

From: [REDACTED]
Sent: Wednesday, May 31, 2023 2:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Lovers Walk Section 38 Pre Consultation

I have received no response to my e-mail of 14 May (forwarded below). You ask for comments by 31 May. SCAPPS has long pressed for repairs to path surface and drainage, for binding commitment to regular maintenance keeping path-margins level with the surfaced path and clear of undergrowth and fallen wood, and for control of overhead holly which shades the path leading to damp conditions inhibiting grass-growth. SCAPPS would not object to a S38 application for tarmac surfacing Westwood to Winn Roads. SCAPPS will object to a proposal to widen to 3m from Winn Road to Highfield Road and to 3.5m from Highfield Avenue to Burgess Road.

Section 39 of the Commons Act 2006 and DEFRA policy guidance 2015 set out considerations to be taken into account in determining section 38 applications. A primary reason for SCAPPS' objection is adverse impact on nature conservation and landscape character and appearance. Guidance is clear, adding more tarmac has an inevitable urbanising effect with consequent harm to conservation of the landscape. Whilst 'mitigation' works propose removal of some redundant hard-standing and laying of grass in its place, these do not fully compensate for the urbanising effect of the main works. The issue to be tested is whether the proposed work, although having an adverse impact on enjoyment of the common, would result in benefit to the wider neighbourhood. To meet that test, guidance requires consideration of alternatives. There are alternatives. A properly marked cycle lane on The Avenue runs parallel to the southern section, Highfield Road to Winn Road. Furzedown Road is closely parallel to the section from Highfield Avenue to the spur-path to the University Highfield Campus steps and could readily have a marked cycle lane. The opening paragraph of this e-mail sets out SCAPPS' proposed alternative to more tarmac.

No information has been provided demonstrating a benefit to the wider neighbourhood sufficient to outweigh the undoubted damage to conservation of the landscape. Lovers Walk is first and foremost a path in a park, used predominantly by pedestrians. No up-to-date data has been provided on numbers of pedestrians and cyclists using the various sections of the route, the proportion on mainly recreational visits, and whether those on 'through' journeys have chosen that route to enjoy using a path in natural surroundings rather than faster alternatives on roads. There is no current evidence of a level of traffic resulting in 'congestion' or difficulty in passing. There is anecdotal evidence pedestrians (especially less mobile or hearing-impaired) are discomforted by fast-moving cyclists, and wider paths encourage cyclists to go faster. No evidence is provided how widening would result in an overall increase in enjoyment of the common and benefit the interests of the neighbourhood.

We have only vague information about assessment of ecological impact and proposed compensation. SCAPPS will object to 'compensation' which is in reality doing no more than making-up for inadequate past maintenance, or neglect.

Finally, SCAPPS is sceptical of proposals to add new areas to the registered common. The City Council has still not managed, thirty years later, to add to the map of the registered Central Parks common 'replacement' land from highway schemes in the 1980's.

[REDACTED]
for SCAPPS