

## **Planning application 17/00703/FUL: Widening of Lovers' Walk**

### **Representation by Highfield Residents' Association**

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## **EXECUTIVE SUMMARY**

**There is an undoubted need to improve the north-south route into the City for cyclists and pedestrians.**

**However this application should be refused because:**

- **It would provide only limited extra capacity which would restrict the potential for significant modal shift to active/sustainable travel modes and create demand for more costly widening in future.**
- **There is a functionally superior, feasible, cheaper (or similar cost), alternative scheme that would provide much higher capacity segregated routes for both pedestrians and cyclists, including fast commuter cycling, thereby enabling/promoting a substantial modal transfer from the car to active/sustainable travel on this important northern route into the City centre.**
- **Even if planning permission were granted, the scheme may well be refused necessary consent under commons legislation or, in counsel's opinion, be ruled unlawful by the courts; these foreseeable substantial risks indicate that the current proposal should be abandoned in favour of the superior alternative scheme which would not incur such risks and thus would be more likely to be implemented without delay.**
- **It would, by widening and straightening a shared route, increase cycle speeds and thereby exacerbate walker/cycle conflict to the detriment of vulnerable walkers, who outnumber cyclists by 2:1, and wheelchair users.**
- **It would harm character and appearance of The Common – a heritage asset of great historic and landscape importance – and thereby conflict with the Development Plan (Policies CS14&21 & LP HE8), in accordance with which applications should be determined.**

**Consequently, SCC should forthwith**

- **re-consult local and user interest groups on the alternative scheme;**
- **negotiate with Southampton University to secure its co-operation with implementation of the alternative scheme; failing which**
- **consider using its powers under the Highways Act 1980 and Planning Acts to secure implementation.**

## Context

1. Lovers' Walk (LW) runs along the full length of the east side The Common, interspersed by Highfield Road in the centre. It is a well-used walking and cycle route connecting the suburban areas of east Bassett in the north with the City centre to the south and, in between, Southampton University Highfield and Avenue campuses, Highfield Hall and the western residential areas of Highfield.
2. LW is entirely within the Little Common and the Highfield Residents' Association area – though many from the East Basset Residents' Association area also use it to reach The Common, Shirley and the City centre.

## Proposal

3. The City Council (SCC) proposes the comprehensive reconstruction/ replacement of the tarmac path of LW, with some straightening and widening from 2.5m to 3.5m north of Highfield road and from 2.00 to 2.5m south of Highfield Road, with 3m south of Blenheim Avenue and between Winn and Westwood Roads.

## Development Plan

4. By law all planning applications must be determined in accordance with the development plan (DP) unless material considerations indicate otherwise. The DP should therefore include policies and proposals for all types of development likely to be needed within the period of the plan.
5. SCC's DP contains no policies or proposals that explicitly support the proposal and it makes only fleeting reference to the (non-statutory) Local Transport Plan's encouragement of cycling and walking (appendix 1). This situation is difficult to explain, as the intention to promote a cycling strategy and specific proposals must have been known when the Core Strategy (CS) and Local Plan Review (LPR) were prepared.
6. The omission from the DP of a cycle strategy and its key proposals, of which SCC considers the current scheme to be one, has deprived the public opportunity of making statutory representations that would be subject to independent scrutiny. It has also deprived SCC of obtaining potential contributions towards costs from nearby developments, the users of which might be expected to benefit from cycle facilities. SCC's approach of dealing with such proposals via a planning application that it will itself determine, rather than through the DP, shows disdain for the integrity of the planning system and the fairness in decision-making that its processes are meant to provide for all interested parties.
7. Instead, supporting policy justification for the proposal relies upon the:
  - a. non-statutory Cycle Plan, on which there has been a cursory formal consultation period of 3 weeks over Xmas to the end of 2016 and which

is only to be published in adopted form after the final day for comment on this application;

- b. general tenet/national policy that sustainable transport is a good thing.
8. The DP contains a number of policies which seek to protect interests that the proposal would harm to some extent relating to ecology and the character of The Common (appendix 1).
9. The HRA has no independent expertise to question SCC's assessment that minimal harm would be caused to ecology. However, the Design and Access Study (DAS) does not refer to the visual impact on the character and appearance of The Common. Indeed it in effect trivialises the issue by citing the additional tarmac as 0.004% of the area of the Little Common, thereby implying the change to be de minimis. In fact the net additional area of 1,532m<sup>2</sup> would be the equivalent to 6 doubles tennis courts which, in terms of the conventions of commons' protection, is substantial<sup>1</sup>. Also, there is no visual illustration of how the reconstructed straightened and widened tarmac route would appear or evidence that the impact on appearance has been assessed in any meaningful way. This is despite the status of The Common as an ancient natural feature of substantial landscape and historic importance and one of the City's main heritage assets. Yet the appearance of the route would undoubtedly be changed from that of a winding path to a mini road. It would thereby permanently erode the natural character and appearance of the corridor through which it passes and of The Common as a whole. In addition the historic tranquil character of the route for walkers will be increasingly disrupted by greater use by fast-moving cyclists. The proposal therefore conflicts with CS Strategic Objective S8, CS policies 14 and 21 and LP Policy HE8.
10. The DAS also fails to address the issue of walker/cycle conflict, which has been identified as affecting in particular vulnerable users such as the elderly, infirm and disabled. No assessment has been made of what at best is the degradation of the pleasantness of walking and at worst the risk of injury on paths shared with fast moving cyclists, some of whom are inconsiderate and threatening. This is particularly the case where the loadings are high (as on parts of LW) and where commuter cycle speeds are common, as exists and as is intended on this route to encourage modal shift from the car. This failure is serious, given the anecdotal and research evidence on this issue<sup>2</sup>. The proposal therefore conflicts with policy CS 13.
11. The conflict with the DP might be outweighed by other considerations such as the demand for cycling. But that could only be so where there is no alternative means of meeting that demand that would cause less harm/not conflict with the DP and if the proposed scheme could be demonstrated to be

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<sup>1</sup> DAS para. 1.5: 1,854m<sup>2</sup> new tarmac, 322m<sup>2</sup> removed = 1,532m<sup>2</sup> net addition.

<sup>2</sup> The first consultative workshop of the Southampton Common Forum identified walker/cycle conflict as one of the key issues for users (appendix 3); see also appendix 4 and <https://www.livingstreets.org.uk/media/1864/sharing-the-space-report.pdf>, p34

effective in meeting that demand. In any event this should have been properly have been explored via the DP process, as identified in para. 6. In this case there is a feasible less harmful alternative scheme that can meet a much greater demand, which SCC has not fully considered.

#### Alternative scheme

12. The alternative scheme is comprehensively illustrated in a representation on the recent application by the University to widen the steps at the south west corner of the Highfield Campus (appendix 9, attached). This would provide for total separation of pedestrians and cyclists (apart from at crossing points) throughout the full length of LW.

13. Its components are (north to south):

- a. Removal of the earth boundary bank adjacent to Burgess Road southern footpath to enable widening to improve comfort and safety of both those walking along the pavement and holding to cross to Glen Eyre;
- b. Reinstatement of the northern section of the footpath from Burgess Road, close to the University boundary, to Salisbury Road as pedestrian only;
- c. Realignment of the existing 3.5m route between the Glen Eyre crossing of Burgess Road and Salisbury Road/University service road as a cycle only route to allow free flow, crossing the pedestrian route at 90° to deter deviation by cyclists on to LW – and re-alignment of the section of LW immediately south of Salisbury Road to create the 90° crossing;
- d. Use of the existing 7m-wide little-used University service road as a cycle route closely parallel to LW, allowing LW to be pedestrian only;
- e. Creation of a 1:20 gradient ramp from the southern end of the University service on to Furzedown Road for cyclists and pedestrians (including disabled) and closure of the existing steps;
- f. Use of Furzedown Road for cycling shared with vehicle traffic (as per use of Highfield Road for the last 20 years) with introduction of residents'-only parking on west side to create more passing space, allowing the parallel most heavily used section of LW to be pedestrian only;
- g. Re-formation of the Furzedown Road/Highfield Avenue-Lane junction to prevent vehicles turning in and creating a feed-in ramp for cyclists (replicating the layout at the Highfield Road junction opposite<sup>3</sup>);
- h. Re-design of the recently installed but largely ineffective traffic calming measures on Highfield Road to remove impediments to free pedestrian flows, prevent cycle use of pedestrian only paths, install effectual means of vehicle speed restrain and prevent unlawful vehicle right turns;

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<sup>3</sup> See diagram on p. 21 of Appendix 9.

- i. Use of Highfield Road as a cycleway shared with vehicles, as at present, but continuing round to the southern redesigned section of the road within the 20mph limit area to safely feed cyclists on and off (i) below;
- j. Reconstruction to remove humps and widen to 2.5m (same width as proposed for section 2 of LW) of the little-used existing 2m-wide tarmac path along The Avenue carriageway between Highfield and Winn Roads as a 2-way cycle route (as described in appendix 4), allowing LW west of Westbourne Crescent to be pedestrian only<sup>4</sup>.

14. The functional advantages of the alternative scheme would be:

- a. far greater capacity for future increase in the numbers of both cyclists and walkers/disabled;
- b. much less scope for conflict between the two, thereby providing a safe and comfortable environment for walking and encouraging its increase;
- c. the ability for cyclists to maintain speeds unimpeded by the obstruction of walkers/disabled, giving much shorter commuter times;
- d. a fully lit cycle route, including between Highfield to Winn Roads (not proposed to be lit under the SCC scheme), for winter commuter use;
- e. a safer transit and holding area for walkers and cyclists at the Burgess Road/Glen Eyre crossing (not addressed at all in the SCC proposals).

The alternative would thus be much more likely to encourage a modal shift from use of the car to cycling or walking and thereby more successfully achieve sustainable transport objectives.

15. There would be virtually no harm caused to the character and appearance of the Common, because:

- a. a repaired LW would be kept as a tranquil winding narrow path restricted to pedestrians;
- b. no significant net addition to the area of tarmac on The Common would be required<sup>5</sup>;
- c. widening of the path along The Avenue south of Highfield Road is within the already urbanised corridor of the A33;
- d. much greater capacity would be provided, obviating the need for more widening of and further erosion of The Common in future.

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<sup>4</sup> The section outside nos. 1-5 Highfield Road would need reconstruction/widening to provide for shared use for cyclists between Highfield Road and Oakmount Avenue.

<sup>5</sup> Burgess Road to Salisbury Road reinstated tarmac path 2m x 50m = 100m<sup>2</sup> + Highfield Road to Winn Road adjacent to Avenue 0.5m (additional) x 550m = 265m<sup>2</sup>; total 365m<sup>2</sup>, less 322m<sup>2</sup> of existing tarmac proposed to be removed = 43m<sup>2</sup> net addition.

The alternative would thus be more likely to receive consent under s38 of the Commons Act 2006 and less prone to successful legal challenge (appendix 6).

16. The alternative would also be much more cost-effective because:

- a. the entire LW walk path, which is wide enough and in fundamentally sound condition (though requiring repairs in places) as a footpath, would be retained and existing investment thereby not wasted;
- b. despite the greater capacity and quality of routes created, the costs overall would be significantly less by approximately £80,000 (based on lay-estimated comparative calculations – see appendix 7).

Comment on views expressed on the proposed and alternative scheme

SCC

17. The DAS refers to The Avenue not being suitable for cycling and to the advantages of the SCC proposed scheme as being its directness and the most pleasant and safest for cyclists. However the alternative scheme would be almost as equally direct and any slight deviations for cyclists would be on sweeping curves enabling momentum to be maintained. The alternative scheme south of Highfield Road would be adjacent to the Avenue but, subject to the prescriptions in Appendix 4, would be much safer and pleasant than most cycle routes; being lit it would also be more functional throughout the year for commuters than the SCC proposal.

Local residents

18. The DAS refers to an advantage of the SCC scheme being not causing loss of on-street parking on Furzedown Road. This reflects the adverse response from residents to a previous proposal to create a dedicated two-way cycleway on the west side of the road, displacing all on-street parking on that side. However, the alternative proposal of this representation would not require removal of parking and would mean cyclists sharing the residual road space with vehicles. 80-200 cyclists already use Furzedown Road in the AM peak (appendix 2), but some residents nevertheless oppose an increase because of the 'significant disruption' it would cause to them. However it is difficult to see how the impact of such a benign activity as cycling could amount to a significant planning consideration that could be weighed against the alternative scheme. The situation would be similar to that long-standing on the Highfield Road section of the northern corridor, which takes the cycle flows of the existing Lovers' Walk and Furzedown Road combined and where the residual space is narrower and traffic loadings higher.

19. Some Furzedown Road residents do not oppose greater cycle use and are also pressing for controlled parking on the west as well east side of the Road (appendix 8). That would displace the tightly packed row of about 25 cars

parked during term-time weekdays (assumed to be almost entirely taken by University staff taking advantage of the now rare urban luxury of free parking on the doorstep of their workplace). During weekends and evenings no more than about half of the available space is used, presumably by residents and their visitors. Parking restricted to residents and visitors on the west as well as east side would thus reduce the number of parked cars during term-time weekdays, leaving greater additional space for cycles and vehicles to pass at times when the movements are greatest. It would also put an end to the disruption caused to residents and cyclists by non-resident related cars cruising the area in search of a parking space.

#### Southampton University

20. The alternative scheme relies upon use of the University's western service road by cyclists and construction at the southern end of a cycle ramp linking to Oakhurst/Furzedown Roads on unused land that it owns.

21. In commenting on the LW application the University raises a number of concerns (in italics) as follows:

- a. *The ramp would be too steep.* The design/layout illustrated in the objection to the steps application (appendix 9) shows a gradient of 1:20 can be provided, which is acceptable to cycle and disabled groups and is half that of existing cycle routes in the campus.
- b. *The service road would be unsafe for cyclists because of service vehicles and adjacent car parking.* The service road is mainly 7m wide with a limit of 10mph and has only a small number of vehicle movements arising from predominantly long-term parking (i.e. one trip in and out a day) and some servicing of buildings. By comparison Highfield Road has long been used by the same flow of cyclists; it is 5m wide, has on-street parking on one side (reducing the effective width to 3m), has greater flows of traffic, including commercial vehicles servicing the Avenue campus and Highfield Hall and regular buses (in one direction) and serves the parking of adjacent houses, a block of flats and a busy doctors' surgery. It is therefore not credible that the service road is unsuitable for cyclists; indeed some of the cycle lobby consider it would be one of the safest routes in the City.
- c. *The ramp is not justified as a replacement for the steps as they are mainly used by pedestrians and because the disabled can take an alternative (less direct/longer) route.* It is self-evident that use of steps by cyclists is inherently limited. The ramp would facilitate easy cycle access in and out of the body of the Highfield campus as well as connecting to the service road and Salisbury Road beyond. It would therefore promote cycling, as proclaimed in the University's travel plan, as well as equal convenient access for the disabled, in accordance with the duty placed on the University under the Equalities Act 2010.



It is in any event difficult to comprehend that an aspirant top-league university – with major improvement plans afoot – might not want to create an attractive southern entrance to its main campus that is equally convenient and functional for all users (walkers, cyclists and the disabled) on the link to its nearby secondary campus and the City centre beyond. These and other relevant considerations will come under independent scrutiny if the University appeals the recent refusal of planning permission to widen the steps.

22. It is thus difficult to see what demonstrable actual harm to the University's interests would flow from cyclists using the ramp and service road. The majority of users are from the University and/or from Salisbury Road, making the service road more direct than LW (see appendix 2 map). It is not a secure campus and the security risks to buildings arising from some more public use would be no greater than exist on public roads such as Highfield Road. Even if re-development of the western part of the Campus were being considered, it is inconceivable there would not be scope to retain a cycle route through the necessary buffer between buildings and the edge of The Common that would be required to accord with Development Plan policies, such as LP HE8. In terms of the cost of the ramp, it would clearly benefit the users of the University, and hopefully would form part of any grander redevelopment project, along with creating a strategic cycle network within the campus (in particular a west-east southern link); SCC's cost savings of £80,000 from adopting the alternative scheme (see appendix 7) could be applied as a contribution towards the element of non-University public use of the ramp.

#### Off-site 'mitigation'

23. The proposed fencing of the boating lake on the main Common west of The Avenue to deter dogs from disturbing the aquatic wildlife is proposed, purportedly as a mitigation measure for additional tarmac on the Little Common. In planning terms this is outside the scope of the main proposal and is thus unjustified and potentially unlawful; in probity terms it represents misapplication of funding presumably intended for a sustainable transport project, and is thus entirely inappropriate. If there were a surplus from whatever funds are being used for the scheme, it would be more appropriately applied either towards the cost of the ramp or to improvements to walking and cycling conditions on connecting routes, such as installing bollards or a raised kerb in the underpass to protect pedestrians in a confined space from fast moving cyclists encroaching on to the pavement.

## Appendix 1: Relevant SCC Development Plan policies/statements

NB There is nothing in the DP explicitly to support the proposal

CS S8 Conserve and enhance the city's historic environment ensuring that designated sites are safeguarded. Historic conservation opportunities in new development will be maximised and local awareness of heritage issues raised.

CS S12 Create accessible high quality parks and open spaces that contribute towards the city's network of open spaces and promote participation in sport and active recreation.

CS S18 Ensure that all development reduces the need to travel and is supported by a superior alternative transport system, attracting people to walk, cycle or use the bus or train. Manage car trips and deliver appropriate mitigation measures. Ensure that road space is managed fairly, improve air quality, control congestion and improve the street scene.

CS 13 (9) Improve accessibility throughout the city by ensuring that developments, including buildings, streets and public spaces, are accessible to all users including senior citizens and disabled people;

CS 14 (part) The Council will safeguard from inappropriate development and, where appropriate, enhance important historical assets and their settings and the character of areas of acknowledged importance including listed buildings, conservation areas, sites of archaeological importance and their setting and parks and gardens of special historic interest.

CS 21 The Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through: - 1. Protecting and enhancing key open spaces including Southampton Common, central, district and local parks; et al.

LP HE 5 Parks and Gardens of Special Historic Interest  
Development will not be permitted which would detract from the character or setting of parks and gardens of special historic interest, including those on the national and local register.

LP CLT3 Development will not be permitted which would result in the loss of the areas of public and private open space listed in Appendix 5 (including The Common)

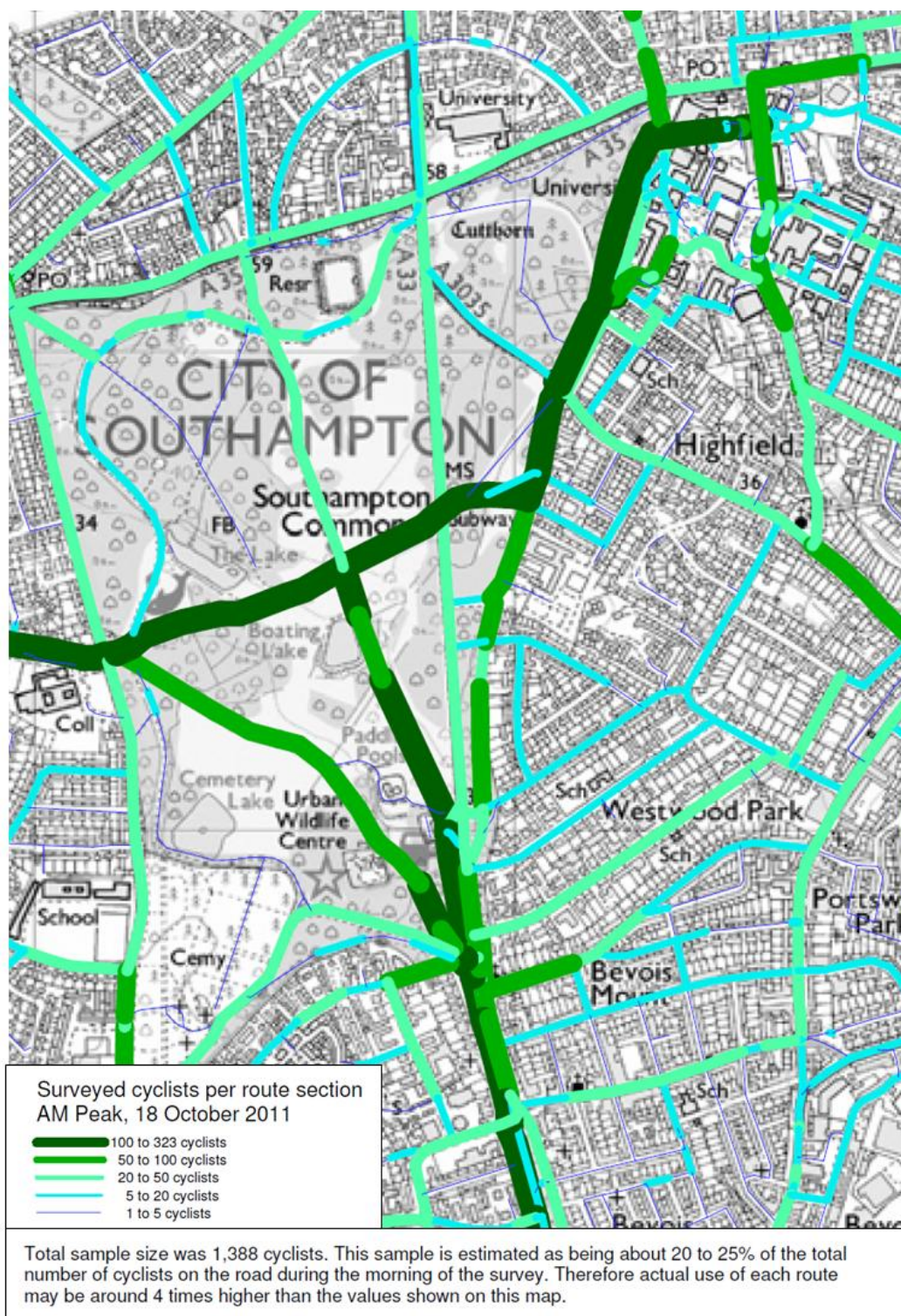
LP SDP 11 Planning permission will only be granted for development which secures adequate access for all pedestrians including people with mobility and sensory difficulties such as elderly people, disabled people, the very young and those using prams and wheelchairs.

LP para. 10.3: The LTP sets out a balanced transport strategy bringing together:

- ensuring mobility for disabled people is always given first consideration;
- promoting the use of walking and cycling modes wherever practicable.

## Appendix 2: SCC 2011 cycle survey (extract)

SCC 2013 LW survey indicated between 150 and 500 pedestrians and cyclists used LW per peak hour, with a rough split of two-thirds pedestrians to one-third cyclists and with heaviest loadings and spikes on the section parallel to Furzedown Road, due to students moving between campuses/ lectures. The 2011 city-wide cycle survey indicated at AM peak (duration unspecified) 400-1300 cyclists using Salisbury Rd/LW north/Highfield Rd/underpass/ Bellemoor/ Coronation Ave south and 200-400 on LW south of Highfield Rd; and 80-200 using Furzedown Rd and the University service road parallel to LW (see diagram below). These sources are not obviously reconcilable, as the cycle survey suggests a substantially higher loading of cyclists on LW and at the earlier date.



### Appendix 3: Southampton Common Forum 07.06.16 – Workshop outcome

The workshop was at an early stage in establishment of Southampton Common Forum in order to introduce debate actual issues to offset the dryness of the mechanics of setting up. Organisations and individuals known to have an interest in The Common were invited, including local residents associations, SCAPPS, FoSOC, schools, the University and local councillors. Split into 6 groups of 6-7 persons they were asked what they considered to be the issues relating to The Common, with no introduction, prompting or suggestions of issues – a first stage in a ‘collaborative’ approach to formulating a revised plan. The table below shows the issues identified by the 6 groups working independently, with a remarkable commonality of some concerns, including conflict between walkers and cyclists.

<b>Southampton Common Forum 07.06.16 – Workshop</b>	Workshop Table no.						S	tot
<b>ISSUES identified</b> (consolidated – rev 16/06/16)	1	2	4	5	6	7	H	
<b>Management plan</b> Communication/ interpretation/Shared vision for Common/balance of uses		x			x			
<b>Conflict of users</b> /Cyclists/ped. conflict/safety on mixed use paths/esp. for deaf/speed limit/better signs rec. & commuter/specific provision for cyclists/ Cycle routes & access	x	x	x	x	x	x		6
<b>Rubbish etc.</b> /litter/bins overflowing/left in inaccessible area/ Bottles/glass/ Dog fouling/ Recycling bins/ rats/ BBQs – burnt/smell/rubbish; fire risk/ Vandalism/damage	x	x	x	x	x	x		6
<b>Resources</b> for common – from development contributions/other sources more limited/ Green spaces supported by friends groups – resources & vision		x						
<b>Loss of open space</b> to woodland/Overgrown parts/Protect green space/open up for access/Old race course overgrown/ “maintained for people”/Lakes – maintain/Green lungs for city	x	x	x	x	x	x		6
<b>Public/personal safety</b> – more users = safer/ day & night/Safety on univ. side – rangers?/ lighting/ Health and safety vs adventure/risk	x		x	x	x	x		5
<b>Appearance</b> /Welcoming entrances/Access for people in Bassett/Tree succession plan/landscape/veteran tree protection			x					
<b>Infrastructure</b> poor state of pathways/ /underpass			x		x			
<b>Wildlife</b> maintaining /encouraging diversification/inaccessible areas/Ecological management SSSI certain species protection/Overfeeding of wildlife/birds – enforcement?/ Predominance of seagulls over water birds/ Wild areas – woodland/countryside/ Continuity of ecology in city	x	x	x	x	x	x		6
<b>Paid events</b> Common People/Fair/large paid events–money for re-instatement- tyres/paths/Not pay for use of common as individuals–e.g. Common People/Keep park run free/paid mudrun & other events–frequency? Too often?/Litter at events–cleanup /Soil compaction; noise from events – effect on wildlife/too frequent?/Southampton Univ sports–e.g.quidditch–wearing grass		x	x	x	x	x		5
<b>Byelaws enforcement</b> & clarification/garden encroachment/park rangers/ Homeless/rough sleeping/tents		x		x	x			3
<b>Children’s play area</b> – maintenance/ Paddling pool provision – people using for the day/ Provision for children & mothers/£650k for playground up from £500k/ Safe play environment for small children/ dog free zone for playground/ Toilets – lack of – needed next to children’s playground	x	x	x		x	x		5
(Some) <b>notable omissions</b> (there may be more) seats, veteran/ancient tree protection, signs/visual intrusion, swans protection, damage to historic banks/features/protection, parking for visitors, increasing population pressure, more play areas?, dog/other user (children) conflict, maintenance regime/cost/resources							x	

## Appendix 4: The nature of walker/cycle conflict: a personal view

### Issue

1. The conflict on shared routes is two-sided. Walkers are startled/ frightened/ potentially injured by a faster moving heavier object of someone on a steel frame. Cyclists are frustrated by walkers obstructing them from maintaining their speed and line of travel.

### Walkers

2. Walking for relaxation, outside busy central urban areas, is not an activity whereby you are paying attention to what is going on around you. So you walk side by side, possibly blocking the whole path 'without thinking' whilst letting your mind wander/talking together and not 'paying attention' - that is inherent to the pleasure of walking. Walkers do wander - and not pay attention. But nor should they have to 'pay attention' - not doing so is the whole point of recreational walking. Having to concentrate and pay constant heed to surroundings and be aware of rapidly approaching objects coming from all directions is the antithesis of relaxation.
3. I have many examples of being frightened, and some of deliberate intimidation, which has resulted in my wife and neighbours not wanting to walk on Lovers' Walk. It is impossible to relax, as more often than not you end up angry and impotent against the sturdier faster moving object - much as cyclists experience on roads - and therefore do not look to repeat the experience. So we take the car to the post office on a longer route; bang goes sustainability and healthy exercise.
4. The needs of the less robust - more likely to be walkers than cyclists - such as the elderly, frail, deaf, etc. - of which there is an increasing number with the general ageing of the population and for whom walking is their essential and often only possible exercise (and those with small children) should arguably always have take priority. Also, there are many more walkers than cyclists - 2:1 on Lovers' Walk, according to SCC's surveys.

### Cyclists

5. Most cyclists, particularly commuter cyclists, are often competing in time with a motorised trip and want to maintain a reasonable speed of 10-15 mph (and up to 25mph in some cases). That cannot be done where there are obstructions of slower moving people and/or dogs that are often unpredictable in their movement. With the mindset of getting from A to B many cyclists find this frustrating and take the view that walkers should pay attention and make a clear path for them before they approach, so that they do not have to slow.

### Shared routes

6. So shared routes are inherently unsatisfactory for pedestrians - and also for cyclists who want to maintain momentum unimpeded.

### Widening

7. Widening and/or straightening does not help, as cyclists tend to go faster and feel they have even more right to priority and walkers still wander. Nevertheless it is commonly cited as the answer - but usually by cyclists or others who rarely walk on shared routes and/or who are fit and robust enough to accept brushes with cyclists.

They dismiss the concerns of the less robust as trivial, thereby subscribing to a 'devil take the hindmost' attitude at odds with a civilised society.

#### Markings

8. Neither do separate markings help – indeed SCC has been removing them because they are not adhered to by cyclists or pedestrians and cause more confusion than clarity.

#### Education

9. Promoting better cycle behaviour, as SCC suggest in their cycle plan, is also held to be the answer, nowhere has it been demonstrated as a proven means by which walkers will consistently feel safe and comfortable. It is therefore dishonest to continue to promote shared routes where they can be avoided on the basis that a comprehensive change of attitude across all cyclists will be achieved in future. There is a long way yet to go on that. Re-education needs to start from the present very low base to establish the rule, as generally is the case at sea, that the slower moving object/person always has priority, and the faster moving must take precautionary evasive action and give a wide berth. The cycle lobby, in its own interest, should be giving changing these attitudes maximum priority to make necessary shared routes safe and pleasant for walkers.
10. For example recently I was walking with others on the former route and was brushed by a cyclist coming from behind doing 20-25 mph through the narrow gap between me and a ditch. Had he been on the road with a car passing him inches away at 7x his speed – i.e. about 150mph – he would no doubt have considered that outrageous. But there is no conception that is the experience to which cyclists subject walkers with impunity. I am still relatively fit and robust but found that cyclist behaviour threatening. What if I had just wandered slightly? What if I had dementia? He was proceeding entirely on 'I have the right to proceed without hindrance (whatever the predictable potential consequences) and if you get in my way it's your fault', rather than on a precautionary basis. I have even seen similar behaviour by a uniformed cycle instructor on the same path on a busy bank holiday when it was crowded with children.

#### Separation wherever possible

11. So separation, where possible – as on the Lovers' Walk route, is immeasurably better on all counts. It is not always possible – for example on the Highfield – Bellemoor and Bellemoor - Northlands routes, where the alternatives for cyclists would be much less direct and on unsuitable roads. In those cases there is an overwhelming public interest case to accept shared use, where there is no alternative but to rely on what is possible way of education/signage etc. to deter conflict.

Simon Hill (local resident walker, cyclist and driver) May 2017



### Appendix 5: Proposed design of cycleway adjacent to The Avenue

A grass verge of 1-2m exists between the existing path and The Avenue carriageway along most of the length; a reconstructed path could be positioned further away (with a sweep eastwards at the Oakmount Avenue bus stop to create a safe waiting area); also the first 0.8m of The Avenue carriageway could be chevron-ed on either side to reduce the width for vehicles from the present 9m (which makes no contribution to traffic capacity but encourages dangerous overtaking) to the 7.4m standard for 2-way 'A' roads; that would increase separation of cyclists from traffic; in addition a 30mph limit could be introduced on The Avenue south of Highfield Road that would further improve conditions for cyclists, with no significant increase in vehicle transit times (theoretical maximum of 10 seconds over 575m).

### Appendix 6: Legal considerations

Irrespective of planning approval, consent is required from the Secretary of State/Planning Inspectorate for works on a common (Commons Act 2006, s38). Consent is unlikely to be granted unless it can be demonstrated that there is no feasible means of meeting the need for the works off-common or otherwise with lesser impact. The existence of planning permission is not relevant to a s38 determination, which is decided under different criteria.

Irrespective of planning permission and s38 consent, works on The Common not expressly authorised by local acts of parliament and not related to recreational use of The Common are unlawful, even if in the public interest of citizens of the City generally (*High Court Chancery Division 14 Nov. 1969 A.-G. (Chalk & Others, Relators) v. Southampton Corporation*). The primary purpose of widening of LW is to meet the city-wide needs of those travelling across The Common from points outside, rather than recreational cycling per se on The Common. This was critical in the case cited, involving car parks to serve the then zoo and the Cowherds pub. These were found to be unlawful despite serving the public interest of City citizens and being widely supported. A similar outcome could be expected if the SCC proposals were challenged in the HC (Appendix 9).

### Appendix 7: Comparative cost calculations

SCC gives no estimate of the cost of its proposals, but a lay estimate is £300-350,000, based on £83 per m<sup>2</sup> for drive reconstruction.

(<http://quotationcheck.com/drive-tarmac-costs>) and calculated as follows:

$(£83 \times 1,854\text{m}^2) = £154,000 + 75\% \text{ for linear alignment/tree root care} =$   
 $£270,000 + (£30 \text{ per m}^2 \text{ for removal of existing tarmac} \times 322\text{m}^2) £10,000 =$   
 $£280,000 + 15\% \text{ contingency} = £322,000.$

The cost of the alternative scheme would be:

1. Reinstate 50 x 2m path Burgess Rd to Salisbury Rd = £8,300
2. Realign paths near w. end of Salisbury Rd to give 90° crossing of pedestrian and cycle routes, say £15,000
3. Reconstruct/widen Avenue path south of Highfield Rd 550 x 2.5m = £91,300
4. Total £114,600 + 75% for linear alignment/tree root care + £10,000 for removal of exiting tarmac = £210,550 + 15% contingency = £242,000

This suggests the alternative scheme would be some £80,000 cheaper. This comparison should be usefully illustrative despite inaccuracies in the absolute figures.

## Appendix 8: Furzedown Road residents' letter requesting controlled parking

3 Furzedown Road

Highfield

Southampton

SO17 1PN

[jeanne.butterfield@gmail.com](mailto:jeanne.butterfield@gmail.com)

14 April 2017

Dear Councillor Savage,

We are writing to you about the state of traffic management in Furzedown Road.

The situation is complicated for many reasons:

- the houses are big (often with more than one car owner), but with narrow frontages, so that parking on the eastern side of the road is unusually dense.
- because of the school in Hawthorn Road with its congested pick-up times, use of back-garden entrance parking is difficult though not impossible.
- through-traffic in FR is also very difficult: southward, cars and cycles come from the University, cars come from the school because the exit Hawthorn Road/Highfield Lane is difficult. Northward bound cars and cycles swing into FR from the traffic lights.

Because of this dense traffic, and because there is often end to end solid parking also on the Common side of FR, it is frequently almost impossible for residents to get out of their parking place, and if they do, they may face oncoming vehicles and have only the option of reversing in a very narrow space.

All these factors make for a very dangerous environment for cyclists. We understand that the University rightly encourages cycle travel: it cannot both do this and support the present free-parking regime on the Common side of Furzedown Road. The environment in FR on days when the University is closed is transformed; on work days it looks like a parking lot.

Two changes seem to us to be essential:

- parking on the Common side should be residents only/ time-limited for all-comers (maybe one hour to allow for short visits to residents)
- fewer cars on the Common side should be permitted: two substantial car-less bays should be established: this would give refuge to cyclists and make turning less dangerous.

Perhaps thought could be given to a one-way, north to south, traffic system along FD ...at the moment, traffic turning left after the lights is a particular hazard for car users in the first few houses – a reconfiguration of the junction to out only for vehicles and a raised area for cyclists to merge in and out of Furzedown Road – a mirror image of the situation on Highfield road for the last 25 years – would make the situation safer and easier for residents and cyclists.

Thank you for your attention.

Jeanne Butterfield and the following Residents:

tb { Roy Butterfield No 3  
Janet R Sealie-Hall No 4  
Janet K. Wilson No 2  
N. & I. Leavy No 5