

19 July 2021

Delivered by email and post

Local Plan
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN.

Ref: LONW3002

Dear Sir/Madam

EASTLEIGH LOCAL PLAN 2036 PROPOSED MODIFICATIONS – REPRESENTATIONS ON BEHALF OF MARINA DEVELOPMENTS LTD

Introduction

These representations are made on behalf of Marina Developments Ltd (MDL), and specifically relate to Policy HA2 of the Plan and Main Modification MM84.

On behalf of MDL, extensive written evidence was submitted and considered as part of the Examination, and subsequently heard at a hearing session. Following an exchange of correspondence with the Inspector, a further specific hearing session took place on 5th January 2021 at the request of the Inspector, specifically to consider the soundness of Policy HA2.

In advance of this session, further evidence was submitted, including a Statement of Common Ground (SOCG). This provided a detailed breakdown of Policy HA2 and the related criteria, setting out those matters that were agreed between MDL and Eastleigh Borough Council (EBC), as well as identifying the key differences between the Council and MDL on specific elements. Further Statements were also submitted by both parties.

As a fundamental part of this evidence, EBC agreed that hotel provision on the site was not viable, but were seeking the deletion of Policy HA2, rather than substituting the hotel proposals for some residential development. MDL's continued position is that in order to facilitate the delivery of the infrastructure, recreation and leisure enhancements sought by the Policy, some residential development as part of a mixed use scheme is essential to ensure a viable and deliverable scheme.

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In making these representations, reference is made to the evidence submitted to the recent hearing and the SOCG.

Modification MM84 – Residential Development

In the first instance, my client is supportive of the retention of Policy HA2, insofar as it represents an important opportunity to regenerate and reinvigorate the existing Marina site, and deliver the various infrastructure, leisure and recreational facility enhancements, as well as potential ecological and heritage benefits.

MM84 identifies the proposed modifications to Policy HA2. Significantly, in the light of the above evidence, this has included the additional of a specific paragraph. For ease of reference, this is extracted below:

“Development or redevelopment may be permitted incorporating a modest amount of floorspace not restricted to boat-related uses, where the Council is convinced that such a use is needed to secure the future of a boatyard or marina and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the River Hamble.”

It is noted that in the covering report to the Full Council meeting on 27th May (see extract at Appendix 1), officers made specific reference to the MM’s to Policy HA2 ‘*not supporting residential development at Mercury Marina*’ (Summary), nor ‘*identifying it as suitable for residential development*’ (paragraph 14)

My client is concerned this is misleading, as residential development would clearly fall within the category of ‘*floorspace not restricted to boat-related uses*’, and equally such development should not be regarded as conflicting with the use of the site nor the enjoyment of the River Hamble, provided it formed part of a comprehensive mixed-use redevelopment. However, more significantly, it does indicate a direction of travel whereby EBC are unlikely to support an application that proposed an element of residential development, notwithstanding the robustness of any viability evidence submitted.

My client recognises and supports the various infrastructure, ecological, leisure and recreational enhancements that are being sought through the related Policy HA2 criteria, and is keen to work with EBC officers to deliver a high quality regeneration. However, the provision of these enhancements, which are extensive, will require significant expenditure. This is why, in part at least, EBC submitted the Local Plan to the Examination for consideration, with the allocation at Policy HA2 incorporating a hotel.

At the time of adoption of the Plan, the hotel would have acted as a catalyst for the regeneration of the site. EBC now accept that this use is no longer viable in this location. However, the previous evidence submitted by my client clearly demonstrates that some residential development is necessary to provide a commercially viable scheme, and alternative catalyst, that can secure the related Policy HA2 criteria.

The SOCG confirms that EBC agree that the higher land values associated with residential development provide greater opportunity to secure the benefits associated with the comprehensive redevelopment of the Site. However, EBC considered it unlikely that the residential development ‘*will generate the financial viability to ensure that all the potential benefits cited by MDL will be delivered.*’ (Note: potential benefits listed in the evidence essentially include all the criteria of the Policy, in addition to wider heritage benefits).

This is not a view shared by my clients, based on the viability evidence submitted, and it is for them to determine whether this is the case. If any comprehensive proposals that were submitted through a planning application do not deliver the related Policy criteria requirements, EBC would be able to refuse any application on this basis in any case.

Therefore, it is of some concern that through MM84 EBC have retained all of the criteria requiring various infrastructure, ecological, leisure and recreational enhancements, and yet have not formally recognised the role that some residential development must play in securing their delivery.

As set out in previous evidence submitted on behalf of my client, it is important to emphasise that this should be regarded as a test of soundness. The relevant tests set out in National Planning Practice Framework (NPPF) 2012 require the plan to be positively prepared and justified. The infrastructure, ecological, leisure and recreational enhancements sought in the criteria are aligned with other objectives of the Plan and its wider strategy. These include:

- marina and related uses are an important part of local and sub-regional economy and related heritage;
- the sail, canoe and other water sport facilities are an important recreational facility encouraging activity and benefitting wellbeing and healthier lifestyles, particularly young adults, including sea scout organisations; and
- redevelopment and regeneration of an under-utilised brownfield site.

As set out in evidence previously submitted, these same objectives are repeated in the NPPF. However, my client is very concerned that in the absence of any specific reference or commitment to residential development within MM84, the related benefits will never be realised, and the Policy HA2 cannot be regarded as positively prepared (it will not deliver the infrastructure sought) or justified (it is not the most appropriate strategy).

My client therefore seeks an amendment to MM84 to include specific reference to residential development as set out below.

*“Development or redevelopment may be permitted incorporating a modest amount of floorspace not restricted to boat-related uses, **including residential uses**, where the Council is convinced that such a use is needed to secure the future of a boatyard or marina, deliver the enhanced marina infrastructure and facilities sought by the Policy, and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the River Hamble.”*

The supporting text could include some further clarification of the location of residential use within the allocation as necessary, i.e. outside Flood Zone 3, within defined previously developed land.

MM84 – Inset Map

My client is disappointed that the related Inset Map amendments do not include the adjacent field to the west, Chamberlayne’s Field, within the Policy HA2 allocation. For the reasons set out in evidence previously submitted, which included a Landscape and Visual Assessment, it is considered the site, including Chamberlayne’s Field, ‘has capacity in landscape terms to accommodate sensitively designed development that is of high quality and responds to positive aspects of the local character within the allocation.’

More specifically in relation to the role Chamberlaynes' Field plays in the Local Gap, the report concludes that *'Although it has a partly rural character, it is not connected to the wider gap and there are limited places where the open field is experienced. It is therefore considered that Chamberlaynes' Field and the wider Site as a whole makes little contribution to the function and experience of the gap between settlements.'*

It should also be noted from the evidence submitted that my client was intending only that part of the field located closest to the existing marina, also corresponding to its lower part, would be utilised to provide low key and suitably design holiday lodges and camping facilities. The remainder would be safeguarded as open space with the opportunity of further planting, bio-diversity enhancements and/or nutrient mitigation.

The consequence of MM84 not including the field within the policy allocation, is that the site is located within the defined Countryside and Local Gap. Strategic Policy 7 of the Plan, as proposed to be modified, contains a presumption against new development in the countryside, whilst Strategic Policy 8, as proposed to be modified, seeks to resist development which physically or visually diminishes the gap, or has an urbanising effect detrimental to the openness of the gap, the character of the countryside or the separate identity of the adjoining settlements.

The above proposals would be assessed against these policies, and whilst tourist related development linked to the River Hamble and marina environment are encouraged, my client is concerned that in the absence of a stronger policy framework which would include Chamberlayne's Field within the allocation, it will not be sufficient to support such proposals. Again, the Policy or supporting text can be updated to ensure that development in Chamberlayne's Field is restricted to camping/lodge proposals on its lower part.

The site allocation also continues to exclude the area of storage and hardstanding in the extreme north-west of the marina. Whilst it is located within the Badnam Copse SINC designation, as set out in previous evidence submitted, this area visually and physically relates to the wider marina, and is largely devoid of any vegetation.

This area should also be included within the allocation. It is considered that paragraph 6.2.54, as proposed to be modified, already has suitable caveats to ensure no adverse impact on sensitive ecological designations, including Badnam Copse SINC.

For clarity, my client is supportive of the exclusion of land to extreme north of the allocation from the Gap.

My client therefore seeks a further amendment to MM84 to include both the above areas within the red in boundary of the allocation. For ease of reference, these are included at Appendix 2.

Implications for Habitat Regulation Assessment and Sustainability Assessment

The implications of updating the Policy to consider the potential for residential development on the Habitats Regulation Assessment (HRA) and Sustainability Assessment (SA) have already been undertaken as part of the additional evidence prepared in advance of the Examination hearing. These confirm that any modifications as set out above would not alter the conclusions of the HRA and would not result in any adverse effects to the integrity of internationally designated sites taking account of the incorporated mitigation within the Plan (Appendix 3, ED80).

It is assumed that the updated SA and HRA accompanying the MM (ED106 and ED107 respectively), have also included an assumption about Policy HA2 including an alternative modest amount of floorspace not restricted to boat-related uses, that should include, inter alia, residential uses.

Yours sincerely

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Director

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Appendix 1 – Extract from EBC Council Meeting 27th May 2021

EASTLEIGH BOROUGH LOCAL PLAN (2016 -2036): MODIFICATIONS FOR PUBLIC CONSULTATION

CABINET

Thursday, 27 May 2021

COUNCIL

Thursday, 27 May 2021

EASTLEIGH BOROUGH LOCAL PLAN (2016 - 2036): MODIFICATIONS FOR PUBLIC CONSULTATION

Report of the Planning Policy Senior Specialist

Recommendation(s)

It is recommended that [Cabinet recommends to Council to:](#)

- (1) Approve the Inspector's proposed Main Modifications to the Local Plan for public consultation (Appendix 1);
- (2) Approve the proposed Additional Modifications to the Local Plan for public consultation (Appendix 2);
- (3) Approve the proposed modifications to the Policies Map for public consultation (Appendix 3); and
- (4) Delegate authority to the Planning Policy Senior Specialist in consultation with the Leader of the Council to make any minor changes to the Additional Modifications and Policies Map as may be necessary prior to public consultation.

Summary

The submission version of the Eastleigh Borough Local Plan 2016-2036 ("the Local Plan") sought to meet development needs whilst tackling congestion, addressing climate change / pollution, protecting settlement gaps and enhancing biodiversity, with development proposed to be delivered on a range of sites including a Strategic Growth Option (SGO) to the north of Bishopstoke and Fair Oak.

Following the examination hearings, the Inspector has indicated a route to enable the Council to adopt the Local Plan with modifications. This will provide an up-to-date set of planning policies for the Borough with full adopted status.

The Inspector's proposed main modifications (Appendix 1) include the deletion of the SGO and associated link road from the Plan. However, given the Council's proactive approach

to housing delivery on a range of other sites across the Borough, the Plan retains sufficient housing supply for the next 10 years, with a shortfall (of 18% or 2,614 dwellings) only arising in the longer term. This provides a strong basis to meet development needs and protect important areas of countryside in the short to medium term. It also enables the Council to review the Plan in accordance with the emerging Partnership for South Hampshire (PfSH) Strategy in-order to maintain an appropriate and plan-led supply of development sites over the longer term.

The Inspector's post hearing letters also raised issues to address regarding the Chickenhall Lane Link Road, settlement gaps and Mercury Marina. The Council has now undertaken the work to address these points and under the Inspector's proposed main modifications, the Plan retains policies for:

- the Chickenhall Lane Link Road;
- settlement gaps (the modifications to the Policies Map retain most settlement gaps with specific amendments as detailed in the report below); and
- Mercury Marina, without identifying it as suitable for residential development.

These proposed main modifications are based on the further evidence the Council has prepared and published as requested by the Inspector and support the Council's position on these matters.

As is common practice, the Inspector's proposed main modifications include a range of other more detailed changes, as shown in the report below. These modifications bring further improvement and clarity to the Plan, and indeed a range of them were first proposed by the Council.

The Inspector's proposed main modifications are those she currently considers are necessary to enable the Plan to be adopted. In-order to keep progress towards adopting the Local Plan on track, it is recommended the Council approve these proposed main modifications for public consultation without alteration for the following reasons. First, they are the Inspector's proposed main modifications so any alterations would need to be agreed by the Inspector, which at the least would lead to further delays. Second, as described above, the deletion of the SGO and link road does not lead to a shortfall in housing until the longer term, so this can be addressed in a future review of the Local Plan, and the other modifications support or are consistent with the Council's position and do not change the overall direction of its Plan. Approving the proposed main modifications is a key step towards the Council securing an adopted Local Plan which meets its aims.

As explained in the report, Council staff consider that it is desirable to make certain additional modifications (Appendix 2) which (taken together) do not materially affect the Plan's policies (as modified by the main modifications). As a result of the proposed main modifications and other factors (addressed in the report), certain modifications to the Policies Map are also required (Appendix 3).

Subject to Council approval, the proposed main modifications, additional modifications and modifications to the Policies Map will be the subject of public consultation for 6 weeks until mid to late July (dates to be confirmed). The Inspector will consider any representations on her proposed main modifications, and will then issue her final report and main modifications.

The Council may then adopt the Plan (incorporating the Inspector's final main modifications together with any additional modifications the Council wishes to make provided these do not materially affect the Plan). Adopting the Plan will put the Council in a strong position to support appropriate and refuse inappropriate development proposals, which will enable the Council to deliver the development needed for homes and employment, whilst tackling congestion, addressing climate change / pollution, protecting settlement gaps, promoting healthy lifestyles, enhancing biodiversity and protecting the other important characteristics of the Borough.

Statutory Powers

Planning and Compulsory Purchase Act 2004

Localism Act 2011

The Town and Country Planning (Local Planning) (England) Regulations 2012

Strategic Implications

1. This report sets out an approach to securing the adoption of the Eastleigh Borough Local Plan (2016 – 2036) (“the Local Plan”), which is a key instrument in the Council's place-shaping role. The policies in that Plan underpin and help meet all of the objectives in the Council's Corporate Plan (2015 – 2025):
 - Tackling congestion;
 - Developing green infrastructure;
 - Excellent environment for all;
 - Minimising waste and managing resources;
 - Enabling healthier lifestyles / wellbeing;
 - Tackling deprivation;
 - Increased provision and more diverse mix of housing;
 - Ensuring appropriate infrastructure including employment land;
 - Enabling the right skills and employment mix;
 - Reinvigorating town and local centres.

Introduction

2. The Council commenced preparation of the Local Plan in 2015. Following a number of stages of preparation and widespread public consultation, the Council resolved at its meeting on 18 October 2018 to approve the Local Plan for submission to the Secretary of State for independent examination. It also resolved to delegate authority to the Chief Executive to propose, request from and discuss with the Inspector main modifications to the wording of the Local Plan to ensure its soundness and legal compliance, noting that the main

modifications will subsequently be approved by Council and subject to public consultation.

3. The Local Plan was submitted on 31 October 2018, at which point the examination commenced.
4. In brief, the submitted Plan sought to meet development needs whilst tackling congestion, addressing climate change / pollution, protecting settlement gaps and enhancing biodiversity. Development would be delivered on a range of sites, including a Strategic Growth Option (SGO) to the north of Bishopstoke and Fair Oak. The submitted Plan can be viewed at this link:

<https://www.eastleigh.gov.uk/media/3484/final-local-plan-document-june-2018-print.pdf>
5. In July 2019 the Council proposed, under the delegated authority provided by Council on 18 October 2018, modifications to the Plan to be considered through the examination. (Most of these modifications are now included in the main modifications proposed by the Inspector which are the subject of this report). The Council subsequently wrote to the Inspector on 11 November 2019 formally requesting that she recommend any main modifications she considered necessary for the Plan to be sound and legally compliant.
6. The Inspector held the main hearings on the Plan from November 2019 to January 2020.
7. Following these hearings, on 1 April 2020 the Inspector wrote to the Council (Appendix 4) to indicate she (in brief summary):
 - (a) Has no fundamental concerns with regards to most of the components of housing supply, and that the approach to these has been adequately justified;
 - (b) Is not in a position to support the inclusion within the Plan of policies S5 and S6 (the SGO and link road);
 - (c) Requires some updates to the housing trajectory and affordable housing studies;
 - (d) Is satisfied regarding the assessment of employment needs, and recognises there is a surplus of sites within the Eastleigh Riverside / Southampton Airport Economic Gateway sites;
 - (e) Is concerned regarding the delivery of the Chickenhall Lane Link Road (CLLR) associated with the sites listed in d), recognises the CLLR's importance and requires either further evidence to establish a reasonable prospect of delivery, or the deletion of the CLLR from the Plan; and
 - (f) Supports the principle of designating settlement gaps, and the key principles which have guided the assessment of gaps, but is concerned

about how this is translated into actual designations and requires further evidence to reconsider the extent of gaps.

8. On 18 May 2020 the Inspector wrote to the Council (Appendix 5) indicating that she intended to modify policy HA2 (Mercury Marina).
9. On 29 May 2020 the Inspector published further detailed action points, as discussed during the hearing sessions. These indicate where the Inspector considered there to be further areas of the Plan where (usually relatively detailed) main modifications or additional evidence was needed to achieve a 'sound' and legally compliant Plan. (The resulting main modifications are contained within Appendix 1. The original action points can be located via the link at para. 16 d., ref. ED72).
10. The Council's Cabinet considered these letters and action points at its meeting on 25 June 2020. It resolved to approve responding to the Inspector indicating that the Council was content to progress the examination on the basis of the main modifications outlined by the Inspector's letter of 1 April 2020, further action points of 29 May 2020, and/or any other main modifications which may be necessary. It also resolved that in responding to the Inspector's letter of 18 May 2020, the Council should state its continuing policy position of no residential development at Mercury Marina. The Council wrote to the Inspector to this effect on 6 July 2020.
11. The planning policy team have since prepared the further evidence and drafted the main modifications in response to each of the Inspector's letters and points. The Inspector also held a hearing in January 2021 to consider the Council's further evidence regarding policy HA2 (Mercury Marina).
12. The Council's Cabinet approved an Addendum to the Statement of Community Involvement (to enable further consultation to be undertaken during any Covid -19 restrictions) on 10 December 2020, and considered a progress report on the Plan on 29 March 2021.
13. Upon receipt of the draft main modifications and further evidence, and following the Mercury Marina hearing, the Inspector has finalised the proposed main modifications for public consultation. The Council has also prepared proposed modifications to the Policies Map (required as a result of the proposed main modifications and other factors) and proposed additional modifications (which it can make provided these (taken together) do not materially affect the policies of the Plan if adopted with the main modifications).
14. The Inspector's proposed main modifications include the deletion of the SGO and link road. In all other cases, having considered the Council's further evidence, the Inspector's proposed main modifications do not significantly alter the direction of the Council's Plan. For example, policies are retained to support the CLLR, to protect settlement gaps (with specific alterations to gaps in accordance with the Council's evidence), and reference to supporting residential development at Mercury Marina has not been included.

15. Public consultation on the proposed main modifications, additional modifications and changes to the Policies Map will take place for 6 weeks until mid to late July (dates to be confirmed). At this stage, the Inspector will only consider representations on the main modifications, not on the wider Plan (she has already considered the representations on the original submitted Plan). Following receipt of the Inspector's final report, the Council can then adopt the Local Plan with the final main modifications and any additional modifications the Council wishes to make (see 'Next Steps' below).
16. The following sections summarise the proposed modifications and how the points raised by the Inspector's letters and action points of April / May 2020 have been addressed. The full modifications and evidence are set out as follows:
 - (a) Appendix 1 - the Inspector's proposed main modifications (MMs). The relevant MM reference number, and policy or paragraph number (as it relates to the submission Plan) is cited below.
 - (b) Appendix 2 – the Council's proposed additional modifications.
 - (c) Appendix 3 – the proposed modifications to the Policies Map.
 - (d) Further evidence – this can be located on the examination website:
<https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-examination/examination-documents>
The relevant 'ED' number for each study is referenced below.
17. The Council has updated the Sustainability Appraisal Addendum and Habitats Regulations Assessment of the Local Plan (which will be published on the examination website above).

Housing and Strategic Growth Option (SGO)

18. The Inspector's proposed main modifications include the deletion of policies S5 and S6 regarding the SGO and related link road (MM 13 and 14).
19. The Inspector's letter of 1 April 2020 recognises that the deletion of an SGO from this Plan will leave some shortfall in, and a degree of uncertainty regarding, housing supply over the last 4 or 5 years of the Plan to 2036. However, she also states that the remaining housing sites in policies S2 and S3 will be sufficient to meet the need and requirement for housing for the majority of the Plan period; that delivering these sites through the Local Plan will be the most beneficial course of action; and that since legislation requires the review of a Local Plan within 5 years of adoption, the shortfall could be addressed in such a review taking account of the emerging Partnership for South Hampshire ("PfSH") Strategy.

20. The update of the housing trajectory (ED101, which also includes a number of detailed adjustments requested by the Inspector, indicates that the revised shortfall in housing to 2036 will be 18% or 2,614 dwellings. (The deletion of the SGO, which would have delivered 3,350 dwellings by 2036, is partially counteracted by gains on other sites reflecting the Council's positive approach to delivering new homes. Any further gains on such sites would further reduce this long-term shortfall).
21. PfSH approved its latest Statement of Common Ground in September 2020. This demonstrates good progress towards preparing a PfSH Strategy, with a final report on strategic development opportunity areas to be considered in the last quarter of 2021, and an approach to green belt designation in the third quarter of 2022.
22. The Inspector's proposed main modifications (MMs 10 and 11) provide a commitment that a review of Eastleigh's Local Plan should commence within one year of its adoption. This will enable the Council to review the longer-term need and options for development in the light of the PfSH Strategy, to ensure an appropriate supply of sites is maintained for the longer term. A specific timetable for a review of the Local Plan will be devised to enable full consideration of and consultation on the emerging review, with the aim of being able to adopt the review Local Plan to enable the longer-term supply of sites to be maintained.
23. In short, this approach provides a strong basis for the ongoing supply of new homes in the short and medium term, and in the longer term based on a review of the Local Plan, on a plan-led basis.
24. The Council's evidence on the need for affordable homes submitted with the Plan was based on an earlier assessment of overall housing need. On the basis that the previous objectively assessed housing need was 580 dwellings per annum, it concluded that 165 dwellings per annum (or 28%) would need to be affordable homes.
25. The Inspector requested that this evidence be updated to align with the latest assessment of overall housing need. On the basis that the latest objectively assessed housing need is for 729 dwellings per annum, this concludes that 200 dwellings per annum (or still 28%) would need to be affordable homes (ED 102).
26. It is notable that the percentage of homes that need to be affordable has not changed. Whilst this is lower than the target sought by the Council, it represents a net overall need for affordable homes. Therefore, it does not take account of any losses of affordable homes, or that affordable homes are not sought on small sites. On this basis, the Council considers that policy DM30, which seeks 35% of affordable homes on larger sites remains justified. The Inspector has not proposed any modification to this 35% target. (She has proposed a modification to adjust the site thresholds at which the policy applies to accord with national policy, and to set out the justification required for any reduction below the 35% target on individual sites – MM 57).

Employment Land and the Chickenhall Lane Link Road

27. The Council has prepared further evidence on the need for and delivery of the CLLR (ED103). This sets out the importance of delivering the employment sites at the Southampton Airport Economic Gateway and the full CLLR. It also sets out the relationship between development proposals at the railway works and airport, and the actions being taken to pursue a comprehensive approach to the delivery of these proposals. These include the planning application to extend the Airport runway, planning permissions at the railway works, and the Airport Masterplan. This is supported by a Memorandum of Understanding between two of the three key land interests, Southampton International Airport Limited and Diageo Pension Trust Limited, which states that the parties are confident they can deliver an access solution to the employment allocations. The third land interest, Network Rail, have since also provided a letter to indicate support in principle (ED103 A - C). It is considered this demonstrates a reasonable prospect of delivering phases of the CLLR in-order to release sufficient employment land to meet needs to 2036.
28. The Inspector has reviewed this evidence. Her proposed main modifications retain support for the CLLR within the Plan, incorporating the wording proposed by the Council in ED103 (MMs 97, 98, 100). This continues to safeguard the route of the CLLR and modifies the Plan to state that parts of the road should be provided to access individual sites, and that wider developer contributions will be sought for the full road where there is a reasonable prospect that it is viable and deliverable. This approach retains the long-term approach to safeguarding and delivering the full road and allows for a more realistic phased approach to the construction of the road and seeking of developer contributions.
29. Since this evidence was completed, the Government has confirmed in the 2021 Budget that the Solent Local Enterprise Partnership's Freeport bid has been shortlisted. This bid includes the employment sites at the Southampton Airport Economic Gateway, which further highlights the importance of these sites. In addition, Full Council has, at its meeting of 9 April 2021, resolved to permit the planning application for an extension to the airport runway, which also recognises the importance of safeguarding the route for the CLLR.

Settlement Gaps

30. The Council commissioned a detailed review of all the settlement gaps in the Borough in-order to address the Inspector's comments in her 1 April 2020 letter.
31. The review (ED84) was prepared by landscape consultants working closely with Council staff, informed by the PfSH Policy Framework for Gaps (2008) and Spatial Position Statement (2016). It surveyed the character, identity and

scale of the relevant settlements, the character of the settlement edges, and a description of the gaps (e.g. the sense of arrival, linkages, land use, width, intervisibility, fragmentation, topography, openness, and ecology).

32. The review also provides an analysis of each individual sub area of each gap, considering whether the sub area helps to preserve the openness of the gap, maintain the sense of separation between settlements, define settlement character, and is necessary to prevent the coalescence of settlements.
33. The Council considers this provides rigorous and comprehensive evidence to ensure a consistent approach is taken to the designation of settlement gaps and that the extent of gaps is no greater than is necessary.
34. The emerging results were discussed at workshops for each of the Council's Local Area Committees in September / October 2020. The review concludes that: all the Borough's settlement gaps should be retained except in one case where the gap should be deleted; in some cases specific parts of gaps should be deleted; and in one case land should be added to the gap. The Council's proposed modifications to the Policies Map incorporate all these changes. These are set out in full in Appendix 3, map book 2. Where an area of land is proposed to be removed from the gap, other designations will continue to apply as relevant (for example any countryside, nature conservation and open space designations). In brief summary, the main changes to the gap designations are to:
 - (a) Across all gaps as relevant: delete areas already protected by nature conservation designations, including woodland areas, and also small adjoining areas which do not by themselves contribute to the gap, and delete areas which have already been developed;
 - (b) Southampton / Bursledon / Netley / Hamble gap: delete small parcels of land on the western and eastern edge of Netley, along Botley Road (Southampton) and the King George V playing field (Bursledon);
 - (c) Hedge End / Bursledon gap: delete area of land south of Pylands Lane;
 - (d) West End / Hedge End / Southampton gap: delete St James Primary School playing fields (West End);
 - (e) Hedge End / Horton Heath / Boorley Green: delete land north of Blind Lane (Horton Heath);
 - (f) Southampton / West End / Eastleigh gap: delete land including playing fields south of M27 (east and west of Stoneham Lane and Stoneham Way);
 - (g) Eastleigh / Bishopstoke: delete field south west of West Horton Lane;
 - (h) Boyatt Wood / Otterbourne Hill / Allbrook: delete the whole gap;

- (i) Hedge End / Botley / Boorley Green: add back into gap the area east of Sovereign Drive / Precosa Road (planning permission has lapsed, and a further application has since been refused);
35. The settlement gaps policy provides added protection for countryside where it is important to retain the separation between settlements. It is proposed that most gaps across the Borough are retained, and that areas are only deleted from the gap where they do not contribute to the function of the gap. In these cases, any other designations / protections in the Plan are retained. A Local Plan based on a comprehensive and rigorous Borough wide assessment of gaps will provide a strong basis for protecting the retained settlement gaps over the Plan period, thus strengthening the Council's overall approach to protecting settlement gaps.
36. The Inspector is also proposing modifications to policy S8 - Settlement gaps to phrase the approach positively, delete a reference to the openness of gaps (whilst retaining all the other criteria for considering development proposals), and more accurately describing gaps (MM 27).

Mercury Marina

37. The submission Plan allocated the site for a marina, hotel, a range of other holiday accommodation and car parking / boat storage subject to securing a range of measures, including the retention of community uses and biodiversity enhancements. MDL, the owners of the marina, made representations seeking that (among other things) the hotel be deleted from the policy and replaced with a residential-led allocation. These and other proposed modifications were discussed at the hearing session and, following the session, the Council requested that the policy be deleted. The Inspector, however, in her letter dated 18 May 2020 (Appendix 5), stated that she intended to modify the policy as discussed at the hearing, citing the benefits of delivering the site allocation with the benefits outlined by the policy.
38. Council staff accepted there was no evidence of a demand for a hotel but remained strongly opposed to the allocation including residential uses for a variety of reasons. The Council prepared additional evidence (ED80) which set out these reasons. In summary these are: the poor transport connections to the site (locally along Satchell Lane and more widely relating to the congestion on the Hamble peninsula); the uncertainty that development could deliver the site benefits (in financial or operational terms); and the impact of an extended development site on the settlement gap.
39. The Inspector held an additional hearing in January 2021 to consider this further evidence. Following this, the Inspector's proposed main modifications (MM 84) retain the policy and range of benefits to be secured from development. They also adjust the policy to delete reference to a hotel and add support for a modest amount of non-boatyard floorspace where this is needed to secure the future of the boatyard / marina and will complement the use of the site / enjoyment of the river. (This is the approach already taken by

the Plan in policy DM20 for boatyard and marina sites). The Inspector's proposed modifications do not include reference to supporting residential development and do not extend the site into the settlement gap. This supports the Council's position that this area is not an appropriate location for residential development.

Other Main Modifications

40. The Inspector's Action Points, dated 29 May 2020 (ED72), sought a range of other evidence and areas for main modifications to the Plan. As is common practice in many Local Plans these cover a wide range of often relatively detailed points or modifications (albeit currently considered necessary to secure a 'sound' and legally compliant Local Plan).
41. The Council's staff have prepared the more detailed evidence points and these are published for each Hearing Matter (ED's 86 – 100). Examples of the additional evidence points include: integrating aspects of the Biodiversity Statement of Common Ground into the latest HRA; providing travel to work data for different parts of the Borough; updating the assessments of small and medium greenfield sites in relation to the sustainability appraisal to ensure all sites are covered by the analysis (and adjustments to ensure settlement gaps are assessed on a consistent basis); and provision of Council or other reports, correspondence, timescales for programmes etc. It also sets out the evidence why the Eastleigh town centre boundary should not be expanded to meet retail needs to 2027, in summary because: some needs could be accommodated by redevelopments or the re-use of vacant space within the town / district centres; there are no suitable areas for town centre expansion; and needs are likely to be lower than originally projected (due to growing internet shopping and the effects of Covid-19) (ED104). Council staff have also provided a response explaining why the lower household projections in 2018 should not lead to a reduction in the housing target (ED77) and set out the implications of the changes to the Use Classes Order for the wording of the Plan (ED105).
42. The Council's staff have also drafted the necessary main modifications, which the Inspector has finalised as her proposed main modifications (set out in full in Appendix 1). In addition to the key areas for main modification described in the sections above, this section describes examples of some of the other proposed main modifications:
 - (a) Para. 3.8: update to fully reflect the Council's original Development Distribution and Strategy Principles (MM 5);
 - (b) Policy S1 - Sustainable Development: add reference to carbon sequestration; change "maximise" to "optimise" density; and add reference to the purposes of the South Downs National Park and its status as an International Dark Skies Reserve (MM 6);

- (c) Paras. 3.7 / 4.7 / 4.9: clarify that the settlement hierarchy is the main consideration in determining the distribution of development; that it will evolve as new facilities are provided; and add a further description of the hierarchy (MMs 4, 7, 8);
- (d) Policies S2, S3 and S4 – Approach to new development, housing locations and employment provision: update the housing, affordable housing and employment numbers in the light of the latest evidence and using a consistent base date; recognise that the deletion of the SGO leads to a shortfall of 2,614 dwellings and commit to commencing a review of the Plan within 1 year of its adoption; recognise that the sequential approach to office development depends on the availability of sites; and add an employment trajectory (MMs 10, 11, 12);
- (e) Policy S7 – New development in the countryside: delete the presumption against new development in the countryside (but retain and add to the criteria which state the uses acceptable in the countryside and to avoid adverse impacts) (MM 26);
- (f) New policy – The historic environment: a new strategic policy to protect the historic environment (the key aspects of which were previously in policy DM12) (MM 29);
- (g) Policy S12 – Transport infrastructure: restructure the policy to refer at the start to the overall principles (encouraging walking, cycling and the use of public transport, minimising congestion and supporting safety on the highway network); update and rationalise the list of transport programmes and schemes (MM 32);
- (h) Policy DM2 – Environmentally sustainable development: exclude mixed use residential development from BREEAM requirements; delete the aim to achieve even higher water efficiency standards and other detailed amendments to ensure the policy is consistent with national standards for sustainable development (MM 36);
- (i) Policy DM5 – Managing flood risk: add reference to natural flood management techniques (MM 39);
- (j) Policy DM6 – Sustainable surface water management: clarify how the policy will be implemented, for example stating that three forms of naturalised filtration will only be required on larger or more sensitive sites (MM 40);
- (k) Policy DM10 – Water and waste water: restructure the policy requiring such infrastructure to be phased alongside development; and add an aim to improve the water environment (MM 42);
- (l) Policy DM11 – Nature conservation: restructure the policy to set out the general aims, the approach to protecting international, national and local designations (ensuring a consistent approach based on national regulation and policy) and relevant surveys; add a reference to project

level assessment and implementing mitigation measures for international sites; to emphasis achieving a net gain in biodiversity (including for the southern damselfly); to qualifying species and maintaining / restoring the conservation status of the River Itchen SAC; and to the protection of irreplaceable habitats (including ancient woodlands) (MM43);

- (m) Para. 5.75 - add a definition of the local ecological network (MM 43);
- (n) Policy DM12 – Heritage assets: delete criteria covered by the new strategic policy; add reference to heritage assets at risk (MM 44);
- (o) Policy DM14 – Parking: add reference to ensuring adequate provision in terms of highway safety / traffic management whilst avoiding over provision (MM 45);
- (p) Para. 5.109 – add a table of projected retail needs (MM 48);
- (q) Policy DM22 – Change of use of retail frontages: expand the policy to cover Eastleigh town centre and local / neighbourhood centres (MM 49);
- (r) Policies DM24 and DM25 – Housing sites: delete because the sites are largely completed or under construction. (New specific policies are created for outstanding sites). (MMs 51, 53, 87, 88, 93).
- (s) Policy DM26 – Creating a mix of housing: add a reference to considering the character of the site (MM 54);
- (t) Policy DM31 – Dwellings with higher access standards: add an element of flexibility by describing the standards as a target and only applying the wheelchair accessible target of 8% to affordable homes (with 7% of market homes required to meet the wheelchair adaptable target) (MM 58);
- (u) Figure 8 – add that the requirements for providing play areas apply to 50 dwellings or more (MM61);
- (v) New policy HH1 – West of Horton Heath: allocate the site for residential, employment, open space, retail / community uses, a primary school and link road with a range of development criteria. (The dwelling capacity reflects earlier permissions and the Plan allows for a higher number of dwellings to be justified on its merits). (The policy replaces policies for individual sites) (MMs 69, 73);
- (w) Policy BU8 – Open space at Long Lane, Bursledon: delete the policy (the Inspector considers it is undeliverable and the site retains countryside, conservation area and special policy area protections) (MM 82);
- (x) Policy AL1 / 2 – Land east / west of Allbrook Way: delete references to the SGO link road but clarify that a relief road to address local traffic

constraints in Allbrook should still be safeguarded, and provided with the AL1 development if necessary (MMs 104, 105);

- (y) Policy HE7 – Land at Kanes Hill, Hedge End: delete policy for cemetery provision (which is undeliverable) (MM 111);
- (z) Policy WE4 – Land at Ageas Bowl, Hedge End: amendments to set out the overall aims; to ensure residential amenity is protected; to allow indoor sport, leisure, hotel and office uses within the urban edge (subject to a range of controls, including securing a high quality design which retains the open / green setting, and additional controls for any residential uses in terms of location and to secure access to West End), with uses outside of the urban edge to remain restricted to outdoor sports, adjustments resulting in a net reduction to the urban area. (The overall approach has been agreed with the Ageas Bowl) (MM 115);
- (aa) New business class (class E): Policies DM15, DM22, CF2, E3, E6, E7, E9 are amended accordingly. This includes introducing more flexibility for uses within town, district and local centres. The supporting text to policies E6, E7 and E9 (sites at and adjoining Eastleigh Riverside and Southampton Airport) is amended to add a reference that planning permissions may be conditioned to the specified employment uses (MM - various);
- (bb) Site policies – add standard cross references regarding drainage and the provision of waste water infrastructure, delete policies where sites are under construction or completed, where sites for gypsy and traveller provision have planning permission, or which now have planning permission for alternative uses, update dwelling numbers to reflect planning permissions, specify the quantum of employment development on sites and apply the sequential approach for offices (MM - various);
- (cc) Glossary – add a glossary of terms (MM 122);
- (dd) Monitoring framework – update for clarity and accuracy (MM 123);

Additional Modifications

43. The Council may, when it adopts the Plan, make additional modifications provided these (taken together) do not materially affect the policies of the Plan as modified by the main modifications (section 23 of the Planning and Compulsory Purchase Act 2004). Appendix 2 sets out a range of proposed additional modifications. These include: replacing the foreword; deleting a description of issues and introductory sections designed to assist earlier representations; clarifying the status of the PfSH Spatial Position Statement and deleting an out-of-date South Hampshire strategy map; correcting or updating references to other strategies, policy cross references and grammar;

re-ordering of text and changing terminology and policy updates for consistency; and detailed points of clarity, definition or factual updates. Staff consider these modifications to be desirable and to fall within the scope of additional modifications.

Policies Map

44. The Council is proposing a number of modifications to the Policies Map (Appendix 3). These include those modifications the Council proposed in July 2019 which remain relevant, and those arising from the Inspector's post hearing letters. The proposed modifications to the Policies Map directly reflect the main modifications described above, the further evidence in relation to settlement gaps, or other adjustments that need to be made. Examples of the types of proposed modification to the Policies Map are as follows:
- (a) Deletion of the SGO and link road;
 - (b) Adjustments to the settlement gap designations;
 - (c) Adjustments to the urban edge;
 - (d) Deletion of the policy BU8 (Long Lane open space) site;
 - (e) Deletion of the HE7 (Kanes Hill cemetery) site and replacement by open space designation;
 - (f) Adjustments to the site boundaries of a range of sites;
 - (g) Deletion of DM24 and DM25 sites and replacement with specific site allocations where necessary, deletion of sites which have been completed, addition of sites (to reflect those already identified in the submission plan), and clarification of open space designations.

Next Steps

45. Subject to approval by Cabinet and Council, the Inspector's proposed main modifications, the Council's proposed additional modifications, and the proposed changes to the Policies Map will be published for public consultation for 6 weeks. (The precise dates are to be confirmed but will run from early / mid June until mid / late July). Representations can only be made on the modifications to the Plan and Policies Map.
46. The Inspector will consider the representations on the main modifications and associated changes to the Policies Map. She will then complete her report which will include the final set of main modifications she considers necessary to achieve a 'sound' and legally compliant Plan. The Inspector's report will be published as soon as practicable upon receipt, in accordance with the

regulations. The Council will consider any representations on the additional modifications and changes to the Policies Map.

47. The Council may then adopt the Local Plan with all of the main modifications recommended in the Inspector's final report together with any additional modifications it wishes to include. The adoption of the Local Plan will be the subject of a separate decision by Council once the above steps are completed.

Financial Implications

48. Funding has been approved to progress the Local Plan to date. The additional funding to complete the outstanding work will be minimal and can be covered by existing budgets.

Risk Assessment

49. The Inspector has set out a route to the Council securing an adopted Local Plan which will identify the sites to meet the Borough's housing requirements and needs for the next 10 years. This puts the Council in a good position to demonstrate that it has planned positively for development, reducing the risk that developers will be successful at appeal regarding sites the Council considers are unsuitable. It also gives the Council the time to review the Plan to ensure that the requirement for a 5-year supply of housing sites continues to be maintained in the medium and longer term and that options for strategic growth are re-assessed to ensure the timely provision of new homes in the longer term.
50. The alternative option of rejecting the Inspector's proposed modifications is likely to require the withdrawal of the Plan from examination and a delay in adopting an up-to-date Plan, so reducing the ability of the Council to control and positively shape development in the Borough under the plan-led system.

Equality and Diversity Implications

51. The Equality Act 2010 is relevant to the decision and an Equality Impact Assessment (EqIA) has been carried out and attached as Appendix 6 to the report. In summary the EqIA shows that:
 - (a) Policy DM31: Dwellings with higher access standards – the element of additional flexibility in the policy may slightly reduce the positive impact for disabled people;
 - (b) Policy DM30: Delivering affordable housing – the site threshold for seeking affordable housing is lowered from 11 to 10 dwellings, which is likely to increase the provision of affordable homes and slightly increase the positive impact on social deprivation;

- (c) Policy S5: Strategic Growth Option – this site is deleted leading to a shortfall of housing (including affordable housing) and the provision of less employment land in the longer term. An early review of the Local Plan is required to avoid the potential adverse impact on social deprivation.

Climate Change and Environmental Implications

- 52. The Plan aims to meet development needs whilst addressing climate change and protecting and enhancing biodiversity. The Plan includes policies designed to mitigate and adapt to climate change (for example by promoting sustainable travel and energy efficient building design and managing flood risk), and to ensure development protects and enhances biodiversity.
- 53. The main modifications proposed by the Inspector maintain this approach, while following the Government's requirement to apply national standards for energy and water efficiency (rather than seek higher or wider standards), and to restructure the transport and biodiversity policies to increase their clarity and effectiveness.

Conclusion

- 54. Subject to Council approval, the proposed main modifications, additional modifications and modifications to the Policies Map summarised in this report will be the subject of public consultation. To maintain progress at this stage, the Council should approve the proposed main modifications without alteration (because these are the Inspector's proposed main modifications and they need to be consulted upon before she can make a final recommendation on them, so any alterations would need to be agreed with the Inspector prior to consultation, which would lead to delays).
- 55. Following her consideration of representations on the main modifications, the Inspector will issue her final report. The Council can then adopt the Local Plan incorporating all of the Inspector's final main modifications and any additional modifications it wishes to make. The adoption of the Local Plan will be the subject of a separate decision following the consultation and the Inspector's final report.
- 56. Once the Local Plan is adopted, it will replace earlier versions of the Local Plan (i.e. the adopted Eastleigh Borough Local Plan: Review (2001-2011) and the draft submitted Eastleigh Borough Local Plan 2011-2029). The new adopted Local Plan will provide the Council with up-to-date planning policies, with full adopted plan status, to guide development and protect and enhance the important characteristics of the Borough.

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Appendices Attached: 6

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None.

Appendix 2 – Modification of Policy HA2 site boundary to include Chamberlayne’s Field and storage/parking area to north-west.



Bedham Creek

Ward Bdy

Mean High Water

Boat Yard

Slipway

Slipway MLW

Path (um)

Def

Def

Depot

Po

Mercu

MLWS

Mound

80

12.5m

Halyards

FRY CLOSE

Ops Gov

12.5m