

**EASTLEIGH BOROUGH COUNCIL**

**WRITTEN REPRESENTATIONS**

**&**

**ANSWERS TO EXAMINING AUTHORITY'S WRITTEN  
QUESTIONS AND REQUESTS FOR INFORMATION  
(ExQ1)**

**Application by Esso Petroleum Company Limited for an  
Order Granting Development Consent for the Southampton  
to London Pipeline Project**

**Planning Inspectorate Reference: EN070005**

**Eastleigh Borough Council Reference: CS/19/85679**

**NOVEMBER 2019**

# **1 INTRODUCTION**

1.1. This report comprises the Written Representations of Eastleigh Borough Council and should be read in conjunction with the Council's Local Impact Report dated October 2019.

1.2. As with the Local Impact Report it only relates to the impact of the proposed development within the administrative boundary of Eastleigh Borough Council, specifically to the impact of the extent of works shown on the following drawings:

- B2325300-JAC-000-CIV-DRG-000511 rev C02 "General Arrangement - Sheet 1 – Regulation 5 (2) (O)" (included within *Volume 2 – General Arrangement Plans (3 of 3) – Application Document 2.6 – Revision No. 2.0*)
- B2325300-JAC-000-CIV-DRG-000011 rev C03 "Works Plan – Sheet 1 – Regulation 5 (2) (J)" (included within *Volume 2 – Works Plans (3 of 3) - Application Document: 2.2 – Revision No.3.0*)

and associated plans, where they are sited within the Borough of Eastleigh.

1.3. In addition, this report responds to the Examining Authority's Written Questions and Request for Information (ExQ1), where appropriate.

## **2. LOCAL IMPACTS**

2.1. The Council's Local Impacts Report set out a number of impacts that need to be considered in relation to the works located within the Borough of Eastleigh. This list has been amended to include any other issues raised by the Examining Authority's Written Questions and Requests for Information (Ex Q1):

- Principle of Development
- Biodiversity and Green Infrastructure

- Water Quality, Discharge of Water and Drainage
- Land Contamination and Pollution
- Air Quality, Noise & Vibration
- Landscape & Visual Impact
- Socio-Economic Impact
- Impact on Surrounding Proposed Development
- Impact on Residents

2.2. This document sets out the Council's response in relation to the extent of these impacts, where not already addressed in the Local Impact Report.

### **Principle of development**

2.3. As set out in the Council's Local Impact Report the route of the proposed pipeline is across land that is currently designated as countryside, with part of it also being located within the Local Gap. Given the location of the existing pipeline it is seeking to connect to and replace, the route of the proposed pipeline would have to be within the countryside. Subject to the detailed comments set out below being satisfactorily addressed the Council raise no objection to the principle of the proposed pipeline development within the Borough of Eastleigh.

### **Biodiversity and Green Infrastructure**

#### Hedgerows

2.4. Within the Borough the potential hedgerow impact is to HCX 001- 007. By far the most significant of these would be on HCX 005, followed by HCX001- HCX004.

2.5. HCX 005 runs parallel to Maddoxford Lane and is within the Order Limits and Limits of Deviation, however this hedgerow is missing from Annex A - Summary of Desk Study and Field Results Surveys contained within *Appendix 7.2 - Hedgerow Factual Report – Application Document 6.4 – Revision No. 1.0*. Hedgerow HCX005 forms part of a significant landscape feature. This

section of the road is a 'sunken lane', an important element of the local distinctiveness of the area. It is also critical to the screening and setting of the proposed development to the south. Given the importance of this hedge consideration should be given to the potential use of a narrower Limit of Deviation for the pipeline that avoids the apparent intention to remove the hedgerow (see *Appendix 10.3 – Visual Impact Schedules – Application Document 6.4*).

### Trees

- 2.6. *Pipeline Commencement 1A* - the proposed pipeline commencement is located to the immediate east of a significant group of trees. It is considered that the Order Limits probably fall within the root protection area for this group, but that the Limits of Deviation probably do not. Therefore, it is considered that the risk to the long-term health of these trees is low, if a suitable construction exclusion zone is implemented. Details of this should be contained in the Construction and Environmental Management Plan (CEMP).
- 2.7. *Hedgerow HCX 003* - as the proposed pipeline crosses an access track, 2 oak trees would be impacted by excavation work. It is highly likely that their retention would be impossible. These two trees are of medium size and provide good levels of visual amenity. They are characteristic of this landscape and suitable mitigation tree planting should be provided, details of which should be contained within the Landscape and Ecological Mitigation Plan (LEMP).
- 2.8. *Land to the North of the Highway* - both the Order Limits and the Limits of Deviation include Maddoxford Lane. To the north of the highway, opposite the layby, a group of 3 ash trees and 1 oak tree provide significant visual amenity. However, given their position on the limits and to the north of the highway, it is assumed that the risk to their long-term health from the proposed work is low.

- 2.9. *Hedgerow HCX 005* - at the point where the pipeline turns north, there is a significant north-south tree line that terminates at the southern side of the highway. The end of the line contains a field maple and an ash, and it is highly likely that these would be impacted by the proposal. However, neither tree provides high levels of visual amenity due to either their size or their condition. Further south, two significant oaks should be a sufficient distance away so as not to be significantly impacted, subject to the installation of a suitable construction exclusion zone, details of which should be contained in the CEMP.
- 2.10. *Hedgerow HCX 006* - within this hedgerow there is a field maple / holly group. This group falls within the Limits of Deviation and it is likely that the trees would be impacted. However, despite the location adjacent to the highway, the group is not significant in terms of amenity.
- 2.11. *Hedgerow HCX 007* - where the pipeline crosses Hedgerow HCX 007, there is potential for a mature ash tree and a mature oak tree to be impacted, depending on the exact location of the excavations. Neither tree is prominent to the public realm, but they are important landscape features. If either tree is removed, suitable mitigation planting should be provided, details of which should be contained within the LEMP.
- 2.12. *Summary of impact on trees* - it is likely that 3 or 4 significant trees would be impacted by the proposals, with further less significant losses. Mitigation planting, post-development, would go some way to replace individual tree loss, although it would be some time before the mitigation planting is able to provide the current levels of amenity.
- 2.13. There would be a number of trees and groups potentially impacted indirectly through accidental damage to rooting volumes. Avoidance of indirect impacts can be achieved through suitable tree protection measures, such as protective fencing (as per BS 5837:2012 "Trees in relation to design, demolition and

construction – Recommendations”), details of which should be contained within the CEMP.

#### Lighting

- 2.14. Any external lighting during the operational phase would need to be minimal and directed away from the surrounding habitats. Details should be included in the CEMP.

#### Landscape and Ecological Management Plan (LEMP)

- 2.15. Although various mitigation proposals have been embedded in the application (in Chapters 7 and 16) with reference to inclusion in the LEMP, they only provide replacement like for like planting. This is not considered to be in accordance with the need for schemes to secure a Biodiversity Net Gain, an approach which the Government is set to make mandatory.
- 2.16. Specific detail regarding the impact on and the potential loss of trees has not been made clear and it is anticipated that there would be some losses, as outlined above. Semi-mature and mature trees have high ecological value and would take decades to be replaced due to their age. For the large oak trees to be lost their amenity and ecological value would take 60 years to replace. It may not be possible to adequately mitigate for the loss of ecologically important individual or groups of trees and therefore the Council consider that confirmation of specific tree loss, justification for why their loss is unavoidable and proposed compensation measures should be provided prior to consent being granted.
- 2.17. In considering the proposed plans the Council has concluded that the species rich hedgerow HCX006 is likely to be retained (except for the 10m at crossing RDX001a) where it runs parallel with the pipeline and lies at the limits of deviation. It is essential that this hedgerow is retained to maintain an east-west wildlife corridor. This is particularly important as the retention of hedgerows HX003 and HX005 (which also run east-west and parallel to the

pipeline) is uncertain as they lie within the limits of deviation. If these hedgerows are to be lost it must be demonstrated that their removal is unavoidable and compensation measures outlined (beyond replacement planting) prior to consent being granted. Given the long length of hedging effected, the maturity of the trees threatened and the need to secure Biodiversity Net Gain, the Council considers that an Outline LEMP should be submitted for consideration at this stage. Details of where the replacement and mitigation planting would be located are required given options are limited by surrounding development.

#### Timing of works

- 2.18. The duration of the works has not been made clear throughout the ecology chapters. The longer the duration of the works, the greater the potential for adverse impacts resulting from disturbance or effects on the water table (e.g. through de-watering). The duration of the works and the intended timeframe for the use of the temporary compounds should have been addressed within Chapter 7 of the Environmental Statement.
- 2.19. In relation to Section 7.5.747 of *Environmental Statement (Volume B) - Chapter 7 Biodiversity – Application Document 6.2 – Revision No.1.0*, reference should also be made to the need for directional drilling under Ford Lake River (WCX002a – TC001) to be timed to avoid the salmonid migration and coarse fish spawning periods to eliminate any vibration impacts.

#### Timescales for replacement planting

- 2.20. It is noted that the draft Development Control Order proposes that any hedgerow or tree planting which is removed, uprooted, destroyed, dies or becomes seriously damaged or defective within a three-year period must be replaced. Similarly, the Register of Environmental Actions and Commitments (REAC) states that a three-year aftercare period would be established for all mitigation planting and reinstatement. The Council consider that this period is too short and it should be a minimum of 5-10 years for landscaping and 10

years for tree planting. In addition, it is noted that no timeframe is suggested for the replacement planting and the Council would suggest that any replacement planting is undertaken by the end of the next planting season.

- 2.21. Similarly, the Council consider that a 3-year aftercare regime is too short and should be increased to 5-10 years. It is generally accepted that the establishment period for new trees, in particular, is approximately 5 years. Within this period the planted tree is highly susceptible to mortality from multiple factors (e.g. extreme weather). Aftercare should involve mulching and watering throughout the summer months, as a minimum.
- 2.22. This section provides the Council's response to questions BIO.1.2, LV.1.2, LV.1.20 and DCO.1.35.

### **Water Quality, Discharge of Water and Drainage**

- 2.23. It is acknowledged that quantities of water and duration of works throughout the installation and operational period of the pipeline would be variable and dependent on location. Therefore, it would be useful to including a discharge hierarchy to minimise impacts on the local hydrology and any dependent habitats. Discharge should mimic the natural hydrological regime as much as possible e.g. discharging water to ground would be preferable, followed by discharge to the nearest watercourse within the same catchment etc. (similar to that outlined in the Ciria SuDS manual).
- 2.24. In relation to paragraph 5 of Article 17, Part 4 of the draft Development Control Order, works to ordinary watercourses should not be allowed unless specific details of the works have been approved in advance. In paragraph 6, the wording should be stronger as it is essential that water quality is not compromised. The ecology of the receiving watercourses must not be impacted and with European sites nearby downstream, the Habitats Regulations must be adhered to.



- 2.25. No mention appears to be made of the drainage ditch that runs west to east from the Boorley Park development towards Maddoxford Farm, along the line of hedgerow HCX 007 shown on drawing B2325300-JAC-000-CIV-DRG-000511 rev C02 *“General Arrangement – Sheet 1 – Regulation 5(2)(O)”*.
- 2.26. The sustainable drainage system for the adjacent Boorley Park development proposes to feed into this ditch, which in turn feeds into Ford Lake, a tributary of the River Hamble, a SSSI and the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site. Given the sensitivity of the River Hamble the water quality of the surface water run-off from the adjacent Boorley Park development is important and the flow of water along the ditch provides one of three required stages of natural filtration. It is vital therefore that the proposed pipeline does not damage the ditch or pollute the water within it during construction.
- 2.27. The Council consider that drainage details could be submitted as part of the discharge of Requirement 9 of the Draft Consent Order, however it should be noted that details of temporary surface water drainage are also required for the construction phase to ensure that run-off is controlled in terms of flow and pollution prevention.
- 2.28. The above provides the Council’s response to questions DCO.1.16 and FR.1.2

### **Land Contamination and Pollution**

- 2.29. It is not considered that the proposed works would raise any issues in relation to ground conditions or risk of pollution, except in relation to potential impacts on water quality, as set out above.

### **Air Quality, Noise & Vibration**

#### **Air Quality**

- 2.30. The report (*Environmental Statement (Volume D) Appendix 13.2: Air Quality Technical Note Application Document: 6.4 – Revision No.1.0*) concludes that there would be no significant impacts from the works either in terms of ‘nuisance’ dust or in terms of impacts on air quality. Whilst the Council does not disagree with the generality of the conclusions it is not clear how impacts at the nearest dwelling to the site compound at Maddoxford Farm have been considered. Whilst the report concludes that there would be no significant effects it somewhat contradicts itself by proposing a number of Good Practice Commitments in Table 1.3, the purpose of which would be to reduce emissions of dust. The Council’s view is therefore that these measures should be adopted, and a scheme of works for the control of emissions from the compound, off road haul routes, working areas, etc. be included in the CEMP and be submitted for approval before works commence.

#### Noise and Vibration

- 2.31. The assessment (*Environmental Statement (Volume D) Appendix 13.3: Noise and Vibration Technical Note Application Document: 6.4 – Revision No.1.0*) identifies that only a small number of receptors may experience adverse noise impacts. However, the Council has a number of concerns about the approach taken and how noise criteria have been set, averaging periods for site noise works, and thresholds of significance. No baseline noise data has been collected and absolute noise levels have been used for the site noise assessment. The approach then mixes this with a comparative noise impact approach. Impacts from site noise are averaged over 30 days or nights, whereas working is not expected to exceed 20 days at sensitive locations. Working hours are given as 07:00 to 19:00 Mondays to Saturday, however working at outside of these times and at night are not ruled out. Construction is indicated to progress at 450m per week, at this rate the works should pass properties quite quickly with a resulting relatively short period of disturbance from construction activities. It is less clear how impacts would be felt where properties are near haul routes and compounds as activity would occur in these areas for extended periods of time. Some impact could occur from works beyond the Borough boundary. With respect to the length of the

working day on Saturdays, this is more likely to be an issue for those impacted by haul routes and compounds.

2.32. It is important then that the Council are satisfied with the approach for assessment of the significance of noise impacts particularly for working in the evening or at night. We would recommend that prior to works commencing on the site that the approach for the determination of significance of impacts and controls for noise and vibration, particularly for any working outside of 0700-1900 Monday to Saturday, are agreed and this could be done through the submission and approval of the CEMP.

2.33. This section provides the Council's response to question PC.1.8.

#### **Landscape and Visual Impact**

2.34. As no above ground features are proposed in the Borough it is considered that there would be no long-term significant adverse landscape or visual impact, subject to appropriate mitigation planting being secured and appropriately maintained.

2.35. In answer to question LV.1.25 the viewpoints as set out in *Environmental Statement (Volume D) Appendix 10.1 Representative Viewpoints – Application Document 6.4 – Revision No.1.0* are considered to be acceptable.

#### **Socio-Economic Impact**

2.36. As indicated in the Council's Local Impact Report it is considered that the proposed works would have a limited, positive socio-economic impact during the construction phase due to the potential spending of construction workers in the local area and possibly some creation of additional local jobs. The benefits of this and the long-term socio-economic impact of the improvement of the pipeline would need to be considered for the project as a whole.

#### **Impact on Surrounding Proposed Development**

- 2.37. As indicated in the Council's Local Impact Report there are a number of planning applications and permissions in and around the proposed route of the new pipeline within Boorley Green, summary details of which were provided in Section 4 and Appendix 1 of the Local Impact Report.
- 2.38. It is noted that ESSO have not objected to these applications, however the Council remains concerned about whether the proposed residential layouts and the proposed route of the pipeline can satisfactorily accommodate each other; and the need to ensure safe construction and minimise the impact on residential amenities.
- 2.39. For the proposed residential development of Land South of Maddoxford Lane the layout for both the reserved matters and full applications (RM/19/84879 and F/19/84937) is the same at the northern end of the site (see Appendix 1 for copies of the latest site layouts). As can be seen the layout includes a proposed drainage attenuation basin at the northern end of the site, under which the new pipeline is proposed to be routed. This could have implications for the design and effectiveness of the attenuation pond. It is noted however, that this layout is not yet approved, and the Council could ask the applicant to demonstrate that the residential development and necessary sustainable drainage system and the proposed pipeline can all be satisfactorily accommodated on-site. The route of the proposed pipeline would also run underneath a proposed play area, but it is considered that there would not be a particular conflict between these elements.
- 2.40. In addition, if the dwellings were built and occupied before the construction of the pipeline there would be a significant impact on the residential amenities of the occupiers in terms of noise and disturbance and access to properties due to the proximity of the pipeline to the new properties. This would need to be specifically addressed in the CEMP.

2.41. For the proposed residential development on Land South of Maddingford Lane, West of Westfield (F/19/85178) the latest layout shows the proposed route of the pipeline and the resultant easement that would be required (see Appendix 1). As with the neighbouring site to the west, if the dwellings were built and occupied before the construction of the pipeline there would be a significant impact on the residential amenities of the occupiers in terms of noise and disturbance and access to properties due to the proximity of the pipeline to the new properties. This would need to be specifically addressed in the CEMP.

2.42. This section provides the Council's response to questions GQ.1.4 and GQ.1.8.

### **Impact on Residents**

2.43. The potential impact on residents from noise, dust, etc., during construction has been addressed above. In addition, there is potential for an adverse impact on residents due to road closures and construction traffic. The impact from road closures within the Borough should not be significantly detrimental. However, it would be important that routing of construction traffic is agreed prior to commencement as some local roads in Boorley Green are not appropriate for construction traffic. These details should be included in the CEMP.

2.44. This section provides the Council's response to question TT.1.15.

### **Construction and Environmental Management Plan (CEMP)**

2.45. In addition to the issues listed in the Outline CEMP the Council would also expect details of the following to be included in that document:

- the exact location of the temporary compound areas, with them ideally being located at least 5 metres from any adjoining hedgerows.
- arrangements for the routing / turning of construction traffic.
- construction traffic access to the site.

- arrangements for deliveries associated with all construction work, loading and unloading of plant and materials.
- parking of vehicles of site operatives and visitors.
- restoration of any damage to the highway (including vehicle crossovers and grass verges).
- temporary lighting – the use of temporary lighting should be minimal and be directed away from any adjacent habitats.
- protection of surrounding habitats, landscaping and trees, e.g. through use of protective fencing.

2.46. In answer to question DCO.1.33 the Council would ordinarily expect to see more detail in a draft or outline CEMP prior to determination. However, it would be content for it to be dealt with via a requirement of the Development Consent Order if the Outline CEMP is amended to include mention of the additional issues listed above.

#### **Other Questions from the Examining Authority**

2.47. Question DCO.1.15 – the Council would rely on the comments of Hampshire County Council as local highway authority in relation to creation of accesses. This Council's concerns relate to the impact on roadside hedgerows from the creation of accesses, as outlined above.

2.48. Question DCO.1.30 – the Council considers that Requirement 3 needs to be more detailed, with a definition of “written scheme” and “stages” required otherwise it is unclear what needs to be submitted to the relevant planning authority.

2.49. Question DCO.1.34 – the Council consider that the Community Engagement Plan should be separate from the CEMP.

2.50. Question DCO.1.37 – the Council consider that 2 business days is insufficient time for planning authorities to request further information following receipt of

an application. This timeframe should be extended to a minimum of 5 working days, as should the timeframe for issuing consultations.

- 2.51. Question DCO.1.38 – the Council consider that the timescales for the relevant authority to issue a decision should be increased to 56 days. Similarly, the reference to returning the fee in Requirement 21 should refer to 56 days.
- 2.52. Question HE.1.2 – the Council would rely on the comments of Hampshire County Council in relation to archaeological matters as they provide the Borough Council with advice on these issues.
- 2.53. Question PC.1.1 – the Council considers that a study area of 500m from the Order Limits community receptors is acceptable for the part of the pipeline within the Borough.
- 2.54. Question EIA.1.7 – the long list of other developments that have the potential to lead to inter-project cumulative effects at Appendix 15.1 does not include the proposed residential development of 104 dwellings at Land South of Maddoxford Lane, west of Westfield, Boorley Green (F/19/85178), which includes draft allocation BO1 within the application boundary, and through which the pipeline is proposed to be routed. Details of the planning application have been provided in the Council's Local Impact Report and above.
- 2.55. In addition, outline permission was granted on 6 September 2019 for O/18/83634 for the hybrid and outline application for land off Woodhouse Lane.
- 2.56. The relationships between the surrounding developments and the proposed pipeline, and the resultant issues are set out above.

# **EASTLEIGH BOROUGH COUNCIL**

## **WRITTEN REPRESENTATIONS & ANSWERS TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION (ExQ1)**

### **APPENDIX 1**

Latest Site Layouts for:

- 1) RM/19/84879 – Land South of Maddoxford Lane
- 2) F/19/84937 – Land South of Maddoxford Lane
- 3) F/19/85178 – Land South of Maddoxford Lane and west of  
Westfield





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The general direction of the car park and site is shown in this drawing. All car parking and internal area road levels may be locally varied within the site to achieve a minimum grade to be used as required under the National Planning Policy for Wales.

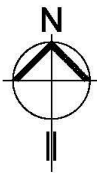
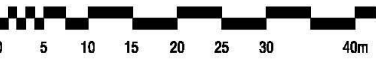
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**SAFETY, HEALTH & ENVIRONMENTAL INFORMATION**

In addition to the health and safety information normally associated with the type of work detailed on this drawing, please note the following:

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.



**Accommodation Schedule:**

- 2 No. 1 Bed Flats (50sqm)
- 8 No 2 Bed House (70sqm)
- 12 No. 3 Bed House (84sqm)
- 28 No 4 / 5 Bed Houses (Various)

Total: 50 Units

- HA Units**
- \* Rent
  - \* Shared Ownership

Amended to consultant's comments	04.01.18	JR	CW	E
Amended to Highway Consultant's comments	14.12.18	HE	HE	D
Amended as client's instruction	12.11.18	JR	HE	C
Amended as client's instruction	19.11.18	VP	HE	B
Amended as client's instruction	16.11.18	HE	HE	A
REVISIONS	DATE	DRN	CHK	REV



**PROJECT**

Maddoxford Lane 2, Boorley Green

**TITLE**

Site Plan

**STATUS**

Planning

Drawn	Checked	Scale	Date
VP	HJE	1:500	Nov18
Drawing No.	Revision		
18.093.02	E		

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The general direction of the car park and site falls are shown indicatively only. All car parking and internal site road levels may be locally varied (with some falls potentially reversed) during construction to achieve a minimum waste to landfill as required under the National Planning Policy for Waste.

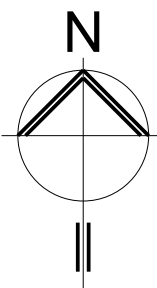
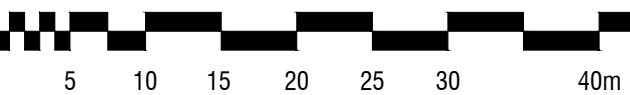
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SAFETY, HEALTH & ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the type of work detailed on this drawing, please note the following:

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.



Accommodation Schedule:

- 2 No. 1 Bed Flats (50sqm)
- 25 No 2 Bed House (70sqm)
- 31 No. 3 Bed House (84sqm)
- 28 No 4 / 5 Bed Houses (Various)

Total: 86 Units

HA Units

★ Rent

★ Shared Ownership

Amended to consultants' comments	28.01.19	VP	HE	B
Amended to consultants' comments	04.01.19	JJR	CW	A
REVISIONS	DATE	DRN	CHK	REV

CLIENT



PROJECT

Maddoxford Lane 2, Boorley Green

TITLE

Site Plan

STATUS

Planning

Drawn	Checked	Scale	Date
VP	HJE	1:500	Nov'18

Drawing No.	Revision
18.122.02	B

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