

**PROOF OF EVIDENCE**

**of**

**Matt Grantham**

**TRANSPORT MATTERS**

**APPENDICES**

Land at Satchell Lane appeal reference. 3292580, application reference. F/20/89488

Appendix MG1 – Views of Satchell Lane

Appendix MG2 – Satchell Lane Measurement Plan

Appendix MG3 – Planning Appeal Decision APP/W1715/W/20/35559

Appendix MG4 – March 2019 HCC Executive Member Report

Appendix MG5 – HCC Hamble Lane Briefing Note

Appendix MG6 – Planning Appeal Decision APP/A1720/W/22/3297544

## **APPENDIX MG1**

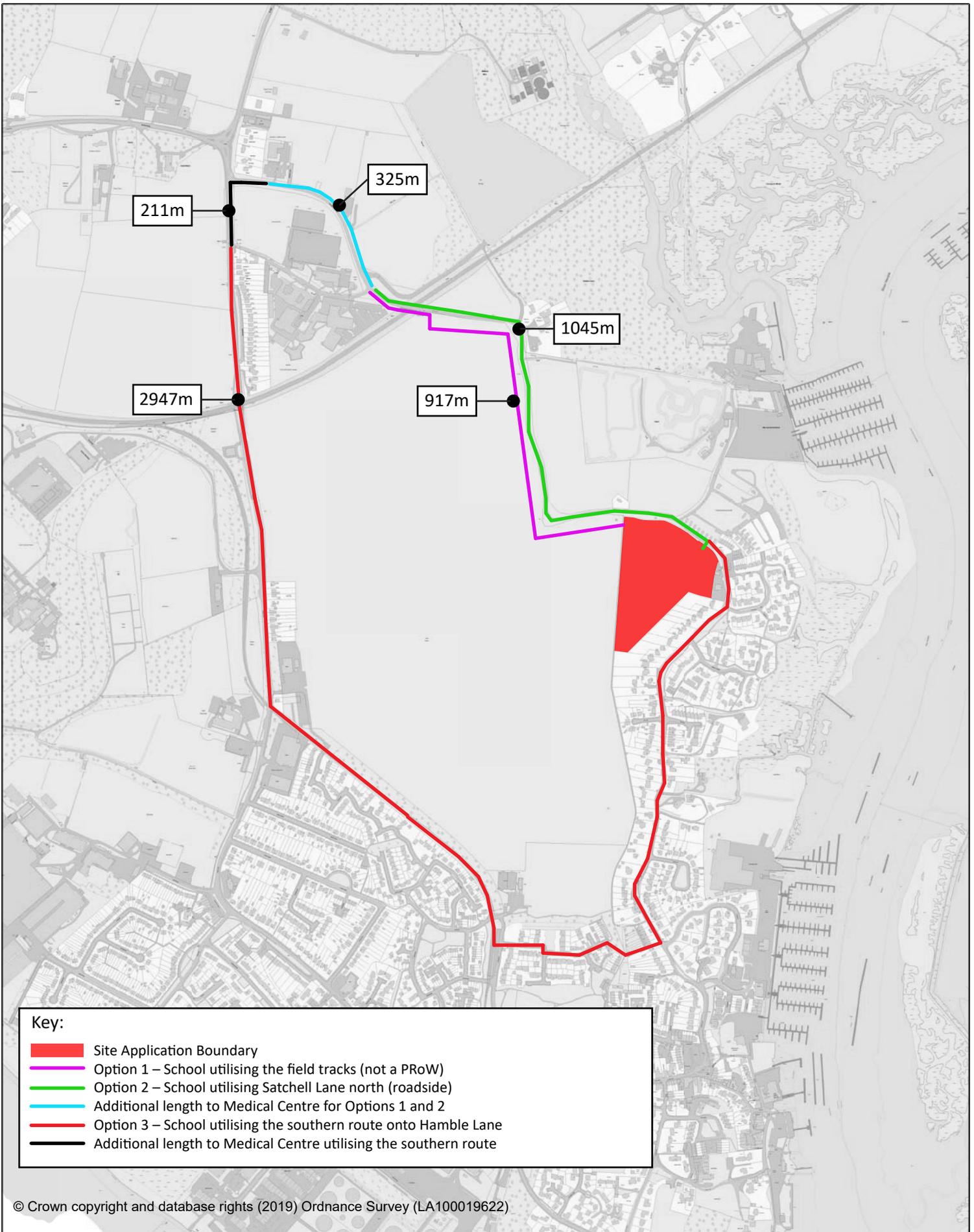
Views of Satchell Lane

Appendix MG1 – Views of Satchell Lane



## **APPENDIX MG2**

### Satchell Lane Measurement Plan



Title:

Land at Satchell Lane,  
Hamble-Le-Rice,  
Southampton SO31 4HP

Scale:

1:10000

Map Ref:

SU4707

Date:

16/01/2019



Land at Satchell Lane appeal reference. 3292580, application reference. F/20/89488

## **APPENDIX MG3**

Planning Appeal Decision APP/W1715/W/20/35559



## Appeal Decision

Inquiry held on 10-13 and 16 November 2020

Site visit made on 17 November 2020

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> January 2021

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**Appeal Ref: APP/W1715/W/20/3255559**

**GE Aviation, Kings Avenue, Hamble-le-Rice SO31 4NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by GE Aviation against the decision of Eastleigh Borough Council.
  - The application Ref O/18/84191, dated 26 October 2018, was refused by notice dated 16 January 2020.
  - The development proposed is described on the application form as "outline consent, with all matters reserved except means of access, for the relocation of cricket pitch off-site and improvements to existing bowls and football facilities on site to enable the erection of up to 148 residential dwellings (Use Class C3) with new vehicular access, car parking, work to highways, landscaping, and other associated works. The application also seeks the demolition of non-original extensions to Sydney Lodge and redundant factory buildings".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The ownership of the appeal site changed in January 2020 from GE Aviation to Aernnova. However, as the appellant has to be the same person or company who made the planning application, the appellant has remained GE Aviation.
3. A completed and executed Section 106 (S106) agreement was submitted after the inquiry closed. Given my overall decision, it has not been necessary for me to assess the entire agreement in detail. However, I have referred to relevant sections where applicable in specific main issues and the planning balance.

### Main Issues

4. There were 6 reasons for refusal attached to the decision notice. With the submission of the S106 agreement, the Council confirmed that the sixth reason for refusal relating to infrastructure would fall away. The fifth reason for refusal related to the Solent and Southampton Water Special Protection Area (SPA) only. However, during the appeal process, Natural England identified potential impacts on the New Forest SPA too. As a consequence, it was necessary to also address this SPA at the inquiry. Although not a reason for refusal or a main issue, my decision also addresses the effect of the development on the Grade II\* listed building at Sydney Lodge.

5. Based on the above, the main issues are:
- i) whether the proposed development would be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area;
  - ii) whether the proposed development would provide safe and suitable access for all users;
  - iii) the effect of the proposed development on traffic movements and highway safety;
  - iv) the effect of the proposed development on the provision of sports facilities; and
  - v) the effect of the proposed development on the Solent and Southampton Water SPA and the New Forest SPA.

## **Reasons**

### *The appeal site and its surroundings*

6. The appeal site forms part of the aviation factory campus. There are a number of site buildings associated with the campus ranging from modern utilitarian structures to the listed Sydney Lodge. A large staff car park is located in the site's north-west corner. Some factory buildings have already been demolished.
7. A large part of the site is currently used for various sporting and community purposes. There is a cricket pitch in the central area of the site which is used by Folland Cricket Club and also provides space for two football pitches. The Folland Sports and Social Club is located on the edge of the cricket pitch. Further to the east and adjoining Hamble Lane is a football pitch and stadium used by Folland Sports Football Club. To the south of the stadium is a bowling green and buildings used by Folland Bowling Club, car parking abutting Kings Avenue, and an area of green space at the junction of Kings Avenue and Hamble Lane that includes a replica of the Folland Gnat aeroplane.
8. The site adjoins the settlement of Hamble-le-Rice and is accessed via Kings Avenue off Hamble Lane. To the east and south are residential streets while to the south-west are a range of factory buildings that form part of the aviation campus. To the north-west is woodland and the Royal Victoria Country Park (RVCP). Public footpath 13 connecting Hamble Lane to the RVCP runs along the site's northern boundary with Mount Pleasant Recreation Ground to the north. The footpath also forms part of Route 2 of the National Cycle Network (NCN2) that continues west towards Southampton and south-east along Hamble Lane.
9. All of the Kings Avenue roadway lies within the site, including the pavement along its south side up to the front boundary of properties on this side of the road. The junction between Kings Avenue and Hamble Lane is also located within the site along with the roadway for Coronation Parade to the south and an island pavement east of the parade next to Hamble Lane. There is also a pavement on the west side of the parade beyond the site area. The buildings on the parade form part of a local shopping area while the eastern pavement provides a shared surface for pedestrians and cyclists and is part of NCN2.

### *Main Issue 1: The appropriateness of the location / character and appearance*

10. The parties agree that the adopted Eastleigh Borough Local Plan Review 2001-2011 (LPR) is not out of date due to its age or the absence of a 5 year housing land supply (it is agreed that the supply stands at 5.6 years). There is also

consensus that the LPR is broadly consistent with the National Planning Policy Framework (NPPF). However, the parties disagree on the weight to be given to Policy 1.CO, 18.CO and 59.BE(i) in terms of their consistency with the NPPF. There is no disagreement over the weight to be given to any other LPR policies.

11. Policy 1.CO sets out that planning permission will not be granted for development in the countryside outside the urban edge unless one of a number of criteria apply. The supporting text notes that the countryside is important for a number of reasons including for its own sake, but is a diminishing resource.
12. A number of appeal decisions<sup>1</sup> were submitted on the weight to be given to this policy. Most of the submitted appeal decisions place significant, considerable or full weight to the policy based on its consistency with the NPPF. The most recent decision at Satchell Lane only gave limited weight as the Council had only achieved its 5 year housing land supply by permitting development in the countryside. The Inspector's reasoning was upheld by the High Court<sup>2</sup>.
13. The policy lacks flexibility by limiting the type of development that can take place in the countryside and the Council has had to permit housing in this location previously. However, the policy has general consistency with NPPF paragraph 170(b) which recognises the intrinsic character and beauty of the countryside. NPPF paragraph 20(d) seeks local plan policies that conserve and enhance the natural environment including landscapes and green infrastructure. Moreover, the policy does not apply a blanket restriction on development in the countryside. Therefore, I consider that moderate rather than limited weight can be attributed to this policy and any conflict with it.
14. Policy 18.CO states that development which fails to respect, or has an adverse impact on, the intrinsic character of the landscape will be refused. While the NPPF seeks sympathetic developments that conserve landscapes (paragraphs 20(d), 127(c) and 170(a) for example), it does not advocate an outright rejection of schemes that harm landscapes. Therefore, the policy has inconsistencies with the NPPF. This means only moderate weight can be given to the policy and any conflict with it.
15. Policy 59.BE(i) requires development to take full and proper account of the site including the character and appearance of the locality and be appropriate in terms of adjoining buildings, spaces and views. It follows the general approach to good design as set out in the NPPF and provides greater flexibility in terms of its application. Thus, the policy is broadly consistent with the NPPF and so can be afforded substantial weight.
16. The emerging Eastleigh Borough Local Plan 2016-2036 (ELP) is currently at examination. ELP Policy S7 sets out a presumption against new development in the countryside unless it relates to specified criteria. The supporting text clarifies that the borough's countryside is not regarded as a rural area but has the characteristics of urban fringe where careful management is required to avoid urbanisation and the coalescence of settlements. Policy S1(ix) seeks to maintain local environmental quality while Policy DM1i(a) requires development to avoid an unacceptable impact on the character and appearance of the countryside amongst other things. There are also relevant policies relating to

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<sup>1</sup> 3156702 (Mallards Road), 3153928 (Bubb Lane), 3173253-3178540 (The Mazels), 3194697 (Roll Call) and 3194846 (Satchell Lane)

<sup>2</sup> Eastleigh BC v SSHCLG and Ors [2019] EWHC 1862 (Admin)

- water (DM10), nature conservation (DM11), transport (DM13), and recreation and open space facilities (DM34).
17. Consultation on main modifications to the ELP is expected to take place in early 2021. It would appear that most of the objections and the Inspector's concerns to date relate to the spatial strategy and the strategic growth option. The Inspector has indicated an early review of the ELP rather than a major overhaul of the plan's approach. It is anticipated that any modifications to any relevant ELP policies would be limited. Therefore, while full weight cannot be afforded to the ELP yet, the relevant policies carry reasonable weight for this appeal.
  18. The appeal site straddles the urban edge boundary of Hamble-le-Rice which runs along the north side of Kings Avenue and along the eastern edge of the staff car park. The site is characterised by the industrial buildings and spaces associated with the aviation campus that lie within the boundary, and the open spaces and structures associated with the various sports facilities that lie beyond it. The latter constitutes around 55% of the total site area and is within the countryside as defined by the LPR. This designation would not change with the ELP. None of the criteria in either LPR Policy 1.CO or ELP Policy S7 are applicable to the proposal and so there would be conflict with both policies.
  19. While NPPF paragraph 170(b) recognises the intrinsic character and beauty of the countryside, it does not say that building on undeveloped land will be intrinsically harmful. The Grange Road appeal decision<sup>3</sup> only referred to the extension of built development into ordinary farmland as intrinsically harmful. The impact on the countryside will depend on the site characteristics and surrounding context, which can vary considerably between each location.
  20. The open spaces within the countryside part of the site are large, flat, and formal grass areas and sports pitches rather than fields or farmland. This part of the site is detached from the parkland landscape of the RVCP and is more closely related in character and appearance to the recreation ground landscape immediately to the north. In landscape terms it is quite ordinary but nevertheless performs the role of urban fringe.
  21. From Hamble Lane and Kings Avenue, there are views across this part of the site which help to provide an open backdrop to the adjoining industrial buildings and residential properties albeit these views include fencing, lighting columns and various other sports-related structures. From Footpath 13, there are views across the sports pitches in gaps between planting, with industrial buildings and residential properties only partially visible beyond. However, these views are limited and contained by planting. Further north from the recreation ground, the site is difficult to see even in late autumn due to the density of planting on both sides of Footpath 13.
  22. There would be built development across the cricket pitch which represents a significant amount of the total site area. As a result, there would be a reduction in the sense of openness within the countryside part of the site and an obvious change to its character at a site specific level. This would be most noticeable from Footpath 13 where the parties agree a major adverse effect is likely next to the cricket pitch in winter. Housing would be obvious from any gaps (including proposed new access points to the footpath) and even with additional planting there would be a loss of openness.

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<sup>3</sup> 3005761

23. However, with an existing dense vegetated boundary either side of Footpath 13, which could be reinforced along the edge of the appeal site, a new urban edge boundary could be created to be as strong, clear and defensible as the existing Kings Avenue boundary. There would be little visual or landscape effect further to the west from the RVCP or to the north from the recreation ground due to the contained and detached nature of the countryside part of the site. The development would be set against the immediate backdrop of existing housing and factory buildings and would form a contained extension to the settlement. It would be possible to see housing in views from Kings Avenue and Hamble Lane, but this would be across retained open space and where planting would increase screening within ten years.
24. The loss of openness and green space would reduce the urban fringe qualities of this part of the countryside and result in an adverse effect on the character and appearance of the surrounding area. The effects would be more than minor as there would be notable changes along Footpath 13 in particular. However, with the contained and detached nature of the site and the ability to strengthen boundary screening, the adverse effects would not be significant but instead of a moderate nature.
25. Concluding on this main issue, the development would not be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area. The harm would be mitigated by the limited and localised effect on landscape and visual character as well as the countryside but would still be of a moderate level. Thus, the development would conflict with LPR Policies 1.CO, 18.CO and 59BE(i), ELP Policies S1(ix), S7 and DM1i(a), and NPPF paragraph 170(b) as outlined above.

*Main Issue 2: Access*

26. Kings Avenue provides one of the two main access points into the aviation campus (the other being via Coach Road and Cliffe Avenue which is used for heavy goods vehicles). It also contains a number of properties on its south side. There is a significant level of on-street parking that results from various sources including the properties and the nearby shops on Coronation Parade. Lorries delivering to the food store on the parade frequently park on Kings Avenue which requires difficult vehicle manoeuvring for each visit.
27. The junction of Kings Avenue and Hamble Lane is wide and complicated by Coronation Parade which is a one-way road for motor vehicles that exits onto Kings Avenue close to the junction. Pedestrians and cyclists use both the western and eastern pavements to move along Hamble Lane past the parade. The former is around 2.1m wide at its narrowest while the latter is 4m. To the south of the parade is the junction with Coach Road.
28. The western and eastern pavements have crossing points at either end across Kings Avenue and Coach Road. For the eastern pavement, this allows a straight route for users including cyclists along NCN2 where it crosses the widest points of both side roads. In addition to this key desire line, it is common ground that pedestrians and cyclists also cross Kings Avenue from the western pavement either directly north-south or diagonally to make full use of the dropped kerbs. While NCN2 heads west to RVCP, off-road cycle routes continue north along Hamble Lane to the nearby primary school and the secondary school and train station beyond. Agreed survey data (October 2019) shows that around 75% of

- pedestrians and 50% of cyclists do not use the eastern pavement when crossing Kings Avenue.
29. The development proposes wide ranging changes to the site access along Kings Avenue with the road itself moved northwards to provide a separate off-street parking area for the existing properties. The eastern pavement would be around half its current width and cyclists in particular would be discouraged from using it by grass-concrete surfacing. The western pavement would increase to around 3.5m as a shared route for cyclists and pedestrians. The crossing of Kings Avenue would be at a narrower point away from the junction while there would remain two crossings of Coach Road. There would be a dedicated loading bay for lorries within the parade.
  30. Both parties referred to national design standards for cycle infrastructure in Local Transport Note 1/20 (LTN1/20). This document promotes segregation between pedestrians and cyclists on urban streets, along with coherent, direct and safe cycle routes that do not reduce the level of service for pedestrians. Widths of routes should take into account features such as adjoining walls.
  31. The increase in journey times for pedestrians who currently use the eastern pavement only would be around 20 seconds which would make a minor difference even for short trips. The equivalent increase for cyclists would be a few seconds and so barely noticeable. However, in both cases the user would be required to take a less direct route in front of the shops. The increased pavement width of around 3.5m would allow cyclists to pass each other, but there would be pedestrians and car doors to negotiate on a section of pavement next to a low wall with people coming and going from the shopping parade. While it is difficult to insist on segregated space between pedestrians and cyclists given that none exists at present, the amount of space for both users would reduce in width from over 6m across the two pavements to around 3.5m along a single pavement.
  32. Cyclists crossing Coach Road would also have to negotiate a 90 degree turn on a narrow section of pavement on the south side of that road. This would be particularly awkward for two-way traffic or cyclists with trailers and/or small children. The alternative option to the western pavement for cyclists would be to use Hamble Lane itself, which can be very busy at times. Some of the constraints of the Coach Road crossing could be addressed by the Section 278 process between the appellant and Hampshire County Council (HCC), such as moving the existing lamppost and widening the dropped kerb. However, I am not convinced from the evidence before me that the constraints could be satisfactorily resolved through this process or that the process would involve adequate public consultation.
  33. Given that the existing eastern pavement provides a wide and direct route for cyclists along NCN2, the proposed changes would amount to a significant reduction in the quality and safety of the route along Hamble Lane. It would also create safety issues for pedestrians using the parade and passing along it. The likely increase in pedestrians and cyclists using the western pavement and the overall number of both would be limited based on agreed survey data. However, this should not justify a poorer experience particularly on what is being promoted as a national cycle route. Additionally, no data was collected relating to the number of cyclists who use the Coach Road crossing, thereby

making it difficult to ascertain the likely impact. Therefore, I afford considerable weight to the negative effects of this aspect of the development.

34. HCC has raised no concerns with the overall design, informed in part by a Stage 1 Road Safety Audit carried out on behalf of the appellant. The auditors retrospectively received materials relating to existing and proposed routes for cyclists and pedestrians, although they have confirmed they remain satisfied with the safety aspect. However, the audit does not address the impact of proposed changes in relation to the Coach Road crossing. Moreover, it only addresses the safety elements of the proposals, rather than the overall quality.
35. There are benefits associated with the changes to the site access. The new loading bay would ensure safer deliveries to the food store and a separate parking area for Kings Avenue residents should allow less obstructed movement along the road for all users. The pedestrian crossing from Folland Court to the parade would be improved by relocating parking spaces. However, it has not been demonstrated that these benefits are dependent on greatly reducing the usability of the eastern pavement. The benefits of widening the more heavily used western pavement would be negated by the reduction of the eastern pavement. A relocated crossing of Kings Avenue further west from the junction with Hamble Lane would benefit the majority of pedestrians but only around half of all cyclists. Therefore, the benefits of the changes would not be sufficient to outweigh the negative effects particularly in terms of cycling.
36. Concluding on this main issue, the development would not provide safe and suitable access for all users. Therefore, it would not accord with LPR Policies 59.BE(v) and 102.T, and ELP Policy DM13. These policies, amongst other things, seek satisfactory means of access with development requiring new or improved access permitted so long as it does not interfere with the safety, function and standard of service of the road network. The development would also conflict with NPPF paragraphs 91, 102 and 108(b) which encourage walking and cycling and seek safe and suitable access for all. LPR Policy 92.T as referenced in the Council's decision notice is not relevant to this main issue as it relates to Local Transport Plan proposals which are not applicable here.

*Main Issue 3: Traffic movements and highway safety*

37. Hamble Lane provides the principal route from Hamble-le-Rice to the wider road network including the M27 and roads into and out of Southampton. In addition to the appeal site and wider aviation campus, there are other factory and industrial sites in the Hamble area and new housing developments. Hamble Lane is subject to significant congestion at peak times, with a number of junctions experiencing capacity problems particularly nearer to the M27 from Portsmouth Road northwards. HCC has undertaken a study of the corridor and identified improvements to specific junctions as part of the Hamble Lane Improvement Scheme (HLIS).
38. Some areas of disagreement between the parties were resolved before evidence was heard at the inquiry, including the method of estimating background traffic growth, netting off of trips (based on the existing/vacant land uses within the site), and modelling of signalised junctions. However, differences remain on baseline data and modelling, the impact (severe or otherwise) of the development, and the sufficiency and likelihood of mitigation.

39. The baseline scenario set out in the Transport Assessment (TA) was established using observed traffic data from manual and automatic traffic counts (MTC and ATC). The former took place on the Thursday before the Early May Bank Holiday in 2017 and was used to work out junction movements and queue lengths. The proximity of a holiday period could suggest unrepresentative MTC data, while relying on a single day of MTC data could undermine modelling work for queue length calibrations. However, when compared to ATC data from the rest of that week and a week in mid-June and early October 2017, the data is broadly similar. Therefore, I find that the MTC data and the queue length calibrations and turning proportions are representative.
40. No junction modelling of Windhover Roundabout was included in the TA. The roundabout connects Hamble Lane to the M27 and is subject to a proposed Highways England improvement scheme due to significant congestion issues. Existing modelling has been carried out as part of that scheme. Based on the approach to netting off trips, the TA estimates the increase of traffic flows through the junction as a result of the development would be minimal. However, Table 3.5 in the appellant's transport rebuttal proof indicates an increase in flows similar to those at other junctions that are modelled in the TA. This casts doubt on the appellant's claim of minimal impact.
41. Isolated junction models were used in the TA rather than a microsimulation model that could assess the interaction of different junctions on a congested route. The appellant was not advised to produce a microsimulation model and such work can be costly. Moreover, HCC has its own microsimulation model to inform the HLIS. HCC has assessed the development against the HLIS and found the impacts to be acceptable. Therefore, while a microsimulation model could have been used, the appellant's model was not inappropriate.
42. The TA sets out queue lengths and time delays comparing the future baseline scenario (baseline traffic data plus background growth) with the preferred development scenario. It is agreed that the development could result in fewer vehicles on the network in the morning peak hour and more vehicles on the network in the evening peak hour based on the full occupation of existing vacant units on site. It is also common ground that 4 of the junctions on Hamble Lane currently operate over theoretical capacity and are expected to continue doing so with the development in place. The future baseline scenario alone reveals significant increases in queue delays in some locations compared to the current baseline.
43. The impacts should be considered as a whole and there would be a mix of positive and negative results at each junction. At both the morning and evening peaks, some junctions would experience a decrease in queue delays when comparing the two scenarios. Most of the queue delay increases would be under 10 seconds. However, there would be some notable negative impacts in specific locations.
44. For the Hamble Lane north arm of the Tesco Roundabout junction in the evening peak, the queue length would increase substantially in the preferred development scenario. This equates to an increased time delay of over a minute to give an overall delay of three and a half minutes. In the morning peak, the worst affected junction would be the A3025 Portsmouth Road right turn with nearly half a minute time delay and an overall delay of three and a half minutes. As noted above, the Windhover Roundabout junction has not

- been modelled but it lies next to the Tesco junction. Therefore, there could be noticeable impacts at Windhover too.
45. There is no definition of 'severe' in the NPPF or elsewhere in policy. I consider that individual impacts at the Tesco Roundabout and Portsmouth Road junctions would be severe, particularly when compared to the current baseline and considering the cumulative impact of background growth elsewhere. Hamble Lane is already congested and the development would result in increased queuing. The appellant and HCC concur in their agreed statement on transport matters that the impact would not be severe subject to the agreed package of measures.
  46. The measures comprise a financial contribution of £750,000 towards delivering the HLIS, the aforementioned changes to Kings Avenue and Coronation Parade, and the implementation of the proposed Travel Plan. The appellant and HCC agree that the provision of such measures recognises the necessity of making otherwise unacceptable development acceptable. Therefore, the evidence indicates that the development would have a severe impact in an unmitigated form. Even if it was less than severe, there would still be harm and a requirement to mitigate and/or weigh this in the overall balance.
  47. HCC's position on the impact is based on the residential trip generation only and does not take into account any reduction in traffic from buildings to be demolished. Nevertheless, the mitigation measures must address the adverse effects of the development.
  48. The financial contribution towards the HLIS would be focused on works to the Hound Road and Portsmouth Road junctions initially, with the scope for any unspent money to go towards other improvements. The TA models the impact of proposed mitigation measures at the Hound Road junction and concludes that sufficient capacity would be achieved. Based on the robustness of the baseline data and modelling for this junction, I have no reason to disagree. In contrast, there is no modelling in the TA of mitigation measures for the Portsmouth Road junction or any others.
  49. The Hamble Lane Corridor Study (HLCS) which informs the HLIS does not make any provision for improvement works to the Hound Road junction. There are no costs for the works other than the appellant's suggestion at the inquiry that they could be around £1.3 million. HCC currently holds £2.33 million towards the HLIS with a further £1.27 million to be secured including the appellant's £750,000. This is significantly less than the total estimated costs of works in the HLCS which dates from 2017. Even allowing for contingency and overly optimistic estimates, it is not clear whether there is sufficient funding to carry out the works within the HLIS. HCC continue to wait for a decision from the Department for Transport on its Pinch Point bid to relieve local congestion. HCC officers have also indicated that more assessment would be required even if the bid was successful along with a further 2 years to the start of construction.
  50. It is conceivable that individual elements of the HLIS could come forward in a piecemeal fashion, including the Hound Road and Portsmouth Road works. However, there is a lack of mitigation modelling for most of the junctions and uncertainty over the funding and construction timescales. Therefore, I conclude that the HLIS related mitigation measures are unlikely to be sufficient or come forward within a reasonable timeframe. Although these measures are based on the residential trip generation only, the inability to demonstrate that they are

appropriate and can be delivered casts doubt on the ability to mitigate the traffic impact of the development. It is also important to note that I have also found flaws in the changes to Kings Avenue and Coronation Parade in the previous main issue.

51. The approach to baseline data and much of the modelling work is adequate, but doubts remain on the effects on the Windhover Roundabout junction due to the absence of specific assessment. Overall, I find that the mitigation measures are uncertain and so the development would be likely to have an unacceptable effect on traffic movements within the local road network.
52. HCC's lack of objection to the development is clear, despite some confusion created by the timing of a March 2019 HCC report to the Executive Member for Environment and Transport, which states that until improvements to the northern section of Hamble Lane have been implemented it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane. The main parties have also disputed the wording and meaning of the Council's third reason for refusal. However, from the evidence before me, I conclude that the development would have an unacceptable effect on traffic movements and highway safety.
53. As a consequence, the development would not accord with LPR Policies 100.T, 101.T and 102.T, and ELP Policy DM13. Amongst other things, these policies require development to minimise its impact on the existing transport network, avoid interference with the safety, function and standard of service or the road network, and provide contributions towards transport improvements. The development would also not meet NPPF paragraph 108(c) which seeks to cost effectively mitigate to an acceptable degree any significant impacts of schemes on the transport network in terms of capacity and congestion. NPPF paragraph 109 is also applicable, which seeks to only prevent development on highway grounds if there would be an unacceptable effect on highway safety or the residual cumulative impacts on the road network would be severe.

#### *Main Issue 4: Sports facilities*

54. The development would result in the loss of the cricket pitch in the central part of the site which also provides for two grass football pitches and training area. Sport England's Playing Fields Policy and Guidance (PFPG) opposes the loss of playing fields unless one or more exceptions can be demonstrated. Exception 4 allows for a replacement playing field of equivalent or better quality/quantity, in a suitable location, and subject to equivalent or better accessibility and management arrangements.
55. The S106 agreement would provide for playing field improvements at College Playing Fields (CPF) to accommodate 10 cricket wickets alongside further playing fields improvements in this location including nets, storage, fencing, and enhancement to the existing pavilion. The improvements would need to follow national guidelines to the satisfaction of an authorised pitch adviser and be provided before the cricket club is displaced and development commences on that part of the site. CPF is located on the north side of Hamble-le-Rice and only a short distance from the site. It is accessible to the public and on a long-term lease to Hamble Parish Council (HPC) where the landowner cannot unreasonably withhold consent for any playing field related structures.

56. In addition to the CPF improvements, the S106 agreement would contribute towards off-site cricket improvements in the Bursledon, Hamble-le-Rice and Hound (BHH) local area. The S106 agreement would also contribute towards football and training improvements in the BHH local area to address the loss of the grass football pitches. Both contributions would be paid in two instalments at the commencement of development and before occupation of the 76<sup>th</sup> dwelling to encourage replacement facilities to come forward swiftly.
57. It is not possible for the S106 agreement to guarantee that the cricket and football clubs who use the existing cricket pitch would be able to use CPF and other local sites. However, a separate community use agreement could be used to secure a long-term tenure and maintenance agreement at CPF.
58. The S106 agreement provides for recreation and sports facilities on site works. These works would involve a number of enhancements to facilities for the Folland Sports Football Club and Folland Bowls Club including a new clubroom to replace the existing social club. The S106 agreement also compels the owner to use reasonable endeavours to grant leases or rights of occupation for 25 years to both clubs to secure their continued use of the facilities.
59. I am satisfied that the above obligations in the S106 agreement would meet PFPG Exception 4 and would allow existing sports clubs to remain locally on improved facilities. The above obligations would also be necessary, directly related and fairly and reasonably related in scale and kind. Thus, I would be able to take them into account if minded to allow the appeal.
60. In conclusion, the development would have an acceptable effect on the provision of sports facilities. Therefore, it would accord with LPR Policy 145.OS, ELP Policy DM34, and NPPF paragraph 97, which seek to ensure the replacement of open space and sports facilities with equivalent or better provision. The development would comply with the PFPG as set out above, and there would be no conflict with the Council's Sports Facility Needs Assessment and Playing Pitch Strategy Update 2017.

*Main Issue 5: Special Protection Areas (SPA)*

61. The site is within 5.6km of the Solent and Southampton Water SPA and Ramsar site. The SPA contains estuaries and adjacent coastal habitats important for breeding gulls and terns and wintering waterfowl. The wetland habitats support passage birds too. There is also the Solent Maritime Special Area of Conservation (SAC) important for its major estuarine systems and habitats. Potential adverse effects on the SPA and SAC from the development relate to recreational disturbance and water quality (both nutrients and surface water drainage). This could result in likely significant effects on the integrity of the European sites in combination with other plans or projects.
62. The site is around 20-27km from the New Forest National Park depending on the route taken. The New Forest SPA supports important breeding populations of bird species including the Nightjar, the Honey Buzzard, the Dartford Warbler and the Woodlark. During the appeal process, Natural England expressed the view that the development would result in a proportion of regular visits to the New Forest that could have potential adverse effects on the SPA in terms of recreational disturbance. There are a number of country parks closer to the development than the New Forest which provide opportunities for recreation and dog walking. However, the ELP recognises the potential impact of new

housing within Eastleigh on the New Forest. Applying a precautionary principle therefore, the development could result in likely significant effects on the integrity of the New Forest SPA in combination with other plans or projects.

63. On the basis of the above screening assessment, it would be necessary to carry out an appropriate assessment (AA) as part of my decision were I minded to allow the appeal. However, given my findings on the other main issues and the overall planning balance, there is no need for me to carry out an AA as there is no prospect of planning permission being granted. As a consequence, it is not necessary for me to reach a finding on this main issue.

*The listed building at Sydney Lodge*

64. Sydney Lodge was designed by Sir John Soane and built towards the end of the 18<sup>th</sup> century for the Yorke family who owned it until 1926. The family included notable political figures. The building is an almost square and symmetrical two storey building constructed mostly of yellow stock bricks with Portland stone detailing including window cills and the entrance porch. The internal plan form is largely unaltered with a grand hall and stone staircase illuminated by a highly decorative lantern above. The principal rooms are spacious and contain a number of historic architectural features including fireplaces and ceiling decorations. The stable to the side of Sydney Lodge is contemporary with the main lodge building and utilises similar materials and architectural features.
65. Sydney Lodge has considerable architectural interest as a largely intact and fine example of Sir John Soane's work as well as strong historic interest due to its associations with well-known people of the 18<sup>th</sup> and 19<sup>th</sup> centuries including its architect. This contributes greatly to the special interest of the listed building as well as its significance.
66. The land surrounding Sydney Lodge has changed substantially since the original grounds were developed for the aviation industry in the 1920s. There have been a number of 20<sup>th</sup> century additions to the side and rear with a range of single storey structures between the listed building and the Kings Avenue entrance. They have little architectural merit and obscure views of the historic building when entering the site. The listed building's surroundings are also compromised by the modern factory buildings to the south and west although there is an open space in front of the historic building and two of the nearest factory buildings have been recently demolished. The cricket pitch to the north provides some openness while there is a private garden to the rear, albeit in need of some maintenance.
67. The setting of the listed building is therefore mixed, with detracting industrial features but also areas of open space. The surrounding land is privately owned and there are only glimpsed public views of the building from Kings Avenue and Footpath 13. Thus, the existing setting makes a moderate positive contribution to the special interest and significance of the listed building.
68. The proposed housing on the cricket pitch would reduce the openness of the setting to the north. It is common ground that this would result in less than substantial harm and the slight erosion of the listed building's significance. NPPF paragraph 196 requires such harm to be weighed against the public benefits of the proposal. NPPF paragraph 193 places great weight on the conservation of heritage assets while NPPF paragraph 194 requires clear and convincing justification for any harm or loss.

69. There are a number of agreed heritage benefits including the demolition of later additions, the removal of nearby structures, and landscaping works. The parties consider that great weight should be given to these benefits as a whole but disagree on the use of specific planning conditions to secure the demolition of the later additions. These works are covered by a separate planning permission and listed building consent. A condition on this appeal simply requiring compliance with these approvals would not guarantee that the works would be carried out as part of the development. Therefore, were I minded to allow this appeal, the Council's preferred condition requiring works to be carried out prior to occupation of the 75<sup>th</sup> dwelling would be necessary.
70. The heritage benefits are public benefits which would clearly and convincingly outweigh the limited harm to the significance of the listed building. Its special interest would be preserved and there would be a number of enhancements to the building and its setting. Thus, I concur that great weight can be given to the benefits and the conservation of the heritage asset.

#### *Other Matters*

71. Interested parties have identified a number of other concerns, but given my overall conclusion, it has not been necessary to consider these in any detail.

#### **Planning Balance and Conclusion**

72. The development would result in a number of benefits. As outlined above, the heritage benefits of the development would carry great weight provided the later additions to the listed building are removed. NPPF paragraph 118(c) says substantial weight should be given to the value of using suitable brownfield land within settlements for homes while NPPF paragraph 68(c) states that great weight should be given to the benefits of using suitable windfall sites within settlements. Only part of the site is brownfield and within the settlement, but these benefits can still be afforded significant weight.
73. The delivery of affordable housing at a policy compliant level (35%) via the S106 agreement would be a significant benefit. The existence of a 5 year housing land supply reduces the weight given to the delivery of market housing. Nevertheless, the development would boost overall housing supply and so reasonable weight can be afforded to this benefit.
74. There would be economic benefits from construction, additional local spending and the New Homes Bonus, all of which would be significant. The development would allow Aernnova to consolidate and rationalise its business in light of global competition and uncertainties over the aviation industry. In part, this is a private benefit to the company, but it could also help to support jobs and the local economy. In the absence of more detailed and specific information in terms of how the existing business would benefit from the development, I afford this aspect moderate weight.
75. Improvements to sporting facilities within the site in terms of the football and bowls clubs represents a moderate benefit for users of those facilities. The on-site open space/play area provision and the off-site provision of open space and sports facilities via the S106 agreement largely mitigates the effect of the development. However, there would be some overall improvement in football and cricket facilities, particularly at CPF, which counts as a moderate benefit.

76. Notwithstanding my overall conclusion on the second main issue, there would be some improvements in terms of access and parking, particularly along Kings Avenue and for deliveries to the food store. These benefits can be afforded moderate weight.
77. Weighing against these benefits are a number of adverse effects. First, the development would not be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area. The level of harm and the conflict with the development plan is only moderate due to the limited and localised effects, plus the reduced weight I have attributed to relevant policies.
78. Second, the development would not provide safe and suitable access for all users. Given the reduction in the quality of the cycle route and increased risk of conflict between different users in front of Coronation Parade, I afford considerable weight to this adverse effect and the conflict with relevant policies.
79. Third, the development would have an unacceptable effect on traffic movements. Given the already congested nature of Hamble Lane and the inability to adequately mitigate the effect of the development, I afford substantial weight to this adverse effect and the conflict with relevant policies.
80. Taken together, the adverse effects would outweigh the benefits of the development. There would be conflict with the development plan and insufficient material considerations to indicate that planning permission should be granted on this occasion.
81. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

Robert Walton QC, instructed by Simon Chapman of RPS.

He called:

Damian Tungatt BSc MCIHT  
Director, Markides Associates Ltd

Paul Ellis BA (Hons) Dip LA Member of the Landscape Institute  
Technical Director, RPS

Simon Chapman BA (Hons) BPI MRTPI  
Director, RPS

Louise Belderbos  
Partner, Land Law LLP

### FOR THE LOCAL PLANNING AUTHORITY

Ned Helme BA (Oxon) GDL BVC of Counsel, instructed by Ian Austin, Head of Legal Services, Eastleigh Borough Council.

He called:

Councillor Keith House MRTPI  
Eastleigh Borough Council

Councillor Tonia Craig  
Eastleigh Borough Council

Councillor Adam Manning LLB LLM  
Eastleigh Borough Council

Ed Whitney BSc (Hons) MCIHT  
Senior Transport Planner, Ove Arup and Partners Ltd

Pete Errington BSc (Hons) Dip TP MRTPI  
Planning Associate, Adams Henry Consulting Limited

Kitty Budden BSc (Hons) MSc MSc  
Principal Planning Officer, Eastleigh Borough Council

### INTERESTED PARTIES WHO SPOKE AT THE INQUIRY

Jody Slater	Local resident
Tina Cuss	Countryside Planning Officer, Hampshire County Council

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

ID01	Appellant's opening submissions
ID02	Council's opening submissions
ID03	Updated draft S106 agreement
ID04	Solent and Southampton Water SPA conservation objectives and citation
ID05	Solent Maritime SAC conservation objectives and citation
ID06	New Forest SPA conservation objectives, supplementary advice and citation
ID07	Email from Natural England dated 13 November 2020 containing further advice on the shadow Habitats Regulations Assessment
ID08	CIL Compliance Schedule (version 4 dated 13 November 2020)
ID09	CIL Projects Location Plan
ID10	Information note dated 15 November 2020 relating to College Playing Fields including copy of the lease
ID11	Council's closing submissions
ID12	Court of Appeal judgment R (Mynydd y Gwent Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2018] EWCA Civ 231
ID13	Appellant's closing submissions including appendix summarising junction delays
ID14	Email correspondence between the Council and Sport England regarding the draft S106 agreement

## **DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED**

Doc 1	Amended draft conditions
Doc 2	Addendum to the shadow Habitats Regulations Assessment dated 1 December 2020
Doc 3	Email from Natural England dated 11 December 2020 regarding the addendum
Doc 4	New Forest National Park Authority Revised Habitat Mitigation Scheme (July 2020)
Doc 5	Updated draft S106 agreement
Doc 6	Completed and executed S106 agreement

## **APPENDIX MG4**

March 2019 HCC Executive Member Report

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	12 March 2019
<b>Title:</b>	Hamble Lane Improvements
<b>Report From:</b>	Director of Economy, Transport and Environment

**Contact name:** Jason Tipler

**Tel:** 01962 667978

**Email:** [jason.tipler@hants.gov.uk](mailto:jason.tipler@hants.gov.uk)

### 1. Recommendations

- 1.1 That the feedback from the second public consultation and the overall high level of support for the preferred improvement scheme for Hamble Lane (the Scheme), as outlined in this report, is noted.
- 1.2. That minor modifications to the preferred Scheme (outlined in this report), which have been informed by comments from key stakeholders and responses to the public consultation, are approved.
- 1.3. That the order of priority for the progression of different elements of the preferred Scheme (as outlined in this report and informed by the public consultation results), is approved in principle, but that this remains flexible to enable the timely delivery of elements of the Scheme should funding become available. Changes to the order of progression would be made in consultation with the Executive Member for Environment and Transport.
- 1.4 That a review be carried out of the Eastleigh Borough Transport Statement 2012 in respect of future development off Hamble Lane, in order to best secure the opportunity to deliver the proposed Hamble Lane improvements in conjunction with the emerging Eastleigh Borough Local Plan 2036.
- 1.5 That authority be delegated to the Director of Economy, Transport and Environment to progress the Scheme development, design, and any necessary planning and environmental processes to a state of readiness so that when funding becomes available, elements of the Scheme can be quickly progressed towards delivery.
- 1.6 That approval is given to progress all appropriate funding and bidding opportunities for the different elements of the Scheme, and to prepare and submit business cases where appropriate, in order to try to secure implementation in a timely manner.

- 1.7 That authority is delegated to the Director of Economy, Transport and Environment and the Head of Legal Services to progress all appropriate orders, notices, consents, permissions, rights and easements that are necessary to enable the delivery of different elements of the Scheme, and to commence informal negotiations with affected third party landowners.

## **2. Executive Summary**

- 2.1 On 14 November 2017 the Executive Member for Environment and Transport (EMET) gave approval to undertake a public consultation exercise on the extent and nature of potential improvements to Hamble Lane, and approval to develop a preferred scheme following analysis of the consultation feedback. This public consultation took place from 27 November 2017 to 7 January 2018, with a total of 683 responses being received.

- 2.2 On 17 July 2018 the EMET gave approval to undertake a second public consultation on the preferred improvement scheme for Hamble Lane (which was developed following the first consultation), to seek views on the prioritisation of different elements of the scheme and to modify the preferred scheme if required following the consultation.

- 2.3 The second public consultation took place from 3 September 2018 to 14 October 2018, with a total of 354 responses being received. The purpose of this paper is to:

- Provide a brief context for the report;
- Report back on the results of the second public consultation;
- Provide a detailed summary of the consultation process, the quantitative and qualitative results and responses received, and a summary of the key issues and concerns for residents;
- Provide the County Council's response to the main comments and issues that were raised in the consultation;
- Outline the modifications that have been made to the preferred scheme following the public consultation and feedback from other key stakeholders;
- Present an order of priority for different elements of the preferred scheme, to be delivered as and when funding is secured;
- Seek approval to progress all funding and bidding opportunities for the Scheme and to prepare business cases where appropriate;
- Seek approval to progress all necessary work, legal documentation and processes that are required to deliver the Scheme, once sufficient funding for the different elements of the Scheme is secured; and
- Outline the future direction of the Scheme.

### **3. Contextual Information**

- 3.1 Hamble Lane is heavily congested throughout much of the day but particularly during peak periods, with the potential to improve the situation being limited by the geographical constraints associated with the peninsula location. The need for the scheme has been defined in two previous reports to the EMET, in November 2017 and July 2018, and these should be referred to for further details of the Scheme objectives and rationale behind the proposed improvements.
- 3.2 There is a clear need to for an improvement to help address existing traffic problems and to help manage future demand associated with background growth. It is considered that additional development along the corridor would compound the existing problems and would negate the benefits of the Scheme, with very limited opportunity to make further improvements to the corridor in the future. Therefore until at least the preferred Scheme for the northern section has been implemented, it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane.
- 3.3 Work on developing an improvement scheme for the northern section of Hamble Lane (the A3025) began in 2016/17 and two public consultations have subsequently taken place to ascertain the public's views initially on the need for improvements and then on the preferred Scheme that has been developed.
- 3.4 Improvements to Hamble Lane are to a large extent reliant upon the effective operation of adjacent links and junctions particularly those at Windhover roundabout and also M27 Junction 8. Highways England (HE) is progressing improvement schemes for both of these junctions which will help unblock the points of delay at the northern end of Hamble Lane. The HE improvements form a key part of the bigger picture, which is aiming to improve traffic flows on Hamble Lane and across the wider area, by reducing the need for the rat-running that occurs because of congestion on Hamble Lane and at Windhover roundabout and M27 Junction 8. The M27 Smart Motorways project will also help to reduce congestion in the area, and on the A27 in particular, by providing additional capacity on the motorway to ensure that more strategic journeys are made on the motorway, rather than by using parallel roads due to congestion on the M27.
- 3.5 Since the previous EMET report in July 2018 the second public consultation has taken place (from 3 September 2018 to 14 October 2018), and in tandem and following on from this, minor modifications have been made to the preferred Scheme design. These modifications have been made to optimise the design and in light of comments received from key stakeholders and via the public consultation.
- 3.6 The remainder of this report provides details of the results of the second consultation exercise; details of the modifications to the preferred Scheme;

discusses sustainable transport measures; and considers the future direction for the project.

#### **4. Second Public Consultation – Overview**

- 4.1 The second public consultation provided an opportunity for local residents, businesses and other stakeholders to share their views on the different elements of the preferred improvement Scheme, and potential travel-planning initiatives for the wider Hamble Peninsula. People were able to respond to the consultation either on-line, in paper format, or to submit unstructured views via letter or email.
- 4.2. Three drop-in exhibitions were held in the local area at Pilands Wood Centre in Bursledon, Hamble Village Memorial Hall in Hamble, and Abbey Hall in Netley. Any interested parties could view detailed plans for the preferred Scheme and other information on exhibition boards and ask questions of the project team.
- 4.3 A consultation Information Pack, the Exhibition boards, draft Travel Plan Framework, and Questionnaire Response Form were made available to view, print, and download from the County Council's website at [www.hants.gov.uk/hamblelane](http://www.hants.gov.uk/hamblelane). Responses could be submitted through the on-line response form accessed via this web-site, or paper response forms were handed out at the exhibition events together with pre-paid envelopes to post the forms back to the Council. The response form and a copy of the Information Pack were also placed in the Lowford Library in Bursledon, the Netley Library, the Pilands Wood Centre and at the Hamble Parish Council offices.
- 4.4 The consultation and associated exhibition events were advertised by flyers placed in the local area, via the County Council's social media channels, by targeted Facebook advertising, through information on the Council's Real Time Bus Information signs in the area, and via flyers that were posted to circa 8,200 residential and business addresses across the Hamble, Hound and Bursledon parishes.
- 4.5 The response form sought comments on and included questions about the specific elements of the preferred Scheme in turn, starting with: the on-line widening (including changes to the junctions at Tesco, Jurd Way and Portsmouth Road); measures to improve pedestrian and cycle facilities; the environmental impact and proposed mitigation; and the draft Travel Plan Framework and the measures proposed. Consultees were also asked to prioritise the different elements. There were several free text questions for respondents to record comments on each of the different elements of the Scheme, and to explain what impact it would have on them. There were also questions about respondents' use of Hamble Lane and demographic classification questions.

- 4.6 In total, the second consultation received 354 responses, of which 342 were to the questionnaire and 12 were unstructured emails/letters. Of those responding to the questionnaire, 331 responses were from individuals and 11 were from organisations or groups. The vast majority of respondents lived locally in the parishes of Bursledon, Hound or Hamble and normally travelled along Hamble Lane in a car or on foot. The majority of respondents used Hamble Lane five or more days a week and travelled during both on and off-peak times at weekends and on weekdays.
- 4.7 A full report of the findings of the public consultation can be seen here: [“consultation findings report”](#). This includes a copy of the original survey questionnaire. The following section focuses on providing a summary of the main findings of the consultation, in terms of residents’ views on the different elements of the preferred improvement Scheme; the main comments and issues; and prioritisation of different elements of the proposals.

## **5. Second Public Consultation – Summary of Findings**

- 5.1 Overall, the consultation revealed strong support for the proposed improvements and provided a clear public mandate to proceed with the preferred improvement Scheme for Hamble Lane.

### **Scheme Elements**

- 5.2 The Scheme was sub-divided into 12 key elements for potential infrastructure works along with additional travel planning measures. The majority of respondents agreed with 11 out of 12 elements within the scheme. Full details are provided in the table on the next page.
- 5.3 Five elements – widening of the northern part of Hamble Lane; introducing a footway /cycleway between Lowford Hill and Windhover roundabout; changes to the Portsmouth Road junction; changes to the Tesco access; and improvements to pedestrian and cycle provision – received significant backing and very little opposition.
- 5.4 Six elements – junction changes at Jurd Way and Lowford Hill; improvements to Pound Road; junction changes involving traffic signals at A27/Portsmouth Road and Hamble Lane/Satchell Lane; and introducing traffic signals at junctions along the northern section of Hamble Lane to help manage traffic flow – achieved a majority of support. However, there was also some notable opposition and over one third of all respondents would like to modify the proposed improvements to Jurd Way junction, and the new traffic signals proposed for the wider network. This tended to derive from the view that more traffic lights would reduce traffic flow and thereby increase journey times and air pollution.
- 5.5 The proposal to introduce traffic signals at the Hamble Lane/Hound Road junction was the only measure that received more disagreement than support. The respondents who did not support it often believed that the

existing roundabout worked well, and that traffic only needed to be controlled during peak times.

<b>Scheme Element</b>	<b>Agreement</b>	<b>Disagreement</b>
Northern part: Road widening	82	13
Northern part: Footway/cycleway	73	12
Portsmouth Road junction changes	73	17
Tesco access changes	72	16
Pedestrian and cycle provision	64	9
Jurd Way junction changes	59	25
A27/ Portsmouth Road change	58	24
Pound Road improvements	56	14
Northern part: Traffic signals	54	36
Hamble Lane/ Satchell Lane changes	53	33
Lowford Hill junction changes	52	30
Signals: Hamble Lane/ Hound Road	37	46

- 5.6 Overall, the vast majority of respondents believe that the improvement Scheme for the northern part of Hamble Lane will have a positive effect. One third of respondents believed it would fully meet the project objectives, and half thought objectives would be met to some extent.
- 5.7 Almost everyone who responded identified impacts on both themselves and on the local area if the preferred improvement Scheme for Hamble Lane went ahead. Around three quarters of respondents recognised the positive impacts of the Scheme, such as reduced journey times, improvements in air quality and improved personal wellbeing.
- 5.8 Just over half of the respondents highlighted potential negative impacts. Many respondents, even those in favour of the Scheme, recognised that the roadworks required could cause significant disruption. Most negative impacts came from an assumption that a (perceived) excess of traffic lights would cause increased traffic congestion, increased air pollution, and cutting through using residential roads. The majority of respondents were willing to accept the resulting loss of vegetation, on the understanding that an equivalent amount would be planted elsewhere to offset the impact.

## **Priorities**

- 5.9 When asked to rank the proposed improvements to Hamble Lane the top three priorities for respondents were (note that on-line widening was not offered as an option, as it is an intrinsic part of any improvements and without it the Scheme would not proceed):
1. Improvement to the Hamble Lane/Portsmouth Road Junction.
  2. Revised access for Tesco.
  3. Improvement to the Hamble Lane/Jurd Way junction.
- 5.10 Two thirds believed that the Portsmouth Road junction should be the main priority, whilst 88% ranked it either first or second. Improvements to the Tesco access and the Jurd Way junction were each selected as a first or second priority by almost 70% of respondents, with the Tesco access receiving 8% more votes as a first priority than the Jurd Way junction.
- 5.11 The number of respondents were significantly higher for 'Improvement to Hamble Lane/Portsmouth Road', 'Improvement to Hamble Lane/Jurd Way' and 'Revised access for Tesco'. This suggests that these are the areas that respondents may be most impacted by at present and feel most strongly about.

## **Environment**

- 5.12 Over three quarters of respondents believed that the loss of vegetation as part of the proposed Scheme would be acceptable, at least to some extent. Less than one in five opposed this entirely. Most respondents turned down the alternative option of having a smaller improvement scheme for Hamble Lane that would protect more trees, suggesting that they believe that the benefits of the improvement Scheme would outweigh the environmental costs. Work is ongoing to establish whether an Environmental Impact Assessment (EIA) will be required by the Local Planning Authority (LPA), in order to assess the full environmental impact of the preferred Scheme. More details are provided in Section 12 of the report.

## **Sustainable Modes**

- 5.13 Over nine out of ten respondents saw some value in introducing a Travel Plan Framework for the Hamble Peninsula – with six out of ten being fully supportive of this plan. Improved provision for cyclists and pedestrians, and shuttle buses/Park and Ride/Park and Rail initiatives that encourage people to leave their cars outside the peninsula were all well supported.
- 5.14 The consultation responses provide a clear mandate for changes to improve the pedestrian and cycling provision to the south of Hamble Station. Almost two thirds of respondents believed that there was a need for improvements, whilst less than one in ten believed that no improvements were needed.

- 5.15 A key proposal to reduce private car use within the Hamble Peninsula is to provide a new car park, bus stop and pick-up/drop off facility at Hamble Rail Station. Just under half of the respondents said that they would make use of these improved facilities, with one in three in favour of the additional car parking facility. A similar number would use the pick-up/drop-off facility, if available. Just under two in ten would make use of the bus stop.
- 5.16 In order to increase use of sustainable modes of transport, 60% of respondents believed that the Travel Plan Framework should focus on improvements to pedestrian and cycle provision, suggesting that if pathways were modified, they and others would be more likely to walk or cycle instead of using a vehicle. Over half of respondents believe that a shuttle bus that operates in and out of Hamble village would encourage them to travel more sustainably. Finally, if bus stops were increased or improved, over 40% of respondents would be more inclined to use public transport, reducing their carbon footprint.

## 6. Second Public Consultation – Other Comments

- 6.1 Given the way the consultation question was structured, the comments that were received were in response to each specific element of the Scheme and as such a response is provided to some of the main comments received on each Scheme element, in the table below.

Issue / Comment / Suggestion	County Council Response
<b>Northern section: On-line widening and junction improvements generally</b>	
Modifications to, or removal of proposed traffic lights / create roundabouts instead.	<p>Creating traffic lights at all three junctions provides the best means to co-ordinate the flow of traffic along Hamble Lane and help to manage vehicles more effectively than using roundabouts, which are un-controlled.</p> <p>The type of modern ‘smart’ lights that would be installed are demand-responsive in real time to the prevailing traffic conditions and do not operate on fixed timing plans. This means that at busy times green time can be split proportionately between traffic on each approach to the junction, limiting the potential for excessive traffic queues on one approach. At off-peak times this means that traffic will not be held on a red light if there is no traffic on other approaches, significantly limiting off peak delays.</p> <p>Several different options have been assessed for the junctions including revised roundabout layouts, but co-ordinated traffic signals provide for the best overall traffic flow along the corridor. Whilst there will still be some traffic queues, these should clear within each cycle of the</p>

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
	signals and overall there will be significantly less queueing traffic than would be experienced if the current road layout was retained.
Create additional lanes and/or create a tidal flow middle lane.	<p>There is simply not enough land available to create an additional lane northbound and thereby provide two lanes in each direction between Tesco and Jurd Way and/or Portsmouth Road.</p> <p>The creation of a tidal flow middle lane would require the installation of overhead gantries, which would be both visually intrusive and would require land on both sides of the road to install. On the eastern side this would require an additional strip of land so as not to obstruct the proposed shared use path, but there is not sufficient land available. Furthermore, the additional southbound lane is required to solve traffic congestion at the Portsmouth Road junction which is an issue in both the AM and PM peaks, therefore a tidal flow lane on the northern section of Hamble Lane would not benefit the network overall.</p>
<b>Tesco Access Junctions</b>	
Alternative arrangements, e.g. just new access onto A27 / no u-turn north of access / keep as it is.	<p>The proposed arrangements provide the most efficient means of accessing Tesco, in terms of the overall operation of the local highway network. Retaining a right-turn into Tesco from Hamble Lane at the existing access point would add a third stage to the proposed traffic signals and significantly increase delay to southbound traffic on Hamble Lane. Likewise retaining a right-turn out of Tesco would add another stage to the proposed signals and would increase delay to both northbound and southbound traffic on Hamble Lane.</p> <p>Keeping the roundabout layout as it is and providing only a new car park exit onto the A27 would offer some benefits over the existing layout, as traffic turning right from Tesco onto Hamble Lane would potentially be reduced. However some vehicles would still choose to make this manoeuvre, delaying traffic on Hamble Lane.</p> <p>Notwithstanding the above, agreement from Tesco is still needed to the revisions to the internal layout of the Tesco car park, which would be required to facilitate the proposed new arrangements. This is in terms of getting traffic to/from the new egress and permanent access on the A27 and also accommodating delivery vehicles that could no longer u-turn at the roundabout on Hamble Lane to get back to Windhover roundabout. Discussions</p>

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
	with Tesco and their representatives are ongoing at present.
Will cause increased queuing at Windhover roundabout and on A27.	The proposed improvements would only be delivered in the context of the HE scheme for an improved Windhover roundabout, which will provide significant additional capacity through the provision of traffic signals and additional lanes on the approaches and circulatory carriageway. This will ensure that traffic approaching Windhover from the A27 Providence Hill will have dedicated green time and an additional approach lane to enter the roundabout and generally the road should operate with a lot less delay than it does currently.
Safety at the proposed u-turn north of Tesco access.	To make it as safe as possible the proposed u-turn facility would be controlled by traffic lights, which will also include a stage for the proposed pedestrian crossings over Hamble Lane at this location. The third lane proposed on Hamble Lane southbound on approach to the crossing will help to reduce delay caused by the signals and the design has now been modified to include a third lane on Hamble Lane northbound, dedicated to u-turning traffic which will mean that traffic continuing north to Windhover is not impeded. The traffic lights will be 'smart' and will monitor traffic approaching from Windhover to ensure that traffic on Hamble Lane southbound is stopped at the optimum time, to minimise delay.
<b>Jurd Way Junction</b>	
Do not install traffic lights / modify existing roundabout	Both roundabout and signal-controlled options have been assessed for this junction and the proposed layout was found to have the best operation for the overall network. As noted above traffic signals provide the best means to control and balance delay across approaches and co-ordinate flow with adjacent junctions. Their 'smart' nature means that off-peak delays will be minimised and peak-hour flow will be optimised. Traffic signals will also allow signal-controlled crossings to be installed to provide a safe new means to cross both Hamble Lane and Jurd Way and ensure the continuity of the proposed new shared use footway/cycleway on the eastern side of Jurd Way.
<b>Portsmouth Road Junction</b>	
Banning right turns will cause problems	Traffic data that has been collected shows that very few vehicles currently turn right from Portsmouth Road onto Hamble Lane, likely due to the difficulty in making this

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
elsewhere, e.g. Pound Road	manoeuvre in the context of the high traffic flows on Hamble Lane. It is also easier to route down Pound Road and turn right onto Hamble Lane from there, as the opposing traffic flow on Hamble Lane is lower at this point. This means that the additional traffic that would be likely to use Pound Road is very low, as most traffic from Portsmouth Road looking to route south towards Hamble is already using Pound Road.
Do not install traffic lights / extend right-turn lane instead / install roundabout	<p>As for other junctions, both roundabout and signal-controlled options have been assessed and the proposed layout was found to have the best operation for both this junction and the overall network. It allows flow to be managed, to balance delays between the different approaches to the junction at peak times and off-peak delays will be minimised due to the 'smart' signals.</p> <p>Installing a roundabout would cause severe queues on Hamble Lane northbound due to the high volume of traffic turning right into Portsmouth Road from Hamble Lane southbound, which would have priority over northbound traffic. This flow would not be broken up because it would have very little opposing traffic, due to the very low number of vehicles that turn right out of Portsmouth Road.</p> <p>Leaving the junction as it is and just providing a longer right-turn lane would offer some benefits, but signalling the junction offers more benefits as it allows traffic to turn right into Portsmouth Road at the same time as traffic turns left out of Portsmouth Road, providing for very efficient operation of the signals.</p>
<b>Lowford Hill Junction</b>	
Keep as it is now, i.e. no through road	<p>Of the one-third of respondents who were unsure of or disagreed with the proposal to re-open Lowford Hill, three-quarters believed that it should be kept as it is now.</p> <p>The proposed re-opening of Lowford Hill for eastbound traffic would simply redistribute existing traffic that currently travels from the south on Hamble Lane and turns right at the Jurd Way junction, it should not in itself encourage more traffic to take this route. It involves relatively low numbers of vehicles (150-200 in the peak hours) but does provide enough of a benefit to the operation of the Jurd Way junction to warrant its inclusion. This is because the removal of right turning</p>

Issue / Comment / Suggestion	County Council Response
	<p>traffic from signal-controlled (and roundabout) junctions offers significant benefits to overall junction operation, as right-turning traffic directly opposes other traffic. In this instance the volume of traffic opposing vehicles on Hamble Lane southbound would be significantly reduced, by up to around 50%.</p>
<p><b>A27 / Portsmouth Road &amp; Hamble Lane / Hound Road / Satchell Lane</b></p>	
<p>Don't install traffic lights here / make the lights smart to reduce off-peak delays / use a roundabout instead</p>	<p>As for other junctions, both roundabout and signal-controlled layouts have been assessed and overall the traffic signals were found to offer the most capacity and lowest delays. The lights that would be installed would be 'smart' meaning that during peak times delay would be balanced across the approaches according to the prevailing traffic conditions and at off-peak times delays would be minimised.</p> <p>A roundabout at Satchell Lane would not offer as many benefits to traffic on Satchell Lane due to the high flow on Hamble Lane southbound which would still oppose traffic looking to exit Satchell Lane and would not be broken up enough due to the relatively low volume of traffic turning right into Satchell Lane. Creating a large elongated roundabout incorporating the two junctions would also not work, as this would increase the volume of traffic opposing vehicles on all approaches.</p>
<p>Hound Road roundabout doesn't need changing</p>	<p>As per the consultation responses, the majority of people did not support the proposed changes to the Hamble Lane / Hound Road roundabout, although the majority did support changes at the Satchell Lane junction. It is acknowledged that the Satchell Lane junction is more of an issue than the Hound Road junction and that the Hound roundabout generally works quite well.</p> <p>However, option testing revealed that to make the Satchell Lane junction work better traffic signals would be required and due to the proximity of the Hound road junction circa 60m to the north, signalisation of Hound Road would also be required to manage the flow on Hamble Lane southbound and minimise queuing between the two junctions, which would otherwise potentially block back to Hound Road junction and interfere with its operation.</p>
<p><b>Improvements to Pedestrian and Cycling Provision, south of Hamble Station</b></p>	

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
Cyclists and pedestrians should be separated, for safety etc, or paths widened	It is acknowledged that ideally pedestrian and cycle provision would be separated, but due to the significant physical and environmental constraints along Hamble Lane, it is not considered feasible to provide a wider and/or segregated path at this time.
Additional crossing points are required	<p>It is acknowledged that there are currently no formal or controlled crossing points on Hamble Lane in the vicinity of Hamble Rail Station. The nearest controlled crossing points are located 750m to the south (adjacent to Hamble Primary School), or 350m to the north (adjacent to the Hamble School). There is an uncontrolled crossing with a central refuge island located 300m to the south of the station, adjacent to the police training centre access and further south into Hamble village there are several more crossings of this type.</p> <p>The provision of an additional crossing in the vicinity of the rail station will be considered further as part of ongoing work to try and provide a car park and drop-off facility at the station. This would be expected to increase use of the station and thereby increase potential demand for a crossing. It should be noted that providing a crossing in the immediate vicinity of the station would not be possible due to the presence of the 'humped' bridge over the railway line, which limits the forward visibility sightlines to a crossing.</p>
Cyclists should be made to use the cycle paths, where they exist	<p>There is no existing mechanism by which cyclists could be made to use cycle paths and even if there was, it is not something that the County Council would wish to pursue. Cyclists have as much right to be on the road as vehicles.</p> <p>Encouraging more people to cycle is a key part of the County Council's strategy to reduce the number of vehicles on our roads and help people to lead healthier lifestyles.</p>
Better connectivity of cycle paths	<p>It is acknowledged that it could be considered that there is a 'missing link' in provision, as there is no path on the western side of Hamble Lane from the bus stop layby south of the Police Training Centre access for a distance of circa 250m, up to where the Hamble Rail Trail crosses Hamble Lane, north of Hamble Primary School.</p> <p>However, there is a shared use path on the eastern side of Hamble Lane at this location and the Hamble Rail Trail does provide an alternative route on the western side of</p>

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
	<p>Hamble Lane for this section and one that is not adjacent to the carriageway.</p> <p>Providing a continuous shared use path along Hamble Lane on the western side would be very challenging due to the high number of trees adjacent to the highway and the allotments that are located directly behind these trees.</p> <p>There is also no cycle path on either side of Hamble Lane over the railway bridge adjacent to the station, with only a footpath on the eastern side of the road. This is because of the narrow width of the road on the approach to and over the bridge, which limits the space available for a footway/cycleway. To widen the road would require a new bridge to be constructed, or an additional structure to carry pedestrians/cyclists to be 'bolted-on' alongside the bridge, both of which would involve significant cost.</p>
<p>Re-surfacing is required, to encourage use</p>	<p>The surfacing of the existing shared use path will be reviewed and where appropriate this will be flagged for improvement via the County Council's highway maintenance programme.</p>
<p><b>Environmental Mitigation Measures</b></p>	
<p>Replacement vegetation should be provided, including in the wider area if not enough space adjacent to the road</p>	<p>As outlined during the consultation, the proposed Scheme does include a plan to plant new vegetation to replace that which would be lost. For the northern section of Hamble Lane, the indicative proposals involve the replacement planting of circa 48 new trees and 350m of new hedgerow and shrubs, to replace the circa 40 existing trees that would be lost. As the scheme develops further, consideration will be given to providing additional new planting in the wider area.</p>
<p><b>Perceived Negative Impacts on the Local Area and on Respondents</b></p>	
<p>Disruption during construction stage</p>	<p>Whilst detailed plans for the construction phase of the Scheme have yet to be developed, it's clear that on a road as busy as Hamble Lane there would be disruption and delay over and above that currently experienced, whilst an on-line widening scheme such as this is constructed. As part of the traffic management plan for the Scheme every effort will be made to minimise disruption as far as possible, particularly during the morning and evening peak periods and at weekends.</p>

<b>Issue / Comment / Suggestion</b>	<b>County Council Response</b>
	<p>Consultation will be undertaken with all affected parties to ensure that access to adjacent properties and businesses is maintained for the duration of the works.</p> <p>Whilst there will be short-term disruption while the Scheme is implemented, in the longer term the benefits to traffic flow along Hamble Lane should be significant.</p>
<p>Increased queues due to traffic lights and more rat-running</p>	<p>Whilst the general perception is that traffic lights lead to more delays as vehicles are held at red lights, on a road that is already very congested such as Hamble Lane this tends not to be the case. Traffic lights provide an opportunity to manage traffic flows in way that cannot be achieved with roundabouts, by apportioning green time (and capacity) more evenly across the different junction approaches, based on the prevailing traffic conditions. This is especially true of modern 'smart' traffic signals which can respond in real-time to traffic conditions and adjust the signal timings accordingly.</p> <p>The transport modelling results that were presented at the consultation show that the proposed Scheme involving linked traffic signals would dramatically reduce the overall levels of congestion and delay on the north section of Hamble Lane, compared to a situation where the existing layout with roundabouts and priority junctions is maintained.</p> <p>It should also be noted that this view was supported by respondents to the consultation, where circa three times as many people cited positive impacts on traffic congestion and journey times as people citing negative impacts, as outlined in the full consultation report.</p> <p>There is no evidence to suggest that more rat-running would occur as a result of the proposed Scheme and indeed if Hamble Lane, Windhover roundabout and M27 Junction 8 are all working better, this should help to keep traffic on the more strategic routes and therefore reduce the propensity for rat-running to occur.</p>
<p>Increased pollution due to queues at traffic lights</p>	<p>As a result of the forecast reduction in delays and queuing vehicles and increase in vehicle speeds due to the proposed scheme it is expected that pollution levels will overall be significantly reduced. This is because stationary and slow-moving traffic causes more air pollution than traffic that is moving along at a steady speed. Whilst the traffic lights will result in short-term queues the modelling indicates that these queues should clear each cycle and there will be significantly less</p>

Issue / Comment / Suggestion	County Council Response
	<p>queueing vehicles than if the current junction layouts are retained.</p> <p>It should again be noted that this view was supported by respondents to the consultation, where approximately twice as many people cited a positive impact on air pollution as people citing a negative impact, as outlined in the full consultation report.</p>

6.2 The County Council received 12 responses through channels other than, or in addition to the consultation questionnaire. Of these seven were from residents, three were from local Parish Councils and two from organisations. These responses raised similar views to those highlighted via the consultation questionnaire. The most frequent themes raised (those with three or more comments) in these responses are outlined below and the remainder can be seen in the full consultation report:

- Comments regarding past/ potential future housing developments in the area (6 comments).
- Concerns about the consultation process, Information Pack or Response Form (4 comments).
- Concerns that proposals may encourage 'rat running' and increase traffic through other areas (4 comments).
- Comments about the proposal to impose a U-Turn to access Tesco (4 comments).
- Concerns that traffic lights proposed would increase congestion (4 comments).
- Suggestions that traffic lights should be synchronised/smart lights (4 comments).
- Concerns about the impacts of the proposal to open the road/turning to Lowford from Hamble Lane (3 comments).
- Concerns that traffic delays forecast are still high after implementation (3 comments).
- Comments regarding improvement of cycle lanes (3 comments).
- General support shown to the proposals to improve Hamble Lane in the consultation (3 comments).
- Suggestions to improve congestion by reducing car usage/ encouraging use of public transport (3 comments).

- 6.3 The majority of the comments noted above have either been addressed within the table above or addressed within the previous EMET report of July 2018, which outlined the results of the first public consultation.
- 6.4 Of the outstanding items, full details of the consultation process are provided at Section 4 of this report. In relation to the concern that the delays are still forecast to be high following Scheme implementation, this is due to the very high levels of forecast traffic growth that were used in the assessment, to ensure a robust scheme was developed. Effectively the modelling for the forecast year scenario is undertaken using traffic flows that are produced by taking the surveyed and modelled base year traffic data and applying local background growth factors in accordance with Government technical guidance, to account for known local planned and committed development sites, and growth in traffic and car ownership more generally. Both the existing layout and the preferred Scheme have been modelled using the same flows and as shown by the modelling results the preferred Scheme is forecast to result in a very significant reduction in overall delay and journey times compared to the existing layout, which is the key point.

## **7. Modifications to the Preferred Scheme**

7.1 Following the second public consultation and consultation with key stakeholders, some relatively minor revisions have been made to the preferred Scheme design at different locations, in order to optimise the design and take account of comments received. These can be summarised as follows and are shown on the revised drawings for the preferred Scheme, which are attached as Appendices to this report:

- The proposed u-turn adjacent to Tesco has been modified to include a third lane on Hamble Lane northbound approaching the u-turn, which is dedicated to u-turning traffic and will mean that traffic continuing north to Windhover roundabout is not impeded by traffic waiting at the signals to make the u-turn.
- The position of the traffic signal stop-line on the left-turn onto Hamble Lane from the Tesco car park has been amended, so that traffic is able to exit from the Lowford Clinic/Ruma Salons car park prior to the stop line.
- The layout in the vicinity of Manor Crescent has been revised (subject to further discussions with the residents of Manor Crescent) to show a central point of access, with the two existing access points at the northern and southern ends of the crescent closed off. This provides a safer and simpler layout, makes the junction more conspicuous to vehicles on Hamble Lane, and moves the accesses further away from the proposed signals at the Portsmouth Road and Jurd Way junctions. Precisely how Manor Crescent is accessed and where replacement parking provision is made will be subject to discussions with the affected residents on Manor Crescent and therefore could potentially be subject to modifications as the design progresses. But as the only directly affected

parties are the residents of Manor Crescent, this matter is one which does not need to be the subject of further wider public consultation.

- The internal layout within the Tesco car park is not shown on the scheme drawings as it is still subject to further review and discussions with Tesco and their representatives, in terms of servicing and access to/from the proposed new car park exit onto the A27.

## **8. Prioritisation of the Preferred Scheme for Highway Works**

8.1 A review of which elements of the Scheme deliver the widest benefit to all and a review of the consultation responses has been undertaken. Consideration has also been given to which parts of the preferred Scheme could be delivered in isolation and which parts would be dependent on others. The following order of priority for different elements has been identified, which broadly accords with the public consultation responses, which prioritised highway works over improvements to pedestrian/cycle facilities south of Hamble Rail Station. Note again also that the on-line widening is an intrinsic part of any scheme and is therefore the top priority:

1. On-line widening of the northern section of Hamble Lane to provide a second lane southbound between the Tesco access and Portsmouth Road and a new shared use footway/cycleway on the eastern side of the road.
2. Signalisation of the Portsmouth Road Junction, including the partial re-opening of Lowford Hill.
3. Signalisation and widening of the Jurd Way junction.
- 4a. Revised access arrangements for the Tesco Store – new/improved existing car park egress and access, via the A27.
- 4b. Revised access arrangements for the Tesco Store – new signal-controlled left-in/left-out junction on Hamble Lane, with new u-turn slip from Hamble Lane northbound north of the Tesco access.
5. Signalisation of the A27/Portsmouth Road Junction.
6. Signalisation of the Satchell Lane and Hound Road junctions with Hamble Lane.

## **9. Sustainable Transport Measures**

- 9.1 Development of the Travel Plan Framework (TPF) for the Hamble Peninsula will continue, including liaison with Hamble Parish Council, although at present there is no County Council funding to put towards roll-out of the TPF.
- 9.2 Work will continue to seek to progress the delivery of a new car park and drop-off facility at Hamble Rail Station on land owned by the County Council, working with key stakeholders including the Hampshire Police Training Centre and Eastleigh Borough Council. At present the primary means of

access to the new car park would need to be from the existing Police training centre access road and there are several issues that need to be overcome before this can be agreed.

- 9.3 Respondents to the public consultation prioritised junction improvement and widening works over pedestrian/cycle improvements to Hamble Lane (between the rail station and Ensign Way). Notwithstanding this, a feasibility study will be undertaken over the coming months to develop minor works schemes for improvements to pedestrian and cycle infrastructure along Hamble Lane (to the south of the rail station), in order to improve access to the station, with the possibility of funding these improvements via the Transforming Cities fund.

## **10. Finance**

- 10.1 Approximately £3million in funding is available to be put towards the on-line widening and junction improvements for the northern section of Hamble Lane, from Section 106 contributions that are both held and to be forthcoming from local development sites.

- 10.2 Additional funding for the Scheme continues to be sought and the County Council has identified two potential opportunities to bid for funding towards the Scheme as follows:

- Highways England funding; and
- Transforming Cities Fund.

- 10.3 The latest cost estimate for the on-line widening and junction improvements for the northern part of Hamble Lane (Windhover to Lowford Hill, including the new Tesco A27 access) is circa £12million (excluding land costs). The estimate for improving the Portsmouth Road/A27 junction is a further circa £1.5million, while the initial estimate for improving the junctions with Hound Road and Satchell Lane is a further circa £2million.

- 10.4 Following the prioritisation exercise that has been undertaken, the intention is to deliver different elements of the preferred Scheme ideally in terms of the identified priority, but adjustments may need to be made to reflect the availability of sufficient funding. Approval is therefore sought as part of this report to proceed with the progression of the Scheme towards delivery in a prioritised and logical, but where appropriate flexible, manner.

## **11. Equalities**

- 11.1 The Scheme will offer positive benefits to pedestrians and cyclists through the introduction of the new shared use path on the eastern side of Hamble Lane and also through the new signal-controlled crossing points of Hamble Lane and Jurd Way. Mobility impaired users will also significantly benefit from these new controlled crossing points, which are a safer form of crossing

than the existing uncontrolled crossing points. These crossings will assist users when crossing the widened highway along Hamble Lane.

11.2 Further details are provided in Integral Appendix B.

## **12. Future Direction**

- 12.1 It is important to progress the overall design for the Scheme to a state of readiness whereby when sufficient funding becomes available, that prioritised elements can be quickly progressed to delivery (subject to the submission and approval of a Project Appraisal for the Scheme).
- 12.2 In order to progress the Scheme towards delivery additional funding will be required and as such there is a need to progress appropriate bidding opportunities for funding as and when they arise and to prepare business cases to support any funding bids, including potential bids to Highways England and the Transforming Cities Fund later this year.
- 12.3 As the improvement Scheme is limited to improvements to existing junctions and on-line widening adjacent to existing highway, it can be delivered as Permitted Development (PD), as authorised under Part 9 Section A(b) of the General Permitted Development Order (GDPO) 2015. However, it will still be necessary to prepare and progress the necessary orders, notices, consents, permissions, rights and easements as and when funding is secured for the different elements of the Scheme and to commence initial negotiations to acquire land.
- 12.4 In regard to third party land, it is possible that a Compulsory Purchase Order (CPO) will be required in due course for certain elements of the Scheme, but this will only be pursued once funding has been secured for the corresponding elements and would be run in parallel with negotiations to acquire the land by agreement. A recommendation will be made to the Executive Member for Policy and Resources that formal negotiations commence at the appropriate time and once funding is secured, to acquire all third party interests in any land and any necessary rights required to facilitate delivery of the Scheme elements, including the making of a CPO to run in parallel with negotiations to acquire all third party land interests by agreement.
- 12.5 Work is ongoing to establish whether an Environmental Impact Assessment (EIA) will be required by the Local Planning Authority (LPA), in order to assess the full environmental impact of the preferred Scheme. The environmental impact of the Scheme is expected to be relatively localised and in some cases (such as for air quality) beneficial, but should the LPA decide that an EIA is required, PD rights would be removed and planning permission would be required.
- 12.6 In order to secure the opportunity to deliver the Hamble Lane Improvement scheme in full, it is also considered opportune to review the existing

Eastleigh Borough Transport Statement 2012, and to consider whether it needs to be updated in respect of the policy stance on development off Hamble Lane in conjunction with the emerging Eastleigh Borough Local Plan 2036. It is therefore proposed that a review be carried out, and a further report be brought to a future decision day on this matter.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	n/a
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	n/a

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Hamble Lane Improvements	17/07/2018
A3025 Hamble Lane Improvements	14/11/2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss 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. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

The improvements referred to in this decision seek to improve traffic flow on Hamble Lane as well as improving the facilities for non-motorised users. The Scheme also includes improvements to pedestrian and cycle infrastructure in the vicinity of Hamble village and the development of a travel plan for the Hamble Peninsula, to try to reduce reliance on the private car.

This decision to approve the preferred scheme will have a neutral impact on residents with protected characteristics, and as the scheme progresses to the detailed design stage, a project appraisal will be brought forward which will include an equalities impact assessment of the implementation of the Scheme.

The Scheme as currently designed will offer positive benefits to all highway users due to the reduction in vehicular journey times, and improvements in highway safety.

**2. Impact on Crime and Disorder:**

- 2.1. The decision is not considered to have any direct impact upon crime and disorder.

**3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The proposed Scheme aims to reduce congestion and delay and therefore help to improve air quality, through a reduction in the volume of queuing vehicles. The northern section of Hamble Lane (from Windhover roundabout to Portsmouth Road) is an Air Quality Management Area (AQMA) designated by Eastleigh Borough Council, therefore the preferred scheme will directly help to improve air quality within a designated AQMA.

Elements of the preferred scheme for the wider network, such as the Hamble Travel Plan and the pedestrian and cycle improvements along Hamble Lane, aim help to reduce the number of vehicular trips along Hamble Lane. If successful they will therefore help to directly improve air quality and reduce emissions caused by vehicular traffic, providing positive climate change impacts and reducing our carbon footprint.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

As the scheme progresses to the detailed design stage, a project appraisal will be developed with details of the design and layout which could address resilience to climate change. For example, improved highway drainage can minimise the potential increase of flooding incidents due to climate change and limit the damaging effects water has on the condition of the carriageway, other highway assets, and private property.

## **APPENDIX MG5**

HCC Hamble Lane Briefing Note

# **Hamble Lane Improvements – Briefing Note (February 2022), by Jason Tipler**

## **Background**

Between 2015 and 2019 a significant amount of work was undertaken to develop and assess transport improvements to Hamble Lane, which were split into four main workstreams:

1. Highway capacity and active mode improvements to the northern section of Hamble Lane between Windhover Roundabout and the Portsmouth Road junction;
2. Complementary junction capacity improvements on the A27 and further south on Hamble Lane;
3. Improvements to pedestrian and cycle provision between Hamble Rail Station and Hamble village; and
4. Improved transport facilities at Hamble Rail Station.

The latter two elements were worked up to the Feasibility design stage and included in the ‘High’ package of schemes that was submitted for funding as part of the Southampton City Region TCF Package. Based on the funding settlement received that did not include the ‘High’ package, these schemes have not been progressed any further, but remain under consideration for future funding bids.

The improvements to the northern section between Windhover and Portsmouth Road and complimentary improvements on the A27 were worked up to preliminary design stage and were the subject of two separate public consultation exercises:

1. An initial ‘Issues and Options’ consultation from November 2017 to January 2018, which was reported to the Executive Member for Environment and Transport (EMET) at his Decision Day on 17 July 2018; and
2. A preferred scheme consultation from September to October 2018, which was reported to the EMET in March 2019. This report also approved the modified preferred scheme and presented a flexible priority for delivering different elements of the preferred scheme.

## **Funding Bids**

In January 2020 a bid for the preferred scheme for the northern section of Hamble Lane was submitted to the DfT’s Local Pinch Point Fund (LPPF), with a funding ask of £12m based on an updated scheme cost estimate of £15m. The remainder of the scheme cost was to be met from HCC, as at the time circa £2.3m of held S106 funding was allocated to the scheme, with further contributions of circa £0.7m expected to come in. The contribution situation has now changed and work is underway to establish how much S106 would now be available to put towards the scheme, and it is expected that around £2m would still be available.

In February 2021 HCC were advised by the DfT that the LPPF had been superseded by the Levelling Up Fund (LUF) and were initially asked to confirm whether we wished to prioritise the previous LPPF bid through the LUF, which was duly confirmed with the support of Paul Holmes MP. However, following further guidance it transpired that the County Council was only able to make one submission to the LUF in this round and based on the fund criteria it was highly unlikely that a scheme in Eastleigh Borough would be supported. As a result, in April 2021 HCC chose to submit a package of schemes in the Havant and Gosport area to the LUF.

Two separate bids have also been to National Highways (formerly Highways England) for funding from their Designated Funds for Air Quality (in August 2018) and for Safety and Congestion (in November 2020), both of which were unsuccessful.

## **Current Status**

The current cost of the preferred scheme for the northern section is now likely to have increased beyond £15m, given that this estimate was produced in January 2020 and construction costs have increased markedly since then.

Some elements of the preferred scheme could be taken forward separately for a lower cost, but which would still deliver a significant proportion of the benefits. It’s also apparent that the shared use cycle facilities incorporated within the design would not be fully compliant with recent LTN 1/20

guidance, so an element of re-design would be required. Further work would be needed to estimate the costs of just delivering the most beneficial elements, but a best guess would be in the region of £8-10m. There is currently around £2m in LTP funding that could be put towards the scheme, which assuming £2m S106 funding is still available, would leave a funding gap in the region of **£4-6m**.

Given the potential funding gap above, funding the Hamble Lane improvement scheme would represent an attractive option in terms of deliverability, when compared to other more expensive schemes in Eastleigh Borough, such as the Chickenhall Lane Link Road, or Wide Lane Bridge.

Planned mineral extraction at the Hamble Airfield site, which is currently the subject of a Planning Application, has the potential to make a funding contribution towards the scheme for the northern section, of an as yet undetermined amount. The mineral extraction on the site is expected to continue long enough (circa 10-15 years) to enable the Hamble Lane improvements to offset that activity, provided funding is granted in the next few years.

Aside from the Hamble Airfield site, no other development sites in the Hamble peninsula have been identified from which a significant contribution could be secured, although a site on Satchell Lane (if successfully appealed), would deliver an additional circa £300k towards improvements to Hamble Lane.

National Highways (NH) are shortly due to commence the delivery of a significant improvement scheme for M27 Junction 8 and Windhover Roundabout (pending the outcome of a Public Inquiry), which adds renewed impetus to the need for the Hamble Lane improvements, as the two schemes are very much linked in terms of how the highway network operates. Without delivering improvements to Hamble Lane, some of the benefits of the improvements to Windhover and M27 J8 are likely to be negated, as summarised below.

There is significant interaction between traffic flows on Hamble Lane and the operation of Windhover roundabout and M27 Junction 8: Congestion experienced at M27 J8 and the Windhover roundabout can have a knock-on impact on traffic flows on Hamble Lane, particularly in a northbound direction. Similarly, traffic queuing on Hamble Lane in a southbound direction often blocks all the way back to and through Windhover roundabout and back to M27 J8 along the A3024. This means that if Hamble Lane is not improved as well, the full benefits of the improvement schemes at Windhover and junction 8 will not be realised and these junctions are likely to remain congested despite the NH improvements.

The NH scheme for Windhover and M27 Junction 8 should make a significant contribution towards improving northbound traffic flow on Hamble Lane, and the scheme developed by the County Council will primarily improve southbound traffic flow on Hamble Lane, whilst also further improving northbound traffic flow where possible.

### Strategic Case for the Scheme

Hamble Lane is a route of a strategic nature that provides the only direct access from the M27 motorway to Hamble-le-Rice and its associated marine and advanced manufacturing industries, as well as Hamble Marina – an internationally renowned marina facility. It also provides one of the two main routes into Southampton from the west via the connection with the A3025 Portsmouth Road. As such the current congestion and delay is having a detrimental impact upon the economy and future development in the area, and needs to be addressed as a matter of priority by Hampshire County Council as Local Highway Authority.

Development sites that have recently been permitted in the local area, including along or in the vicinity of Hamble Lane, reinforce the need for additional capacity so as to accommodate both existing and forecast future traffic along Hamble Lane. These development sites have also provided some Section 106 funding to put towards the improvements.

The proposed scheme will also help to bring about significant improvements to air quality in the Hamble Lane AQMA (between Windhover and Portsmouth Road), due to the improved traffic flow and additional capacity that will be brought about by the highway improvements.

Land at Satchell Lane appeal reference. 3292580, application reference. F/20/89488

## **APPENDIX MG6**

Planning Appeal Decision APP/A1720/W/22/3297544



## Appeal Decision

Hearing held on 23 August 2022

Site visit made on 23 August 2022

**by G Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 September 2022**

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**Appeal Ref: APP/A1720/W/22/3297544**

**Land east of North Wallington Road, Wallington, Fareham, PO16 8TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Foreman Homes Ltd against Fareham Borough Council.
  - The application Ref P/19/0894/OA, is dated 23 July 2019.
  - The development proposed is residential development of 32 dwellings with access off North Wallington Road.
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### Decision

1. The appeal is dismissed and outline planning permission for residential development of up to 29 dwellings, associated landscaping and access off North Wallington Road is refused.

### Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been changed to the one that the Council used to deal with the proposal. This was agreed with the appellant following amendments made to the scheme during its consideration and I have therefore used this in my formal decision.
3. The original application was made in outline with means of access to be considered and I have dealt with the appeal on this basis. I have treated any details on the submitted drawings relating to landscaping, layout, scale and appearance as being illustrative only.
4. As part of the appeal the appellant has submitted amended plans to address concerns regarding pedestrian access from the site along North Wallington Road. Whilst these drawings have been subject to consultation during the appeal process, I have not considered them as part of this appeal. I consider that the changes would materially alter the nature of the application and, due to the degree of uncertainty surrounding the precise details of suggested highway works, would prejudice the interests of interested parties.<sup>1</sup>

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<sup>1</sup> Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

## **Main Issues**

5. The Council have confirmed that if they had been in a position to determine the proposal then they would have recommended refusal of the application and set out six putative reasons for refusal within their appeal statement. The statement of common ground confirms that three of these would be addressed by a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) which was submitted during the appeal.
6. In light of the above the main issues are:
  - whether the site represents an appropriate location for the proposed dwellings, having regard to:
    - i) the council's spatial strategy;
    - ii) access to services and facilities on foot; and
  - the effect of the proposed development on the character and appearance of the area.

## **Reasons**

### *Appropriate Location*

7. The site is located at the end of North Wallington Road, adjacent to a number of commercial units. Beyond the appeal site North Wallington Road extends towards the town of Fareham and comprises a range of dwellings. There is limited connectivity for pedestrians from the appeal site, along North Wallington Road, due to the lack of dedicated footpath, to the services and facilities within Fareham.
8. The site is located outside of the defined urban settlement boundary and is therefore within the Countryside for planning purposes. The strategy for housing development which is set out within Policies CS2, CS6 and CS14 of the Fareham Local Development Framework, Core Strategy 2011 (CS) direct development to strategic sites and those within the urban settlement boundary. There is a general presumption against new residential development outside of these areas. The proposed development would therefore conflict with these policies.
9. However, Policy DSP40 of the Fareham Borough Local Plan Part 2, Development Sites and Policies 2015 (DSP) sets out that where the Council does not have a five year supply of land for housing, additional sites outside of the urban area may be permitted where they meet five criterion.
10. The development comprises up to 29 dwellings, which is relative in scale noting the level of shortfall that has been identified by the parties. I am also satisfied on the basis of the evidence before me that the development is deliverable in the short term, noting that the appellant has accepted the suggestion of a shortened period for commencement. Therefore, the development would comply with part (i) and (iv) of the policy.
11. The policy also requires proposals to be sustainably located adjacent to and well related to the existing urban settlement boundaries, where it can be well integrated into the neighbouring settlement. The site if developed, whilst not abutting the urban settlement boundary, would be physically well related and

- integrated into the neighbouring settlement of Wallington and noting the limited separation between the defined settlement boundary and the edge of the site can be considered adjacent to it.
12. However, the part of North Wallington Road directly adjacent to the appeal site does not have a defined footpath, which commences at the junction with Riverside Avenue, approximately 275m from the site. As a result of the carriageway width a scheme to provide a formal footpath to link to the existing footpath has not been forthcoming.
  13. The appellant's Transport Statement dated January 2020, sets out that there are limited opportunities to improve the walking environment on North Wallington Road, due to its constraints. It sets out that measures that could be delivered include additional signage to identify the presence of pedestrians and the delivery of a virtual footway scheme.
  14. It has been put to me that these highway improvements could be secured by condition. However, I do not have sufficient detail before me to determine the suitability of any such mitigation or certainty that any such improvements could be delivered if they required the provision of a Traffic Regulation Order. Furthermore, I am concerned that without sufficient detail the extent of any additional lighting or signage could lead to unsatisfactory effects on the character and appearance of the North Wallington Road.
  15. The transport statement provides details of improvements to the pedestrian access via Stannard Way and this would provide an alternative route to the services and facilities within Fareham. The walking distances to most of the existing services and facilities is at the upper end of acceptable walking distances in some guidance documents that I have been referred to and beyond them in others. Therefore, noting the distance to those services would be greater if pedestrians were to choose this route it is unlikely to be used on a regular basis by most people.
  16. Whilst the distance to the services and facilities within Fareham are within a reasonable distance via North Wallington Road, the route is less than ideal. I have had regard to the evidence presented regarding the lack of recorded accidents and the volumes of traffic using the route and the modest increase that would result from the proposed development.
  17. However, the route is not safe, secure or attractive nor does it minimise the scope for conflict between users, in particular the need for pedestrians to step into the middle of the carriageway to avoid parked cars would place them in direct conflict with motorists and this would be particularly discouraging for users of wheelchairs or those with pushchairs. Occupiers of the proposed development would therefore be more likely to opt for the convenience of the private motor car.
  18. In conclusion, the site represents an inappropriate location for the proposed dwellings, having regard to access to services and facilities on foot and conflicts with the council's spatial strategy, being contrary to DSP Policy DSP40 (ii) in this regard.
  19. Paragraph 110 of the National Planning Policy Framework (the Framework) sets out that safe and suitable access to the site should be achieved for all users and paragraph 112 sets out that development should create places that are

safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles. The identified conflict with both the Development Plan and the Framework is a matter which attracts significant weight.

*Character and appearance*

20. The site comprises an irregular shaped parcel of land which is predominately characterised by gently sloping grassland which is used for grazing. The site boundaries are defined by trees and hedges, with some gaps evident along Stannard Way.
21. The site is within Local Character Area 11 - Portsdown as defined in the Fareham Landscape Assessment (FLA), which encompasses an area of land which is bisected by the M27. The site is defined as being within the Open Arable Downs: Fringe Character and is specifically part of Fort Wallington Fringe.
22. The FLA describes this as a small fragmented area which is severed from the wider chalkland landscape open countryside to the north by the M27 motorway, forming an area of captured landscape sandwiched between the motorway, the A27 road corridor and the northern edge of Wallington. The FLA acknowledges that it has an overriding urban fringe character, noting the presence of large scale industrial/commercial buildings and infrastructures and sets out that its overall value as part of the Borough's landscape resource is relatively low.
23. The commercial buildings are very much evident as you travel along Stannard Way to the top of North Wallington Road with the site located between two industrial sites. The existence of the M27 is also a dominant feature when standing within the appeal site and as such the character of the site is dominated by the presence of these urban features.
24. Taking into account the severance which has been created by the motorway, the area does not have a role in maintaining the definition between town and country and its character is more associated with the surrounding urban area than the open countryside to the north of the motorway. As a result, the site does not contribute to the open rural nature which is experienced beyond the appeal site and does not provide an important visual separation between the existing built development.
25. Whilst there would be a degree of urbanisation and countryside encroachment through additional housing, the introduction of the proposed dwellings into the site would be appropriate within this urban fringe setting. In particular, it would result in the infilling of the existing gap between Stannard Way and the existing development which extends along North Wallington Road and would result in a continuation of the visual and historical relationship of the settlement.
26. The development would be appropriate to the landscape character and quality of the area and result in an infill between the existing built development which is proportionate to the scale of the existing settlement. Furthermore, it would contribute toward addressing local housing needs and assisting with the overall housing growth proposed for the Borough.
27. Concerns have been raised with regard to the proposed layout of the dwellings which has in part been influenced by the findings of the noise impact assessment, whereby the need to provide adequate mitigation for future

occupiers from noise arising from the M27 is a constraint which is likely to affect the layout and orientation of development. However, the application is in outline and details of layout, scale and appearance are not before me.

28. The description of development is for up to 29 dwellings which is a maximum and not a minimum figure. As such, whether the site can accommodate that level of development whilst enabling the constraints of the site to be adequately mitigated, whilst ensuring that the layout and scale of development is compatible with the character and appearance of the area, remain sufficiently flexible such that it has not affected my findings on character and appearance.
29. I therefore conclude that the proposed development would not harm the character and appearance of the area. The development would be in accordance with Policy CS14 which seeks to ensure that development does not adversely affect landscape character, appearance and function.

### **Planning Obligations**

30. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
31. The agreement facilitates a financial contribution towards a school travel plan and cycle and scooter storage, secures the provision of affordable housing and a recreation avoidance mitigation strategy contribution.
32. Affordable Housing: The delivery of 11 affordable dwellings for rent and shared ownership would be in line with Policy CS18 of the CS which requires affordable housing to be provided at 40 per cent of the overall total. Furthermore, the provision of affordable houses as part of the development would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs. I am satisfied that this planning obligation meets all three tests and so is necessary. I give this obligation significant weight.
33. Education: Policy CS20 of the CS requires development contributions where they would mitigate the impact of development upon existing infrastructure. The planning obligation secures a sum of £15,000 towards the production of a school travel plan and the provision of additional cycle and scooter storage at the nearest Primary School. This would be required to meet the needs of the future residents of the scheme and to mitigate the impact of development on the nearest Primary School, so is necessary and is neutral in the planning balance.
34. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

### **Habitat Regulations Assessment (HRA)**

35. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of protected sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

#### *Recreational Pressure*

36. The appeal scheme will result in increased recreational pressure on the Portsmouth Harbour SPA and Ramsar site. These sites are protected for their internationally important wildlife. These include the dark bellied brent goose, black tailed godwit and red breasted merganser. There are also plants and habitats of national and international importance.
37. The appeal site is located within an area covered by the Solent Recreation Mitigation Strategy (SRMS) adopted by a number of affected authorities, including Fareham Borough Council to mitigate the impact of additional recreational activity on nesting/wading birds, within the Solent Region on the region's three special protection areas.
38. Since the development is for twenty nine dwellings, the number of additional recreational visitors would be modest and the likely effects on the sites within the Solent from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
39. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
40. The site is within an area where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the locality, have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
41. The SRMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Portsmouth Harbour SPA and Ramsar site.
42. The appellants have submitted a planning obligation for the per dwelling contribution to fund the SRMS. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
43. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the

contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

*Eutrophication (Foul Water discharge)*

44. The site is within the surface water catchment of the East Solent system and foul water discharges will be treated at the Peel Common Waste Water Treatment Works, where following treatment, effluent is discharged to the Solent.
45. In the absence of mitigation the appeal scheme would result in a net increase of the total nitrogen entering the water environment of the East Solent system. Having regard to the scale of development proposed, this contribution to nitrogen loading within the environment may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC.
46. The Hampshire and Isle of Wight Wildlife Trust (HIWWT) entered a legal agreement with Fareham Borough Council and the Isle of Wight Council enable land at Little Duxmore Farm, Isle of Wight to be used for mitigation of housing development in the Borough of Fareham. This is achieved by taking land out of agricultural use at Little Duxmore Farm.
47. The appellant has provided a Notice of Purchase confirming that 23 nitrate credits have been purchased from HIWWT. I am satisfied that this would represent a reduction in nutrient loading and would adequately overcome any adverse effects of the proposal on the Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site and Solent Maritime SAC.
48. Therefore, following appropriate assessment, I am satisfied that the proposal, in combination with the other development, will not lead to adverse effects of the integrity of any of the potentially affected European sites. There is no conflict with Policy DSP15 of the DSP which seeks to prevent adverse effects on protected sites.

**Planning Balance**

49. Common ground exists between the main parties that the Council can not demonstrate a five year supply of housing, although the extent of this is a matter of dispute with the appellant putting the figure at 4.34 years and the council at 4.92 years. However, even if I were to accept the Council's position, this is below the 5 year requirement.
50. Furthermore, on 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that Fareham Borough Council has underdelivered against its housing requirement over the latest 3-year period. Consequently, noting the outcome of the HRA, the presumption in favour of sustainable development contained within paragraph 11 d) of the the Framework is engaged. On this basis, I have not found it necessary to come to a view on the appellants evidence on sites which they consider should be discounted from the supply.
51. Taking into account the current shortfall, 29 dwellings would provide a meaningful contribution to housing supply in the area. There would be social

benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. In addition, the delivery of eleven affordable houses from this development will result in social benefits, to which I have attributed great weight.

52. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
53. Nevertheless, the identified adverse impacts of the development, in respect of the lack of an appropriate pedestrian access to nearby services and facilities are notable. The Framework is clear that significant development should be focused where the need to travel can be limited and promote walking and cycling. I consider that the conflict I have identified in this regard, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.
54. I have had regard to the findings of the Inspector in respect of APP/A1720/W/21/3273119 where in that decision the planning balance concluded the lack of access to services was outweighed by the benefits of delivering homes. However, I am satisfied that in the case before me the sites location in relation to the nearest local services means that pedestrians are likely to favour a route which without appropriate mitigation would not minimise the scope for conflicts between pedestrians, cyclists and vehicles.
55. Furthermore, I can not be certain that the circumstances surrounding the suitability of the route would be the same as in the case before me and as this is a matter of planning judgement, I am entitled to reach a different conclusion from the Inspectors decision in this regard.

## **Conclusion**

56. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

*G Pannell*

INSPECTOR

## **DOCUMENTS**

1. Fareham Landscape Assessment Chapter 2.11 LCA11: Portsdown
2. Fareham Borough Council Planning Obligations Supplement Planning Document for the Brough of Fareham (excluding Wareham) 2016
3. Policy DSP40 Fareham Borough Local Plan Part 2, Development Sites and Policies 2015

## **APPEARANCES**

### FOR THE APPELLANT:

Katherine Richards BSc MSc MRTPI Senior Planner, Foreman Homes  
Thomas Rumble BSc (Hons) MSc MRTPI, Woolf Bond Planning  
Mark Rose BSc (Hons) MSc PGDip MCIEEM, CSA Environmental  
Tim Wall, I-Transport  
Emma Jinks, SLR Consulting

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Wright MRTPI  
Principal Planner (Development Management), Fareham Borough Council

Nick Gammer BA (Hons) Msc MCIHT  
Principal Transport Engineer, Hampshire County Council

### INTERESTED PARTIES:

Robert Marshall, The Fareham Society  
Russell Kew, Chairman - Wallington Village Association