be feasible – none of which is currently true and none of which is advanced by the HA's response.

The planning obligation the HA proposes is nothing more than a payment into a general pot which might be used to fund part of a vaguely described scheme which was, in any case never intended to serve this purpose, and which may never be implemented in any coherent way. It is a 'finger in the air' compromise with the applicant. The purpose is to suggest that the HA has taken steps to mitigate the impact of the development and to facilitate the development of an allocated site. It is not what it should be, which is a rigorous assessment of its impact and a requirement for specific and deliverable measures by way of mitigation (if that is possible).

The Parish Council respectfully reminds you that it is the responsibility of the decision maker to be satisfied that any measures proposed by a statutory consultee would be sufficient to ensure that the impact of the development is properly mitigated, and also to ensure that any proposed planning obligations satisfy the necessary legal tests as set out in the CIL Regulations 2010.

Those tests, as you know, are that any proposed planning obligation is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*

Based on the information you have from the HA we do not believe that it is possible for you to demonstrate that limb (a) and limb (c) of the regulations are met and we urge you to rectify these inadequacies with the HA before proceeding further. The fact that the HA and the applicant have agreed obligations to put before you, with the basis and necessity for those obligations kept obscure from any evaluation, does not satisfy the requirement for transparent decision making.

Our view, based on the HA's own prior statements, and in particular the evidence it gave to the Satchell Lane planning inquiry, is that the mitigation proposed by the HA is manifestly inadequate. It would have little or no impact on traffic flows on Hamble Lane, and therefore it would do nothing to address the 'unacceptable impact' of the movements of HGVs on Hamble Lane. The vague and uncertain proposals put forward are the inevitable result of their lack of detailed assessment or consistent application of their own previous assessments of traffic conditions on Hamble Lane.

Equally significant for you as decision maker is the fact that the HA has provided you with no objective basis for determining whether our view, the applicant's view or the HA's position is correct. You are simply invited to 'sign off' the consultees response which it admits has

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been provided on the basis that this is an allocated site and that it should therefore seek to support an application.

National Highways

The Parish Council also draws your attention to failure of National Highways to secure the compulsory purchase order necessary to undertake works to Junction 8 of the M27 and the Windhover Roundabout. That scheme is now in abeyance whilst National Highways considers its options with no indication of whether or when it might be implemented. It is undoubtedly delayed by a number of years.

In its consultation response on the 30th January 2023 the HA cited the National Highways scheme as material to its evaluation of the impact of the development on Hamble Lane. It said:

“The scheme is anticipated to start in Autumn 2023 and will alleviate the impact of the development on these two junctions.”

Given that the National Highways scheme is now highly unlikely to be implemented, at least during what would be the first years of the Hamble Airfield operation, it is essential (on the HA’s own submissions) that this impact be properly reassessed and taken into account. There is no evidence that this has been done.

Conclusion

The fundamental problem with the HA’s consultation response and proposals is that it has provided no reasoned justification as to why they are either necessary or sufficient to constitute appropriate mitigation of the impact of this proposed development. Their effectiveness cannot be evaluated since there is nothing to evaluate them against. To the extent that they can be understood at all, the measures proposed are vague and there is no certainty that they would be delivered, let alone that they would have a relevant impact. Such works have not been considered as an option for mitigating other development proposals on the Hamble Lane corridor.

The HA has also failed to take account of the outcome of the J8/M27 CPO inquiry which means that works on which it was relying to reduce the impact of the development will not now take place.

Taken together it is clear that the HA advice to you remains incomplete and inadequate for decision making purposes and we urge you to require them to fulfil their responsibilities as a statutory consultee before any decision is taken.

Yours sincerely

Helen Robinson

Clerk
Hamble Parish Council

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Ben Clifton – Strategic Highways Manager HCC

All members of the Regulatory Committee

Executive Members – Adult Health and Care, Childrens Services, Universal Services,
Hampshire 2050 and Corporate Services, HR, Performance, Communications and Inclusion
and Diversity.

CLlr Tonia Craig – Chair Local Area Committee

Paul Holmes MP