

**Q.12 Explain why the proposed works are needed and how they fulfil the criteria set out in Section 39 of the Commons Act 2006. If the proposed works include fencing, please also complete section D2.**

**Q.13 Give details of any measures proposed to mitigate the visual impact of the works and, where appropriate, the way in which the common will be restored once the works are completed if consent is granted.**

**(A) The Common**

1. The piece of land within the City of Southampton known as “the Southampton Common” or “The Common” is registered as common land under register unit number CL1 (hereinafter referred to for the purposes of this application as “**The Common**”). The extent of the registered area of The Common is shown on sheet number 2 of the register map for register unit CL1 (“**the Register Map**”). Copies of the Register and Register Map are attached at Appendix 1.
2. The Common covers a total area of 326 acres. It was provisionally registered as a common on 28 February 1967 under the Commons Registration Act 1965. The registration became final on 13 October 1970. No common rights were registered at the time.
3. A large, busy central city open space, The Common is the largest of the City’s open spaces with the first written record dating back to 1228 although it is possible that the area’s status as a common dates back to the town of Hamwic around 500 AD.
4. Although it was only registered as a common under the Commons Registration Act 1965 in 1967, The Common was established as a public open space for the recreation of the inhabitants of Southampton under the Southampton Marsh Act 1844, with section 116 granting that The Common shall for ever be subject to rights of common, recreation and other public rights. Section 72 of the Southampton Marsh and Markets Act 1865 requires that the land be kept exclusively as parks, gardens, pleasure grounds, play grounds and other open space for the general and public advantage of the inhabitants of Southampton and persons resorting thereto. Section 87(1)(a) of the Southampton Corporation Act 1910 further set out that the Common was deemed to be a park or pleasure ground within the meaning of the Public Health Acts. These provisions of these historic local statutes were exempted from repeal by the Local Government Act 1972 and also amended by virtue of section 57 of the Hampshire Act 1983.
5. The Common is located within two wards (Portswood and Shirley) in the centre of Southampton and is surrounded by housing, schools and various University of Southampton (“**the University**”) sites. The Common features woodland, rough grassland, ponds, wetlands, lakes, parkland and a network of tarmacked paths. It is a much loved and well used green open space in the centre of the City, popular for informal leisure activities as well as large events. The diverse habitats support an abundance and variety of wildlife and most of The Common to the west of The Avenue is designated as a Site of Special Scientific Interest (“**SSSI**”) as shown hatched orange on the Application Land Plan (as defined in paragraph 29 below) at Appendix 2. The Common is subject to a management plan.

**(B) The Lovers’ Walk Project**

6. Lovers' Walk is a 1.3 kilometre long path that runs from Burgess Road (opposite Glen Eyre Road) in the north east corner of The Common to Winn Road in the south through a 36.6 hectare area of The Common east of The Avenue known as Little Common. Much of Lovers' Walk is bordered by broadleaved woodland and amenity grassland. The Little Common area of The Common is defined as a Site of Importance for Nature Conservation ("**SINC**") due to a significant element of ancient semi-natural woodland, semi-improved grasslands and notable presence of biodiversity, including stag beetles. At its closest point, Lovers' Walk is 45 metres away from the SSSI area of the Common (located on the west side of The Avenue).
7. As noted in paragraphs 5 and 6 of the response to Question 11, the resurfacing and path widening aspects of the Proposed Works will take place along the entire length of Lovers' Walk and a further section of path that whilst technically does not form part of Lovers' Walk is in practice an extension of it for those walking along it. Lovers' Walk and the additional path are essentially divided into three sections (as shown on the plan attached at Appendix 5:
  - a. **Section 1:** Between Burgess Road and Highfield Avenue. Here the path currently has a varying width typically between 2 and 3 metres with a tarmacadam surface. Also referred to as Lovers Walk North (shown coloured orange).
  - b. **Section 2:** Between Highfield Road and Winn Road. The path along this section has a variable width typically between 1.8 and 2.2 metres also with a tarmacadam surface. Also referred to as Lovers Walk South (shown coloured purple).
  - c. **Section 3:** Between Winn Road and Westwood Road (shown coloured red). This section currently has a width of 3 metres with a surface of compacted gravel following previous works to replace the former hoggin surface with compacted gravel (defined as "**Retrospective Works**" and discussed in detail in paragraphs 7 to 10 in the response to Question 11).
8. It is Section 3 that is technically not part of Lovers' Walk but is an extension of it for those using Lovers' Walk. For the purposes of ease of reference in this application, references to "Lovers' Walk" include not only Section 1 and Section 2, but also Section 3 unless the context indicates otherwise.
9. Between Sections 1 and 2, the route stops over an on-road section along Highfield Road which is located outside of the boundary of The Common. The Register Map shows that, save for this on-road section along Highfield Road, Lovers' Walk forms part of the registered extent of The Common.
10. It should be noted that the Register entry states that the boundaries of the Common are shown "*marked with a green verge line inside the boundary.*" It is noted that where vehicular highways intersect and run through the Common (for example, The Avenue (A33) and, particularly in relation to Lovers' Walk, Westwood Road, Winn Road, and Oakmount Avenue), the green and black lines cease. The Council's approach to this for the purposes of this and previous section 38 applications is to treat such land as forming part of the registered common so that the registered common extends over the entire width of these sections of highway. This is consistent with the fact that the areas in which the Cowherds pub and the Hawthorns Urban Wildlife Centre (marked on the Register Map as "zoo", being its former use) are entirely surrounded by the black and green line marking showing that they do not form part of the registered common. However, it should be noted that none of the Proposed Works will take place on these areas of footway and carriageway.

11. Lovers' Walk is a path used by both pedestrians and cyclists. As part of The Common, Lovers' Walk is a popular route in its own right with leisure walking and cycling by people of all ages as well as providing direct links to the wider Common and surrounding residential areas. It is also a popular route with people commuting between the north of the City and the City Centre (and vice versa) as it provides a direct, traffic free, green and scenic route. The University, centred geographically in Highfield adjacent to The Common's eastern boundary, is also one of the largest travel generators in Southampton which contributes to this high level of pedestrian and cycle use of Lovers' Walk. As a result, Lovers' Walk is one of the most heavily used cycle routes in the City and one of the busiest pedestrian routes across The Common.
12. A number of counting surveys measuring use of paths across The Common by pedestrians and cyclists have been taken during the life of the project. These counts show Lovers' Walk to be one of the busiest paths across The Common.
13. The most recent user counts took place in October / November 2022 and again in May 2023. The results of the data collected are contained in the two tables in Appendix 12. In summary, the results show that use by pedestrians and cyclists of Lovers' Walk is generally in line with such use on other paths across The Common, although a stretch along Section 1 south of the University Steps is significantly more busy than other paths. They also show that the post-Covid-19 levels of use are consistent with those prior to the Covid-19 lockdowns.
14. In recognition of the long standing high levels of cycle use, the stretch of Lovers' Walk along Section 1 forms part of the Southampton Cycle Network ("**the SCN**") and has been designated as part of 'Cycle Route SCN8', (known as Orbital Cycle Route which connects Redbridge, Shirley and University Hospital Southampton with Portswood and the University as well as providing access to The Common itself) as identified in the Southampton Cycle Strategy 2017-27 ("**the Cycle Strategy**"), and part of the emerging Local Cycling & Walking Improvement Plan. The Cycle Strategy forms part of the vision within the Council's Connected Southampton 2040 Transport Strategy (LTP4).
15. The designation as a route under the Cycle Strategy was informed by existing user behaviours and use as well as the limitations on providing an alternative route. Its location within scenic green space as well as its central location to the City means that Lovers' Walk has long been and will continue to be a popular path with a high level of cycle activity as it allows less confident cyclists to use this section for slow cycling as an alternative to the route along The Avenue. The proposed widening is therefore not to create capacity for a future higher use but to cater for existing and longstanding levels of use by both pedestrians and cyclists.
16. Despite the longstanding and ongoing level and mix of user demand, Lovers' Walk does not meet the latest design guidance (Cycle Infrastructure Design Local Transport Note 1/20 issued by the Department for Transport Guidance July 2020) and is of an inadequate width for shared use for walking and cycling. The Recommended minimum width for shared use routes is 3.0 metres in order to provide a safe and comfortable space for people walking and cycling. Where pedestrian flows are higher, greater widths such as 4.5 metres are recommended to reduce conflict.
17. The existing narrow width of the path is below these recommendations (for example, the width of Section 1 is generally only 2 to 3 metres and Section 2 is generally only 1.8 metres wide). Therefore, not only is Lovers' Walk one of the busiest paths through The Common, but it is also one of the narrowest tarmacked paths. This brings people who are walking, running, walking dogs and cycling at various speeds into close

proximity with one another resulting in instances of conflict, particularly at the busiest times of day.

18. Much of the existing path is in a poor state of repair and requires resurfacing, particularly along Section 1 where tree roots and other vegetation have broken the surfacing. One particular problem is that because of the narrow width of the existing combined with high pedestrian and cycle flows this has led to over-run where people have deviated from the narrow path on to the adjacent soft surface verges so that they can pass each other. The verges adjacent to Lovers' Walk have in many of these locations been worn back to bare ground which has compacted and degraded the soil and surrounding common land. In turn, this has exposed the path's edges making them trip hazards.
19. Given that much of the path requires resurfacing the Council wishes to widen the path at the same time as resurfacing it to ensure that the path is fit for its existing, and future, levels of use. Carrying out resurfacing works without addressing the issue of users stepping off the sides of the path on to the adjoining verges would result in any work to repair the verges being quickly undone. The Council therefore wishes to address both problems.
20. Since 2011, the Council has been working with local interest groups to develop proposals for improved access for people walking and cycling across and through the Common between The Avenue (and routes to the City Centre), the University's Highfield Campus and Burgess Road (please see Section (E) at paragraphs 97 to 125 below for detail on the extensive consultations undertaken to date).
21. One alternative proposal that had support amongst those whom the Council have consulted was to provide enhanced cycling infrastructure along The Avenue to divert cycle use away from Lovers' Walk. In Summer 2020, the Council trialled temporary on-road cycle lanes on The Avenue and Bassett Avenue between Northlands Road and Chilworth Roundabout with a view to making them permanent if successful. Although these trial cycle lanes were part of the Council's initial response to the national Covid-19 lockdowns, which saw greatly reduced levels of traffic on the road network, the location of these lanes accorded with what had been considered under the alternative proposal. The cycle lanes were monitored for their use and impact on driver journey times as traffic levels increased with lockdown easing.
22. The results of the trial determined that it was not a feasible option due to the excessive impact on motor traffic journey times.
23. The only section of on-road cycle lanes that remains from that trial on The Avenue extends from the Cowherds Pub up to the subway underpass and has now been delivered as a permanent scheme since Summer 2021. North of the subway underpass, the cycle route continues via the Common with cyclists having the option of shared use paths on either side of The Avenue depending on their destination, while more confident cyclists can continue along the carriageway on The Avenue without any formal cycle facility.
24. In addition to the impact on motor traffic journey times, the trial demonstrated the importance of the Lovers' Walk route in supporting active travel in the City. While the new segregated cycle route on The Avenue provides an attractive facility for many cyclists, the trial also showed that there would always be a preference for some, often less confident or family cyclists, to cycle along attractive and traffic free routes through green spaces. As well as avoiding highly trafficked roads, users choose to travel via

The Common as they want to access this unique green space in the City and its facilities. The Common is a popular place for people to cycle to and through (particularly for people travelling between Hill Lane or The Avenue and University campuses), and as noted above Lovers' Walk has one of the heaviest cycle flows on The Common. The conflict between those cycling and those walking due to the existing levels of pedestrian and cycle use along Lovers' Walk alone demonstrates a need for this modest widening.

25. Historically, one of the key concerns raised by consultees in respect of the potential widening of the southern section of Lovers' Walk was the perception that an improved route would attract greater cycle use. However, the new segregated facility on The Avenue provides a parallel alternative route to the southern section of Lovers' Walk and new cycle wayfinding signage will be erected to direct cyclists to use The Avenue instead of Section 2 of Lovers' Walk. However, the southern section will continue to attract cycle use for those not wishing to use The Avenue and remains a popular walking route. The greater numbers of people walking and jogging along this section would also benefit from a widened footpath. The proposed level of widening on the southern section reflects the lower use compared to the northern section.
26. The Proposed Works therefore help to ensure that this popular walking and cycle route is fit for purpose into the future and help repair and prevent further damage to the verge areas alongside the path. They will help provide residents with access to the City's most popular greenspace for recreation as well connecting the City Centre with the University and ensure that all users of Lovers' Walk can do so without impacting on the adjacent vegetation and will increase enjoyment of The Common.
27. The Proposed Works will repair the sections of broken, poor quality tarmacadam surface improving it for all users and reducing the potential for further damage to The Common from people walking or cycling off the path where it is narrow and busy. This will allow the Council's Parks team to manage the grass and repair damage which helps to maintain biodiversity and light levels.
28. In summary, the Proposed Works to Lovers Walk will:
  - Provide a better walking and cycling facility for users of The Common and those accessing the University on what is currently a narrow and busy route;
  - Reduce the occurrences of conflict between people walking, jogging and cycling by providing space to pass safely;
  - Reduce the impact on The Common by removing over-stepping that is degrading the condition of the grassed areas – a wider path should mean that people do not over-step when passing and erosion will not spread further, thus safeguarding The Common's unique character;
  - Provide a facility that can cater for the demand from recreational and through cycling and walking;
  - Repair the current surfacing so it removes damage from roots and water ponding; and
  - Enables people to access and enjoy The Common as the City's premier open greenspace with associated health and well-being benefits.

### **(C) The Proposed Works**

29. The areas of The Common that are the subject of this application ("**the Application Land**") are shown edged red on Drawing Number 22/A/TM/035/812 ("**the Application Land Plan**") attached at Appendix 2. The location and detail of the Proposed Works within the Application Land are discussed in detail in the response to Question 11 in

Section D1 and shown on the set of 2 General Arrangement Drawings attached at Appendix 3 (“**the General Arrangement Drawings**”) and the 3 drawings at Appendix 9.

30. In summary, the Proposed Works comprise 7 elements:
- (i) The resurfacing of existing permanent tarmacadam hard surfacing on the current path width with replacement tarmacadam hard surfacing along Sections 1 and 2;
  - (ii) The widening of the existing path along Sections 1 and 2 with permanent tarmacadam hard surfacing alongside the existing path;
  - (iii) Replacing the existing compacted gravel path along Section 3 with permanent tarmacadam hard surfacing (with retrospective consent sought for the Retrospective Works detailed in paragraphs 7 to 10 in the response to Question 11);
  - (iv) The reinstatement and repair of the adjacent grass verges and thereafter allowing them to re-establish;
  - (v) The installation of cycle speed calming measures comprising bollards, bunds and installation of appropriate signage;
  - (vi) The removal of redundant hardstanding areas from various locations in The Common and reinstatement to grass; and
  - (vii) The temporary erection of fencing for health and safety purposes to facilitate elements (i) to (vi) above.
31. Technically, only the works listed at sub-paragraphs 2(ii), (iii), (v) and (vii) above constitute restricted works under the definition contained in section 38(2) of the Commons Act 2006, but for the sake of completeness the Council is seeking consent for all works that together constitute the Proposed Works due to the cumulative extent of the works to be carried out.
32. The element of the Proposed Works that consists of the erection of temporary fencing is for health and safety purposes to facilitate the carrying out of the main element of the Proposed Works. Details of the fencing and why it is needed are set out in the Council’s response to the questions in Section D2 (and shown, together with the proposed diversion routes, on the Fencing Plan in Appendix 10).
33. Full planning permission for the Proposed Works was granted on 18 February 2022 subject to conditions under planning reference 20/00255/FUL (“**the Planning Permission**”) a copy of which is attached at Appendix 13.

#### **(D) Section 39 Considerations**

##### **(a) The interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it)**

34. The Common is owned by Southampton City Council.
35. The Council submits that the Proposed Works will not harm the interests of those occupying or having rights over the Application Land or the wider Common.
36. The path will be constructed with a sealed tarmacadam surface. This is considered the best surface for pedestrians, cyclists and disabled users. It also has a significantly reduced maintenance requirement over the course of its expected lifespan compared to, for example, an unbound gravel surface or porous asphalt. This is significant as repeated maintenance may continue to disrupt or damage the vegetation and ecology

along the route. Whilst a porous asphalt surface was considered, this was rejected as it would also likely require more frequent maintenance, particularly with regular leaf fall blocking the pores. As the existing path has a tarmac surface, the Council considers that the visual impact of a widened tarmac path will be minimal (please see the images in the landscape survey ("**the Landscape Survey**") attached at Appendix 14). The path will continue to be bordered by grass verges, shrubbery and trees.

37. In response to reservations expressed during the informal consultation in March 2020 over pedestrian safety, the proposals were modified to include signage, information boards and repeater '*share with care*' signs (as shown in Appendix 8) to establish and re-enforce a behavioural code of conduct by users of the path.
38. Whilst the conflict between cyclists and pedestrians is expected to reduce as a result of the widening, nine physical interventions in the form of street furniture (bollards) and short sections of textured tarmac with raised bunds (defined as the Speed Calming Measures and described in detail in paragraphs 14 to 16 in the response to Question 11) will also be installed along the route as part of the Proposed Works with the aim of reducing the speed of cycles and encouraging considerate use of Lovers' Walk. The length of the bunds has been chosen to ensure that cyclists stay on the path and do not veer over the edges causing new damage to the vegetation, with bollards located within the grass bunds to deter people from walking over them. Bollards will only be installed in the middle of the path on one tactile strip in each set of Speed Calming Measures in Section 1 with none installed on the middle of the path itself in Section 2 as the proposed width of Section 2 does not allow for the installation of a bollard on the path without reducing the available passing width to a point where conflict between users would be reintroduced. The bollards will be made from timber or other suitable material in keeping with bollards already in use elsewhere across The Common.
39. Thus, whilst the bunds and bollards will act as a minor impediment to access in these areas, their function in preserving and protecting the adjoining green space and habitat to the sides of the path from damage will outweigh any such impediment. The design of these Speed Calming Measures has taken into account the requirements of pedestrians, cyclists and the users of mobility vehicles and buggies. These interventions will also, where possible, be installed in close proximity to existing street lighting so that they are visible to those travelling when it is darker. Furthermore, the locations of the bunds have also been chosen to specifically avoid areas where people may genuinely wish to step off the path to access and roam through the natural surrounding parts of The Common, and therefore minimises the impact on access.
40. The proposed widening of the path will ensure that it complies (where practical) with the most relevant national standards for shared routes, namely the Department for Transport Guidance (Cycle Infrastructure Design Local Transport Note 1/20 – July 2020) which sets out widths of between 3 and 4.5 metres for shared use routes (depending on cycle and pedestrian flows).
41. The proposed widening and re-surfacing of the path will benefit all wheeled users such as mobility vehicles, wheelchairs and pushchairs providing greater space to pass other users and a level surface without exposed edges thus facilitating the access and enjoyment of The Common as a place of recreation for a wide variety of its visitors.
42. It should be noted that whilst consideration was given to the provision of a segregated two-way cycle facility alongside a pedestrian path, this was rejected by the Council on

the grounds that such a proposal would require a wider path (with a minimum width of 4.5 metres in accordance with LTN1/20) than that needed by the Proposed Works chosen by the Council as this would have resulted in greater hard surfacing of The Common and loss of habitat.

(b) The interests of the neighbourhood and the protection of public rights of access to any area of land

43. Save for the nine cycle Speed Calming Measures discussed at paragraphs 37 to 38 above, the completion of the Proposed Works will not result in any new barriers or obstructions that will prevent access to The Common.
44. The proposals will positively benefit the neighbourhood as it will better cater for continued shared use of walking and cycling along Lovers' Walk at existing high levels. It will reduce conflict between different users of the path and will enable users to pass each other without stepping or wheeling onto the adjoining grass verges thus helping to preserve them. It will allow the continued enjoyment of this essential green space for all users and aid active travel for Southampton residents and visitors resulting in a more liveable, pleasant and cleaner environment that is safer and more accessible for those travelling by sustainable means in the heart of the City.
45. The proposed resurfacing and widening of the path will provide inclusive access for all being designed with pedestrians, cyclists and disabled users in mind. The final surface will be level and free from deformations. It will provide a smooth surface that provides opportunities for less able bodied persons to walk or travel along this shared use path, thus enabling them to better use and enjoy The Common for recreation. The land to the sides of the path will be re-graded to ensure no steep edges or trip hazards remain.
46. All temporary fencing will be removed upon completion of the Proposed Works.
47. Thus, the Proposed Works, complies with paragraphs 4.4 and 4.5 of the Common Land Consents Policy.

(c) The public interest (including nature conservation, the conservation of the landscape, and the protection of archaeological remains and features of historic interest).

48. As noted above, the Application Land consists entirely of footpath and footpath dirt / grass verge areas that are already experiencing high levels of use by people walking and cycling which is causing damage to the adjoining verge areas. The Proposed Works are not expected to result in an increase in this level of use but are designed to better accommodate the currently existing high level of use whilst reducing the impact that this has on The Common.
49. The Council's Parks and Open Spaces Team have confirmed that (in light of the proposed mitigation measures described below in paragraphs 55 to 72 they are content for the Proposed Works to be carried out. Construction will be undertaken through the Council's Parks and Open Spaces contractors. Anyone working on site during construction will be briefed on the local environment and mitigation measures to be undertaken during construction prior to carrying out the Proposed Works.

Conservation of the Landscape

50. The design of the Proposed Works has taken the existing landscape into consideration to produce a sympathetic design. To minimise any impact on The Common, the Proposed Works will follow the meandering alignment of the existing path, with it being widened on one or both sides (as appropriate to achieve the desired width) rather than



a new alignment being constructed or intentionally straightened. Although these works would bring a degree of regimented uniformity to some surfaces of the path, the works would provide a robust surface treatment for all users. It will use sympathetic materials similar to those used elsewhere on The Common, and it would allow the restoration or removal of dilapidated sections of hardstanding both on Lovers' Walk and elsewhere on The Common.

51. It should be noted that there is one location in Section 2 where the path will not be widened and will remain at its existing 1.8 metre width where it passes between two mature trees as the Council considers that the amenity and ecological value of retaining these trees for the benefit and preservation of The Common is greater than the benefit of removing one tree to obtain a greater width at this location. This is shown on the General Arrangement Drawing Sheet 2 of 2 between reference points 1440 and 1450 (Appendix 3b).
52. As noted above (at paragraphs 17 to 18), the narrow width of the existing path coupled with the heavy usage of it by pedestrians and cyclists has led to users deviating from the path and treading over the sides. This verge overrun has led to much of the area adjoining Lovers' Walk to be significantly damaged so that what should be grassed areas has been worn back to bare ground. Photographs of the damaged grass verges caused by this overrunning are shown in the Landscape Survey (Appendix 14).
53. As outlined in paragraph 5.4.1 of the Ecological Impact Assessment (attached at Appendix 15) the 1,422 square metres of land required for the widening is made up of 970 square metres of bare ground, 423 square metres of amenity grassland and 29 square metres of scattered scrub (it should be noted that these measurements relate to the position at the start of the project before the works to replace the hoggin path in Section 3 as part of the Retrospective Works). The Biodiversity Net Gain Design Stage Report (attached at Appendix 16) scores the quality of the habitat on this land as poor (Table 1 in paragraph 4.4 on page 15) and of "limited ecological value" (paragraph 5.3 on page 17). Maps 2a to 2f appended to the Biodiversity Net Gain Stage Report show the current condition of the land required for the resurfacing and widening works.
54. Given the existing damage caused by verge overrun, the ecological impact from the Proposed Works will be limited as it will, in effect, only affect the flanks of the existing path which have already been encroached upon and damaged by users of the path. Consequently, there will be little vegetation clearance required to facilitate the Proposed Works. Where vegetation is required to be removed as part of the Proposed Works it is low quality amenity grassland and ruderal vegetation. The Proposed Works will enable the remaining damaged verges to be repaired, improved and allow them to be re-established in better condition with a neater edge and they will be able to remain in such a condition, thus improving the habitat which will create a better environment for all users of the path.
55. Furthermore, the Council proposes to take three courses of action to mitigate against the impact of the widening works, namely:
  - a. The removal of redundant hard surfaces from various locations in The Common;
  - b. Registering two parcels of land adjacent to The Common as town or village greens; and
  - c. Enhanced active management of one area of The Common.

a. Removal of Redundant Hard Surfacing

56. Another mitigation measure includes removing a total of 520 square metres of hard surfacing from four areas across The Common (as detailed in Section (D) of the Response to Question 11) and allowing them to return to a natural state of vegetation. The Council has identified the following hard surfaces that can be removed, namely:
- (a) Hard standing paths adjacent to Lovers' Walk (157 square metres);
  - (b) The foundations of former changing rooms (200 square metres);
  - (c) Two tarmacadam cricket strips (111 square metres); and
  - (d) A tarmacadam path leading to the site of a former toilet block (52 square metres).
57. 157 square metres of hard surface path adjacent to Lovers' Walk that will become redundant as part of the improvements to Lovers' Walk will also be (or has already been) removed and left to return to grass. These areas are shown shaded green on both the General Arrangement Drawing Number 15/AL/M/010/001 Rev G Sheet 2 of 2 (attached at Appendix 3b) and the Section 3 Retrospective and Prospective Works Drawing (Appendix 6). As noted in paragraphs 7 to 10 of the Response to Question 11, those areas of hard surfacing adjacent to Section 3 measuring 143 square metres have already been removed and left to return to grass when the Retrospective Works to replace the hoggin path with compacted gravel took place between October 2021 and May 2023 for which retrospective consent is being sought as part of this application. For the avoidance of doubt, it is just the 14 square metre area of hard surfacing at the junction with Oakmount Avenue in Section 2 that still exists and will need to be removed. As a result, there will only be an increase of 1,265 square metres of tarmacadam hard surfacing adjacent to and in the immediate vicinity of Lovers' Walk itself.
58. An additional 363 square metres of hard surfacing will also be removed from three other areas on The Common. The areas referred to in (b), (c) and (d) above are shown shaded green on Drawing Numbers 22/AT/M/035/810, 22/AT/M/035/813 and 22/AT/M/035/814 attached at Appendix 9. The three areas are located within the part of The Common that has been designated as a SSSI (apart from some parts of the former changing rooms which are currently excluded from the SSSI designation) as shown hatched orange on the Application Land Plan in Appendix 2.
59. Therefore, although an area of 1,422 square metres of soft surfacing in The Common is required for additional tarmacadam hard surfacing as part of the Proposed Works, 520 square metres of existing hard surfacing will be removed resulting in a net increase of just 902 square metres of additional tarmacadam hard surfacing on The Common.
60. Following the removal of the hard surfacing from these three areas the Council will leave the land to allow it to naturally return to grass cover in keeping with their surroundings. If required to aid this recovery, then suitable seeding will be carried out. As (the majority of) these three areas are located within the Southampton Common SSSI if seeding is required the Council will first seek Natural England's consent for the appropriate acid grassland seed mix to be used. In the case of the path to the former toilet block this area is more mature scrub and trees so again it will be left to allow green space to naturally regrow on the exposed soft landscape. In addition to offsetting the additional areas of hard surfacing required as part of the path widening works, the removal of these redundant areas of hard surfacing will not only benefit the SSSI area of The Common (given that the area of the former changing rooms is currently excluded from the SSSI designation) but, given their current dilapidated state, will also

provide a visual benefit to the landscape as these areas will become more in keeping with the SSSI setting within which they are situated.

b. Additional Land to be Dedicated and Registered as Town or Village Greens

61. For the reasons explained in detail at paragraphs 87 to 89 below, the Council considers that de-registration and exchange of land is neither desirable nor suitable in this case.
62. However, the Council is willing to dedicate two areas of land owned by the Council adjoining The Common but which do not currently form part of the registered area of The Common as town or village greens under section 15(8) of the Commons Act 2006.
63. These two areas are shown shaded blue on Drawing Numbers 22/AT/M/035/815 and 22/AT/M/035/816 attached at Appendix 17. They are also shown edged purple on the Application Land Plan (Appendix 2) for their context alongside The Common.
64. Cumulatively, they have a surface area of 1,083 square metres comprised as follows:
  - a. Land on the northwest corner of The Common near the junction of Burgess Road and Hill Lane (known as Rosemary Cross) – 825 square metres; and
  - b. Land on the southern side of the junction of Northlands Road and The Avenue – 258 square metres.
65. The land on the northwest corner of The Common near the junction of Burgess Road and Hill Lane directly abuts The Common to the north of the boundary mound. It comprises of woodland and woodland edge.
66. The land on the southern side of the junction of Northlands Road and The Avenue whilst not abutting The Common does directly abut the common land registered under Register Unit CL6 known as The Avenue Lands. It comprises of grassland which is identical to the ecology of the abutting common land of The Avenue Lands.
67. It is therefore considered that the quality of both pieces of land are equal to the adjoining common lands that they are situated next to and more than equally advantageous to the land alongside Lovers' Walk required for the path widening works (given that such land as noted above is poor quality habitat of limited ecological value which has been subject to overrun by people using the path due to its inadequate width).
68. Furthermore, dedicating and registering these two pieces of land as town or village greens will afford the land protected status and the local community will have a legal right to enjoy the land that is similar to the rights enjoyed by the public over The Common pursuant to the local legislation discussed in paragraph 4 above.

c. Enhanced Active Habitat Management

69. The Council also intends to carry out a programme of enhanced active habitat management on a 2,500 square metre area of The Common consisting of an informal path flanked by woodland and grassland known as 'Old Carriageway Drive' within close proximity of Lovers' Walk over a 10 year period to increase species diversity and natural value. The detail of the proposals are set out in the Ecological Compensation and Management Plan attached at Appendix 18 (with the location of the proposed site shown on Map 1). In summary, sequential coppicing will take place on a rotational basis over a period of 10 years which will allow more light to reach the ground flora which will create additional ecological niches by providing a suitable habitat for reptiles and a variety of invertebrates. Therefore, approximately two and a half times the

amount of soft-surface habitat lost as a result of the widening of Lovers' Walk will enter into additional positive ecological management.

70. These proposed additional positive ecological management measures were entered into the Biodiversity Impact Assessment Calculator and the results show that it will provide a net gain in biodiversity value on The Common. The Biodiversity Net Gain Design Stage Report concludes (page 21 attached at Appendix 16) that: "the scheme in its current design will deliver the targeted Biodiversity Net Gain." It also concludes that: "Following the completion of the assessment post-development/post intervention units are 0.17 habitat units. This represents a 49.75% gain in habitat units. This demonstrates that the proposals have the ability to deliver the Biodiversity Net Gain."

#### d. Conclusion on Mitigation Measures

71. These mitigation measures will result in 520 square metres of hard surfacing being removed from the Common (including areas within the SSSI designated area of The Common) and returned to a natural soft surface and 1,083 square metres of land being given protected status as town or village green, providing a cumulative total of 1,603 square metres to offset the 1,422 square metres becoming hard surface, resulting in an increase of 181 square metres of protected natural soft surface along with an increase in biodiversity over the 2,500 square metre area that will be subject to additional habitat management.
72. The three proposed mitigation measures are therefore considered to be suitable to offset the potential impact from the loss of soft-surfaced areas associated with the widening of Lovers' Walk particularly over the longer term which will lead to improved biodiversity on The Common.

#### Nature Conservation

73. The Proposed Works have been designed to ensure that there will be no loss of trees. One of the Council's arboricultural officers has conducted a site visit and agreed a construction method to prevent tree root damage. The Proposed Works will not require the removal of any mature, healthy or protected trees. However, it should be noted that while the path is closed when constructing the Proposed Works, one of the Council's arboricultural officers will take the opportunity to inspect and undertake any necessary tree maintenance in the vicinity of Lovers' Walk to avoid the need to close the path to the public in future to carry out such tree maintenance works. It should be stressed that such work will not form part of the Proposed Works.
74. As the Proposed Works will take place in the vicinity of trees, a precautionary approach will be taken and the Council will treat the entire site of the Proposed Works as a root protection area in order to limit any impact. A no dig methodology will be followed for the entire length of the route, so no excavation will be required wherever possible and practical. This will involve raising the vertical alignment above the existing levels and the use of a cellular grid to protect tree roots which will be filled with shingle and surfaced with tarmac. A maximum of 50mm deep soil scraping will take place to level the ground using non-mechanical means. This method will ensure the work undertaken avoids damage to tree roots. The removed material will be stored by the Council's Parks and Open Spaces Team in a designated area on The Common away from the tree protection zone. This material will then be used to re-grade the path at the end of the scheme.
75. Where possible, work will not take place within the prohibited zone (the area within 1 metre of a tree trunk). However, such is the environment, some construction will be required where trees are located next to the existing path. In this instance, a Council

arboriculturalist will be present on site to agree working methodology. Work will take place within tree precautionary zones (an area of four times the tree circumference away from the trunk), but plant movements, particularly lifting, will be limited. Within the root protection zone, plant movements will also be limited. No material or plant will be stored overnight anywhere within the root protection zone, with only daily use material to be located within the root protection zone, but outside of the tree precautionary zone.

76. An Ecological Method Statement has been prepared which summarises the ecological survey work undertaken of various species and sets out the suitable mitigation and management measures to be undertaken to ensure that the favourable conservation status of these species is maintained in perpetuity (attached at Appendix 19). The Ecological Method Statement will be supported by a Construction Environment Management Plan (as required by condition 6 of the Planning Permission) which will contain further detail on how retained habitats will be protected during the construction phase (such as pollution prevention measures).
77. Clearance of any vegetation will avoid the bird nesting season unless it has been clearly established that no nesting birds are present within the site clearance area. The proposed timing of the construction works is set out in paragraph 3.3.2 of the Ecological Method Statement. Construction works will take place in the period between September and October or March and April to avoid potential impacts on bat maternity roosts. There is a preference for the Autumn window of September and October to avoid the breeding bird season (which extends between March and August). This timing also ensures the works are undertaken within the great crested newt and reptile active season which runs from March to October. In relation to Section 3 only, if it is not possible to carry out the Proposed Works in the Spring or Autumn windows, paragraph 3.3.2 of the Ecological Method Statement notes that works could be undertaken between Winn Road and Westwood Road if necessary within the bat maternity season (May to August inclusive) as the working area between these two roads is already exposed to high noise levels.
78. Where the construction requires re-grading to the edge of the new raised path, material used will be from the surrounding common, including the soil scraping from the preparatory stage of construction. Method statements will be provided that clearly define storage areas for materials during construction. These will not be under tree canopies, nor within root protection areas and will be on hardstanding to reduce impact on the SINC area. The height of tipping vehicles will also be limited to ensure overhead branches are not damaged.
79. Part of Lovers' Walk passes through the Little Common, which is designated as a SINC, although this is of a lower status than the main Common, which is a SSSI. In places the path passes through dense woodland and wetland. Ecology surveys assessing the habitat and biodiversity value of the area surrounding the path were carried out in 2012 and repeated in 2016 and 2022 (and a further survey will be undertaken if the Proposed Works do not commence within 18 months of the 2022 survey). Through these surveys, a number of species were identified that would need a thorough habitat check prior to construction activity being undertaken.
80. A bat survey will be undertaken ahead of construction to understand if their presence in the area has changed. Reptiles and great crested newts will still be active during the proposed construction period, so a precautionary approach will be taken, as recommended by paragraph 5.9.2 of the Ecological Impact Assessment (Appendix 15) and a Council ecologist will be present on site during the initial preparatory works

associated with soil scraping and seminatural vegetation clearance. As noted above a Construction Environment Management Plan (as required by condition 6 of the Planning Permission) will detail how this will be done. Any reptiles will be released into nearby suitable habitat. If a great crested newt is found, works will be halted until a European Protected Species Mitigation Licence is obtained.

81. There will be no changes to existing street lighting along the route and therefore no additional lighting or increase in lighting levels along the corridor of the Proposed Works in recognition of its potential impact on wildlife. The Common supports a range of bat species (which are all European Protected Species) which are sensitive to nocturnal light levels. Accordingly, there will be no direct additional impact on protected bat species from lighting. As per the existing layout, 845 metres will be lit while 470 metres will remain unlit.
82. It is not expected that fallen deadwood will need to be moved. In the event that this is required, the deadwood will be moved carefully and retained on site, due to the high potential for a range of scarce or notable invertebrate species.
83. At the time of survey, no badger setts were discovered, but the surrounding habitat is potentially good quality foraging land. Therefore, a walkover survey will be undertaken by a Council ecologist prior to the start of construction to identify any further evidence of badger activity. If any badger activity is discovered, a method statement will be prepared to identify measures to protect the foraging routes for this species.
84. The surveys revealed there is low potential for dormice along the route, so no measures are expected.

#### Archaeological Protection

85. Lovers' Walk is in a Local Area of Archaeological Potential (as defined in the Council's Southampton Local Plan and Core Strategy – LAAAP 6 (Southampton)).
86. A no dig construction approach will be taken with the Proposed Works with ground levels raised instead as part of the path widening elements, although in some places turf may need to be removed. Generally, it is expected that the Proposed Works will not have an impact on any archaeological remains.
87. The Proposed Works will be subject to an archaeological watching brief pursuant to Conditions 15 and 16 of the Planning Permission. The watching brief aims to make a record of any archaeology uncovered during the Proposed Works and to determine the extent, condition, nature, character, quality and date of any archaeological remains encountered in accordance with, current best practice.
88. If any important archaeology is encountered, it will be further investigated by the archaeologist. It is also proposed that steps will be taken to identify and record the nature, dimensions, and relationship of natural deposits on the site and to assess the potential of those natural deposits to contain or conceal archaeological remains.
89. If any archaeological remains discovered are deemed significant they will be excavated archaeologically and fully recorded. Any finds recovered will be retained and processed according to the standards laid down in the Council's policy (Standards for the Creation, Compilation and Transfer of Archaeological Archives, 2016).
90. New material that will be added to the site for the purpose of refilling hard surfacing materials that are removed or for creating bund features will be responsibly sourced to avoid introducing artifacts from elsewhere.

91. The Council therefore considers that the Proposed Works would have no impact on local heritage. If an archaeological discovery is made on site, works will be stopped and the relevant body will be informed and brought onto site to investigate.
92. Accordingly, the Proposed Works, complies with paragraph 4.5 of the Common Land Consents Policy.

**(d) Any other matter considered to be relevant**

93. The Council considers that de-registration and exchange of land is neither desirable nor suitable in this case. Lovers' Walk forms part of the registered extent of The Common as clearly shown on the Register Map. Were Lovers' Walk to be de-registered it would lead to fragmentation of The Common, particularly the part known as Little Common. In keeping with the Council's approach (discussed in paragraph 10 above) that all other highways, roads and paths located in The Common (including, in particular, The Avenue which is classified as an A road (the A33)) form part of the registered extent of The Common, fragmentation does not occur anywhere else on The Common with only the two areas comprising the Cowherds Pub and the Hawthorns Urban Wildlife Centre being expressly shown on the Register Map to be excluded from the registered extent of The Common.
94. The existing path to be re-surfaced will continue to remain available for recreation and public access, as will the additional land adjoining the path that would be used to widen the path and the Proposed Works are sympathetic to the continuing use and enjoyment of The Common by improving access for all users of The Common. It is noted in paragraph 4.5 of the Common Land Consents Policy that it will be assumed that in the case of deregistration, the release land would cease to be available for recreation and access. Given that the land will continue to remain available for recreation and access and the Proposed Works are consistent with the use and enjoyment of The Common, de-registration is not suitable in this situation.
95. Furthermore, the Proposed Works will not only improve access for those enjoying The Common for recreation but will form part of a scheme of works that will improve sustainable travel within this part of the City through providing improved cycle facilities, which is acknowledged by paragraph 5.14 of the Common Land Consents Policy to constitute an underlying public benefit. The Proposed Works will also benefit The Common by allowing for the repair and restoration of the grass verge areas to the side of Lovers' Walk which have been damaged by the overrun. The mitigation measures outlined above in paragraphs 55 to 72 above in the form of enhanced active management of two parts, the removal of redundant hard surfacing from three areas elsewhere in The Common and removal of hard surfaced paths that would be rendered redundant by the Proposed Works together with the proposal to dedicate 1,083 square metres of land as registered town or village green will also benefit The Common.
96. Accordingly, the Proposed Works comply with paragraph 5 (and, in particular, paragraphs 5.8 to 5.10) of the Common Land Consents Policy.

**(E) Consultations undertaken to date**

97. Proposals for dealing with the issues in Lovers' Walk have been under consideration for several years and the design of the Proposed Works that are the subject of this application are the result of numerous discussions and consultations with interest groups and local residents over many years.

98. In 2013 five options were considered:
- Option 1: Widen Lovers' Walk to meet design guidance for enabling safe shared use in accordance with existing use levels;
  - Option 2: Provide a cycle facility on residential roads (either in full or in part) running parallel with Lovers' Walk;
  - Option 3: Provide a cycle facility along The Avenue;
  - Option 4: Resurface Lovers' Walk over its existing width with remedial work to repair and level up the verges; or
  - Option 5: Do nothing.

### 2013 Consultations

99. An initial consultation was carried out between April and June 2013. Drop-in events were held at the University's Avenue Campus and letters sent out to approximately 1,800 households in the Highfield and University areas. Highfield Residents' Association included details of the consultation events in their newsletter and the University also publicised the events on its website and notice boards. Plans of the options and a feedback form were also placed on the Council's website.
100. Consultees' views were obtained via feedback forms submitted at the events, by email or online via the Council's website. The option with the most support was for the widening of the Lovers' Walk path (i.e., Option 1).
101. Many respondents also provided detailed comments to explain their reasons for their preferred option. The main reasons cited for preferring the widening of the Lovers' Walk path were:
- a. Directness (shortest route);
  - b. Most pleasant;
  - c. Safest for cyclists;
  - d. Cyclists will use Lovers' Walk anyway even if an alternative route is provided;
  - e. No loss of on-street parking required (in relation to Section 1); and
  - f. The edges of existing path are eroded and dangerous in places.
102. A number of respondents also preferred a combined approach of widening the Lovers' Walk path (for slower, less confident cyclists) coupled with cycle lanes on the Avenue (for faster commuter cyclists) and they suggested that this should be considered. Many of the respondents who did not support the widening of Lovers' Walk did still however consider that some additional measures were necessary to encourage cyclists to exercise courtesy and care towards pedestrians.
103. In June 2013, the University's Vice President of Welfare & Communities organised its own consultation with its students via the University's website. This consultation focused on Section 2 only. Options considered were:
- a. Widening of Lovers' Walk;
  - b. Creation of a new cycle path parallel to Lovers' Walk segregated from pedestrians; and
  - c. Installation of cycle lanes along the Avenue.
104. The most popular option among the 87 respondents (with over 50% choosing it) was to widen the Lovers' Walk path.

### Local Consultee updates



105. Following the outcome of the initial 2013 public consultation a preliminary design of the preferred scheme (the widening of the Lovers' Walk path) was commissioned. The design process also considered impacts on green space on The Common and lighting requirements.
106. Meetings were held in March and December 2014 with local consultees and interest groups (including the Southampton Commons and Parks Protection Society ("**SCAPPS**"), Highfield Residents Association, Southampton Cycle Campaign, individual residents and the University) to discuss the consultation results, progress the design and consider measures to mitigate against any impacts on ecology on The Common. The Council has continued to involve these local interest groups in the consultation process throughout to the present day with site visits and email updates provided as the design of the scheme has progressed.
107. Whilst the groups accepted the results of the public consultation with the widening of Lovers' Walk being the most supported option, some of the concerns expressed about the proposals related to the section between Highfield Avenue and Highfield Campus. It was therefore agreed that further survey work would be undertaken to re-examine the option of creating a two-way cycle track along the west side of Furzedown Road running parallel to the Lovers' Walk path in place of the existing on street parking.

#### Furzedown Road Alternative Option Consultation

108. This further consultation involved surveying residents' parking (via letter drop) on Furzedown Road and Oakhurst Road, along with parking counts of the streets between Highfield Campus and Highfield Lane.
109. The results followed a general pattern with multiple objections to the creation of a cycle track on Furzedown Road. The three main reasons cited were: (i) the hazard of creating multiple 'lanes' in the street; (ii) conflict points with vehicles and pedestrians arising from cyclists switching from an offroad path to a route alongside motor traffic; and (iii) the issue of parking loss and insufficient parking availability. The loss of on-street parking availability was of particular concern for residents, given the restricted availability on the east side of the street and in neighbouring streets.
110. Parking surveys undertaken in the wider area also demonstrated that there was little spare parking capacity for residents in Furzedown Road, including in neighbouring streets. For this reason, the potential alternative option of providing cycle lanes on Furzedown Road was rejected and the only viable option was to continue with a scheme on Lovers' Walk for this section of the route. The Council then continued to refine the design proposals which also included reducing the proposed widening between Highfield Avenue and the University Steps from 4 metres down to 3.5 metres.

#### 2017 - 2019 Discussions with Southampton Common Forum

111. In February 2016, local resident associations adjacent to The Common and other local groups with a historical interest in The Common joined forces to establish the Southampton Common Forum as a community voice to represent all of The Common users and to work with the Council on matters related to The Common, including the proposals for Lovers' Walk.
112. As part of this partnership work, Southampton Common Forum undertook extensive user consultation between 2017 and 2019 to identify who was using The Common, how they were using it and the issues they faced. Different methods were used including an online survey of The Common users, interviewing users on Lovers' Walk

and, in partnership with the Council, it carried out a census of pedestrians and cyclists across The Common.

113. This research revealed that:
- a. The largest activity on The Common was walking for pleasure with green commuting (by foot or bicycle) the second largest;
  - b. There are three main destinations for commuters: (i) The City Centre, (ii) University campuses adjacent to The Common, and (iii) the hospital complex on Coxford Road and Tremona Road;
  - c. 90% of green travellers commute a distance of up to 5.5 km;
  - d. Lovers' Walk is, by far, the most congested path on The Common attracting staff and students at peak times, especially during the University terms;
  - e. The top issues identified by users were:
    - i. The narrowness of Lover's Walk in parts does not accommodate the traffic density;
    - ii. It creates conflicts between cyclists and pedestrians and has resulted in the overspill degrading the path verges up to 1 metre in parts; and
    - iii. The lack of lighting during darkness, especially on the section of Lovers' Walk south of Highfield Road.
  - f. The most popular request to resolve issues was to widen the path.
  - g. Users also supported a separated cycle way on the Avenue citing improved safety (reducing conflicts with pedestrians and dog walkers and better lighting) as well as being faster. The survey also showed that such a cycleway would reduce cycle traffic density on the Common (especially on Coronation Avenue and Lover's Walk) by diverting it onto the Avenue cycle way, though some who approved this option said they would not use it themselves.
114. The work carried out by the Southampton Common Forum culminated in a public meeting and workshop in April 2019 to present their survey findings. It should be noted that the meeting was held for the dual purposes of information dissemination and gathering; it was not a decision-making meeting and no conclusions were drawn nor votes taken. To see the summary report of this data collection and workshop please visit the Southampton Common Forum website (<http://www.southamptoncommonforum.org/greentravel.html>).

#### 2020 Consultation

115. Between February and March 2020, the Council carried out a further public consultation on two proposals for improved cycle facilities:
- a. Proposal 1: Cycle lanes along The Avenue; and
  - b. Proposal 2: Widen Lovers Walk.
116. As well as the online consultation, residents were letter dropped and three drop-in events were held around The Common (The University's Highfield Campus and Avenue Campus and at the Hawthorns Centre) to provide more detail about the two proposals.
117. The survey included the question 'Do you support Lovers' Walk proposal?' Of the 284 responses received via online survey and letter, 75% either strongly supported or supported proposed work to widen Lovers' Walk, while only 13% disagreed or strongly disagreed. A further 12% neither agreed nor disagreed.
118. An application for planning permission to widen Lovers' Walk was submitted on 21 February 2020 and ran alongside the above consultation. Although objections were submitted, there was considerable support recorded for the Proposed Works and the

Planning Permission subject to conditions was granted on 18 February 2022 (Appendix 13).

### Covid-19 Lockdown Measures 2020 – 2021

119. As noted in detail in paragraphs 21 to 23 above, following the introduction of the Covid-19 lock down measures in 2020, the Council used Government funding to install temporary walking and cycle measures utilising highway space available by greatly reduced motor vehicle movements. This enabled the trial of cycle lanes on The Avenue and Bassett Avenue which was being considered as an alternative to widening of Lovers' Walk. As noted above, as the lockdown measures were eased and motor traffic started increasing again the Council were required to remove much of this cycle facility (save for the section that became permanent on The Avenue between the Cowherds Pub up to the subway underpass) to return capacity back to motorised traffic. However, this trial enabled the Council to obtain feedback from residents and the public on the working trial of the cycle lanes confirming this was not a feasible alternative for the reasons discussed in paragraph 22 above.
120. Consultation to date has demonstrated support from the wider public for the proposed widening of Lovers' Walk. It has also resulted in the Council amending the proposals where possible to try to mitigate those concerns raised. The changes that have been made to the scheme for the Proposed Works as a result of the various consultations carried out include:
  - a. Reducing the amount of proposed widening on some sections including between Highfield Avenue and University steps;
  - b. Not adding street lighting to the southern sections of Lovers' Walk;
  - c. Assessing and rejecting the option of a cycle facility along Furzedown Road;
  - d. Incorporating a user behaviour code of conduct to encourage respectful use of Lovers' Walk;
  - e. Adding speed calming measures to the design to ensure cycle speeds are retained at a suitable speed for the path;
  - f. Including a biodiversity offset and mitigation plan;
  - g. Removal of redundant hard surfacing and to offset the area required for hard surfacing; and
  - h. Providing cycle direction signage encouraging those travelling by bicycle between Highfield Road and City Centre to use the cycle facilities on The Avenue.
121. In November 2022 the Council undertook informal walk throughs of the route with local consultees to discuss the proposals in more detail and obtain feedback. Those in attendance included representatives from Southampton Common Forum, SCAPPS, Southampton Cycle Campaign and the Highfield Residents Association. SCAPPS confirmed they still intended to object to the proposals to widen Lovers' Walk, particularly along Section 2. They also wanted to see more detail regarding the impact of the Proposed Works on the local landscape. Other attendees also requested to see more detail on the proposed speed calming measures.
122. Prior to submitting this Application the Council shared details of the proposed application on 10 May 2023 with Southampton Common Forum, the Highfield Residents Association, SCAPPS, Southampton Cycle Campaign, the University of Southampton, University Hospital Southampton, Solent University, Natural England, Historic England, the Ramblers and The Open Spaces Society along with the Council's Ecology and Historic Environment officers, inviting comments on the draft proposals

which have helped shape the final plans. The documentation provided included greater detail regarding the impact on the local landscape and the proposed speed calming measures that had been requested from participants of the walk throughs (a copy of the pre-application consultation email dated (excluding the attachments) is attached at Appendix 20.

123. The Council received nine responses, of which only one was an objection from SCAPPS who requested that their response be submitted with this Application (Please see attached email at Appendix 21).
124. In relation to SCAPPS' intended objection, the Council has discussed in detail above the alternative options that have been considered but rejected on the grounds that those alternatives are not sufficient. Furthermore, in reaching its final decision the Council considers that the path widening proposals constitute the minimum that is required to resolve the conflict between different path users and prevent damage to The Common caused by overrunning. For example, the widening along Section 2 will be 1 metre less than along Section 1 so as to minimise the impact on The Common.
125. The Open Spaces Society requested further clarification on the process by which the Council intended to afford protected status to the two pieces of land near the junction of Burgess Road and Hill Lane and on the southern side of the junction of Northlands Road and The Avenue. Following further discussions with the Open Spaces Society the Council has decided (in accordance with one of their suggestions) to offer to dedicate these two pieces of land as town or village green under section 15(8) of the Commons Act 2006 as discussed in detail in paragraphs 61 to 68 above.