

PROOF OF EVIDENCE
of
Rebecca Altman BA (HONS) MSc MRTPI

PLANNING MATTERS

APPENDICES

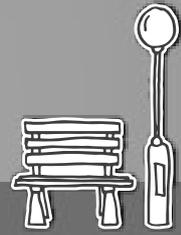
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APPENDIX 1

Small and Medium Greenfield Housing Site Background Paper (Extract), June 2018



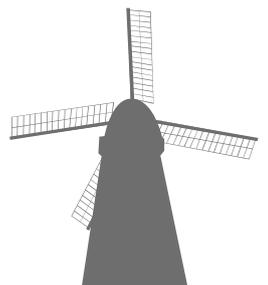
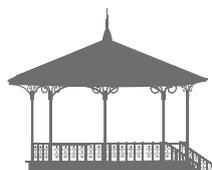
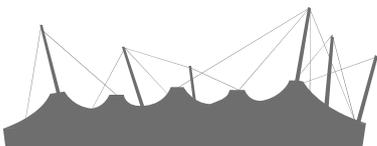
Eastleigh Borough Local Plan 2016-2036



Eastleigh Borough Local Plan 2016-2036

Small & medium greenfield housing sites background paper

June 2018



Stage 3: Development Capacity

32. The 23 sites which passed stage 3 were then assessed in terms of their development capacity. This considered all relevant issues which would affect how the site is developed, including for example the planning history, site levels, access, trees, ecology, flood risk, listed buildings, noise or poor air quality, utilities, minerals, archaeology, and land contamination. This establishes whether the site can be appropriately developed, and if so, the developable area. Standard development densities are then applied, taking into account the character of the area, to assess the number of new homes that could be accommodated on the site.
33. Table 1 sets out 6 sites which were considered inappropriate for residential development. Therefore these sites are not allocated in the emerging Local Plan.

Table 1

Ref.	Site	Reason not appropriate
24.	Broad Oak Garage, Botley	Primarily within flood zones 2 and 3
28.	North of Bridge Road, Bursledon	Ecology, air quality, trees.
29.	Providence Hill and Oakhill, Bursledon	Buffer from watercourse required.
35c.	South of Pound Road, Bursledon	Open space; tree buffer; no access
39.	North and south of Kings Avenue, Hamble	Open space; employment
40a, b, c.	Satchell Lane, Hamble	Mineral site; ecology (proximity to Solent Maritime SAC)

34. Table 2 sets out a further site where it is considered to be unclear whether or not it could be appropriately developed. The plan identifies this site as a special policy area setting out the issues which would need to be addressed, without a presumption in favour of development. The main issues to address are ensuring no adverse impact on the Solent Maritime SAC, and a comprehensive development of the site and adjoining boatyard. Given the uncertainties the evidence does not 'count' this site as part of the supply of housing or other development.

APPENDIX 2

Satchell Lane Regulation 19 Representation to Local Plan, August 2018



Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: SB/7683

[REDACTED]

8th August 2018

SUBMITTED BY EMAIL TO: localplan@eastleigh.gov.uk

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

Dear Sirs

Eastleigh Borough Local Plan 2016 to 2036 - Regulation 19 Publication Version

Representations on behalf of [REDACTED]

INTRODUCTION

Representations and Supporting Information

We refer to the above Regulation 19 consultation and write on behalf of our clients, [REDACTED] and [REDACTED], setting out representations upon certain of the draft policies and proposals including in relation to the omission of land under their ownership at Satchell Lane, Hamble which is not proposed as a housing allocation under Policy S4 or the policies relating specifically to Hamble (Chapter 6.2).

Our comments upon the various policies and proposals of the Regulation 19 Local Plan are set out below and are accompanied by the following plans and particulars:

- Site Location Plan No. 106A
- Development Concept Plan 105C

Our clients' representations upon the Publication Version of the Local Plan may be summarised as relating to the following:

Policy	Representation
Strategic Policy S2 – Approach to New Development	Object – unsound
Strategic Policy S3 – Location of New Housing	Object – unsound
Chapter 6.2 – Hamble-le-Rice	Object – unsound

POLICY S2 APPROACH TO NEW DEVELOPMENT

Background: The NPPF

Pursuant to the provisions at paragraph 214 of the recent revision to the National Planning Policy Framework (“NPPF”) (published 24th July 2018), it is acknowledged that the policies of the previous NPPF (March 2012) will apply for the purpose of examining local plans, where those plans are submitted on or before 24th January 2019. Accordingly, if the Pre-Submission Eastleigh Borough Local Plan is not submitted by this date, it will fall to be examined on the basis of the revised NPPF.

Assuming the Local Plan is submitted by 24th January 2019, the provisions of the previous NPPF will apply and we have prepared our response(s) on this basis.

The previous NPPF sets out the principal components to be included in local plans. Paragraph 182 requires that in order to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

In order to be justified the Local Plan must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives.

Effective means the document must be deliverable, flexible and be able to be monitored.

The positive preparation test also requires plans to objectively assess development and infrastructure requirements from neighbouring authorities.

For the reasons set out below there are a number of shortcomings with the Plan that result in the need for amendment. These amendments relate to the need to increase the level of housing provision; a need to meet existing housing needs in the earlier part of the plan period and acknowledgement that the existing supply of housing commitments are insufficient in both quantum and nature to meet these more immediate needs. These concerns require the need to reconsider the proposed spatial strategy and identify additional allocations within the Plan.

As mentioned above, our clients own land at Satchell Lane, Hamble. The site is available, suitable and deliverable to meet identified housing needs in the early part of the plan period. We remain committed to further engagement with the Council to explore the option of a deliverable allocation on this site, such that it can be incorporated into the Local Plan through necessary modifications.

Plan Preparation

At the outset we are particularly surprised to see that the Council have advanced with a Regulation 19 Local Plan prior to consulting on detailed site specific policies in an earlier Regulation 18 draft.

When submitting documents to the SoS for examination, Regulation 22 (1) (C) (iii) requires the Council to include a statement providing a summary of the main issues raised by the representations made pursuant to regulation 18.

In this instance, the preparation of any such statement will not be able to summarise the representations received upon site specific policies as such policies and proposals were not included in the issues and options consultation.

As such, this Regulation 19 consultation provides the first opportunity to assess in full the policies and proposals for the spatial strategy and site allocations.

The process has not been transparent, including in relation to the arbitrary limitation of growth on the Hamble Peninsula (Local Plan paragraph 3.8(h)) refers. This suggested approach is without merit and is not supported by the evidence.

The process leading to preparation of the Local Plan is set out in a Report to Cabinet dated 11 December 2017¹.

Paragraphs 3 and 4 of the Report refers to the preparation of the previous draft Local Plan (2011 to 2029) was found unsound on the basis of the housing requirement and the delivery of housing overall.

The Report also refers to the wide-ranging consultation undertaken for that earlier Local Plan. It then adds that with the exception of the approach to delivering the required housing numbers, the previous draft Local Plan informed the issued and options document.

Accordingly, the previous wide-ranging consultation did not inform the proposed site allocations in the Regulation 19 version. As such, the suggested policies and sites have not been subject to a Regulation 18 consultation process.

This makes the decision to proceed straight to a Regulation 19 consultation all the more surprising, particularly given the emphasis at paragraph 5 of the Cabinet Report which refers to the significant level of change that would be brought about by the Local plan and the wide range of concerns that were raised to the issues and options consultation.

Paragraphs 6 and 27 are perhaps been more concerning in so far as they states in relation to a Cabinet update on progress with the Local Plan in June 2017 as follows:

- *Council also noted that the Eastleigh Local Plan Emerging Approach was based on the wide range of emerging evidence available at that stage but important evidence remained outstanding on a range of matters. It confirmed that the Council would only be in a position to make a decision on the Local Plan once all the relevant evidence was available and all the options had been fully considered.*
- *Further technical work has been completed since July*

¹ <https://www.eastleigh.gov.uk/media/3388/eblp-cabinet-report-11122017.pdf>

This demonstrates that the detailed evidence base has not been consulted upon until this current Regulation 19 consultation.

We have assessed the evidence base and in our view the approach to site selection cannot be said to be justified when considered against the reasonable alternatives. Our assessment is set out in response to Policy S3 below.

The Housing Requirement and Housing Delivery

Pursuant to the requirements set out in the NPPF, including at paragraph 47 (first bullet), the Local Plan will need to meet the full objectively assessed needs for market and affordable housing in the housing market area. Accordingly, and in order for the Local Plan to be found sound and to meet the Duty to Cooperate, the Plan needs to demonstrate how the full needs within the HMA are to be met.

We reserve the right to comment further on this matter subject to a review of the responses received from the 'other' PUSH Authorities.

As to housing delivery, we note the content of the various background papers, including the trajectory. We remain concerned about the Council's optimistic delivery assumptions in relation to certain of the identified components of supply.

A similar point was taken by the Inspector in the Mallards Road appeal decision with paragraph 35 stating as follows:

“The Council appears to have a history of being overly optimistic with site delivery and its approach to factoring affordable housing into indicative delivery rates is not entirely clear. This does cast a degree of doubt on the accuracy of the Council's projections but is not, in my judgement, cause alone to reach a conclusion that there is no five-year housing land supply.”

We reserve the right to comment further in relation to matters of housing delivery, in so far as it is expected that the Examination will consider the position at a revised base date, including a revised set of delivery assumptions and sources of supply.

The Pattern of Delivery

Including as a result of the methodology of approach used in the Council's assessment of sites as potential housing allocations (see linked response to Policy S3 and Chapter 6.2 below), the components of supply making up the pattern of housing delivery under part (C) of the policy cannot be said to be positively prepared, justified or effective.

POLICY S3 LOCATION OF NEW HOUSING

Housing Delivery

Including for the reasons set out in our response to Policy S2, we object to the assumptions in relation to the delivery of the components of supply as set out in the supporting trajectory and relevant background papers.

New Smaller Greenfield Allocations

Including as a result of the methodology of approach used in the Council's assessment of sites as potential housing allocations (see linked response to Policy S2 above and Chapter 6.2 below), the components of new smaller greenfield site allocations cannot be said to be positively prepared, justified or effective.

Hamble is the only Tier 3 settlement (see Table 1 on Pg34 of the Local Plan), that does not benefit from a proposed site allocation. This approach is without merit and is not supported by the evidence base.

We have reviewed the evidence which has informed the Council's approach to site selection/allocation and make a number of observations in relation to the various documents as set out below.

Of particular relevance is that none of the documents were available as part of the issues and options consultation.

Countryside Gaps Background Paper (June 2018)

The Countryside Gaps Background Paper reviews the current Local and Strategic Gaps to ensure that future gap policies are compliant with national policy, and to inform the selection of preferred options for development by assessing the implication of the development on settlement pattern, character and identity.

As identified on the Local Plan Proposals Map forming part of the adopted Local Plan (2001 to 2011), the omission site on land west of Satchell Lane does not lie within a Local or Strategic Gap. Nor is it proposed to be included within a gap as part of the Regulation 19 Local Plan.

Small & Medium Greenfield Housing Sites Background Paper (June 2018)

This background paper sets out the assessment which has led to the initial selection of small/medium greenfield sites for new homes as set out in the emerging Local Plan.

Paragraph 15 sets out the approach to site selection, stating as follows:

The selection of appropriate sites from this long list of 214 sites to allocate for new homes follows four main stages. This background paper summarises all 4 stages, and provides the full detail for stages 2 and 4:

- Stage 1: From the 214 sites, identifying a short list of sites to assess in more detail. (The background paper "From SLAA to Site Allocations" (July 2017) sets out an audit of how each of the 214 sites has been considered)⁶.
- Stage 2: A comparative assessment of the short list of sites to identify preferred sites.
- Stage 3: An assessment of the development capacity of the preferred sites. This identifies the number of new homes that can be accommodated on these sites, and identifies some preferred sites which cannot be appropriately developed for site specific reasons.
- Stage 4: A comparison of the preferred sites with the results of the sustainability appraisal⁷, which was conducted in parallel and independently by consultants commissioned by the Council.

From the 214 potential sites identified in stage 1, only 40 sites were taken forward to stage 2.

The assessment at stage 2 ruled out 17 sites which were classed as 'poor' or 'poor/average' in terms of their impact on countryside gaps. The remaining 23 sites were the preferred sites taken forward to the next stage of assessment (stage 3).

Paragraph 32 states that stage 3 considered all relevant issues which would affect how a site is developed, including for example the planning history, site levels, access, trees, ecology, flood risk, listed buildings, noise or poor air quality, utilities, minerals, archaeology, and land contamination. This established whether the site could (on the basis of the Council's assessment) be appropriately developed, and if so, the developable area.

A total of 6 sites were ruled out at the stage 3 assessment including the omission site at Satchell Lane which was identified in the assessment as Site Ref: 40a (and also referred to as 8-5-C: Land west of Satchell Lane).

Table 1 on page 9 (paragraph 32) confirms, for no soundly-based and/or justified reason(s), that the omission Site (Site Ref 40a) was assessed as part of single site along with sites 40b and 40c.

The site assessments also include the SLAA references as follows:

- Land west of Satchell Lane, Hamble: Site Ref 40a (SLAA Ref: 8-5-C)
- Land at Hamble Petroleum Storage Depot: Site Ref 40b (SLAA Ref: 8-13-C)
- Mercury Yacht Marina: Site Ref 40c (SLAA Ref: 8-3-C)

The three sites comprise separate land parcels.

For the Council's site assessment to provide a fair representation and robust assessment of the sites, the parcels should have been assessed individually as they have differing characteristics with clear boundaries. There is no sound reason as to why the sites should have been assessed together.

As set out in Table 1 at paragraph 33 of the Paper, the land parcel (comprising sites 40a, 40b and 40c) was rejected as a single site for the following reasons:

- i. Mineral site; and
- ii. ecology (proximity to Solent Maritime SAC)

This contradicts the known results from the site specific assessment of the omission site through determination of the outline planning application for development of the site for up to 70 dwellings (LPA Ref: O/17/80319) which confirmed no minerals objection. Moreover, and as set out in the drainage and ecological particulars submitted in support of the scheme, the surface water drainage strategy ensures no adverse impact upon the Solent Complex.

The technical appendices to the Paper (1 to 7) set out a number of separate assessments of the sites relating to transport, countryside gaps, landscape, biodiversity and 'other environmental'.

The transport, biodiversity and 'other environmental' appendices assess sites 40a, 40b and 40c on a grouped basis (and treat the parcels as a single site), but the countryside gaps and landscape appraisal assess the sites on an individual basis (treating each one separately).

The Appendix 1 assessment rates the parcels as 'average' which is the ranking given to the majority of the sites, such that the omission Site is comparable to the assessment of the other sites having regards to transport matters.

The Appendix 2 assessment of countryside gaps confirms that the Site does not make a contribution to the perception of a gap between Hamble and Bursledon.

The Appendix 3 assessment (landscape appraisal) confirms that the Site has a low sensitivity meaning that development may be more easily accommodated without significant negative landscape or visual impact. As a result, the Site was not discounted from the assessment on account of landscape or gap impacts.

Appendix 4 sets out a biodiversity assessment of parcels 40a, b and c on a grouped basis, stating:

“This site is far too close the European Complex containing the Solent and Southampton Water SPA and Ramsar sites and the Solent Maritime SAC and associated SSSI. In fact part of the eastern boundary is within the European site. Large chunks of the site are locally designated or undesignated coastal habitats that are invariably going to be used by designated species and so would need to be classed as supporting habitats which the law states need to be treated as if they were protected under European law. The habitat with and adjacent to the site is saltmarsh which requires a fine balance of freshwater and saltwater inputs that would be destroyed by housing.”

The omission Site is not designated for its biodiversity credentials and the impacts of the drainage strategy can be mitigated.

Appendix 5 relates to 'other' environmental considerations and again groups the parcels as a single site. It includes the following assessment:

“M&W safeguarding across all 3 sites, Oil pipeline beneath 2 of the sites, high likelihood of contamination (very high on 13 - oil storage depot with underground tanks). But no noise, AQ, POS, ALC, archaeology & heritage. Poss conflict with adj boatyard and recreational uses. On balance poor as there are some significant constraints which may not be easy to address.”

None of the identified constraints apply to the omission Site. Not one.

For no justifiable reason, the Table 1 assessment at paragraph 33 of the assessment then discounts the parcels as a single site. This is an unreasonable approach which is wholly without merit.

As such, the results of the assessment are flawed. The assessment should have assessed Site 40a as a free-standing parcel. It should not have been grouped with sites 40b and 40c as those parcels are subject to separate constraints.

If done correctly, and the Site assessed as a single parcel, the conclusion of the assessment would have been to allocate the site. As such, the approach to the site allocations cannot be said to be justified.

The Site should be allocated for up to 70 dwellings under a new Policy HA4 in Section 6.2.

Eastleigh Borough Council Strategic Land Availability Assessment (May 2017)

The omission Site is assessed in the Council's Strategic land Availability Assessment ("SLAA") (May 2017) as Site Ref: SLAA-8-5-C.

The SLAA states in relation to the deliverability of the site as follows:

"Suitability

The site is constrained by the residential properties on its eastern boundary, its landscape setting and the significantly constrained highway network. Consideration should be given to potential ecological impacts, including on the Solent Complex and Priority Biodiversity Areas. The site is being promoted for residential development however its relationship to the existing settlement and landscape setting raise some concerns. There may be some merit in considering this site further as part of a strategic location with Hamble airfield/marina. There may be potential for the combined extraction of mineral resources with adjacent site SLAA-8-2-C. If the site is taken forward, a change in planning policy will be required to address the countryside allocation and the location outside the urban edge.

Availability

The developer anticipates that the site could become available within 5 years to 31st March 2021. Given the change in policy required and the minerals extraction safeguard, a timescale of between 15+ years is considered more appropriate.

Achievability

As a greenfield site with no abnormal costs, development of a suitable scale on the site is considered achievable."

The assessment confirms that the Council consider development to be achievable. However, it is suggested that that for minerals safeguarding reasons development of the site could be delayed.

Hampshire County Council Waste and Minerals raised no objection to the outline application proposing development of the site for 70 dwellings and as such this does not represent a constraint to development of the site.

As to landscape matters, the SLAA assessment has been superseded by the subsequent background papers which confirm the suitability of the site for development in landscape terms.

Housing Delivery

Including for the reasons set out in our response to Policies S2 and S3, and in order for the Plan to be found sound, additional and more appropriate site allocations are required in order to meet identified housing needs. This includes the allocation of deliverable sites in order to meet identified needs in the early part of the plan period.

On the basis of the foregoing, we propose a new Policy H4 which allocates land west of Satchell Lane for 70 dwellings.

Our suggested policy wording is as follows:

Policy H4. Land west of Satchell Lane, Hamble

An area of approximately 3.6ha of land on the western side of Satchell Lane, as defined by the policies map, is allocated for the development of approximately 70 dwellings. Planning permission will be granted provided that the detailed proposals comply with the development plan, and address the following specific requirements:-

- i. A range of housing types, sizes and tenure;**
- ii. The provision of on-site open space and a play area to serve the development;**
- iii. The provision of vehicular access from Satchell Lane;**
- iv. The provision of contributions to, or delivery of off-site highway improvements considered necessary to serve the development;**
- v. The provision of pedestrian and cycle links within the site and off-site contribution's towards off-site provision**
- vi. A Sustainable Urban Drainage strategy;**
- Vii. the development provides a high quality landscaped setting; and**
- Viii. A contribution towards mitigation the impact of development upon the Solent Complex**

SUMMARY

Summary

As drafted, the Regulation 19 Local Plan cannot be said to meet the tests of soundness, including in relation to the approach to site selection and the Local Plan should be revised in order to deliver sufficient homes to achieve the Government's objectives regarding boosting housing supply.

Proposed Amendments

Our proposed amendments, necessary make the Plan sound are as follows:

- a) The Local Plan housing requirement should be revised to ensure it is consistent with Government Guidance and provides for unmet needs within the HMA.
- b) Land at Satchell Lane, Hamble should be allocated under a new Policy H4 in order to help meet the identified need for housing in a sustainable location.

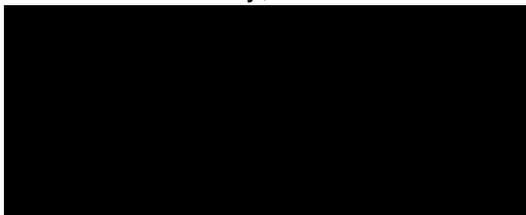
Without these changes, it is considered that the Local Plan is not sound, as it fails the positively prepared, justified and consistency with national policy tests.

Our clients' site offers a deliverable opportunity to meet housing needs in a sustainable location, within walking distance from local services and facilities and should be included as an additional allocation through modifications to the Local Plan.

We welcome the opportunity to attend the Local Plan Examination in order to articulate the above soundness concerns, which will also need to consider the position at a revised base date, including a revised set of delivery assumptions and sources of supply.

Please do not hesitate to contact the writer should you wish to discuss any matter(s) arising.

Yours faithfully,



APPENDIX 3

Eastleigh Local Plan Final Inspector's Report (Extract)



The Planning Inspectorate

Report to Eastleigh Borough Council

by C Masters MA (Hons) FRTPI

an Inspector appointed by the Secretary of State

Date: 14 March 2022

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Eastleigh Borough Local Plan 2016-2036

The Plan was submitted for examination on 31 October 2018

The examination hearings were held between 21 November 2019 and Wednesday 29 January 2020. A subsequent additional hearing took place on Tuesday 5 January 2021

File Ref: PINS/W1715/429/6

67. Policy S3 seeks to direct the location of new housing development in the first instance to locations within the urban areas, and then greenfield sites. Policy S3 goes on to define these sites in broad terms, with an indication of the location and dwelling numbers that each of the locations will contribute towards overall supply. A significant proportion of the housing supply will come from sites under construction, with planning permission or resolutions to grant planning permission. The policy serves to define the broad strategic locations of housing growth. **MM11** is necessary to delete reference to the SGO and update the locations contributing to housing delivery as well as the dwelling numbers where new smaller greenfield sites within and adjoining settlements are to be located. The modification also adds the housing trajectory into the reasoned justification as well as identifying a number of strategic sites with planning permission for clarity. This modification is necessary to ensure the policy is effective. Overall, the approach to housing as proposed by policy S3 is a justified approach and is consistent with national policy.
68. The supply of sites is made up from existing completions, large site resolutions and commitments, new site allocations as well as a small site and windfall allowance. Detailed information has been provided within the evidence base concerning the deliverability, suitability and availability of these sites as well as highlighting relevant opportunities and constraints. This information has been drawn from but not limited to planning application information as well as discussions with landowners and developers. To my mind, it presents a comprehensive and realistic picture of delivery rates.
69. In accordance with paragraph 47 of the Framework, the Plan identifies key sites which are critical to the delivery of the housing strategy over the Plan period, as well as identifying a supply of specific, developable sites for years 6-10. The Plan would provide for sites to meet the identified need for a majority of the Plan period, following the adoption of the Plan. The Council's commitment to a review of this Plan within 1 year of adoption will ensure that the shortfall is fully and properly addressed. Overall, I am of the view that the housing supply strategy and distribution of growth proposed is sound, justified and would accord with the Framework in this regard.
70. The Strategic Land Availability Assessment²⁷ report identified specific deliverable and developable sites within existing built-up areas which have the potential to contribute to the Borough's housing requirements. Each site suitability is considered taking into account a number of factors such as access, ground conditions, flood risk, pollution and effect on landscape features. Leading on from this, the Council's evidence on how sites then moved to site allocations is identified²⁸. In addition, small and medium sites were also subject to their own background paper²⁹ setting out the various criteria used. I acknowledge the concerns raised in relation to these assessments, and in particular in relation to those which were not selected for

²⁷ HOU010a-I inclusive SLAA Report, May 2017

²⁸ HOU009 From SLAA to Site Allocations, May 2017

²⁹ HOU11a Small and Medium Sites Background Paper, July 2018, HOU018 Supplementary Site Selection Report, November 2017 and HOU019 Small and Medium Sites Background Paper, October 2018

settlement gaps proposed within the Plan presents a proportionate approach based on an appropriate evidence base.

193. Turning to consider the policy wording, this is unduly onerous in its requirement to reference the 'openness' of the gap. In this respect, the policy is not consistent with national policy or justified. This is addressed through **MM27**. The modification is also necessary to more clearly define the settlement gaps as they appear within Eastleigh. The policy itself has been reworded to set a positive criteria based approach to development within settlement gaps throughout the Borough. Following the main modifications consultation, I have amended the wording at part a as well as the reasoned justification to replace 'diminish' with 'undermine' to reinforce the positive based approach of the policy. These gaps aim to maintain the separate identity of the individual settlements concerned, by providing physical separation and providing a setting for these settlements. With these modifications, the policy approach, which focuses on the key functions of the settlement gaps, is sound.

New Development in the Countryside

194. Policy S7 sets the policy approach towards new development in the countryside. It acknowledges the 'urban fringe' nature of much of the designated countryside within Eastleigh Borough, and identifies a criteria based approach. **MM26** strengthens the policy wording by adding an additional reference to acknowledge the significance of heritage assets, the safeguarding of the best and most versatile agricultural land and soil protection during construction. It also amends the reasoned justification to include a reference to the glossary. This modification is necessary to ensure the policy is applied effectively.

195. Policy DM19 deals with the change of use of buildings in the countryside. The policy provides detailed development criteria against which proposals will be assessed which presents a proportionate and clear approach. In order to ensure the policy is effective, **MM47** updates the criteria in light of the changes to the UCO. Subject to this modification, the policy is sound.

Conclusion

196. Subject to the modifications outlined above which are required to ensure that the policies are justified, effective and consistent with national policy, the policy approach to both settlement gaps and new development in the countryside is sound and justified by the evidence base.

Issue 9 – Whether the Plan's policies in respect of the natural environment are positively-prepared, justified, effective and consistent with national policy

197. Within Eastleigh Borough, there is a coastline which includes a frontage to Southampton Water between Netley and Hamble Point as well as the western bank of the Hamble estuary to Botley. Policy S9 seeks to protect existing recreational and commercial uses in these locations, as well as protecting and enhancing the landscape, biodiversity and heritage interest of the coast. These objectives are consistent with national policy. **MM28** provides modifications to clarify that the policy applies to all forms of sailing and not just recreational

APPENDIX 4

Documents relating to Mercury Marina

APPENDIX 4.1

Mercury Marina representation to Submission Local Plan (Extract), August 2018

**Representation to Eastleigh Proposed
Submission Local Plan 2016-2036
Land at Mercury Marina, Eastleigh**

August 2018

Turley

6. Proposed revisions to Policy HA2

- 6.1 For ease of reference, the proposed revisions to Policy HA2 are set out in tracked change for below, and in the updated allocated red-line detailed within the Masterplan at **Appendix 4**. It should be noted that in reality MDL share many of the aspirations and ambitions of EBC. Some of the changes are suggested for the purposes of clarity. It is hoped that as many as possible can be agreed with the Council in advance of the formal submission of the Plan and Examination.

Policy HA2 Mercury Marina and Riverside Camping and Caravan Park

Approximately ~~4.7~~ **6.2** hectares of land at the Mercury Marina and the Riverside Camping and Caravan Park, Satchell Lane, Bursledon/ Hound (in addition to the boatyard identified on the policies map) is allocated for a marina, ~~hotel~~, **approximately 75 residential units (including 35% affordable housing), retention of existing commercial marina uses, replacement marina building comprising restaurant, marina office, chandlery and ancillary showers/toilets**, and a range of other holiday accommodation and car parking/boat storage.

Development will be subject to the approval by the Borough Council of **a viability assessment to confirm the appropriate level of residential necessary**, and a development brief including a masterplan which addresses the following requirements:

- (i) ~~the hotel residential development should shall be of an outstanding design commensurate with its location close to or within the Old Bursledon Conservation Area and fronting the River Hamble~~ **be located outside the Old Bursledon Conservation Area, Flood Zones 2 and 3 and to the east of the existing access road to the site, and be of a suitable form and appearance to reflect the proximity to the Conservation Area and River Hamble;**
- (ii) the site retains the marina and related uses including sail and canoe training, facilities for other water-sports, boat fuelling, and visitor facilities **and where possible provides a suitably designed building to provide for this storage and facilities;**
- (iii) a public slipway to the River Hamble will be provided within the site for the use of the general public;
- (iv) the site retains and, where feasible, enhances the existing amount and mix of holiday accommodation within the site;
- (v) the northernmost shores of the site are restored for nature conservation purposes, commensurate with the proximity of national and international nature conservation designations;
- (vi) the Mound (the Mercury Marina Saltmarsh Site of Importance for Nature Conservation) adjoining the site is retained and managed to maintain and enhance its nature conservation interest, including the retention if possible of existing public access subject to there being no adverse impact on nature conservation interests;

(vii) the provision of footpath links within the site eastward toward the Strawberry Trail to the south-east;

(viii) improvements to the existing access to the site from Satchell Lane as necessary to enhance highway safety;

(ix) the development includes measures to protect the amenities of existing residential properties within the site and adjoining dwellings to the south at The Halyards, Fry Close and Kingfisher Close; and

(x) a flood risk sequential approach to allocating land uses is taken within the site, with the most vulnerable parts of the development located in the areas of lowest risk.

A site level Habitats Regulation Assessment is required to demonstrate how this site will be delivered without adverse effect on any European site.

A comprehensive scheme will be required for the site. ~~In the event that no hotel is developed, the site shall be retained in boatyard use and covered by policy DM20. In the vent that no hotel is developed, the site shall be retained in boatyard use and covered by Policy DM20.~~

APPENDIX 4.2

**Local Plan Inspector letter to Eastleigh Borough Council
re. Policy HA2, 18 May 2020**

**Eastleigh Local Plan Examination
Inspector Christa Masters MA (Hons) MRTPI**

Programme Officer: Louise St John Howe
PO Services, PO Box 10965, Sudbury, Suffolk
CO10 3BF Email: louise@poservices.co.uk
Tel: 07789 486419

By email only

18 May 2020

Dear Mr Tuck

EASTLEIGH LOCAL PLAN

POLICY HA2 – MERCURY MARINA AND RIVERSIDE CAMPING AND CARAVAN PARK

I refer to the above site allocation which was discussed at the hearing session on 16 January 2020. As with all other hearing sessions, the purpose of the hearing was to probe the evidence presented, ask questions of the participants and hear the oral contributions as necessary. At this hearing, there was a comprehensive discussion regarding the policy allocation and the proposed changes put forward by the Council and a representor. The discussion was informed by the representations as submitted which included significant evidence concerning development viability, landscape and visual matters, a recent planning appeal at Satchell Lane and associated High Court Judgement, specific evidence concerning hotel operator demand and viability as well as detailed correspondence from both Hamble Sea Scouts and the 1st Itchen North Sea Scouts concerning the potential reduction in site area. As with other hearing sessions, the discussion was also informed by the Council's MIQ response and evidence base as a whole including the Small and Greenfield Housing sites Background Paper, June 2018.

During the hearing, the suggested reduction in site area put forward by the Council and the proposed modifications to the policy as outlined within the track changes version of the plan were discussed in detail. This discussion included the merits of these proposed changes, in particular the potential impacts of the reduced site area on the existing operations of the local scouting and canoe groups. On the basis of this written evidence and the oral discussions, a number of modifications were discussed and agreed between the parties present, including the Council.

Since this discussion, I understand the Council would now like to 'withdraw' the policy. For the avoidance of any doubt, modifications which are necessary for soundness and/or legal compliance – such as modifying or deleting this policy - can only be brought about by a recommendation in my report. Given the Council's late and unexpected change in stance in relation to this policy, I have reconsidered the evidence presented on this issue to assess whether it would be more appropriate to modify the policy, as discussed at the hearing, or to delete it, as the Council now apparently wishes.

Having undertaken this review and taking into account the written and oral representations received, I remain of the view that modifications to the policy would be the most appropriate course of action rather than deleting the policy in its entirety. The reason for this is that there is insufficient evidence or justification before me to warrant the deletion of the allocation from the plan. The plan acknowledges that one of the most pressing issues for this area is the potential to exploit the marine and aviation heritage of the area. The policy provides for much more than simply hotel provision, but wider benefits to the provision of general holiday accommodation, marina and related uses including sailing and canoe facilities for other water sports and visitors. There would be

**Eastleigh Local Plan Examination
Inspector Christa Masters MA (Hons) MRTPI**

clear benefits in delivering the site allocation for both the commercial marina itself as well and the comprehensive redevelopment of the site and the scope to deliver community and recreational benefits as outlined by the policy. There is no robust evidence to justify the deletion of this policy as the most appropriate option. In short, its deletion is not necessary for soundness and its modification along the lines discussed at the hearing session would support the local plan's approach to this area. Consequently, I therefore currently intend to recommend that the policy be modified rather than deleted.

In the light of my views, I would be grateful if you could confirm how you would like to proceed. In the meantime, I also ask that this letter is published on the examination website. I am not presently seeking any comments on the content of this letter from other parties although should the examination progress to main modifications stage then there will of course be an opportunity for parties to comment then.

Yours sincerely

Christa Masters

INSPECTOR

APPENDIX 4.3

Eastleigh Borough Council Position Statement on Mercury Marina, September 2020 (Extract)

EASTLEIGH BOROUGH COUNCIL'S POSITION
ON THE MERCURY MARINA AND RIVERSIDE CAMPING AND CARAVAN PARK, SACHELL LANE,
HAMBLE
(Policy HA2 of the Submitted Local Plan)
September 2020

SUMMARY

1. Eastleigh Borough Council (the Council) proposed a hotel-led, mixed use allocation at Mercury Marina in its submission Local Plan (policy HA2). This proposed allocation, together with the representations that had been made on it and various proposed modifications, was discussed at a hearing session on 16th January 2020. This included discussion of proposed amendments by the site owner, Marina Developments Ltd (MDL), to (among other things) delete the hotel from the policy and replace it with a residential-led allocation.
2. Following that session, the Council proposed that the HA2 allocation be deleted from the Plan. However, in a letter of 18th May 2020 (ED73), the Inspector wrote to the Council indicating that she currently intended to recommend that the policy be modified as discussed at the hearing session (i.e. to a residential-led allocation) rather than deleted.
3. At a meeting on 25th June 2020, the Council's Cabinet resolved to approve the sending of correspondence to the Inspector to progress the examination. As part of this, Cabinet resolved that the correspondence should state the Council's continuing policy position of no residential development on the HA2 site and explain that the Council would like to work with the Inspector through the examination process to seek a Plan which can be found 'sound' and 'adopted' by the Council. The Council subsequently wrote to the Inspector on 6th July 2020 to draw her attention to the Cabinet decision (and the Report on which it was founded).
4. Pursuant to the Cabinet resolution of 25th June 2020, this Statement explains the Council's position on the HA2 allocation. For the reasons set out below, the Council does not support a residential-led mixed use allocation on this site and maintains its view that the allocation should be deleted from the Plan.
5. The reasons why the Council opposes a residential-led proposal are, in essence, as follows:
 - A residential-led proposal would not benefit the tourist economy of the Hamble peninsula, as a hotel-led proposal would.
 - The poor pedestrian / cycle access from the site to the secondary school, health centre and local railway station would adversely affect the travel patterns associated with residential development unacceptably (and far more than a hotel development - hotel residents would not be going to school and are considered less likely to use the health centre or railway station serving local destinations).
 - Whilst the poor vehicular access along Satchell Lane to the site would affect both residential and hotel uses, the residential development would generate more trips.
 - Allocating the site for residential development would significantly increase the number of dwellings / residents in the Satchell Lane area of Hamble which would be affected by these poor transport / access conditions.

- Although a residential-led use of the site would not represent strategic scale development, it would give rise to more widespread traffic issues. The main access to and from the Hamble Peninsula is via the northern end of Hamble Lane and the Windhover roundabout, and this corridor experiences significant congestion. The Hamble peninsula has, and is continuing to experience, significant development. Hampshire County Council (HCC) have identified a scheme for highway / transport improvements along the Hamble Lane corridor, currently largely unfunded, with a Department for Transport decision awaited. These improvements are anticipated to address the current congestion and planned development. In March 2019 HCC decided as a transport authority to oppose any further development in the Hamble peninsula, at least until such time as the improvement scheme were implemented, noting that additional development would negate the benefits of the improvement scheme in addressing existing congestion, with little room to make further improvements.
 - Whilst MDL propose enhancements which would have some ecological benefit, the Council is concerned that there is a clear risk these would not provide the full benefits necessary to be commensurate to the international / national designations as required by the policy, that the potential for further benefits have not been costed and may conflict with MDL's operational requirements, meaning that in practice they may not be delivered.
 - Whilst the mixed-use elements of a residential-led scheme would bring acknowledged benefits if they could be delivered, the Council's review of the financial appraisal indicates there is significant uncertainty that they could be delivered. The Council does not consider these benefits, with this degree of uncertainty attached to them, outweigh the disadvantages of locating residential development on the site.
6. For those reasons, as further explored below, the Council does not support residential development on the site. Although the Council considers that there is much to commend a hotel-led allocation, it accepts that the commercial potential to deliver a hotel on the site is at best uncertain. The Council therefore respectfully maintains its view that the course of action required to secure a 'sound' Plan is for the site (policy HA2) to be deleted.
7. The Council expects that other parties may wish to comment on its position and looks forward to working with the Inspector to allow the issues to be explored and resolved. Furthermore, whilst the Council considers that the site should be deleted from the Plan, the Council would like to work with MDL with regard to the issues they would like to address on their site.

BACKGROUND

Overall approach to Hamble-le-Rice Parish

8. The submitted Local Plan (SUB001) sets out the context and key issues for Hamble-le-Rice Parish at paragraphs 6.2.42 – 6.2.54, and those most relevant to this site may be summarised as follows.
9. The village is characterised by the marine economy and activities and its historic character. The River Hamble is central to its identity, and has considerable landscape, nature conservation, recreational and heritage interest; and there are tensions between these and with the marine

“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...” (paragraph 3.1).

“There is a clear need 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” (paragraph 3.2).

51. The Report describes that Highways England are progressing plans for improvements at M27 junction 8 and the Windhover roundabout (paragraph 3.4). The travel plan framework, including rail station car park, is currently unfunded and there are issues to resolve (section 9). The County Council are focussing on improvements from the Windhover roundabout south along Hamble Lane to Lowford Hill and the A27 / Portsmouth Road junction, with an additional improvement further south to the Satchell Lane junction. These total £15.5 million (and could be implemented according to priority). HCC currently have £3 million of developer contributions to fund these schemes (section 10).

52. The latest position on funding is that:

- a. Windhover roundabout / Hamble Lane improvement – HCC submitted a bid to the Department for Transport’s “Pinch Point Fund” in January 2020. Assessment of bids have resumed following Covid-19 delays and an outcome is awaited. If the bid were successful at this stage a further assessment to demonstrate the business case would be required and construction could commence in approximately 2 years.
- b. Improvements associated with Hamble railway station – a bid was submitted as part of the Southampton Transforming Cities Fund but this part of the bid was not successful and so these schemes are on hold.

Conclusion on transport Issues for a residential-led allocation

53. Vehicles and cyclists share Satchell Lane into the village centre. Pedestrians also share Satchell Lane for a short section, although otherwise have a dedicated route. The nature of Satchell Lane is such that cyclists (and for a short stretch pedestrians) would experience some conflicts with vehicles.

54. Vehicles, cyclists and pedestrians share Satchell Lane heading north west to the secondary school, health centre and local railway station. The nature of Satchell Lane is such that pedestrians and cyclists would experience conflicts, a clear perception of danger and the potential for actual accidents.

55. At best, this means that the site's residents, when travelling to these important local facilities, would be faced with the choice of walking or cycling along a very unattractive route, or travelling via the alternative significantly longer route, increasing the likelihood that they use a car. This significantly reduces the sustainability of the site. The nature of these local facilities are such that they are of far more relevance to a residential than a hotel development.
56. Satchell Lane is the secondary route into the village, and so is not a busy route, but it is used. If the site were reallocated from hotel to residential use the increase in the number of vehicle trips would be 72% higher, and most of these vehicle trips would head north west along Satchell Lane. In total, relative to existing traffic levels, this would result in one extra vehicle every 2 or 3 minutes (MDL Appendix 12 para. 4.27) along a sub-optimal road over a distance of around 1 kilometre towards the school. This will increase the incidences of conflicts between oncoming vehicles, cyclists and pedestrians.
57. MDL's proposals for 75 residential units on the site would significantly increase the number of dwellings on the relevant stretches of Satchell Lane which would be subject to these conditions. These local conditions are the main reason why, in transport terms, the Council does not support residential uses on the site.
58. The main route in and out of the Hamble peninsula is heavily congested. This is compounded by background traffic growth and the scale of development which has been completed in recent years or is already proposed. HCC are proposing an improvement scheme. However, this is designed to address existing problems and HCC are of the view that further development would negate its benefits. In any case the scheme, is currently, largely unfunded and the outcome of a bid to the DfT is awaited. HCC's policy as transport authority, since March 2019, is therefore not to support any further development in the Hamble peninsula. MDL's proposals for 75 dwellings would generate an increase in trips which is 72% higher than for a hotel.

ECOLOGY ISSUES FOR A RESIDENTIAL-LED ALLOCATION

Introduction

59. The site lies adjacent or in close proximity to a range of international, national and local biodiversity designations:
- International designations: the Solent Maritime Special Area of Conservation (SAC), the Solent & Southampton Water Special Protection Area (SPA) / Ramsar and the Solent & Dorset Coast SPA;
 - National designations: Lincegrove and Hackett's Marshes SSSI; Lee-on-the-Solent to Itchen Estuary SSSI;

APPENDIX 4.4

Letter from EBC Chief Executive to Local Plan Inspector, 9 October 2020

Christa Masters MA (Hons) MRTPI
Eastleigh Local Plan Inspector
c/o Mrs Louise St John Howe
Programme Officer

Corporate Management Team

Our Ref: NT/PS/1158
Your Ref:
Contact: Nick Tustian
Direct Dial: 023 8068 8101
Email: nick.tustian@eastleigh.gov.uk

9 October 2020

Dear Ms Masters,

**RE Examination of the Eastleigh Borough Local Plan 2016 – 2036
MM84 and 85 addressing Policy HA2 (Mercury Marina)**

I write further to recent correspondence between the Programme Officer and the Council's Planning Policy Senior Specialist (Mr Graham Tuck) concerning potential modifications to the Policy HA2 allocation under the emerging Local Plan. For the reasons set out below, the Council respectfully requests that you reconsider your decision not to accept the Council's Statement of 25 September 2020 on the issue.

Background

As you know, Policy HA2 was discussed at the hearing session on 16 January 2020, as were a range of proposed modifications to it, including proposals by the site owner, Marina Developments Ltd, to (among other things) delete the hotel from the Policy and replace it with a residential-led allocation. Following that session, the Council proposed that the HA2 allocation be deleted from the Plan.

However, you wrote to the Council on 18 May 2020 (ED73) explaining that you "currently intend to recommend that [Policy HA2] be modified rather than deleted". You stated that, in the light of your views, you "would be grateful if [the Council] could confirm how [it] would like to proceed" but made clear that you were not "presently seeking any comments on the content of [your] letter from other parties". The Council interpreted your letter as an expression of your current views and an invitation to confirm how it wished to proceed in the light of those views and proceeded on that basis.

At a meeting on 25 June 2020, the Council's Cabinet resolved to approve the sending of correspondence to you to progress the examination. In so doing the Cabinet has accepted the need, in accordance with your post hearings advice, to make major changes to the Plan (e.g. to delete the SGO) and to progress further evidence (e.g. regarding settlement gaps). As part of this, Cabinet also resolved that the correspondence should state the Council's continuing policy position of no residential development on the HA2 site and explain that the Council would like to work with you through the examination process to seek a Plan which can be found "sound" by you and "adopted" by the Council. The Council subsequently wrote to you on 6 July 2020 (ED74) to draw your attention to the Cabinet decision (and the Report on which it was founded).

On 15 September 2020, Mr Tuck emailed the Programme Officer an updated Main Modifications Schedule, including MM84 and 85, which addressed Policy HA2. The email explained the background and noted that the Council was preparing a further Statement on the Policy. Mr Tuck subsequently emailed the Statement to the Programme Officer on 25 September 2020.

On 2 October 2020, the Programme Officer emailed Mr Tuck, stating that you had asked her to return the Statement as you were not intending to repeat the content of ED73, and that you had asked her to pass on the following note:

"As with all other hearing sessions, the purpose of the hearing was to probe the evidence presented, ask questions of the participants and hear the oral contributions as necessary. At this hearing, there was a comprehensive discussion regarding the policy allocation and the proposed changes put forward by the Council and a representor. I have considered this evidence and reached a conclusion on it as set out in my letter of 18 May. I have not requested further evidence to be prepared in relation to the matter and the Procedural Guidance for Local Plan Examinations is very clear that it is inappropriate for parties to make further submissions countering the arguments of others."

The Council's Position

As set out above, the Council has proceeded publicly on the understanding that ED73 set out your current intentions at that time and invited a response from the Council, which it sought to provide through the Statement. However, you have now made it clear that you have not requested further evidence on this subject and have declined to accept the Statement. For the reasons set out below, the Council respectfully asks that you reconsider your position on this issue.

The Procedure Guide for Local Plan Examinations (to which you have referred) is clear that an Inspector is afforded a degree of flexibility in conducting Local Plan examinations, enabling her to adapt the procedures to deal with situations as they arise, so as to achieve positive outcomes in a range of circumstances (Introduction, paragraph 3). This flexibility is important, given the complexity of Local Plan examinations, and the great importance of examinations leading to Plans that are both “sound” and capable of being adopted by Local Planning Authorities.

The Procedure Guide is clear that, because the examination process is inquisitorial, unsolicited representations are generally not accepted, but it is equally clear that an Inspector may at any stage request additional material to inform her conclusions on the soundness or legal compliance of a Plan (paragraphs 3.17 to 3.21 and 5.18). Such requests are commonplace (including in this Local Plan examination) and are helpful in ensuring a thorough examination. On some occasions, fairness may require that other participants with an interest in the topic may be given the opportunity to comment on it, something which can readily be done either at a later hearing session or in writing (paragraph 5.13).

In this case, the Council respectfully contends that it is appropriate that you accept and consider its Statement on Policy HA2 in order to ensure that your conclusions on soundness and Main Modifications are robust and fair. As I hope is clear to you, the Council is strongly opposed to residential development on the Policy HA2 site. The Statement provides important evidence in support of its position which should not be ignored. Moreover, there can be no unfairness to other parties in your considering the Statement so long as an opportunity is provided for other interested parties to comment in line with paragraph 5.13 of the Procedure Guide.

Furthermore, since Councillors and other interested parties in the local community are likely to wish to raise the issues set out in the Statement in response to the Main Modifications consultation in any event, declining to accept the Statement will not avoid consideration of the issues. However, it will mean that other interested parties are not properly aware of the Council's position at this stage, which may prejudice them in responding to the consultation.

For those reasons, the Council respectfully requests that you reconsider your position, accept submission of the Statement, and invite comments from other interested parties to allow the issues to be explored and resolved. In order to keep to the current timetable, the Council considers that comments should be invited as part of the Main Modifications consultation. Moreover, the Council

considers that the consultation should address both your current preferred option for the Policy HA2 allocation and the Council's proposal to delete the allocation, which would ensure that the views of interested parties on both options are fully understood and avoid the risk of further consultation being needed in due course (see paragraph 6.11 of the Procedure Guide).

I look forward to hearing from you.

Yours sincerely

Nick Tustian
Chief Executive

APPENDIX 4.5

Local Plan Inspector's Update re. Policy HA2, 11 November 2020

**EASTLEIGH LOCAL PLAN UPDATE
POLICY HA2 – MERCURY MARINA AND RIVERSIDE CAMPING AND
CARAVAN PARK**

Following the hearing sessions which ended in January this year, I wrote to the Council in April and May setting out a number of concerns regarding the Local Plan and requests that additional evidence be prepared.

The Council have responded to these concerns and prepared main modifications accordingly. However, the Council have also requested to submit additional detailed evidence in connection with policy HA2. In order to ensure that the examination is conducted in an open and fair manner, I have decided it is necessary for a further hearing to be held to examine this information and afford representors the opportunity to comment accordingly.

The hearing will not be an opportunity to revisit matters which have previously been discussed at the hearings, except where the changes now proposed by the Council have a bearing. The hearing will therefore be limited to a discussion solely in connection with policy HA2 – Mercury Marina and Riverside Camping and Caravan Park. Matters, Issues and Questions will be issued for the hearing session shortly. For the present time, such hearings are being undertaken virtually and the provisional date for this hearing has been set for **Tuesday 5 January 2021 at 1000**. Specific guidance regarding the virtual nature of the hearing will be issued in due course, including details of how to join and participate in the session for those parties who made representation seeking a change to the policy at the Regulation 19 stage of the Plan.

11 November 2020

APPENDIX 4.6

Marina Developments Ltd Examination Statement, December 2020

Eastleigh Borough Local Plan 2016-2036

**Examination Statement in respect of
Matter 1 : Policy HA2 - Mercury Marina and Riverside
Camping and Caravan Park**

Marina Developments Ltd

December 2020

Turley

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Simon Packer
simon.packer@turley.co.uk

Client
Marina Developments Ltd

Our reference
LONW3002

11 Dec 2020

1. Introduction

- 1.1 This Statement has been prepared on behalf of Marina Developments Ltd (MDL). MDL own, operate and manage three separate marina facilities within Hamble: Hamble Point, Port Hamble and Mercury Marina, employing a total of 41 staff.
- 1.2 Representations were submitted by Turley on behalf of MDL to the Regulation 19 Local Plan (LP) in August 2018 (Council ID reference EBCLP-JM-N) on Policy HA2 and the related supporting text. A Hearing Statement was then prepared in respect of Matter 13: Site Allocations – Bursledon, Hamble-le –Rice and Hound, and verbal representations were made at the related Examination hearing on 16th January 2020.
- 1.3 At the Examination hearing, representatives of Eastleigh Borough Council (EBC) raised no objection to the amendments to Policy HA2 being sought by my client, as set in Section 6 of the Regulation 19 representations. However, following internal discussions, subsequent correspondence with EBC officer Graham Tuck dated 27th January 2020, advised that EBC's preferred approach was to delete Policy HA2. Whilst it was accepted that hotel provision on the site was not viable, it was stated that *'the Council does not support residential uses on the site and does not support an extension of the site onto the Chamberlayne field to the west.'*
- 1.4 The Inspector subsequently wrote to the Council on 18th May 2020 (ED73). The letter confirmed the Inspector's view that:

'there would be clear benefits in delivering the site allocation for both the commercial marina itself as well and the comprehensive redevelopment of the site and the scope to deliver community and recreational benefits as outlined by the policy. There is no robust evidence to justify the deletion of this policy as the most appropriate option. In short, its deletion is not necessary for soundness and its modification along the lines discussed at the hearing session would support the local plan's approach to this area. Consequently, I therefore currently intend to recommend that the policy be modified rather than deleted.'
- 1.5 The EBC Chief Executive subsequently wrote to the Inspector on 9th October (ED78) seeking the inclusion of additional evidence (a Position Statement on Policy HA2), and requesting that two options for Policy HA2 (the deletion of the policy and modifications to the policy as outlined by the Inspector) be considered as part of the consultation on the proposed Main Modifications.
- 1.6 This approach was rejected by the Inspector (ED79), and a further hearing arranged to explore the evidence within the Statement in an open and transparent manner. The Position Statement prepared by EBC has subsequently been published on the Examination Library (ED80).
- 1.7 This Statement focusses on Additional Matters and Issues for the Examination Hearing issued by the Inspector for this hearing (ED82).

- 1.8 Where appropriate, reference is made to the evidence within the previous Hearing Statement and representations made to the Regulation 19 Local Plan and the Statement of Common Ground (SoCG) agreed with EBC and submitted separately. A further Hearing Statement has been prepared by Hampshire Country Council (HCC) as the Local Highways Authority, also informed by the SoCG. These cover the Policy Specific questions listed by the Inspector at Questions 3 and 5 within the Additional Matters and Questions (ED82).
- 1.9 In light of the background above, it is recognised that the related questions set out are directed primarily at EBC. My client has nonetheless provided comments as set out in Section 2 below.

2. Response to Matter 1 : Policy HA2: Mercury Marina and Riverside Camping and Caravan Park

General Context Questions:

1. Paragraph 6.2.53 of the Plan outlines the most ‘pressing issues’ facing the Hamble. These include the potential to exploit the marine and aviation heritage of the area. In addition, in terms of the ‘context and key issues’ facing Hamble, paragraph 6.2.43 notes that boat building, repair and considerable sailing activity remain major influences in the local economy and a valued part of local heritage. Are these still correct? If these remain correct, how can the policy wording ensure that these ‘pressing/key issues’ are addressed?

Are these still correct?

- 2.1 My client considers that the above references are an integral part of the Plan strategy, and remain correct and relevant. There are several references to the significance of sailing and marine-related activity to the local economy and the heritage of the locality throughout the Plan.
- 2.2 These references were not proposed to be deleted or modified either through the ‘initial’ proposed modifications published in July 2020 (ED33), or the more recent potential Modifications approved by EBC Cabinet on 25 June 2020 (ED74) in response to the Inspectors post-hearing advice (ED73).
- 2.3 In addition to the above, there are several other references within the Plan that highlight the significance of sailing and marine related activity (and their related heritage) to the local and sub-regional economy.
- Paragraph 2.5. *Significant features of the Borough include internationally renowned sailing venues on the River Hamble*
 - Paragraph 4.59. *The River Hamble also has a long heritage of boatbuilding and other marine activity and is of considerable local and national significance for recreational sailing. Related to this are supporting commercial activities including boatyards and other marine-related enterprises. These make an important contribution to the economy of the Borough and of south Hampshire. Recreational sailing contributes significantly to the local economy as well as providing an important local amenity. The boatyards are also part of the Borough’s marine heritage. The Council therefore considers it important in principle to retain the existing boatyard sites in marine-related business uses.*
 - Strategic policy S9, The coast.

(ii) Enable the provision of infrastructure related to recreational sailing within the developed frontages of the river, subject to the River Hamble Harbour Authority Strategic Plan and Strategic Vision, whilst protecting more sensitive locations (see policy DM20, Chapter 5);

iv. Maintain and enhance other coast-related recreational activities, including enhancing coastal access where this can be achieved without detriment to biodiversity, landscape, heritage or economic interests, and/or can help to manage recreational impacts;

- paragraph 4.63 (supporting text to Policy S9) *The policy recognises the unique characteristics of the River Hamble and the Southampton Water whilst enabling the continuation of recreational and commercial uses traditionally associated with the river and that contribute to the local and sub-regional economy. The Council will seek to protect the coast and its inshore areas from development detrimental to their character; and*

- paragraph 5.104 *The boatyards on the River Hamble lie outside the defined urban edge. They make an important contribution to the economy of the Borough and the sub-region, and are important for tourism and recreation. It is important that they are retained in this use, and that they are able to evolve and change to accommodate and develop new technology, provided they do not have an adverse impact on the sensitive environment of the river.*

- 2.4 The level of recognition of the significance of sailing and marine related business to the local and sub-regional economy and heritage of the area have been long-standing. The current adopted Local Plan (2001-2011), adopted in 2006, contains similar references. For example, paragraph 7.43 refers to :

‘The boatyards on the River Hamble are an important part of the economy and a tourist and recreational facility. It is important that the facilities are kept up to date with modern standards and technologies where necessary through new development, provided it does not adversely affect the environment’

- 2.5 Paragraph 9.39 states:

“The River Hamble is not only of significant landscape and nature conservation importance but it also provides recreational opportunities for a large number of residents and visitors. They in turn support the local economy through their use of facilities and services, particularly at Hamble-le-Rice and at the local boatyards.”

If these remain correct, how can the policy wording ensure that these ‘pressing/key issues’ are addressed?

- 2.6 The evidence set out within the representations previously submitted by my client sets out how both the strategic policy aspirations of the submitted Plan and specific criteria of Policy HA2, as well as other benefits, can be addressed through incorporating some residential development as part of a mixed use development.

- 2.7 As set out in Appendix 1 of the Regulation 19 representations submitted on behalf of my client, residential development values are such that the pressing issues and related numerous benefits that are sought at both a sub-regional and site-specific level can be delivered through the comprehensive mixed use regeneration of the Marina.
- 2.8 There are no other alternative uses that can provide the necessary viability, and EBC have not provided any evidence to suggest otherwise.
- 2.9 It is of note that EBC already offers some flexibility within Policy DM20 and supporting paragraph 5.105 of the submitted Plan for providing non-boat related uses within existing boatyards. Policy DM20 is permissive of development associated with boat building, and the fitting out, maintenance and repair of boats and ancillary uses, but includes the following paragraph:
- ‘Exceptionally, development or redevelopment may be permitted incorporating a modest amount of floor space not restricted to boat-related uses, where the Council is convinced that such a use is needed to secure the future of a boatyard or marina and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the River Hamble..’*
- 2.10 The provision of some residential as part of the mixed use redevelopment of Mercury Marina would not prejudice the ongoing operation of the marina or the extent of the existing marina related commercial floorspace (indeed it would enhance both). It is accepted that it is not critical for its long term viability, but it would secure the much needed regeneration of the marina and its related facilities, and offer significant wider benefits as detailed in Section 5 of the representations submitted on behalf of my client to the Regulation 19 Plan.
- 2. If an element of residential development on the site is not appropriate, what other mechanisms are there within the Plan to achieve the objectives of the policy?***
- 2.11 As outlined, above, it is considered there are no other viable mechanisms in place to achieve the objectives of Policy HA2.

Policy Specific Questions

- 4 The Council have raised specific concerns regarding the potential impact of the development on Badnam Copse SINC and that there are ‘missed opportunities’ to maximise the ecological benefits of the sites redevelopment. In what way would criteria (vi) and paragraph 6.2.58 fail to adequately address any ecology issues arising from the sites redevelopment? In responding to this question, the Council is requested to identify precisely whether modifications to the policy could address these concerns.***
- 2.12 The concerns raised by the EBC in relation to the Badnam Copse SINC are based on a comprehensive assessment of the overall net effect on biodiversity objectives based on a change in site use from its current condition to that proposed by my client (Appendix 4 of ED80). This has been undertaken by consultants Urban Edge Environmental Consulting.

2.13 The report acknowledges that the Illustrative Masterplan does offer some ecological benefits that are directly related to criteria (v) and (vi) of Policy HA2 of the Regulation 19 submitted Plan (northern shoreline and the Mound). The summary at page 11 confirms that :

‘The overall effects of MDL’s proposals are likely to deliver a net benefit for the site’s ecological features...’

2.14 The concerns identified relate to a specific element of the proposed changes as identified at ‘D’ on the Illustrative Masterplan at Appendix 4 of the Regulation 19 representations, i.e. the northern parking zone, and the potential habitat loss and indirect disturbance due to light and noise on Badnam Copse SINC. It should be emphasised at the outset that this Masterplan is for illustrative purposes only and there would be an opportunity for further refinement in due course should a future application be submitted.

2.15 About 50% of the northern parking zone as shown is located within the Policy HA2 allocation as identified on the Regulation 19 submitted Plan inset map (SUB002b). There is an extension of the parking area westward beyond the allocation that does extend into the Badnam Copse SINC designation as shown on the Illustrative Masterplan at Appendix 4 of the Regulation 19 representations. However, all of the northern parking zone, including the area within Badnam Copse SINC, utilises existing storage areas within the Marina that include both hardstanding, external storage and several buildings. This area is largely devoid of any vegetation.

2.16 The northern parking zone does provide parking for the commercial marina buildings, identified at F on the Illustrative Masterplan. The parking requirements shown are based on parking standards requirements for commercial premises. There is an opportunity to adjust the location within the site without compromising other objectives. The parking area can be designed to minimise lighting and provide additional tree and vegetation planting. These are detailed matters that can be addressed at any application stage.

2.17 If necessary, my client would accept additional policy wording be added to ensure that any future proposals on the site safeguard the important habitat of the SINC.

2.18 It is of note that a separate Technical Note has been prepared by the same consultants providing a plan level Habitats Regulation Assessment (Appendix 3 of ED80) of the alterations proposed to Policy HA2 as set out at Section 6 of our clients representations to the Regulation 19 Plan.

2.19 This confirms that these proposed changes would not alter the conclusions of the Habitat Regulations Assessment into the Local Plan (prepared by the same consultants) (ED 12 A and 12B), i.e. that it would not result in any adverse effects to the integrity of internationally designated sites taking into account the mitigation proposed within the Plan.

6. To what extent are each of the Policy HA2 criteria (ii) to (vi) justified, deliverable and effective?

(ii) the site retains the marina and related uses including the sail and canoe facilities

- 2.20 The marina and related uses are an important part of local and sub-regional economy and related heritage. They are recognised as such in the Regulation 19 Plan (see answer to Question 1 above).
- 2.21 The sail and canoe facilities are an important recreational facility encouraging activity and benefitting the wellbeing of young adults. They are regularly used by the two sea-scout organisations in particular. Other water sports are also operated at the site, including paddle-boarding.
- 2.22 At paragraph 3.1 of the submitted Plan, a series of objectives are included to deliver the Local Plan vision. Objective (viii) relates to **'Enabling healthier lifestyles / wellbeing'** and is stated as to:
- 'Facilitate better physical and mental health and wellbeing by improving the places people live, work, learn and play, meeting the challenge of the ageing population, and promoting cultural and physical activity;*
- 2.23 The 12 'Core Planning Policies' set out at Paragraph 17 of the 2012 NPPF, to which the Plan is being examined against, include the following
- "planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."* and
- "planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."*
- 2.24 Paragraph 73 confirms that:
- "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities"*
- 2.25 The existing commercial and recreational marine related facilities have incrementally extended and adapted over time. Regeneration provides the opportunity of deliver an improved layout and quality of marine related commercial and recreational facilities. This will be of benefit to existing marine business and recreational users on site, and will include a dedicated meeting and storage space for the local sea-scout organisations and young adults.
- 2.26 Therefore, this provision is justified and appropriate, and consistent with the wider objectives and strategy of the Plan and the NPPF.

(iii) a public slipway to the River Hamble will be provided on the site for the use of the general public.

- 2.27 As above. The existing slipway provides a valuable facility for enabling boat to access to the River. However, it does require upgrading and improvement to enhance its usability. Its safeguarding, restoration and integration as part of any regeneration of the wider allocated site will continue to allow its use for recreational activity related to the River Hamble.
- 2.28 As outlined above, its provision is justified and appropriate, and consistent with the wider objectives and strategy of the Plan and the NPPF.

7. In light of the representations from both the Hamble Sea Scout Group, the 31st Itchen North Amazon Sea Scout Group as well as the Royal Yachting Association, how would the long term protection and enhancement of this existing facility (criterion ii) as well as a public slipway for use of the general public (criterion iii) be achieved on the site? What effect would the deletion of these criteria and supporting text at paragraph 6.2.57 as suggested by the Council have on the long term provision of these facilities in the area?

- 2.29 The representations from British Canoeing, the Hamble Sea Scouts, and the 1st Itchen North Sea Scouts, are all testament to the value that is placed on the use of the facilities within the local community, but also the desire to enhance the provision of facilities on site.
- 2.30 MDL have permitted the use of part of the marina for the seas scout organisations for a number of years. There is no current intention to limit these activities, and they are comfortable that the existing sail and canoe facilities can be retained and enhanced as part of a comprehensive mixed use redevelopment that includes some residential. This applies equally to the retention and restoration of the public slipway.
- 2.31 However, EBC can only secure their long term protection, and the related benefits they bring to encouraging healthier lifestyles and well-being, as part of any mixed use allocation where these criteria are retained within the Policy. Indeed, MDL consider it important that as part of the comprehensive regeneration of the wider site the opportunity is taken to enhance these facilities.

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APPENDIX 4.7

EBC Hearing Statement, January 2021 (Extract)

Eastleigh Borough Council

Responses to the Inspector's Additional Matter and Issues for the Local Plan Examination Hearings

Matter 1 – Policy HA2: Mercury Marina and Riverside Camping and Caravan Park

Introduction

1. This Hearing Statement is provided by Eastleigh Borough Council (“the Council”) in response to the Inspector’s Additional Matter and Issues concerning Policy HA2 (ED82). It should be read in conjunction with the Council’s Position Statement on Policy HA2 (ED80).
2. The Inspector’s Additional Matter and Issues document begins with the following:

“Background

A hearing has already been held in connection with this policy which took place on 16 January 2020. At the hearing, it was established that the policy as currently worded is not justified or effective as the hotel element of the policy was not deliverable. This is a position which remains accepted by the Council. The Council subsequently requested that the policy is deleted from the plan. The Inspector’s letter of 13 May 2020 (ED73) sets out in detail the reasons why modifications to the policy would be the most appropriate course of action.”

3. For the reasons set out below and in its Position Statement on Policy HA2, the Council strongly considers that Policy HA2 should be deleted from the Plan. Without prejudice to that position, the responses below also address potential modifications were the Inspector to maintain her view that the Policy should be modified rather than deleted.

General context questions

4. The Inspector’s Additional Matter and Issues document sets out two general context questions, which are addressed in turn below.

Q1 *Paragraph 6.2.53 of the Plan outlines the most ‘pressing issues’ facing the Hamble. These include the potential to exploit the marine and aviation heritage of the area. In addition, in terms of the ‘context and key issues’ facing Hamble, paragraph 6.2.43 notes that boat building, repair and considerable sailing activity remain major influences in the local economy and a valued part of local heritage. Are these still correct? If these remain correct, how can the policy wording ensure that these ‘pressing/key*

issues' are addressed?

5. Paragraphs 6.2.42 – 6.2.53 of the Plan set out the overall 'context and key issues' for Hamble, including the 'pressing issues'. These all remain correct, including those cited in Question 1, and also a range of other issues. The 'pressing issues' of most relevance to this site are: traffic; protection of the River Hamble and its environs; and the potential to exploit the marine heritage of the area (paragraph 6.2.53).
6. The overall section also identifies the following issues: the marine sector is a major influence in the local economy (paragraph 6.2.43); the river is central to the identity of the village and has considerable value for its landscape, nature conservation, recreation and heritage (paragraph 6.2.44); a lack of car parking and hotel limit the economic benefits from the marine activity and heritage (paragraph 6.2.51); the main route into the parish, Hamble Lane, is one of the most congested in the Borough, and Satchell Lane to the waterfront is narrow (paragraph 6.2.49).
7. The submission Plan allocated the site for a marina / hotel / boat storage, including retention of water sports / visitor facilities / holiday accommodation, provision of a public slipway, and enhancements to international / national / local biodiversity designations. The Council considered that this was consistent with the Plan's 'context and key / pressing issues' for the parish. The submission Plan did not include residential uses.
8. The Council has since accepted that there is, currently, no evidence of a commercial demand for a hotel, nor (therefore) a reasonable prospect of delivering a hotel with the potential wider site benefits. The Council has therefore accepted that a "hotel" allocation is not appropriate.
9. The Council considers that if the allocation allowed for residential uses instead, the planning balance set against the 'context and key / pressing issues' for the parish changes. The proposed enhancements, if delivered, would still benefit the marine economy and heritage (new / improved facilities for businesses, community groups and the public, and a new recreational access route). They would also benefit biodiversity (enhancements to the northern shore and the Mound). However, the provision of approximately 75 dwellings would have a detrimental effect on traffic / transport issues to an extent far greater than a hotel, for the reasons the Council sets out in its Position Statement (ED80). The most notable detrimental effects regarding residential development are the very poor pedestrian / cycle access from the site to the secondary school, health centre and rail station, and the more general transport problems on the Hamble peninsula.
10. Based on MDL's masterplan (in their regulation 19 statement), residential development would also result in the relocation of the camping and caravan park

27. Hampshire County Council's Statement is set out in Appendix 1. A brief summary by EBC is that this statement outlines the heavily congested nature of Hamble Lane, the preferred transport scheme for Hamble Lane, the latest funding situation, and given the very limited opportunity to make further improvements, the position that from a traffic perspective further development would be inappropriate along Hamble Lane at least until the northern improvement has been implemented. The statement also notes, with regard to a residential use, the paucity of a good range of local facilities within easy walking or cycling distance and the almost complete dependency upon vehicle-based accessibility for access to a range of everyday destinations. There would be considerable delivery challenges in-order to provide the required pedestrian / cycle infrastructure. There is no foreseeable prospect of a commercially viable bus service. The train station is reasonably well located to the site although not easily accessible by active travel modes. Accessibility would depend on improved highway access along Satchell Lane and Hamble Lane. HCC would not support facilities which impact upon the rural nature of Satchell Lane or compound congestion along Hamble Lane. If the site were deemed suitable for residential development, HCC would seek contributions towards elements of the Hamble Lane preferred scheme.

Q6 *The policy as it appears in the Regulation 19 version of the Plan advised that development of the site would be subject to the approval of a development brief and masterplan for the site which would include, amongst other things:*

(ii) the site retains the marina and related uses including sail and canoe facilities;

(iii) a public slipway to the River Hamble will be provided within the site for the use of the general public;

(iv) the site retains and where feasible enhances the existing amount and mix of holiday accommodation within the site;

(v) the northernmost shores of the site are restored for nature conservation purposes, commensurate with the proximity of national and international nature conservation designations;

(vi) the Mound adjoining the site is retained and managed to maintain and enhance its nature conservation interest, including the possibility of public access.

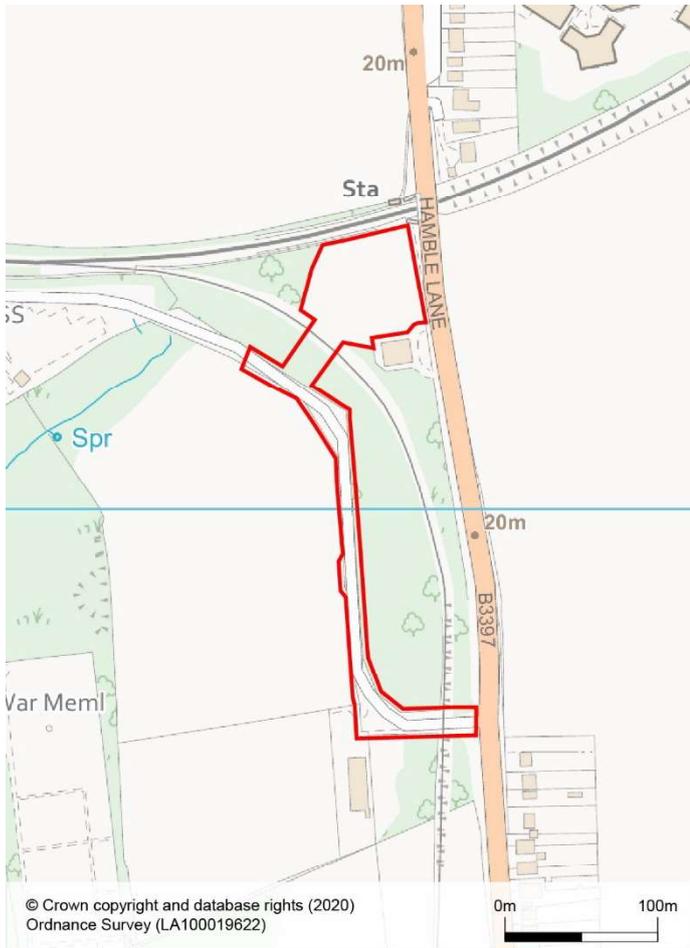
To what extent are each of the above criteria justified, deliverable and effective?

APPENDIX 4.8

Extract from Adopted Local Plan Policy HA2

**Eastleigh Borough Local Plan
(2016-2036)**

April 2022



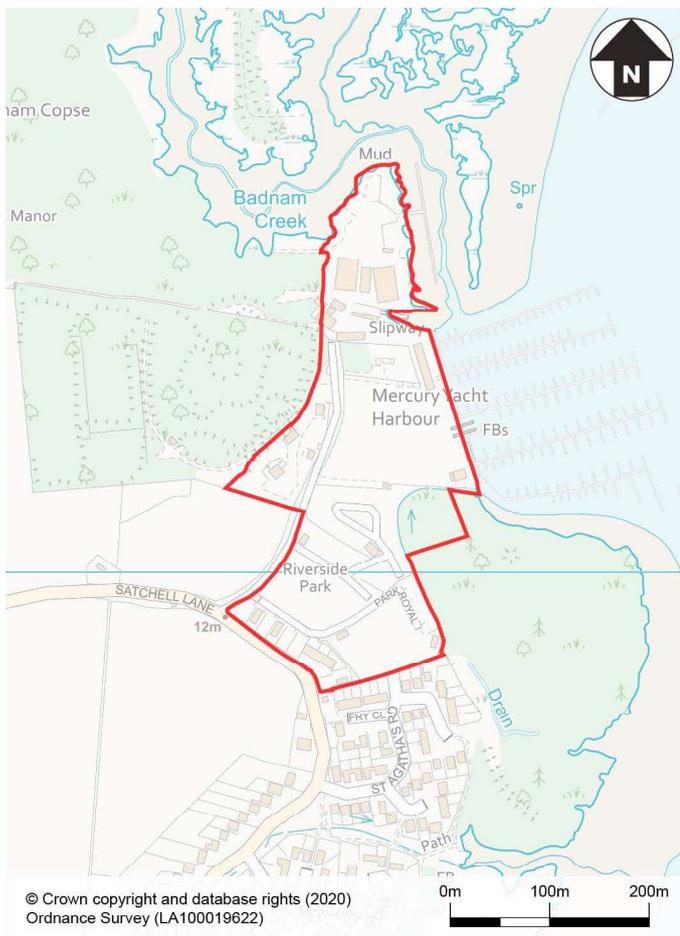
6.2.52 Access to the railway station has been identified as an issue in Hamble because of the lack of car parking. The Council has undertaken some feasibility studies into provision of parking on land to the south of the station however estimated cost and use of the Police training facility access road to access a station car park require further consideration at this time.

Mercury Marina and Riverside Camping and Caravan Park

Policy HA2, Mercury Marina and Riverside Camping and Caravan Park

1. **Approximately 4.7 hectares of land at the Mercury Marina and the Mercury Yacht Harbour and Holiday Park, Satchell Lane, Hamble/Hound (in addition to the boatyard identified on the policies map) is allocated for a marina, a range of holiday accommodation and car parking/boat storage.**
 - a. **Development will be subject to the approval by the Borough Council of a development brief including a masterplan which addresses the following requirements:**
 - i. **the site retains and enhances the marina and related uses including marine employment, sail and canoe training, facilities for other water-sports and visitor facilities;**
 - ii. **a public slipway to the River Hamble will be provided within the site for the use of the general public;**
 - iii. **the site retains and, where feasible, enhances the existing amount and mix of holiday accommodation within the site;**
 - iv. **the northernmost shores of the site are restored for nature conservation purposes, commensurate with the proximity of national and international nature conservation designations;**

- v. the Mound (the Mercury Marina Saltmarsh Site of Importance for Nature Conservation) adjoining the site is retained and managed to maintain and enhance its nature conservation interest, including the provision if possible of public access connecting the site to Mercury Gardens to the south subject to there being no adverse impact on nature conservation interests;
 - vi. the development includes measures to protect the amenities of existing residential properties within the site and adjoining dwellings to the south at The Halyards, Fry Close and Kingfisher Close; and
 - vii. a flood risk sequential approach to allocating land uses is taken within the site, with the most vulnerable parts of the development located in the areas of lowest risk.
- b. A site level Habitats Regulation Assessment is required to demonstrate how this site will be delivered without adverse effect on any European site.
- c. Development or redevelopment may be permitted incorporating a modest amount of floorspace not restricted to boat-related uses, where the Council is convinced that such a use is needed to secure the future of a boatyard or marina and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the River Hamble.



6.2.53 It is considered important to retain and enhance the training facilities for sailing and canoeing and other water sports which are in use on the site. These are used and valued by the local community including the Itchen South District Scouts and the Sea Scouts. It is also considered important that the site provides for a range of holiday needs. It is also important that the comprehensive scheme delivers enhanced workshops for the marine economy and an enhanced marina restaurant/bar/café facility for visitors, including opening up the

pedestrian route through the Mound, and managing this route consistent with criterion (vii).

- 6.2.54 The site is in a very ecologically sensitive location adjacent to 3 international designations (1 Special Area of Conservation and 2 Special Protection Areas); 2 national designations (Sites of Special Scientific Interest); 3 local designations (2 Sites of Importance for Nature Conservation and 1 Local Nature Reserve); and an area of ancient woodland. There must be no adverse impact on these designations in accordance with policy DM11 (Nature Conservation). In the site level Habitats Regulation Assessment, particular reference should be made to the findings of the Habitats Regulation Assessment of the Local Plan with regards to the Solent Maritime SAC and the Solent and Southampton Water SPA and Ramsar site and the avoidance and mitigation measures identified. These include:
- a. careful design of new development, informing new residents of, and a commitment to monitoring, with regard to the risks associated with introducing invasive non-native species; and
 - b. adherence to a Construction Environmental Management Plan and utilisation of standard pollution control guidance with regard to impacts on water quality; and
 - c. avoidance measures with regard to disturbance of otters and protection of watercourses to preserve the otter movement network.

If the site is not developed in accordance with the policy, it should remain in its current boatyard and marina use, as it remains important for the local marine economy.

Open space and recreation

Hamble Airfield

Policy HA3, Hamble Airfield

- 1. If permission is granted for the extraction of sand and gravel at Hamble Airfield and the extraction takes place, the site shall be restored in accordance with the Hampshire Minerals and Waste Plan and it shall be retained as an area of accessible countryside and open space with grazing, public access and outdoor recreation facilities laid out to the satisfaction of the Borough Council.**