



# CLAREMONT

PLANNING CONSULTANCY

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16 July 2021

Dear Sirs,

## **REPRESENTATIONS TO CONSULTATION ON MAIN MODIFICATIONS TO EASTLEIGH BOROUGH LOCAL PLAN (2016-2036): EUROPEAN PROPERTY VENTURES**

Claremont Planning has been instructed by European Property Ventures (South Hampshire) Ltd ('EPV') to respond to the current consultation on Main Modifications to the emerging Eastleigh Borough Local Plan (2016-2036). Representations have been made by EPV at all stages of the preparation and examination of the emerging Local Plan, as well as at the hearing session in 2019. These representations have consistently demonstrated the suitability of the EPV owned site at Shop Lane, Bursledon for residential development. EPV has also consistently objected to any allocation of a settlement gap at Bursledon and the site's inclusion in the proposed Settlement Gap between Southampton & Bursledon.

The representations are submitted on this basis, and respond to the following Main Modifications, where appropriate suggesting changes that should be made in order to ensure the emerging Plan is sound:

- MM10 & MM11
- MM13
- MM27
- MM34
- Other Proposed Modifications required

### **MM10 – Strategic Policy S2 & MM11 – Strategic Policy S3**

EPV supports the deletion of the proposed Strategic Growth Option (SGO) North of Bishopstoke and north and east of Fair Oak in the Plan, and the associated changes to Strategic Policy S2 and S3 as set out in the Main Modifications. Various issues had been identified in respect of the SGO, and whether as proposed, it represented the most sustainable option for large scale growth in the borough.

As such, the Inspector's recommendation to delete the SGO and proceed with the Plan is understood, however, EPV is concerned about the implications of this change for the Housing Land Supply. In ED71, the Inspector accepted that the deletion of the SGO would leave a shortfall and lead to uncertainty in terms of the housing land supply, namely in the last 4-5 years of the plan period. However, the sites proposed to be allocated through policies S2 and S3 were considered to be sufficient to meet housing needs for the majority of the plan period and delivering these sites through adoption of the plan would be the most beneficial course of

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action, with the shortfall to be addressed through a review of the Plan. It was considered preferable to continue with the examination of the Plan as it was proposed, rather than seek to identify additional sites that would fulfil the housing requirement for the plan period.

This approach is not considered to reflect the requirements of planning policy as set out in the National Planning Policy Framework (the Framework). The 2012 version of the Framework establishes at Paragraph 182 that in order for a Local Plan to be found 'sound', it must be positively prepared, that is based on a strategy that seeks to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and consistent with achieving sustainable developments. By failing to propose a strategy that will fully meet the requirement for housing across the whole plan period, it is considered that the Plan must not be 'sound' in this regard.

Following the Inspector's conclusion that the SGO was not sound, EPV considers that the Council should have sought to identify alternative sites that would bridge the gap left in the housing trajectory. Instead, the Council has opted to delay addressing the unmet housing requirement to a subsequent review of the Plan, which was recommended by the Inspector. Whilst it is acknowledged that including additional sites during the examination would have briefly delayed proceedings; realistically this could have been done alongside the Main Modifications consultation and would have resulted in a sound strategy with fewer issues. It is considered that there were suitable omission sites represented at the examination hearings that could have been added, including the site promoted by EPV off Shop Lane, Bursledon.

Adding further sites through this Plan would have provided greater certainty that the Council will be able to meet its housing needs for the entire duration of the plan period, without being reliant on a future plan review. The Council has previously faced challenges in respect of housing land supply, leading to the loss of a number of appeals in 2014-2016, and since that time the supply position has consistently remained only slightly above the minimum requirement of five years, supported by the availability and delivery of speculative schemes consented at appeal. Adopting the Emerging Plan will inevitably improve the Council's supply position in the short term, due to the certainty provided by the allocation of sites. However, the failure to ensure sufficient sites are allocated to meet the housing requirement for the plan period in full, will increase the risk of the Council being unable to defend against speculative applications in future.

The approach proposed is reliant on an early review, whilst commended by the Inspector through the examination this approach is considered by Claremont Planning to be risky and likely to present issues for the Council with respect to delivering the review within a satisfactory period, will most likely lead to delays and challenges associated with the review timescale. Whilst the supporting text to emerging Policy S3 includes a commitment for the review to be commenced within 1 year of the Plan's adoption, no actual commitment to the completion of this review has been provided or is ensured through the policy wording. The current emerging Plan took many years to reach examination which has now taken almost three years to reach this current consultation, so there is no certainty that a review would be conducted in a more efficient and timely manner.

Rather than a commitment to commence the review within one year, EPV considers that the Plan should be amended to require commencement of the review immediately following adoption of the Plan. This is an approach that has been taken by other authorities, including recently the London Borough of Havering, which similarly faced challenges in respect of fulfilling the obligations in terms of housing supply for the duration of the plan period. By providing a commitment to commence a review immediately following adoption, this maximises the opportunity for the Council to undertake a comprehensive review including gathering of appropriate evidence, and ensure that the review is adopted in a timely manner that ensures that it is able to address the housing needs before the end of the plan period.

Notwithstanding the above, it is noted that within MM11, the housing trajectory for the Plan is set out. This is as of 1 April 2019, therefore not reflecting the current position for commitments and resolutions, as well as the application status of strategic sites not allocated in the Plan. The Council should be required to update these figures to ensure that it reflects the current

position in terms of housing delivery expectations and ensure that this position is up to date when the Plan is eventually adopted.

Whilst ideally the Council would seek to allocate further sites through the emerging Plan such as EPV's site at Bursledon, this is not proposed through the main modifications. Nonetheless, the following changes are suggested in respect of MM11 in order to ensure that the Plan is sound.

#### MM11:

4.12. ... Accordingly, the Council will commence an update of this Local Plan ~~within 1 year of its~~ **immediately following its** adoption.

4.14 The housing trajectory is summarised below:

*[Housing trajectory to be updated to reflect position as of 1 April 2021]*

### **MM13 Strategic Growth Option / Strategic Policy S5**

As set out in the representations above, EPV supports the deletion of the Strategic Growth Option (SGO) from the emerging Local Plan. Deletion of the SGO will address some of the key issues that were raised during the examination hearings. However, the implications of the deletion for the housing land supply are a concern, as set out in response to MM10 and MM11. As the Council has been required by the Inspector to delete the SGO from the emerging Plan, it is considered that additional sites should have been allocated to address the resulting shortfall in housing supply later in the plan period.

### **MM27 Strategy Policy S6 – Protection of Settlement Gaps & PM3 – Policies Map**

EPV has consistently objected to the Council's use of settlement gaps within the emerging Plan, including during the examination hearing sessions held in 2019. MM27 introduces a number of changes to the proposed Policy S6, addressing some of the concerns shared by EPV and other participants in the examination, although failing to fully respond to some of the concerns raised. The changes proposed will however result in a more positive policy approach, whilst safeguarding areas of separation between settlements that the Council seeks to maintain at this time.

The extent of the designated gaps however remains a concern for EPV, despite the changes to the policy proposed through the main modifications. PM3 in the changes to the Policies Map identifies that some 'individual parcels of land that do not contribute to gaps' have been deleted through the main modifications proposed, however the deletions do not include EPV's site off Shop Lane at Bursledon. This is despite it being robustly demonstrated in representations to earlier iterations of the Plan, and through the examination that the purpose of the settlement gap between Bursledon and Southampton could be achieved without the inclusion of the land off Shop Lane. Furthermore, the gap designation would restrict the strategic opportunity for this area to be identified to accommodate future growth at Bursledon, representing a sustainable location for development that does not narrow the separation any further to that which exists at present. A location plan is enclosed to remind the Inspector of EPV's land and its relationship to the settlement edge.

The supporting text to Policy S6 continues to reference that the Council has considered 'the extent of land required to prevent coalescence of settlements' when defining the settlement gaps, however, this is not considered to be accurate and is not reflected in the proposed designations. The settlement gap between Bursledon and Southampton extends to almost 1km as proposed to be designated through the emerging Plan, which is considerably greater than other gaps elsewhere within the District. Furthermore, it was demonstrated through the Matter 8 Statement submitted to the examination on behalf of EPV, that removing the Land off Shop Lane site from the designated gap would still result in a gap exceeding 700m. This would be more than adequate to maintain the separation between Bursledon and Southampton, including in terms of both physical and visual separation. Particularly as the existing gap narrows to 300 metres where the Council has approved development on its own

land south of the A3024. With this consideration in mind, it is considered to be onerous to insist upon a 1km gap at this location that accommodates the whole of the EPV land holding and also not conducive to the stated purpose of settlement gaps.

### MM27 & PM3

Accordingly, it is proposed that Figure 5 within MM27, as well as PM3 should be further modified to remove land off Shop Lane, Bursledon, as promoted by EPV through the emerging Local Plan preparation and examination, from the proposed Settlement Gap between Southampton and Bursledon. This would enable the site to contribute to future housing delivery as an exception site, providing an opportunity to deliver sustainable growth at Bursledon.

### **MM34 – Figure 6 Key Diagram**

In accordance with the proposed changes to the Settlement Gap designation detailed above, it is proposed that the settlement gap between Bursledon and Southampton should be modified to remove the land off Shop Lane Bursledon from the designated Settlement Gap.

### **Other Modifications**

The Main Modifications, whilst including reference to the need to undertake an early review in order to meet the housing land supply for the entire plan period, do not include provisions for this to be included in a specific policy in the Plan. It is considered that an additional policy should be included in Chapter 7, which would provide a firmer commitment to commencing this review at the earliest opportunity, namely immediately following adoption of the Plan. Failing to include this commitment in a specific policy, risks the review not being undertaken in a timely manner. It is considered that without such a policy, the Plan would not be sound as it would not be positively prepared.

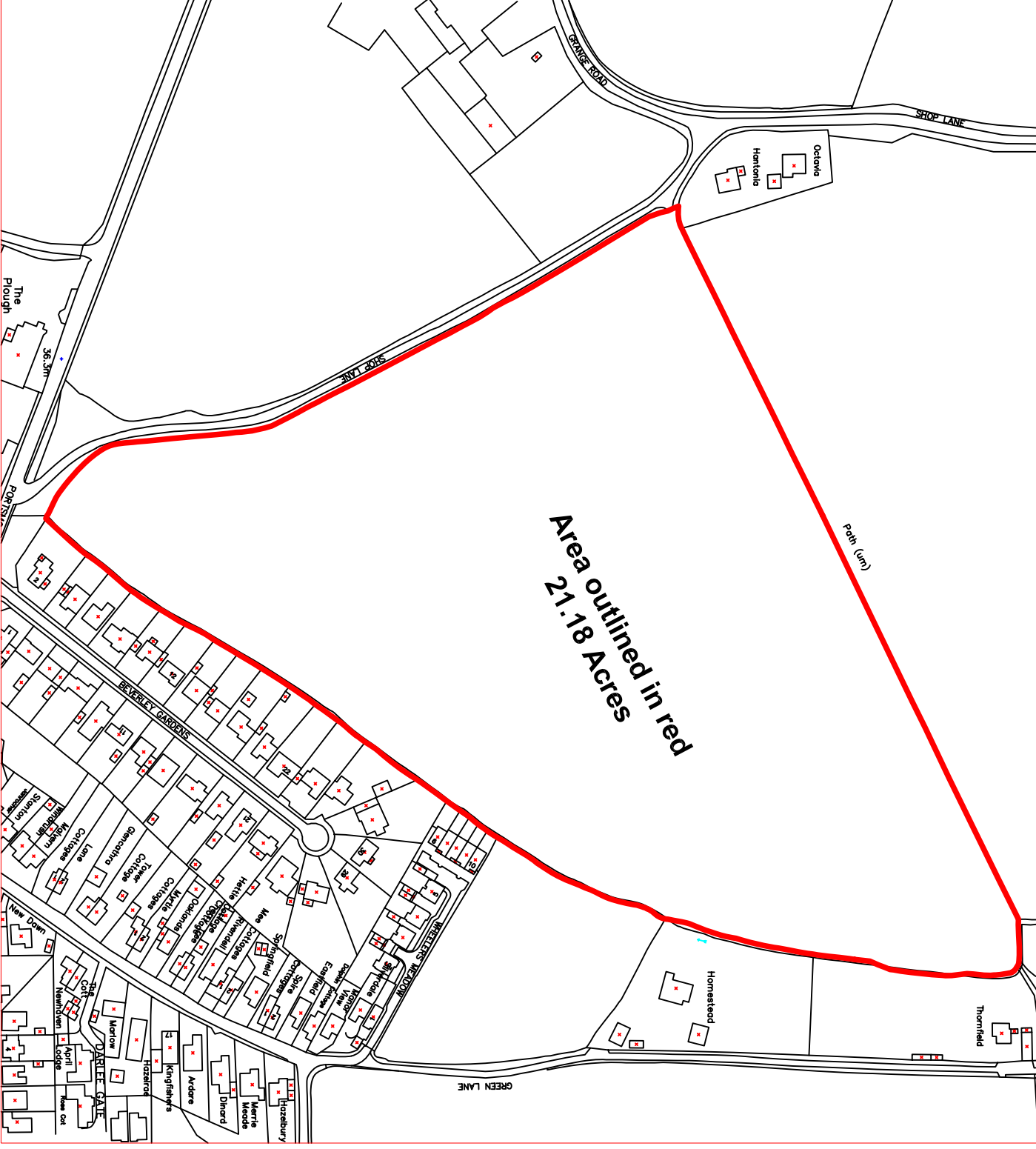
Policies securing a commitment to undertake an early review have been included in a number of Plans, including most recently in the Further Main Modifications proposed to North Hertfordshire's emerging Local Plan. Policy IMR2 in that case provides that a whole plan review will be undertaken by the end of 2023 at the latest.

As such it is proposed that a new policy should be added to the emerging Eastleigh Borough Local Plan that provides a commitment to undertaking an early review of the Plan immediately following adoption. The policy should establish the expected scope of such a review, namely to deal with the shortfall in housing land supply later in the plan period, whilst also recognising that the scope should be extended to address any issues that may have arisen prior to or immediately following the adoption of the Plan.

Yours sincerely,

**Katherine Else MRTPI BSc Hons PG Dip**  
Managing Director  
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Enc – Site Plan



Area outlined in red  
21.18 Acres

SHOP LANE

GRAVE ROAD

Path (un)

Octavia  
Homtonia

The  
Plough

BEVERLY GARDENS

WATERLOO MEADOW

Homestead

Thornfield

GREEN LANE

DARLIE GATE

Hazelbury

Kingfishers

Marlow

April

Thorn Oak

New Down

Stanton

Windsor Hill

Windsor Hill

Windsor Hill

Windsor Hill

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