



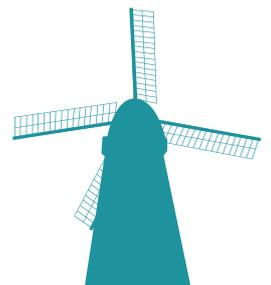
Eastleigh Borough Local Plan 2016-2036



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Statement of Common Ground on Biodiversity between Eastleigh Borough Council, the Environment Agency and Natural England

October 2019



1. Summary

- 1.1 Natural England, the Environment Agency, and Eastleigh Borough Council agree that Eastleigh Local Plan is sound and legally compliant:
- On the basis that the Habitats Regulations Assessment (October 2018) (SUB004 and updated in June 2019, SUB017) now addresses the outstanding concerns identified by Natural England and the Environment Agency in their regulation 20 representation; and
 - Provided that the main modifications set out in this statement (and in the separate statement of common ground on ancient woodland) are made.

2. Introduction

- 2.1 This statement of common ground has been prepared in response to the 'regulation 20' representations made by Natural England and the Environment Agency on the Eastleigh Borough Local Plan (2016 – 2036). Natural England and a range of other organisations made a similar representation in relation to the ancient woodland in the vicinity of the SGO, which are covered by a separate statement of common ground.
- 2.2 Consideration has been given to both soundness and legal compliance in proposing any modifications to the plan. In most cases, minor modifications are proposed for reasons of clarification only.
- 2.3 This statement considers only those representations made by Natural England and the Environment Agency that suggest the need for a possible change to the plan. Support for other policies or supporting text is not addressed in this statement. Proposed deletions are shown as ~~striketrough~~ and new text is underlined.
- 2.4 Where additional modifications are proposed to policies and supporting text in response to representations made by third parties, details of these modifications are included in this statement only if they directly relate to the comments raised by Natural England or the Environment Agency. The Council has published proposed main and additional modifications. The proposed modifications in this SoCG supersede those already published where there is any variation.
- 2.5 In a number of cases the Council is not proposing to make a modification in response to a representation from Natural England or the Environment Agency. The Council's position on these issues is set out in Appendix 1.

3. Statement of Common Ground with Winchester City Council

- 3.1 Eastleigh Borough Council (EBC) has agreed a Statement of Common Ground with Winchester City Council (WCC). This document confirms that WCC has no objection to including a safeguarding policy for the route of the proposed link road within the Winchester District in its emerging Local Plan, pending the Eastleigh Borough Local Plan being found sound and proceeding to adoption.

3.2 In relation to environmental matters specifically, the Statement of Common Ground makes it clear that EBC and WCC agree that the road would be implemented with the necessary mitigation measures to address flood risk and meet the Habitat Regulations.

4. Habitats Regulations Assessment (HRA)

4.1 The HRA was updated in October 2018 to address representations, including those made by Natural England and the Environment Agency on the Regulation 20 Local Plan. Further amendments have been made to the document specifically in relation to nutrient neutrality and recreational disturbance and a revised HRA published in June 2019 (SUB017a).

4.2 In response to the revised HRA, Natural England provided further comments on the calculation of the nitrogen budget (Nitrogen Budget Technical Note Appendix VII) (SUB017b). In particular Natural England requested that the calculation of the nutrient budget be updated so that it conforms with their latest guidance

4.3 The Council has re-calculated the nitrogen budget in accordance with the assumptions set out in Natural England’s methodology. The main changes to the calculation were:

- assumptions on occupancy rate (new guidance recommends using an occupancy rate of 2.4 to calculate additional population from new development whereas 2.3 had been used in the current budget);
- use of a specific nitrogen loading figure for allotments;
- a reduction in nitrogen load for open spaces over 0.5ha; and
- the use of a 20% buffer as a precautionary approach for future land use.

4.4 This information is presented as a scenario or sensitivity test, however the Council reserves the right to adjust the assumptions used in the methodology at the development management stage in line with the latest evidence.

4.5 In summary, the nitrogen budget as published in the revised HRA (June 2019) was 15,434.74 kg/TN/yr which would require 573.7ha of land for mitigation. Using Natural England’s methodology, the nitrogen budget would increase to 19,165.98 kg/TN/yr and would require 712.49ha of mitigation land (see Tables 1 and 2 below).

Table 1: Nitrogen Budget – Natural England Guidance

N budget		
	(kg/TN/yr)	Area of ag land required to mitigate (ha)
Residential (excluding SGO & windfall)	2,575.94	95.76

SGO	8,631.92	320.89
West of Horton Heath	1,573.44	58.49
Overnight tourism	32.06	1.19
Open space, recreation	183.78	6.83
Large employment sites	359.91	13.38
Windfall sites	2,614.59	97.20
20% precautionary buffer	3,194.33	118.75
Overall N budget <i>Positive figure indicates surplus N and hence mitigation is required. Negative figure indicates a deficit and so no mitigation required.</i>	19,165.98	712.49

Table 2: Nitrogen Budget – HRA June 2019

N budget		
	(kg/TN/yr)	Area of ag land required to mitigate (ha)
Residential (excluding SGO & windfall)	2,167.12	80.56
SGO	8,917.86	331.52
West of Horton Heath	1,782.06	66.25
Overnight tourism	31.10	1.16
Open space, recreation	32.92	1.22
Large employment sites	50.31	1.87
Windfall sites	2,453.38	91.20
Overall N budget <i>Positive figure indicates surplus N and hence mitigation is required. Negative figure indicates a deficit and so no mitigation required.</i>	15,434.74	573.78

- 4.6 The Environment Agency did not make any specific comments on nitrogen budgeting.
- 4.7 An Addendum to the Habitats Regulations Assessment has been prepared to address a limited number of specific issues raised by the Inspector or during discussions with Natural England and the Environment Agency in advance of the examination hearings. A copy is included at Appendix 3 to this statement.

5. Strategic Environmental Assessment (SEA) / Sustainability Assessment (SA)

- 5.1 Natural England are satisfied with the preparation of the SEA and how their comments have been taken on board. (They did express concern regarding the assessment of the impacts of the SGO on the biodiversity network and ancient woodland based on Policy S5 as drafted; issues surrounding ancient woodland are addressed in a separate statement of common ground).
- 5.2 The Environment Agency did not make any specific comments on the SEA.

6. Policy S1 - Sustainable Development

- 6.1 In response to a representation from Natural England, it is proposed to amend paragraph 4.4 to update the reference to the relevant paragraph in the revised NPPF (2019) i.e. from paragraph 7 to 8 as follows:

'... - and derives from these a number of ~~roles~~ objectives for the planning system (NPPF paragraph 7 8)'

- 6.2 In line with the revised NPPF, Natural England advise that a requirement to seek environmental net gain through development is incorporated into Policy S1. Applicants should also be encouraged to engage with statutory and non-statutory consultees before submitting their applications, to derive maximum benefits and outcomes from development. It is therefore agreed to modify Policy S1 as follows:

- 6.3 *'x. maintain, enhance, extend and connect the natural habitats within and landscape value of the Borough, extending natural habitats into new and existing development to achieve an environmental net gain.*

Applicants are encouraged to undertake pre-application consultation with the relevant statutory and non-statutory consultees.'

Add new criterion after ix as follows:

'have regard to the purposes of the South Downs National Park, including regarding its status as an International Dark Night Skies reserve.'

7. Policy S5 – New Communities, land north of Bishopstoke and land north east of Fair Oak

- 7.1 Policy S5 allocates land as a strategic location for two communities. Natural England refer in their representation to the proximity of the allocated site to both ancient woodland and SINCs. The issue of ancient woodland is dealt with in a separate statement of common ground.

- 7.2 The Environment Agency consider that given the extent of development proposed by Policy S5 and the sensitivity of the environment, specific mention should be given to environmental issues in the policy, specifically those relating to flood risk, hydrology and biodiversity.
- 7.3 In relation to criterion 12, the EA note that there are qualifying species of the SAC in addition to the Southern Damselfly, where in the absence of mitigation, there is a risk of adverse effects; this is not acknowledged in the policy. Furthermore, the EA consider that there are insufficient details as to how any contributions towards overall strategic mitigation measures will be secured, delivered and managed.
- 7.4 In order to provide confidence that the necessary biodiversity mitigation measures are secured by Policy S5, the following modifications are proposed:
- 7.5 Amend criterion 12 as follows:

'Development will not be permitted unless it is demonstrated through project-level Appropriate Assessment (Habitat Regulations Assessment) that it (either alone or in combination with other plans and projects, and subject only to imperative reasons of overriding public interest in the absence of alternative solutions) will not adversely affect the integrity of the River Itchen Special Area of Conservation or any other European Site. Any mitigation measures required to ensure no adverse impact on the SAC or other European sites (including those identified in the supporting text to policy DM11) must be implemented in accordance with policy DM11. Development will be required to protect ecosystems and hydrological flows and preserve the flood zone around Bow Lake. Buffers will be required in accordance with DM6. A contribution towards strategic mitigation measures for any adverse effect on the southern damselfly as set out in policy DM11 will be required'.

- 7.6 It should be noted that modifications are proposed to Policy DM11 and supporting text to include further detail on the types of mitigation measures required and to strengthen the requirement for mitigation measures to be implemented (see section 19 of this statement). As a consequence of this modification, it is not considered necessary to refer to some mitigation measures in the policy, rather a cross reference has been made to the more comprehensive list of measures in the supporting text to Policy DM11.
- 7.7 It is also proposed to modify paragraph 4.33 to refer to the list of potential mitigation measures and to delete specific reference to the effects on Southern Damselfly populations. The final two sentences of paragraph 4.33 are proposed to be modified to read as follows:

'A list of potential mitigation measures is set out at paragraph XX (i.e. supporting text to policy DM11). However, it is also likely that the following measures will be required to protect national and local designations:

- *buffers left free of development around important features "(Measures will be put in place to mitigate any adverse effects on Southern Damselfly*

~~populations and other qualifying features~~ so as to ensure no adverse effect on the River Itchen SAC)”

(Note: Further modifications are proposed to the remaining bullet points. A full schedule of proposed modifications has been published by the Council.)

- 7.8 The EA commented that criterion 14 should make it clear that there will be no development in flood zones 2 or 3. They also felt that the policy should be more aspirational and not only look to not increase flood risk downstream but to reduce it wherever possible in line with paragraph 157 of the NPPF and recommended that natural flood management should be encouraged as part of the policy.
- 7.9 As shown on Plan 1, none of the developable land within the SGO is within flood zone 2 or 3 and therefore it is agreed that there is no need to amend the policy to avoid development in flood zones 2 or 3.
- 7.10 Criterion 14 of Policy S5 makes it clear that development must not increase the risk of flooding to new communities. In response to the EA’s comments and the revised NPPF, it is proposed to modify criterion 14 as set out below.
- 7.11 In finalising this statement, Natural England has suggested that the mitigation measures for the construction and operational phases of the SGO relating to surface water drainage are strengthened to ensure the protection of the River Itchen SAC, in particular the maintenance and where appropriate restoration of habitats to favourable conservation status. It is therefore proposed to amend criteria 14 of Policy S5 to read:

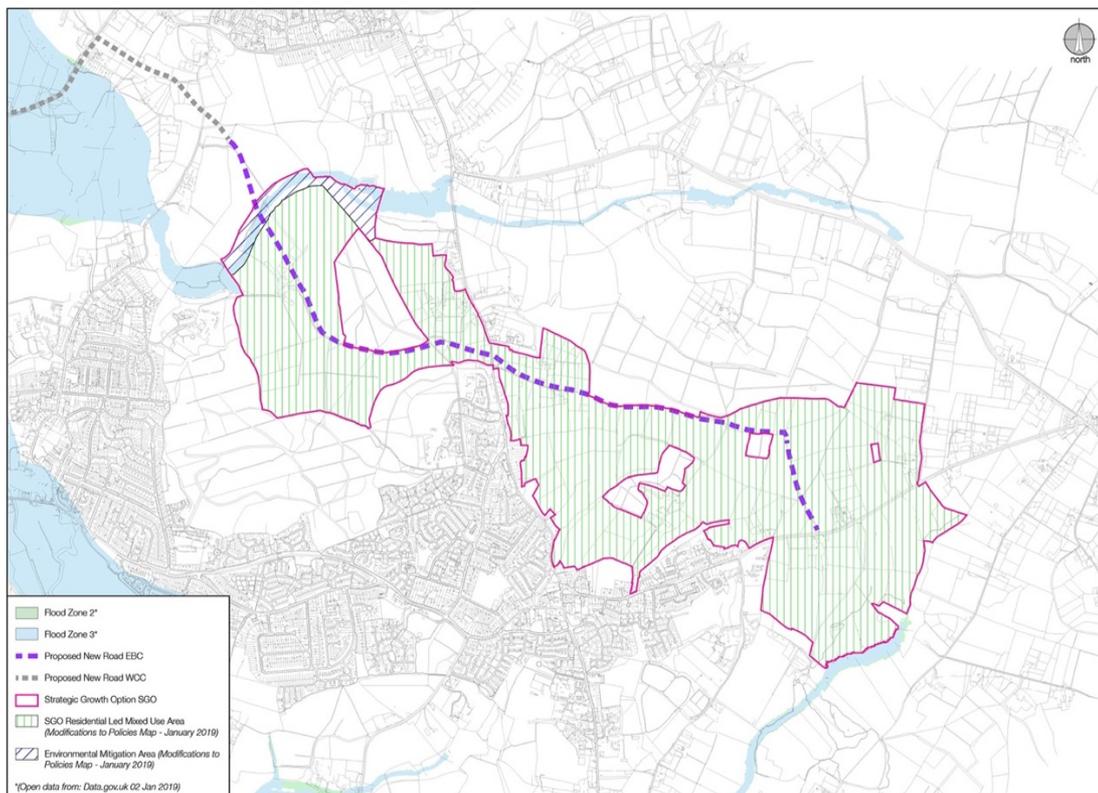
‘Development will appropriately manage the risk of flooding to the new communities and not increase the risk of flooding to existing communities. Where possible and practicable, opportunities to reduce the causes and impacts of flooding should be implemented (through the use of natural flood management techniques where appropriate). Development will include sustainable drainage systems which are appropriate to the overall design of the new communities, and preserve the water quality and flows in the Itchen and its tributaries and other flood risk management measures as required. A nutrient budget to address both nitrates and phosphates should be calculated to inform the design and capacity of the surface water drainage system taking into account planned improvements at Chickenhall wastewater treatment works. Subject to the results of the nutrient budget, a strategic wetland should be identified as a key asset of the sustainable urban drainage system in reducing diffuse nitrogen and phosphates as well as fine sediment. Applications for development will need to:

- i. Incorporate regular monitoring of surface water discharge into the Itchen during both pre-construction, construction and operational phases;*
- ii. Include a requirement to stop works where monitoring shows measurable levels of pollutants and measures taken to resolve any problems or unforeseen issues;*

- iii. Include full details of who will adopt the drainage system and manage it over the lifetime of the development;
- iv. Include step-in rights for the local authority to take over where a different management authority are no longer able to carry out management of the system;
- v. Ensure adequate financial provision can be secured for the long-term maintenance of the operational SuDS system including the strategic wetland; and
- vi. Provide details of the three forms of naturalised filtration systems to be used.

7.12 A number of additional modifications are proposed to Policy S5 and supporting text as a result of other representations.

Plan 1 Land within Flood Zones 2 and 3



7.13 It should be noted that the detailed 1D-2D River Itchen hydraulic model commissioned by the Environment Agency and completed in May 2019, shows a significant reduction in the floodplain extents with the new B3335 Highbridge Road alignment out of the floodplain as shown on Plan 2.

7.14 The Highwood Group commissioned Odyssey to prepare a flood compensation strategy in support of the B3335 Highbridge Road realignment based on the latest hydraulic model refined to generate the 1% Annual Exceedance Probability (AEP) (1 in 100) including climate change flood extents. The

updated hydraulic model was re-run for the 1% AEP + 105% climate change allowance in accordance with the current Environment Agency's Climate Change Allowances Guidance. A copy of the Odyssey report is included as an appendix to this statement.

- 7.15 The proposals to re-align the existing B3335 Highbridge Road are outside the modelled 1% AEP + 105% climate change allowance floodplain extent. As the proposed road embankment will be supported by a retaining wall that is situated out of the 1% AEP + 105% climate change allowance maximum flood extent, no flood compensation would be required.

Plan 2: EA model results – 1% AEP + 105% climate change allowance (extract from Odyssey report – October 2019)

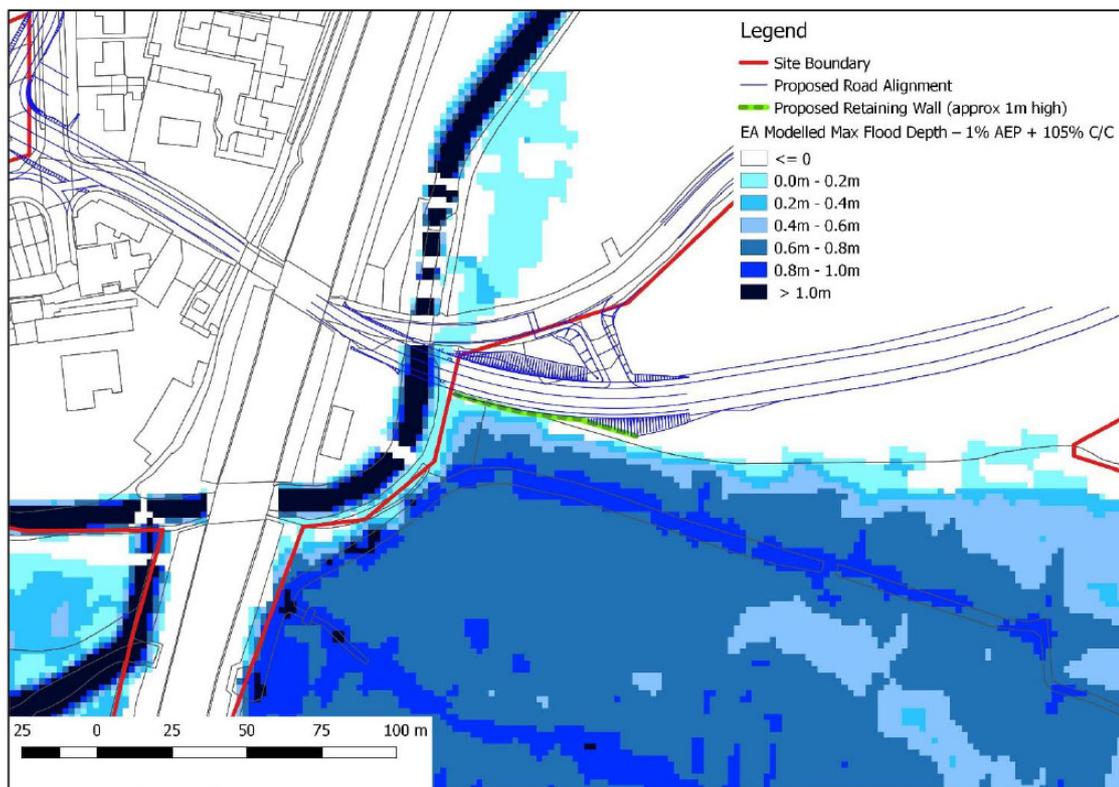


Figure 2-2: Environment Agency model results – 1% AEP + 105% Climate Change allowance

- 7.16 The EA has confirmed that from a Local Plan perspective, it is satisfied that the proposed compensation can be achieved in a manner which would be acceptable, but that further detail would be required at the planning application stage.

8. Policy S6 – New Allbrook Hill, Bishopstoke and Fair Oak link road

- 8.1 Natural England has requested a cross reference to Policy DM11 in Policy S6 given the proximity of the proposed link road to the River Itchen SAC. It is therefore proposed to amend criterion 2 of Policy S6 to read:

'not adversely affect (either alone or in combination with other plans or projects; and subject only to imperative reasons of overriding public interest in the absence of alternative solutions) the integrity of the River Itchen Special Area of Conservation or any other European site. Any mitigation measures required to ensure no adverse impact on the SAC or other European sites (including those identified in the supporting text to policy DM11) must be implemented in accordance with policy DM11. This will include the provision of appropriately designed bridges across the river and its tributaries, measures to manage hydrology, and any other measures required;

- 8.2 In response to a representation from Natural England regarding the lack of reference to Sites of Special Scientific Interest, it is proposed to amend criterion 3 of Policy S6 to read:

'not adversely affect Sites of Special Scientific Interest or Sites of Importance for Nature Conservation (including the measures to protect ancient woodland as set out in policy S5 and paragraph 4.33).'

- 8.3 The Environment Agency requested further clarification on the design of the road included within Policy S6, acknowledging that their key concerns relate to those sections of road within Winchester District. They specifically sought confirmation that all crossings would be clear span bridges and that the Allbrook and Highbridge gauging station should be protected.

- 8.4 Eastleigh Borough Council support the principle that all river crossings should be single span bridges and that the operation of the Allbrook and Highbridge gauging stations should be protected. However, as these issues relate to land within Winchester District, it would not be appropriate to make specific reference to these requirements within Policy S6. Supporting text at paragraph 4.41 already refers to the need for single span bridges. It is proposed to protect the operation of the gauging stations by modifying paragraph 4.42 to read:

'The road will also avoid the buffers around the woodlands as set out in strategic policy S6 S5 and will ensure that the operation of the Allbrook and Highbridge gauging stations are protected.

- 8.5 The EA require like for like floodplain compensation for areas of the road that are situated in flood zones 2 and 3 and for this compensation to be hydrologically linked to the floodplain.

- 8.6 Paragraph 4.43 of the Local Plan already refers to the requirement for compensatory storage as a consequence of the realignment of Highbridge Road. It is proposed to clarify the need to ensure that the compensatory storage is hydrologically linked to the functional flood plan by modifying paragraph 4.43 as follows"

'The road will require a project level flood risk assessment. Where the road is realigned and a new road is created, compensatory storage areas that are hydrologically linked to the floodplain will be provided elsewhere.

- 8.7 Given that the area most affected is within Winchester District, it is accepted that a modification to include this requirement as part of Policy S6 is unnecessary.

9. Policy S9 – the Coast

- 9.1 Natural England suggest that a reference is made to the forthcoming Solent Waders and Brent Goose Strategy which should be engaged where development may impact SPA functional land.
- 9.2 It is proposed to move the final sentence from paragraph 5.56 to the end of paragraph 4.58 and add further clarification on the requirement for mitigation taking account of the Solent Waders and Brent Goose Strategy to the end of paragraph 5.56.
- 9.3 Paragraph 4.58 would therefore read:
'The whole of the Borough's coast is of national and international importance for nature conservation and is included in the Solent Maritime Special Area of Conservation and the Solent and Southampton Water Special Protection Area and Ramsar site nature conservation designations. In response to concerns of increased recreational pressure on birds within protected areas of the Solent as a result of the proposed development in south Hampshire, the Solent Recreation Mitigation Partnership (SRMP) was established. A mitigation strategy for PUSH local authorities is in place. The Solent Waders and Brent Goose Strategy will be applicable to developments affecting SPA functional land (high tide roosts used by birds for which the SPA is designated).'
- 9.4 The last two sentences of paragraph 5.56 would be modified as follows:
'...The Council will contribute as required to the implementation of the SRMP's proposals, and will also implement any measures identified as part of its own interim project proposals which are not incorporated into the wider SRMP scheme. ~~The Council will also continue to work with partners on the forthcoming Solent Waders and Brent Goose Strategy.~~ Where development may impact on high tide roosts used by birds for which the Solent and Southampton Water SPA is designated, mitigation may be required taking account of the Solent Waders and Brent Goose Strategy.'
- 9.5 Natural England note that Policy S9 should be in conformity with paragraphs 166-169 of the revised NPPF. No modifications are considered necessary to ensure conformity.

10. Policy S10 – Green Infrastructure

- 10.1 Natural England have suggested that a reference to the availability of the Hampshire Ecological Network Mapping should be included in Policy S10 as both an evidence base and a useful tool to help influence the design of developments.

10.2 Amend criterion vi to read:

'connected habitats linking the network of designated sites and existing priority habitats, taking account of the Hampshire ecological network map (see policy DM11, Chapter 5).

11. Policy DM1 – General criteria for new development

11.1 Natural England suggest amending paragraph 5.8 to refer to the submission of a Biodiversity Mitigation and Enhancement Plan.

11.2 It is proposed to modify paragraph 5.8 as follows:

'~~All developments that involve the provision of additional housing or employment and will lead to the loss of any green space or habitat should be accompanied by a Phase 1 Extended Habitat Survey. If recommendations are made for further species specific surveys these should be carried out before the application is submitted. Biodiversity Mitigation and Enhancement Plan (BMEP), informed by a Phase 1 Extended Habitat Survey and any other up to date species specific survey as agreed with the Local Planning Authority. The BMEP must include details of the biodiversity features affected as well as details of proposed mitigation and enhancement measures. Pre-application engagement with the Council and Natural England is encouraged.~~

11.3 Natural England welcome the requirement for a 'Green Infrastructure Checklist' referred to in paragraph 5.9. Whilst the examples of measures suggested for inclusion in a checklist are not disputed, it is not considered necessary to include this level of detail in the Local Plan.

11.4 It is proposed to modify Policy DM1 in response to representations from other parties as follows:

iv. ...unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);'

12. Policy DM2 – Environmentally sustainable development

12.1 The EA suggest that the targets for water consumption be clarified in Policy DM2 to reflect the fact that the 110 litres per person per day includes external use. The policy also needs to be modified to make it clear that the standards are per person per day. It is therefore proposed to amend Policy DM2 as follows:

(a)(ii) a predicted mains ~~internal~~ water consumption of no more than 110 litres / person / day

...

(h) aim to achieve a predicted mains internal water consumption of no more than 90 litres / person / day

13. Policy DM4 – zero or low carbon energy

13.1 It is proposed to merge criteria (c) and (d) of Policy DM4 in line with Natural England's suggestion, such that it reads:

(c) does not involve the permanent loss of the best and most versatile agricultural land (BMV)

~~(d) valuable agricultural land.~~

14. Policy DM6 – Sustainable surface water management and watercourse management

14.1 Natural England advise that any proposal that discharges surface water directly into a watercourse within the Itchen or Hamble catchments should be designed with SuDS features appropriate for that development in order to ensure run-off is treated of pollutants prior to discharge, to offset potential water quality impacts on protected sites.

14.2 Whilst it is noted that Natural England supported the requirement for three forms of naturalised filtration, this is not always practical for medium sites (i.e. those above 10 units but less than 50/100). The Council would therefore like to propose the following modification to the policy so that the form of SuDS for medium sized sites is less prescriptive.

'New development (excluding extensions to dwellings and changes of use), will only be permitted if it incorporates Sustainable Drainage Systems (SuDS). Wherever feasible, naturalised filtration should be included within the treatment train as follows:

- On sites of 1 hectare or more, or within 100m of the River Itchen SAC or Solent Maritime SAC, SuDS schemes should include at least three forms of naturalised filtration. On sites within 100m of headwaters and tributaries draining into a SAC, SuDS schemes should include at least three forms of naturalised filtration unless hydrological studies and project-level Habitats Regulations Assessment demonstrate this to be unnecessary to protect the integrity of the SAC and its qualifying features;
- On sites of between 0.5 hectares and 1 hectare, SuDS schemes should include at least two forms of naturalised filtration; and
- On sites of less than 0.5 hectares non-naturalised SuDS e.g. permeable paving will be considered where justified.

~~New development in areas at risk of flooding or development of more than 10 dwellings or employment facilities facilities with a site area of 0.5 hectares or more that drain into a waterway within the Itchen or Hamble catchment or drain directly to coastal waters will only be permitted if they include Sustainable~~

~~Urban Drainage Systems (SuDS). Within smaller developments mechanised systems will be considered.~~

In order to reduce flooding and maintain water quality (in accordance with DM8) SuDS schemes should:

- ~~i. Manage surface water runoff as close to its source as possible and include at least three forms of naturalised filtration within the treatment train wherever feasible;~~
- ii. be designed and monitored in accordance with the CIRIA ~~G697~~ C753 SuDS Manual or equivalent national or local guidance, noting that all receiving waters in the Borough should be classified as protected waters;
- iii. ensure that discharge rates at least mirror greenfield rates before development;
- iv. where discharge is to a wetland or wet woodland habitat, flows off site must mirror the natural hydrological pathways;
- v. include clear arrangements for their whole life management and maintenance.

Where a watercourse is present on a development site, it should be retained or restored into a natural state and enhanced where possible. The culverting of any watercourse will not generally be permitted, and development should wherever possible remove any existing culverts and increase on-site flood storage. Development should be laid out to enable maintenance of the watercourse.

Where development drains into a waterway connected to the Natura 2000 or Ramsar network a site specific Construction Environmental Plan must be prepared before construction.

.....

- 14.3 Natural England have requested that paragraph 5.30 be amended to refer to the submission of a Construction Environmental Management Plan (CEMP) prior to determination rather than prior to construction to that the impacts can be considered within the HRA process. It is therefore proposed to amend paragraph 5.30 as follows:

'To ensure no pollution of the waterways during construction ~~the HRA specified that a Construction Environmental Management Strategy Plan~~ CEMP should be provided ~~before construction commences~~ detailing the safeguards in place to ensure the safe storage and use of fuels and chemicals and the design, management and maintenance of a separate construction drainage system with three forms of temporary filtration. For schemes subject to HRA the CEMP should be submitted with the planning application.'

- 14.4 The following amendments to paras 5.32, 5.36 and 5.37 are proposed

'5.32 To ensure no pollution within the operational phase the HRA recommends that a Sustainable ~~Urban Drainage~~ System be provided which either infiltrates directly into the ground at source or contains ~~three forms of~~ naturalised filtration to ensure water quality is treated before discharge; and

that flows from the site should be maintained at greenfield levels. Naturalised filtration requires much less maintenance than mechanised filtration and so the mitigation can be assured during the lifetime of the development. However natural SuDS require more room and 10% of the site will need to be reserved for the SuDS.'

....

'5.36 Development proposals should include an indicative drainage strategy to demonstrate how sustainable drainage will be incorporated into the development. This strategy should be proportionate to the site and the proposed development. The strategy should include sustainable drainage elements with attenuation, storage and treatment capacities incorporated as set out in the CRIA SuDS Manual C697 CIRIA SuDS Manual C753, or equivalent and updated local or national design guidance where available. If SuDS are proposed as part of the open space provision on a site, gradients should not exceed 1:4.'

'5.37 From April 2015, Local Planning Authorities have had the final decision about the suitability of SuDS provision on new development, while Hampshire County Council is a statutory consultee for major developments which have surface water implications. Proposals for sustainable drainage systems should include provisions for long term future maintenance of these systems, and developers should consult the Borough Council, Hampshire County Council and the Environment Agency as appropriate about such proposals. The expectation is that SuDS will be adopted by a public body.

- 14.5 The EA commented that the prescribed 8 metre buffer referred to in paragraph 5.39 is a minimum requirement for the purpose of watercourse management and maintenance but that for ecological purposes, larger buffers may often be required as is reflected in other policies in the plan. In response to this representation, it is proposed to clarify the wording by modifying paragraph 5.39 as follows:

'To avoid disputes over the maintenance of watercourses, to protect them from future interference and to ensure access is available for maintenance, the layout of major sites should be designed so that no gardens back on to the watercourse and there is no development within a distance of at least 8 metres from the top of the bank. Wider buffer strips may be appropriate for larger watercourses and where needed to protect biodiversity interests. Such buffer strips should form part of the landscape framework for the site, and arrangements should be made for their long-term management and maintenance.'

15. Policy DM8 – Pollution

- 15.1 Natural England advise that where developments are particularly close to the SPA or supporting habitat and likely to generate significant noise, they would normally request that noise levels are kept below 69dB(A)max (measured at the sensitive receptor which is the nearest point of the SPA or any SPA

supporting habitat) during the bird overwintering period, or that works are timed so that they do not coincide with the wintering bird season. Since submitting their Regulation 19 representation, Natural England has confirmed that where noise is predicted to be above 69dBA at the sensitive receptor, they would consider the scheme on a case by case basis. It is therefore proposed to amend paragraph 5.48 as follows:

'In respect of the Solent and Southampton Water SPA and Ramsar sites and supporting habitat, construction noise should be kept below 69dBA max either alone or in combination with other developments (measured at the sensitive receptor which is the nearest point of the SPA/Ramsar or supporting habitat) during the bird overwintering period, above 50 decibels on the SPA or Ramsar site either alone or in combination with other developments will need to provide mitigation in the form of noise reduction measures or timing of construction, or works timed so that they do not coincide with the wintering bird season. Natural England will provide advice on a case by case basis where construction noise exceeds 69dBA max.'

- 15.2 To conform with paragraph 180(c) of the revised NPPF, Natural England advice that Policy DM8 emphasises more generally how the Council will seek to ensure that lighting from proposed development does not impact upon dark landscapes and nature conservation. It is therefore proposed to modify the last sentence of paragraph 5.49 as follows:

'...Lighting can be an important component of (for example) sport and recreation proposals and car parks, and the Council will seek to ensure that lighting from development does not cause unacceptable environmental or amenity impacts, whilst also providing appropriate illumination (for example in respect of highway and community safety or sporting facilities).' ~~*it does not cause unacceptable environmental or amenity impacts*~~

- 15.3 Further modifications are proposed to DM8 and supporting text in response to other representations as follows:

Amend first sentence of paragraph 5.49

'Lighting can have a significant impact on people's perception of their environment and the South Downs to the north east of the borough is specifically designated as a Dark Sky reserve due to its low levels of light pollution (the areas of the National Park park closest to the Borough are designated as Dark Sky Zone E1(b) Transition Zone in the South Downs Local Plan dark night skies policy).'

Amend DM8 criterion iv to read:

'iv. light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve.'

16. Policy DM10 – Water and Waste Water

16.1 Natural England suggest that the Council should include a reference to develop a nutrient neutral policy e.g. through a Supplementary Planning Document. In the interim period, NE advises that larger planning applications (over 200 dwellings) and EIA developments that drain into the Solent European sites, have a calculated nutrient budget and mitigation measures in order to achieve nutrient neutrality. In response to recent case law subsequent to the publication of the HRA in October 2018, NE changed its position on nutrient neutrality and advised that short term interim measures were necessary to meet legal compliance, including a reduced threshold to cover smaller developments of 50 or more dwellings. The advice has since changed again such that any net increase in residential accommodation, and other qualifying development such as overnight accommodation, will need to ensure nutrient neutrality in order to be legally compliant.

16.2 In response to comments from the EA regarding the focus of Policy DM10, it is proposed to modify the Policy and supporting text to ensure that development is phased alongside the completion of improvements to water supply and/or waste water infrastructure as follows:

~~*Where required to meet the Habitats Regulations at ‘project level stage’ and to meet the Water Framework Directive requirement for no deterioration of the status of water bodies, major development will be phased alongside the completion of enhancements to the water supply or waste water infrastructure.*~~

Where new water supply or waste water infrastructure is required or proposed in support of new development the development will be phased alongside the provision of the infrastructure to ensure:

- *compliance with the Habitats Regulations;*
- *that there is no deterioration of the status of water bodies which might impact adversely on Water Framework Directive requirements; and*
- *the avoidance or mitigation of any other adverse impacts.*

Wherever possible the Council would wish to see developers implement measures should be implemented which would improve the water environment.’

16.3 It is also proposed to modify the supporting text by adding a new paragraph before paragraph 5.54 and amending 5.54 and 5.55 as follows:

‘Planning Practice Guidance notes that adequate water and wastewater infrastructure is needed to support sustainable development and that a healthy water environment can deliver multiple benefits such as helping to enhance the natural environment generally and adapting to climate change.

5.54 PUSH has commissioned and its constituent local authorities, including Eastleigh Borough Council have produced an Integrated Water Management Strategy (IWMS) which was endorsed by PUSH in June 2018 as part of the collective evidence base to inform the preparation of future local plans. This will identify The IWMS identifies at a strategic level any measures associated

with water abstraction / supply and waste water treatment works and other appropriate measures such as nutrient neutral development to ensure no adverse impact on internationally important ecology designations protected by the Habitat Regulations (e.g. the River Itchen Special Area of Conservation [SAC] and the Solent maritime SAC and Solent and Southampton Water SPA and Ramsar); and to ensure compliance with the Water Framework Directive. ~~PUSH are working closely with Natural England and the Environment Agency on the emerging IWMS and its constituent authorities have committed to continue to work together with key stakeholders including the Environment Agency, Natural England and the water companies to deliver the IWMS action plan and to ensure that it meets the requirements for the Local Plan ('programme level') habitats regulations assessment. and to continue research where needed to ensure that longer term development remains compliant. Until the IWMS is adopted, proposals will be considered against policies DM2 and DM3 and relevant site specific policies.~~

5.55 The Council ~~will~~ has also committed to work with Southern Water to ensure that any constraints at waste water treatment works can be addressed, there is sufficient capacity to ensure water supply and to improve utilities infrastructure to meet the needs of existing communities. Developers should contact utilities providers to establish requirements in respect of all the proposed site allocations. Development should include SUDS to reduce surface water entering the sewage system (see policy DM6 Sustainable surface water management and watercourse management).

17. Policy DM11 – Nature Conservation

- 17.1 Both Natural England and the EA comment on part (c) of Policy DM11 in relation to the impacts on Southern Damselfly from factors other than just nitrogen deposition including changes in the impact of phosphates, changes in hydrological regimes, habitat loss, lack of management and connectivity and the effects of climate change. The EA make the point that the Southern Damselfly Survey and Strategic Conservation Plan are not referred to in the policy or supporting text and Natural England note that the policy should include a strategy to offset these impacts.
- 17.2 The requirement for overall biodiversity gain is also supported by both NE and the EA. The EA are concerned that there is no mention of the mechanism for delivery of the mitigation detailed in the HRA. Amendments to the policy wording are proposed below and it is also proposed to modify the supporting text to include the mitigation measures referred to in the HRA.
- 17.3 In addition, the EA have requested inclusion within the policy of the need to facilitate the adaptation of species and habitats to climate change within developments.
- 17.4 Natural England also make other suggestions for changes to the policy, including the need to fully compensate for any unavoidable harm that would be caused to SSSIs, the need to avoid, mitigate or as a last resort, compensate for

any impacts on priority habitats and the need to update the reference to the Conservation of Habitats and Species Regulations. Natural England also suggest a new criterion is added to the policy to deal with irreplaceable habitats such as ancient woodland or veteran trees and to safeguard the ecological network.

17.5 It is therefore proposed to modify Policy DM11 as follows:

- iii. *'Protect, conserve and enhance networks of natural habitats and features, including the Priority Biodiversity Areas and Priority Biodiversity Links identified in the Eastleigh Borough Biodiversity Action Plan 2012 – 2022, and watercourses and wetland complexes, woodland trees, trees and hedgerows important to biodiversity and local character;*
- iv. *'~~On new development sites seek enhancement~~ Seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features compatible with the native biodiversity characteristics of the Borough....'*

The Council will work with PUSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement a strategic approach to the protection and enhancement of European sites from the direct and indirect effects of development including recreational disturbance. Within Eastleigh Borough this will include:

- c. *'protection of the River Itchen SAC in particular the maintenance and where appropriate restoration of habitats and species to favourable conservation status (as defined by Article 1 of the Habitats Directive) including water quality and the southern damselfly from the impacts of nitrogen deposition; and*
- d. *'seeking contributions towards measures set out in the Southern Damselfly Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain'*
- e. *'contributing to major elements of the PUSH Green Infrastructure Strategy*

Modify the paragraphs following criterion (e) as follows:

'Development which is likely to adversely affect the integrity of an international or European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest in the absence of alternative solutions. Any mitigation measures required to ensure no adverse impact must be implemented at the appropriate time. "~~Development which is likely to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI) will not be permitted, unless the Borough Council is satisfied that there are no alternative solutions and the reasons for the development clearly outweigh the harm to the nature conservation value of the site.~~

Development will not be permitted if it is likely to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI), Site of Importance for Nature Conservation (SINC) or Local Nature Reserve as shown on the policies map (or on a more recent plan provided by the Hampshire Biodiversity Information Centre), or on the local ecological network, unless it can be demonstrated to the satisfaction of the Borough Council that:

- ~~i. the benefits of the development clearly outweigh the adverse effects on the nature conservation value of the site;~~*
- i. there are no alternative solutions;*
- ii. the adverse impacts are unavoidable;*
- iii. measures are taken to mitigate or, if this is not possible, compensate for the adverse effects, such that the development will result in at least no net loss in biodiversity;*
- iv. the benefits of the development clearly outweigh the adverse effects on the nature conservation value of the site; and*
- v. buffers free from development are provided to locally designated sites within or adjacent to developments to alleviate recreational impact and impacts on edge habitats and to maintain dark skies.*

Impacts on priority habitats and protected and priority species will not be permitted unless the applicant can ~~evidence~~ demonstrate that:

- there has been thorough habitat and species surveys;*
- there is an overall biodiversity gain; and*
- impacts that protected species impacts have been cannot be avoided, or have been mitigated, or as a last resort compensated for, and their needs of priority and protected species and priority habitats have been taken into consideration within the development design;*
- including facilitating adaptation to climate change has been facilitated wherever possible;*
- the great crested newt strategic survey and strategy have been considered in all developments within 500m of a great crested newt pond;*
- the strategic bat trapping survey has been considered in all developments within the locality of a woodland surveyed or connected habitat networks;*

Development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists.'

17.6 Prior to paragraph 5.60 it is proposed to add the following:

'The Local Plan's habitat regulations assessment has identified circumstances in which mitigation measures will be required to ensure there is no adverse effect on international designations. Such measures must be implemented with the development. The mitigation measures required are summarised in the following table. The Local Plan HRA and subsequent project level habitat regulations assessment should be referred to for the detailed measures.'

<u>HRA ref</u>	<u>Issue</u>	<u>Designation</u>	<u>Development</u>	<u>Examples of mitigation required (See HRA for more detail)</u>
<u>8.2</u>	<u>Recreational disturbance: Strategic Impacts</u>	<u>Solent and Southampton Water SPA; New Forest SPA</u>	<u>Residential development within 5.6km of Solent or approximately 20km of New Forest</u>	<u>Solent Recreation Mitigation Strategy; Interim New Forest Recreation Mitigation; New Forest Mitigation Strategy (final strategy to be devised)</u> <u>The New Forest Mitigation Strategy will include the provision of SANGs within Eastleigh</u>
<u>8.3</u>	<u>Noise and Vibration</u>	<u>River Itchen SAC</u>	<u>Development within 100 metres of River Itchen SAC or tributary</u>	<u>Construction Environmental Management Plans (CEMP), construction techniques / timing, noise attenuation, and others</u>
		<u>Solent and Southampton Water SPA</u>	<u>HA2 Mercury Marina and windfall developments within 300m of SPA or supporting habitat</u>	<u>As above</u>
<u>8.4</u>	<u>Hydrological Impacts: SGO</u>	<u>River Itchen SAC</u>	<u>SGO and link road</u>	<u>20 metre buffers to headwaters; maintenance of drainage pathways; sustainable drainage (with 3 forms of naturalised filtration); green infrastructure; clear span bridges with abutments set back; bridge levels above the 1 in 100</u>

				<u>year plus climate change flood level; CEMP.</u>
<u>8.5</u>	<u>Impacts on Otter outside European Site Boundaries</u>	<u>River Itchen SAC</u>	<u>Development affecting otter dispersal corridors</u>	<u>Underbridge high water pathways for otter (particularly Tadburn stream, Monks Brook, Bow Lake stream, and new River Itchen crossing)</u>
<u>8.6</u>	<u>Non Native Species and Site Specific Hydrological Effects</u>	<u>River Itchen SAC; Solent Maritime SAC</u>	<u>Development within 100 metres of either SAC or their tributaries</u>	<u>CEMP; surface water drainage (naturalised forms of filtration); and (regarding River Itchen SAC) control of non-native species.</u>
<u>8.7</u>	<u>Water Abstraction</u>	<u>River Itchen SAC</u>	<u>All residential development</u>	<u>Joint statement from the Environment Agency and Southern Water, 26th March 2018; Residential development water efficiency (maximum of 110 litres per person per day improving to 90 litres per person per day)</u>
<u>8.8</u>	<u>Water Pollution</u>	<u>River Itchen SAC; Solent Maritime SAC; Solent and Southampton Water SPA / Ramsar</u>	<u>All overnight accommodation</u>	<u>Implementation of PUSH IWMS, including phasing development and upgrades/mitigation as required, need for nutrient neutral development from now onwards, water efficient development (maximum of 110</u>

				<i>litres per person per day); mitigation measures within Southern Damselfly Strategic Conservation Strategy (2018) for the River Itchen</i>
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17.7 The New Forest Interim Mitigation strategy (ED12C) will be finalised, following consultation with Natural England, prior to the adoption of the Local Plan as the basis for securing project level mitigation where required and will be superseded in due course by the final strategy.

17.8 The Council is currently working on a strategy to deliver nutrient neutral development which is likely to include a range of measures both on and off site. The commitment to ensuring nutrient neutral development is clearly set out in the Local Plan.

17.9 The implementation of the Southern Damselfly Strategic Conservation Plan is an important tool to safeguard and enhance the local population in the Borough, and Natural England and the Environment Agency advise that this is incorporated into Local Plan policy. This issue has been addressed through a proposed modification to Policy DM11, referred to earlier in this statement. It is also proposed to delete reference to the Southern Damselfly Strategic Conservation Plan from the table setting out mitigation measures as supporting text to Policy DM11. An addendum to the HRA has been prepared to consider this issue. A copy is appended to this statement.

17.10 It is also proposed to amend the second sentence of paragraph 5.62 to read:

'Under the EU Habitats Directive , the EU Birds Directive and the Ramsar convention ~~as transmuted into British law within the Conservation of Habitats and Species Regulations 2010 (as amended)~~ as transposed into national law as the Conservation of Habitats and Species Regulations 2017....'

17.11 A new paragraph is proposed to be added after paragraph 5.70 to read:

'The local ecological network comprises the international, national and locally designated sites of importance for biodiversity, functionally linked land, local nature reserves, ancient woodland and veteran trees, protected and notable species and their habitats, sites identified for habitat restoration, creation of compensatory measures for the adverse effects on biodiversity, appropriate buffer zones, and wildlife corridors that connect them (for example important hedgerows and watercourses). Planning applications should be supported by an adequate and proportionate assessment of their effect on the network, and by mitigation or compensation proposals as required.'

17.12 During discussions on this statement of common ground, the EA suggested further clarification is required on how and when mitigation measures are delivered, particularly where the requirement is off site. It is therefore proposed to modify the Local Plan by inserting the following text before paragraph 5.71 as follows:

'Contributions to off-site mitigation projects such as the Solent Recreation Disturbance Project: Bird Aware, the interim New Forest Recreation Management Strategy and a nutrient neutrality mitigation strategy may be required. The timing of any contribution and the potential for phased payments will be agreed as part of negotiations on individual planning applications in consultation with Natural England and the Environment Agency.

The Solent Recreation Disturbance Project seeks to prevent any net increase in bird disturbance as a result of additional recreational pressures arising from new dwellings planned around the Solent SPAs. Mitigation measures include rangers to promote positive changes in behaviour through promoting a better understanding of the Solent's birds, as well as communications, marketing and education initiatives, initiatives to encourage responsible dog walking, codes of conduct, new/enhanced strategic greenspaces, site-specific visitor management and bird refuge projects. These measures will be funded through developer contributions from relevant applications within the 5.6km zone.

In the absence of avoidance and/or mitigation measures, the level of residential development promoted in the Local Plan, is likely to have an adverse effect on the New Forest SPA/SAC/Ramsar through additional visitor pressure. Eastleigh Borough Council is part of a partnership of local authorities within and adjacent to the New Forest who working with Natural England, are addressing the issue by updating the evidence base and developing a mitigation strategy. The partnership will develop an effective and proportionate package of measures and consider the most appropriate way to fund this. The Council will implement the interim strategy until the full strategy is finalised. The interim strategy initially prioritises investment in delivering new and improving existing open spaces and routes in Eastleigh borough.

The Partnership for South Hampshire (PFSH) authorities commissioned an Integrated Water Management Study (IWMS) into the effects of planned development on water quality and water resources. The IWMS noted that the majority of the Solent water bodies (Solent Maritime SAC, Solent and Southampton Water SPA/Ramsar) had in most cases, less than good ecological status for elements such as dissolved inorganic nitrogen. Natural England's view is therefore that any new development which would result in an increase in overnight stays, should achieve nutrient neutrality to avoid any likely significant effects. The Council is therefore developing a nutrient neutrality mitigation strategy in advance of the development of a sub-regional strategy led by the PFSH. Measures are likely to include some or all of the following: the provision of green infrastructure on site, taking land out of agricultural land for use as off-site green infrastructure, woodland planting of agricultural land, the creation of wetlands adjacent to wastewater treatment works, water efficiency

measures in new dwellings and retrofitting social housing stock and potential upgrades to wastewater treatment works in the long term.

Policy DM11 criterion iv states that development should achieve biodiversity net gain. Where possible strategic developments of 250 dwellings or more (including those listed in policy S3) should achieve biodiversity net gain both on site and as part of strategic off site measures to enhance ecological networks (smaller developments can make a proportionate contribution to either on or off site measures). Contributions may be sought to implement measures set out in the Southern Damselfly Conservation Strategy specifically to deliver strategic biodiversity net gain. The strategy sets out a number of options for both habitat enhancement and creation.

The Council will incorporate the requirements for any off-site ecological mitigation as part of any update to the Supplementary Planning Document on Planning Obligations. Other strategies on biodiversity net gain may be set out in a Supplementary Planning Document.

17.13 Natural England also suggested modifying part i of the policy to refer to the benefits of the development at the site clearly outweighing the adverse effects on the nature conservation value of the site. It is not considered necessary to modify the plan in line with this suggestion as it may not be practical or feasible to deliver those benefits on a particular site. The policy as drafted would not preclude benefits on the site.

18. Policy DM17 – Agricultural development

18.1 Natural England have suggested a modification to Policy DM17 to take account of all development that may impact upon best and most versatile (BMV) agricultural land, noting that decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. NE also suggested that the plan should safeguard BMV agricultural land.

18.2 Policy DM17 is designed to support and control agricultural buildings, not protect agricultural land. The essence of Natural England's comment is better addressed under policy S7.

18.3 It is therefore proposed to amend Policy S7 – New development in the countryside, by adding new criteria as follows:

'd. safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss; and
e. protect soils during construction wherever possible in line with the 'Defra code of practice for the sustainable use of soils on construction sites.'

19. Policy DM37 – Recreational activity on the River Hamble

- 19.1 Natural England consider that Policy DM37 should be strengthened to make it clear that the development of new moorings or jetties or replacements of existing structures that would extend into a European designated site should not be permitted and furthermore that a cross reference should be made to DM11.
- 19.2 Policy DM11 makes it clear that development that is likely to adversely affect the integrity of an international or European nature conservation site will not be permitted. By including a specific reference to DM11 in Policy DM37, it is felt that the concerns raised by Natural England are satisfactorily addressed.
- 19.3 It is proposed to modify Policy DM37 as follows:

'i: new moorings and replacement or relocation of existing moorings will only be permitted outside the mooring restriction areas shown on the policies map, and subject to the advice of the River Hamble Harbour Authority and in accordance with the ~~biodiversity~~ policy DM11.'

20. Policy FO3 – East of Allington Lane

- 20.1 Natural England note that two existing applications have been submitted for this site, both of which have extensive mitigation strategies for great crested newts. NE request that development proposals should ensure that they also provide a comprehensive mitigation and compensation strategy for great crested newts and incorporate appropriate buffers and enhancement both on and off site where necessary.
- 20.2 Policy FO3 as drafted includes the requirement for a great crested newt strategy. It is proposed to include a minor modification as follows:

'vii. Provision and implementation of a great crested newt (GCN) strategy to provide a connected ecological network on site including:...

(Note: Further minor modifications are proposed to Policy FO3).

21. Policy BU2 – Heath House Farm

- 21.1 Natural England advise that any mitigation strategy for Bechstein's Bats, should ensure it adequately provides for habitat that support the Bechstein's food source e.g. grassland habitats. It is therefore proposed to amend Policy BU2 as follows:

'vii. A trapping and tracking survey within Pylands Piland's Copse SINC to assess Bechstein bat presence/absence and how they are using the area. A mitigation plan will be prepared if Bechstein are present, including extensive dark corridors adjacent to the woodland and along any flight lines being

accessed by the bats, and a lighting strategy to ensure the food species of the bats are not attracted by the development lighting and adequate habitat that will support the Bechstein's food source (e.g. grassland habitats). Further mitigation may be required;

22. Policy BU7 – Riverside Boatyard, Blundell Lane, Bursledon (Special Policy Area)

22.1 In response to other representations submitted on the Local Plan the Council is proposing to modify the plan to remove the Policy DM20 designation from the Policy BU7 Special Policy Area. Policy BU7 would also be amended to allow for the provision of a hotel or the expansion of the boatyard.

23. Policy HA2 – Mercury Marina and Riverside Camping and Caravan Park

23.1 Natural England made a number of comments, primarily related to the HRA and the neighbouring SINC.

23.2 In response to representations submitted on the Local Plan the Council is proposing to modify the plan (see Plan 3) to exclude land currently in boatyard use and protected under Policy DM20 and the northernmost shores (the Mound) from the Special Policy Area allocated under Policy HA2 and to amend the text as follows:

6.2.56 There has been a long identified need for a high quality hotel to be provided within the Hamble Peninsula, which could also provide leisure facilities for nearby residents. The sites of the Mercury Marina and the adjoining Riverside camping and caravan park are is considered to be suitable to accommodate for such a use, as well as a range of other holiday accommodation to cater for a variety of holiday needs including both luxury and lower cost accommodation, excluding permanent caravans occupied as a sole or main residence and second homes. They are on the shore of the River Hamble, and part of the site is already in use as a marina, with related sail and canoe training facilities, and holiday uses. The Mercury Marina site was formerly designated as a boatyard and marina, and to compensate for the potential loss of boatyard facilities arising from the hotel development, a site is allocated in Bursledon for the expansion of the Riverside Boatyard (see policy BU8).

Note: the northern part of this site lies in Hound parish.

Policy HA2, Mercury Marina and Riverside Camping and Caravan Park

Approximately 4.7 2.3 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, a range of other holiday accommodation and car parking/boat storage.

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 hotel shall conserve or enhances the special interest, character and appearance of the Old Bursledon Conservation Area; be of an outstanding design commensurate with its location close to or within the Old Bursledon Conservation Area and fronting the River Hamble;~~
- ~~ii. the site retains the marina and related uses including sail and canoe training, facilities for other water sports and visitor 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 provision if possible of public access subject to there being no adverse impact on nature conservation interests;~~
- ~~vii. 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~~
- ~~viii. 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 its current use. ~~and covered by policy DM20, Chapter 5.~~

6.2.57 ~~It is considered important to retain training facilities for sailing and canoeing and other water sports 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.~~

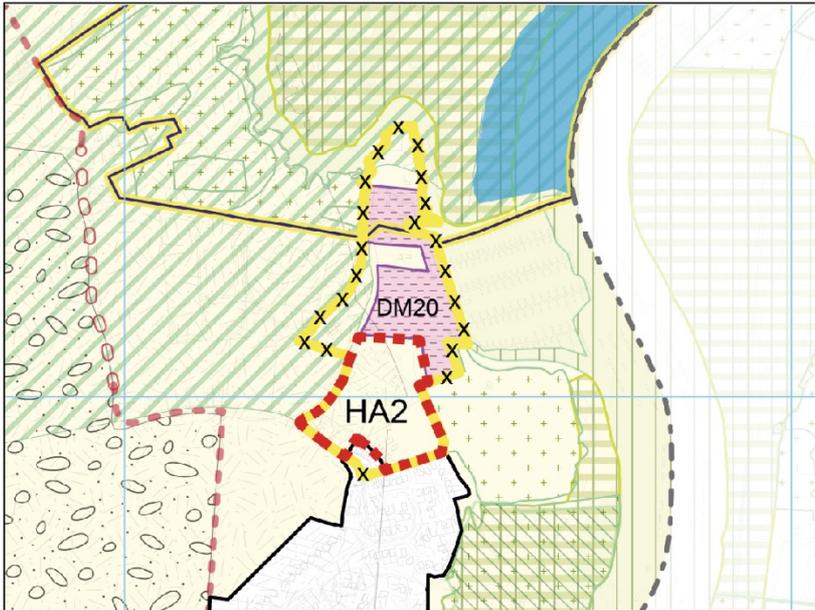
In the site level Habitats Regulation Assessment, particular reference should be made to the findings of the Habitats Regulation Assessment of the Local Plan with regards to the Solent Maritime SAC and the Solent and Southampton Water SPA and Ramsar site and the avoidance and mitigation measures identified. These include:

- a. careful design of new development, informing new residents and commitment to monitoring with regard to risk introducing invasive non-native species*
- 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.*

6.2.58 There is also potential for previously unidentified archaeology of prehistoric and Roman date. Any planning application should include an assessment of the potential for previously unidentified archaeological sites and the impact of the proposed development upon these in accordance with policy DM12.

~~*6.2.59 If the site is not developed for a hotel, it should remain in its current boatyard and marina use, as it remains important for the local marine economy.*~~

Plan 3: Proposed modification to Special Policy Area HA2



Policies Map (South)

Key:

- Eastleigh Borough Boundary
 - Urban Edge S2
 - Countryside S7
 - Gap S8
 - HCC Minerals Safeguarding - see Hampshire Minerals & Waste Plan
www.hants.gov.uk/mineralsandwaste
 - International Nature Conservation Designation - SAC and/or SPA, Ramsar DM11
 - National Nature Conservation Designation - SSSI DM11
 - Local Nature Conservation Designation - SINC and/or LNR (correct at July 2017) DM11
 - Conservation Area DM12
 - Strategic Footpath/Cycleway/Bridleway S13
 - Proposed Strategic Footpath/Cycleway/Bridleway S13
 - Hamble River Mooring Restrictions DM37
 - Boatyard and Marina sites on the River Hamble DM20
 - Special Policy Areas BU7, BU9 & HA2
 - Hamble Airfield HA3
 - Area removed from Special Policy Area HA2
 - Proposed new boundary of Special Policy Area HA2
- | | |
|------------------------|------------------------|
| Policy Number notation | |
| S4 | Strategic |
| DM3 | Development Management |
| E5 | Local Area -Eastleigh |
- Notes:
For full details of the policies and proposals,
please see the Eastleigh Borough Local Plan
2016 - 2036 document.

24. Policy WE4 – Land at Ageas Bowl and Tennis Centre, Botley Road, West End

24.1 Natural England advise that the Policy should seek to ensure that the impacts of light pollution on the adjacent Telegraph Woods SINC and wildlife in the area, particularly bats, are considered and addressed as well as seeking net biodiversity gain.

24.2 Whilst the requirement for net biodiversity gain is satisfactorily addressed by Policy DM11, it is proposed to clarify the policy in respect of light pollution as follows:

'(iv) proposals for floodlighting on any part of the site (excluding cricket) must be of a scale, form, location and luminosity that would not affect the predominantly open character of the area or the biodiversity interests of the adjacent SINC or protected/priority species. The hours of use of any floodlighting may be limited in order to minimise its impact on nearby residential property;'

25. Appendix B: Legislation and other plans and strategies

25.1 Natural England suggest paragraph A7 should be updated to reflect the publishing of the revised NPPF (July 2018). The NPPF was again revised in February 2019 and amended in June 2019 following a legal judgement. It is therefore proposed to modify the plan as follows:

'In ~~March 2012~~ February 2019 the Government published the revised National Planning Policy Framework:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework.

This replaces the first National Planning Policy Framework published in March 2012. It must be taken into account in preparing the development plan, and is a material consideration in planning decisions. most of the former planning policy statements and planning guidance notes. It provides a set of national planning principles, and all Local Plans are required to be in conformity with these.

It should be noted that in accordance with the transitional arrangements set out in paragraph 214 of the revised NPPF, the Eastleigh Borough Local Plan has been prepared and will be examined against the NPPF as originally published in March 2012:

<https://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>

26. Access and rights of way

26.1 Natural England advise that the Plan should include a policy to ensure protection and enhancement of public rights of way and National Trails as outlined in paragraph 98 of the NPPF, including linking existing rights of way where possible and providing for new access opportunities. They also note that the plan should avoid building on open space of public value as outlined in paragraph 97 of the NPPF.

26.2 Policy DM1(vi) includes a requirement to provide fully connected green infrastructure. It is proposed to modify this criterion to read:

'vi. protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;

Appendix 1

The Council's position on other matters

A1. Policy S4 – Employment provision

- a. It is agreed with Natural England, that development at Eastleigh Riverside and the Chickenhall Lane Link Road should not adversely affect the qualifying features of the River Itchen SAC. This issue is adequately addressed in Policies E6 and E7 as drafted which include a requirement for a site level HRA to demonstrate how the development will be delivered without adverse effect on any European site.
- b. Natural England note the fact that Chalcroft Business Park is encompassed by two Sites of Importance for Nature Conservation (SINCs). Whilst this is not specifically acknowledged in paragraph 4.11 or Policy S4, all proposals for development in the Borough must comply with the Local Plan as a whole. Policy DM11 makes it clear that development will not be permitted if it is likely to have a direct or indirect adverse effect on a SINC. It is not therefore considered that a modification is required to the Local Plan.

A2. Policy S7 – New Development in the Countryside

- a. Natural England seek a cross reference to policy DM11 in Policy S7. Notwithstanding that the Local Plan should be read as a whole, whilst a cross reference to policy DM11 could be included, this might create the impression that ecological issues only apply to development in the countryside whereas they also apply to urban development. Policy S1 on sustainable development applies to all development and includes the relevant criteria.
- b. Criterion a. of Policy S7 on landscape character is welcomed by Natural England, however an additional clause to the policy is requested to clearly set out the need to protect and enhance local valued landscapes in accordance with the NPPF. This is not considered necessary given that the policy already refers to the need to avoid adverse impacts on the intrinsic character of the landscape.

A3. Policy S12 – Transport infrastructure; Policy DM13 – General development criteria – transport;

- a. Natural England suggest a reference to Policy DM11 in both Policy S12 and DM13 would help ensure that proposals for new roads and motorway junction improvements seek a net gain for the natural environment.
- b. The EA note that as the scope of works for any junction improvements is unclear, it is not possible to determine what the impact would be and

therefore an explicit reference to a project level HRA is required in the supporting text to the policy.

- c. It is agreed that all new roads/link roads, junction improvements and motorway junction improvements should conform with policy DM11. The Local Plan should be read as a whole and therefore a cross reference is not required to policy DM11 in policy S12.
- d. The requirement for a project level HRA is determined by application of the Conservation of Habitats and Species Regulations 2017. It is not necessary or appropriate for the plan to outline all circumstances when one might be required. If compliance with DM11/HRA issues are flagged up for just some policies, developers may incorrectly assume they do not apply or are not required in respect of other policies.

A4. Policy DM14 – Parking; and Policy DM29 – Rural workers dwellings

- a. Natural England suggest a reference to Policy DM11 in both Policies DM14 (parking) and DM29 (rural workers dwellings) would help ensure that any adverse impacts on the environment are either avoided, mitigated or in the worst-case scenario, compensated.
- b. As set out above, the Local Plan should be read as a whole and therefore a cross reference is not required to policy DM11 in policy DM14 or DM29.

A5. Policy FO5 – Land East of Knowle Lane

- a. Natural England advise that the policy should include a requirement for an assessment of the impacts of the development and how those impacts will be addressed. Mitigation measures for the SINC should include a long-term management plan to enhance the existing habitat and compensatory measures for the loss of any habitat.
- b. Any application for development on this site will be subject to the requirements of Policy DM11 and therefore no modifications are deemed necessary.

A6. Policy FO6 – Foxholes Farm, Fir Tree Lane

- a. Natural England note that an extensive mitigation strategy for GCN will be required to mitigate adverse impacts on this species. It is not considered that the policy needs to be modified as it already seeks to ensure avoidance or mitigation of impacts on habitats and protected species.

A7. Policy E8 - Junction improvements, Eastleigh

- a. The EA are concerned that the proposed junction improvements along Bishopstoke Road may have a likely significant effect on the integrity of

the River Itchen SAC. Due to the uncertainty around the junction design, the EA suggest that explicit reference is made to the requirement for a project level HRA as part of the supporting text to the policy.

- b. As set out previously in the response to S12, it is not necessary to refer to the need for a project level HRA in every circumstance. Policy DM11, which will apply to any junction improvement proposal, makes it clear that development that is likely to adversely affect the integrity of an international or European nature conservation site will not be permitted. The requirement for a project level HRA is covered by other legislation.
- c. The EA also raise concern regarding the lack of any specific policy for the junction improvements at Church Rd / Bishopstoke Rd. Paragraph 6.1.16 of the plan notes that this junction is currently subject to investigation via the Sub-Regional Traffic Model. If a Bishopstoke Road corridor capacity scheme was to come forward, there is potential that this junction could also be included as part of such a scheme. The subsequent Local Plan Transport Assessment has not identified this scheme as part of the transport interventions required for the development proposals. However, a scheme would be of broader benefit in reducing existing congestion. As there are no firm proposals for this scheme, it would not be appropriate to specifically include the scheme in Policy E8, however the policy as drafted does make it clear that the Council will support capacity improvements at other locations if they come forward.

A8. Policy BU3 – Land lying south east of Windmill Lane

- a. Natural England advise that the policy includes a requirement for an assessment of the wider impacts on biodiversity and how those impacts will be addressed. Mitigation measures for the SINC should include a long-term management plan to enhance the existing habitat, with proposed measures to achieve net gain.
- b. It is not considered that a modification to the plan is necessary in response to the issues raised by Natural England given that Policy DM11 would apply to any development proposal on the site.

A9. Policy BU7 – Riverside Boatyard, Blundell Lane, Bursledon (Special Policy Area)

- a. Natural England refer to a potential duplication of paragraphs where 6.2.33 and 6.2.34 appear to repeat 6.1.41 and 6.4.42.
- b. Paragraph 6.1.41 refers to development at Hammerley Farm, Horton Heath under Policy FO8 and paragraph 6.4.41 (assume the comment from NE relates to 6.4.41 rather than 6.4.42) refers to development

opportunities adjoining Eastleigh Riverside under Policy E7. No modification is therefore deemed necessary.

A10. Policy CF1 – Central Precinct, Chandler’s Ford

- a. Natural England note that the site is on/adjacent to a SINC and that any impacts upon the SINC should therefore be considered in line with Policy DM11. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A11. Policy CF3 – Land south of the supermarket and east of Bournemouth Road, Chandler’s Ford

- a. Natural England note that the site is adjacent to a SINC and that any impacts upon the SINC should therefore be considered in line with Policy DM11. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A12. Policy E6 – Eastleigh Riverside

- a. Natural England comment that the site is adjacent to the River Itchen SAC and SSSI and in close proximity to Stanford Meadow SINC and that any impacts upon the SINC should be considered in line with Policy DM11 and that net gain should be sought. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. The proposed modifications to Policy DM11 include a requirement to seek net gain. No modifications are therefore considered necessary to Policy E6 as a result of Natural England’s representation.

A13. Policy E7 – Development opportunities adjoining Eastleigh River Side

- a. Natural England comment that the site is adjacent to the River Itchen SAC and SSSI and adjacent to Stanford Meadow SINC. As noted previously, they consider that any impacts upon the SINC should be considered in line with Policy DM11 and that net gain should be sought. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. The proposed modifications to Policy DM11 include a requirement to seek net gain. No modifications are therefore considered necessary to Policy E7.

A14. Policy E9 – Southampton Airport

- a. Natural England comment that the site is adjacent to the River Itchen SAC and SSSI and also the Itchen Valley Nature Reserve and Itchen Valley Field 27 SINC. As set out previously, they consider that any

impacts upon the SINC should be considered in line with Policy DM11 and that net gain should be sought.

- b. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. The proposed modifications to Policy DM11 include a requirement to seek net gain. No modifications are therefore considered necessary to Policy E9.

A15. Policy E10 – Land south of M27 junction 5

- a. Natural England comment that the site is in close proximity to the Hardmoor Copse (South) and Hardmoor Plantation SINC and as such the policy should set out a need for an assessment of impacts on the SINC with measures outlined for net gain.
- b. Any development proposals on the site will need to comply with Policy DM11 (as proposed to be modified), which require an assessment of impacts on SINC and for net gain. No modifications are therefore proposed to Policy E10.

A16. Policy AL1 – Land east of Allbrook Way

- a. Natural England request that the policy is amended to conform with ancient woodland policy and the NPPF. A separate Statement of Common Ground has been prepared specifically in relation to ancient woodland.

A17. Policy HE4 – Land off Peewit Hill Close and Dodwell Lane

- a. Natural England consider that water quality issues should be addressed in the policy as well as seeking a net gain in biodiversity in line with Policy DM11. This requirement is covered by Policy DM11 and therefore the Council do not consider it necessary to refer specifically to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A18. Policy HE5 – Land at Netley Firs, Kanes Hill, Hedge End

- a. Natural England consider that the policy should include a requirement for an assessment of biodiversity interests on the site with proposed measures to offset adverse impacts on priority habitats as necessary. This requirement is covered by Policy DM11 and therefore the Council do not consider it necessary to refer specifically to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A19. Policy WE1 – Chalcroft Business Park, Burnetts Lane, West End

- a. Natural England advise that opportunities are sought to enhance the nature conservation interests of the SINCs. This requirement is covered by Policy DM11 and therefore the Council do not consider it necessary to refer specifically to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A20. Policy WE2 – Land adjoining Chalcroft Business Park

- a. Natural England advise that the Policy should seek to ensure that no adverse impacts occur on the adjacent Chalcroft Distribution Park SINC. The Council do not consider it necessary to refer to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A21. Policy WE3 – Land west of Tollbar Way and south of Berrywood Business Park, Hedge End

- a. Natural England advise that the Policy should seek to ensure that the Moorgreen Meadows SSSI is considered by any proposal. This requirement is covered by Policy DM11 and therefore the Council do not consider it necessary to refer specifically to the need to comply with Policy DM11 as the Local Plan should be read as a whole. No modifications are therefore considered necessary.

A22. Policy BO2 – Land west of Uplands Farm, Botley

- a. Natural England suggest that the policy should include a requirement for a site level HRA and to ensure that up to date species surveys are submitted with any application.
- b. The requirement for a project level HRA is determined by application of the Conservation of Habitats and Species Regulations 2017. It is not necessary or appropriate for the plan to outline all circumstances when one might be required.
- c. The modifications proposed to paragraph 5.8 referred to previously are considered to adequately cover the requirement for up to date species surveys.

A23. Policy DM34 – Protection of recreation and open space facilities

- a. Natural England's advice on access and rights of way is set out at paragraph 26.1 above and a proposed modification to Policy DM1(vi) is included at paragraph 26.2.

- b. Policy DM34 deals with protection of recreation and open space facilities and therefore no modifications to the plan are considered necessary in relation to this issue.

Appendix 2 – Eastleigh Strategic Development Proposed Flood Compensation Strategy (Odyssey October 2019)

Project Name : Eastleigh Strategic Development
Job No : 19-032
Note Title : Proposed Flood Compensation Strategy
Author : JH
Checked : GG
Approved : GG
Date : October 2019

1.0 INTRODUCTION

1.1 Odyssey has been commissioned by Highwood Group to provide flood risk support for the Eastleigh Strategic Growth Option (SGO) at North Bishopstoke and Fair Oak as allocated in Eastleigh Borough Council's (EBC) emerging Local Plan.

1.2 The focus of this Proposed Flood Compensation Strategy study is prepared in support of the proposed B3335 Highbridge Road Re-Alignment. The Ordnance Survey (OS) grid reference for the centre of the study area is 446160E, 121090N, and the nearest postcode is SO50 4NA.

2.0 FLOOD MODEL REVIEW

2.1 According to the current Flood Map for Planning, the area near the existing and proposed B3335 Highbridge Road is entirely situated within Flood Zone 3, i.e., a land having a 1 in 100 or greater annual probability of river flooding in relation to the River Itchen.

2.2 The Flood Zone extent and the indicative proposed road alignment are extracted in **Figure 2-1** below:

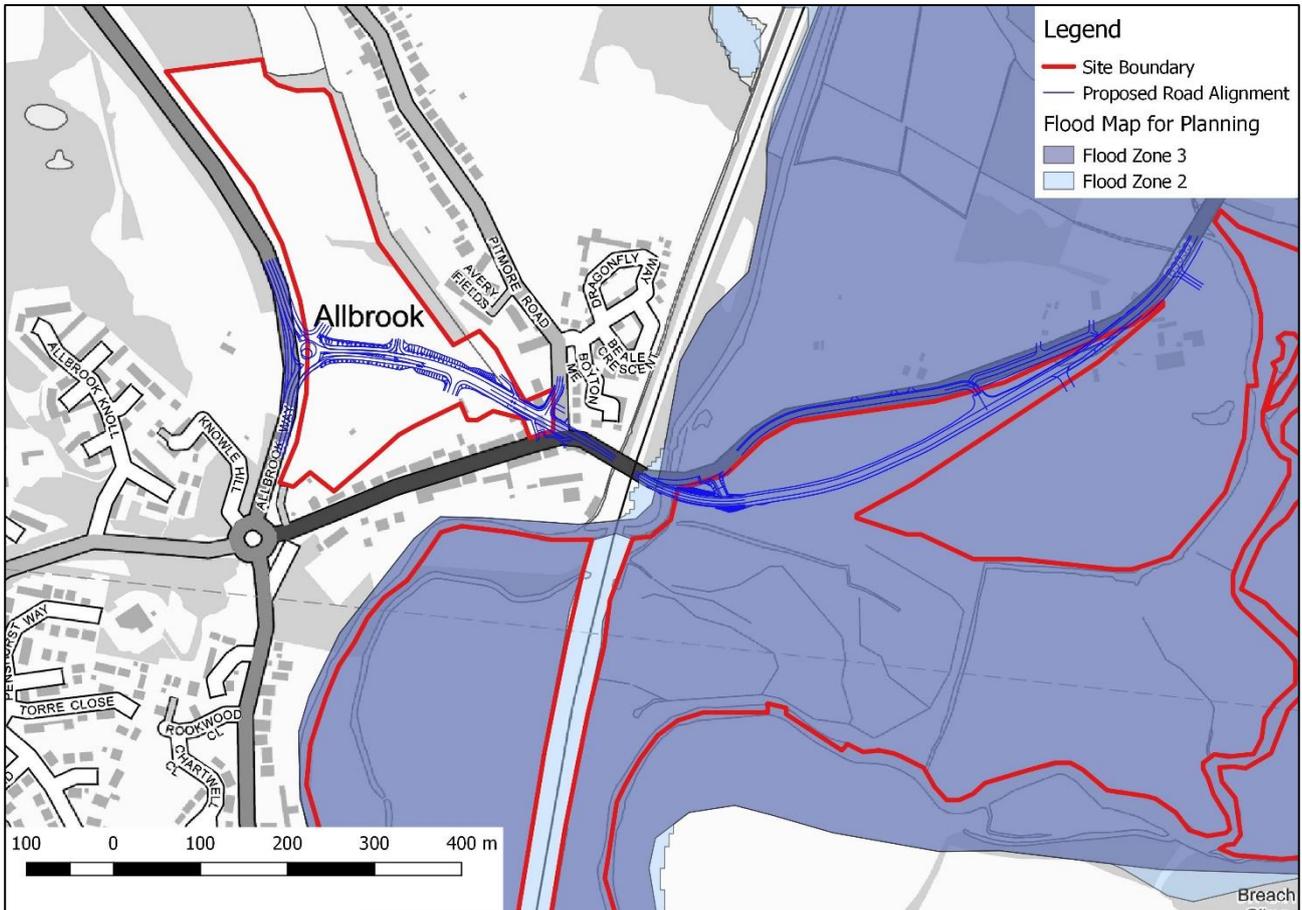


Figure 2-1: Site Location Plan

2.3 It should, however, be noted that the current Flood Zone extent near site was generated based on the output of a JFLOW model, which was a generalised model that would not provide sufficient accuracy to inform a site-specific flood risk assessment as outlined in the Environment Agency's guidance note in **Appendix A**.

2.4 The Environment Agency has subsequently commissioned a detailed 1D-2D River Itchen hydraulic model which has been completed by JBA Consulting in May 2019. The modelling study utilised new channel survey data and hydrological analysis that incorporated the latest gauging data. This model will override the JFLOW model output and form the basis of the updated Flood Map for Planning.

2.5 Odyssey acquired from the Environment Agency the hydraulic model of the River Itchen in June 2019. The results of the latest hydraulic model from the Environment Agency shows a significant reduction in the floodplain extents with the new B3335 Highbridge Road alignment out of the floodplain, as shown in **Figure 2-2** below:

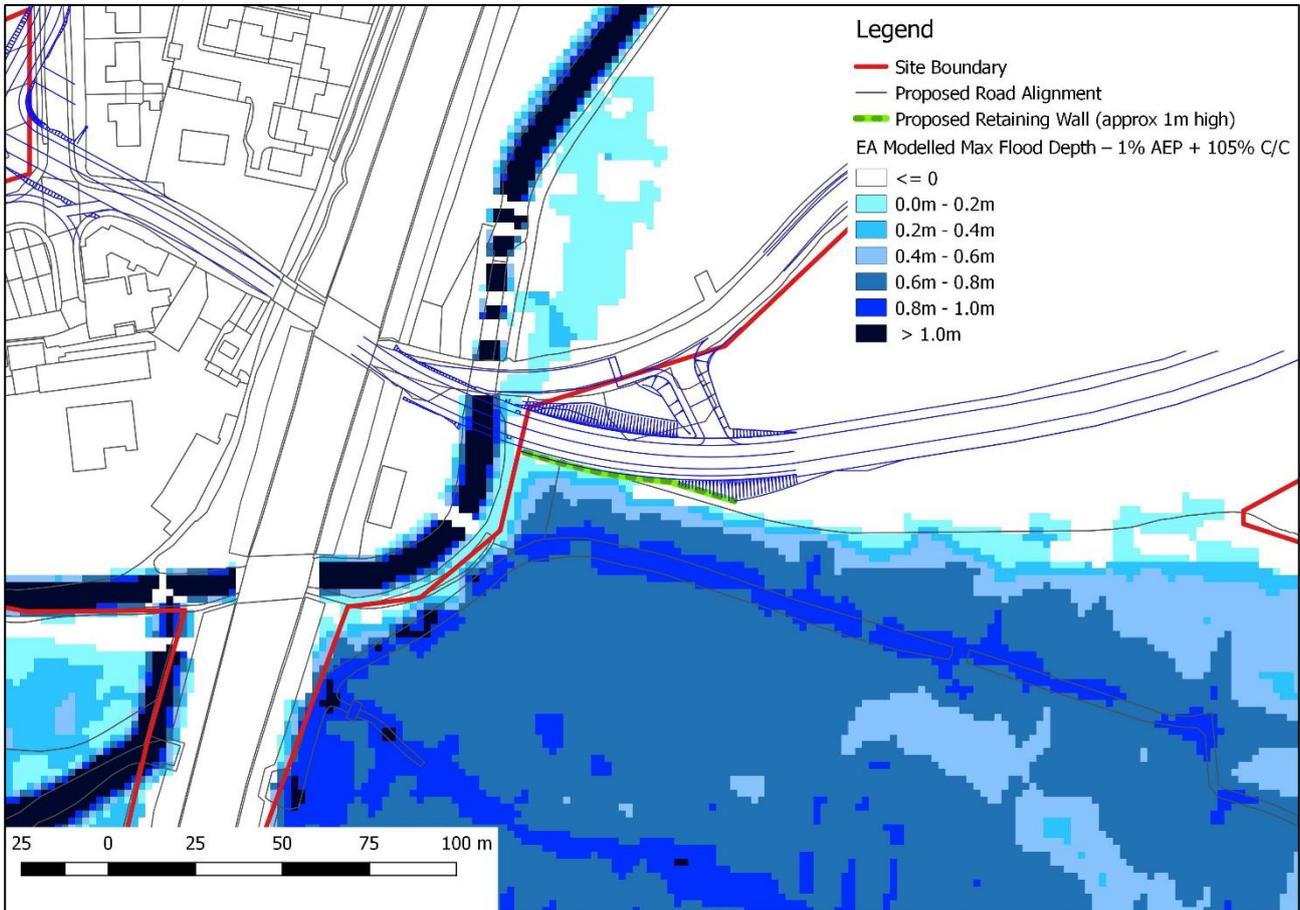


Figure 2-2: Environment Agency model results – 1% AEP + 105% Climate Change allowance

2.6 Odyssey further refined this model to generate the 1% AEP (1 in 100) including climate change flood extents associated with the River Itchen and the resulting flood levels are to be used in developing the development proposals. The following additional on-site topographical data was added to the 2019 River Itchen hydraulic model:

- i. the existing and proposed B3335 road level; and
- ii. the 2D river bank levels near site.

2.7 All other model parameters remain unaltered from the original model.

2.8 The updated hydraulic model was re-run for the 1% Annual Exceedance Probability (AEP) + 105% climate change allowance in accordance with the current Environment Agency's Climate Change Allowances Guidance. The modelled maximum floodplain extent can be found in **Appendix B**.

2.9 The proposals to re-align the existing B3335 Highbridge Road are outside the modelled 1% AEP + 105% climate change allowance floodplain extent.

2.10 As the proposed road embankment will be supported by a retaining wall that is situated out of the 1% AEP + 105% climate change allowance maximum flood extent, no flood compensation would be required.

2.11 It should be noted that the opening of the proposed bridge across River Itchen should be built no smaller than the existing B3335 bridge, i.e., a minimum width of 4.75m with the soffit level no lower than 15.90m AOD. The cross section of the existing B3335 bridge is extracted from the Environment Agency model in **Appendix C**.

3.0 CONCLUSION AND RECOMMENDATIONS

3.1 It is recommended that the flood extents and model results replace the existing Environment Agency fluvial floodplain extents currently shown on-site and the model results will inform the following;

- i. Flood Zone classification at the site;
- ii. Finished levels for the proposed development;

3.2 The proposed B3335 Highbridge Road Re-Alignment will be situated out of the fluvial floodplain extent up to 1% AEP + 105% climate change allowance. No flood compensation will be required for the proposed works.

APPENDIX A

Environment Agency JFLOW Data Guidance

JFLOW - Appendix

- Our work to produce Flood Zones followed a 10 year programme which delivered more detailed mapping for 821 locations. However, in order to complete Flood Zones we needed national coverage, hence a generalised approach was used to provide this national coverage within the time available, to fill the gaps between the 821 locations where we had more detailed information. The Flood Zones are therefore not as accurate as we would normally specify for river modelling, but they do provide an adequate indication of the extent of flood risk such that developers can consider flooding as part of their proposals to ensure they are not unknowingly putting additional lives at risk. This is the purpose for which the Flood Zones were produced.
- Neither water depths nor water levels were outputs that were specified when we commissioned this generalised modelling for Flood Zones. Whilst the modelling process does provide some information on depth of water, it would have been possible to produce the flood extents without storing the water depth values, since water depth is only a 'by-product' of the calculation process. As the JFLOW modelling method was developed, tested and reviewed for production of the Flood Zone extents only, we currently have no information on the accuracy of the water depth data.
- The models were run using a Digital Terrain Model (DTM) with a 5m x 5m grid. However the DTM grids were generalised to between 5m and 100m (depending on the type of model and location, for reasons such as processing speed). Fluvial modelling produced depth data which can be processed using the DTM to provide water level data. However the differing grid sizes means that there is a significant potential for inaccuracy in producing level data, because of the DTM generalisation.
- Therefore because of the nature of the model and the DTM, in many cases it will not be possible to confidently assess whether or not a site is above the resulting water level. This is because there are further inherent uncertainties in the depth calculation and within the DTM itself
- Depth or level outputs from the National Generalised Modelling (JFLOW) are only suitable to be used for decision making at a broad catchment or Shoreline Management Plan coastal cell scale (or larger).
- **They are not suitable for use in site specific Flood Risk Assessments or Strategic Flood Risk Assessments and must not normally be used for these studies. However, where in exceptional circumstances Nationalised Generalised Modelling outputs are requested to be used for anything other than at a broad catchment or Shoreline Management Plan coastal cell scale further verification must be undertaken. As part of this verification the outputs must be proven to be suitable and appropriate bearing in mind the conclusions the user wishes to draw from them and this use must be agreed in writing by the local Environment Agency staff.**
- If any agreement is given by the Environment Agency in pursuance of the above, the User accepts and agrees that such agreement by the Environment Agency that that National Generalised Modelling outputs are suitable for a particular use does not imply agreement that the proposals are appropriate or that the Environment Agency has no further comment on flood risk, rather that following verification the User has proven that the outputs are suitable to help assess the flood risk in the particular circumstances.
- Any assessment of Flood Risk undertaken must be appropriate for the decisions that need to be based upon it, consider the risks and also take into account any limitations of the data used
- Please read the enclosed Notice and be aware that the Environment Agency does not guarantee that this data is suitable for your purposes.
- **The consultants employed to deliver JFLOW Flood Zones to the Environment Agency were Jeremy Benn Associates (JBA). I should make you aware that JBA will not release information that either is owned by the Environment Agency or based upon Environment Agency information as they are not licensed to do so. You will need to request any information you require from the Environment Agency.**
- Information provided relates solely to flood risk issues and is based on the best available information to date in the Environment Agency. If further information becomes available to the Environment Agency (on flood risk issues or on other environmental issues which affect a FRA) or policy changes, we reserve the right to comment further or to supply further information or to amend information sent.
- If this information is supplied in connection with a flood risk assessment of development proposals and any material amendments made thereto at any stage prior to the submission of a planning application, the User should be aware of the need to consult the Environment Agency further

APPENDIX B

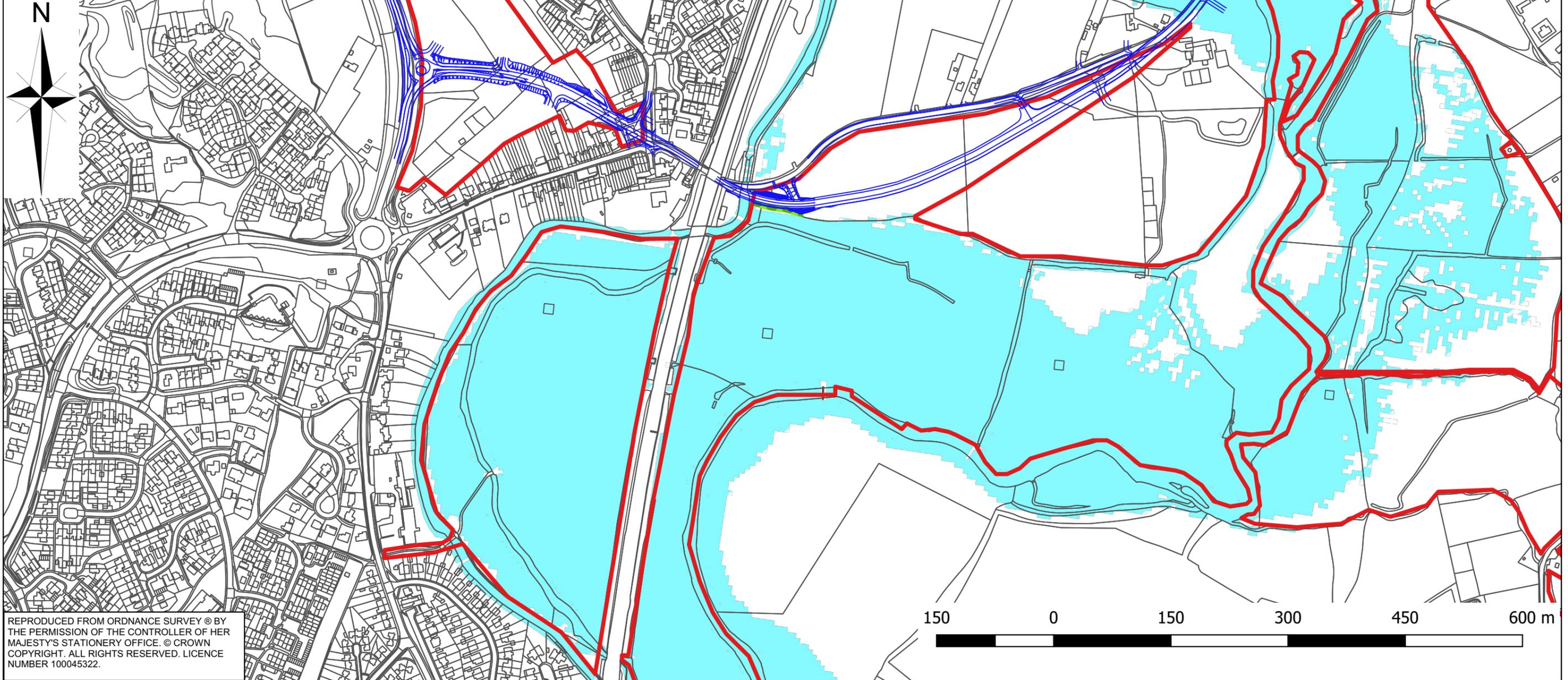
Modelled Floodplain Extent

NOTES AND ASSUMPTIONS

1. The model results are based on the Environment Agency River Itchen Modelling Study (May 2019) with existing B3335 topographical survey data that was undertaken by Sutekube in August 2017. The proposed B3335 level that was provided by Paul Basham Associates in October 2019 (024.0036.016 Rev C) is also added into the model.
2. Model results were derived using Flood Modeller Pro - TUFLOW 1D-2D hydraulic modelling suite (Flood Modeller Pro Build: 4.5; TUFLOW Build: 2018-03-AE-IDP-w64).

LEGEND

- Site Boundary
- Proposed Road Alignment
- Proposed Retaining Wall (approx 1m high)
- Maximum Floodplain Extent**
- 1% AEP + 105% Climate Change



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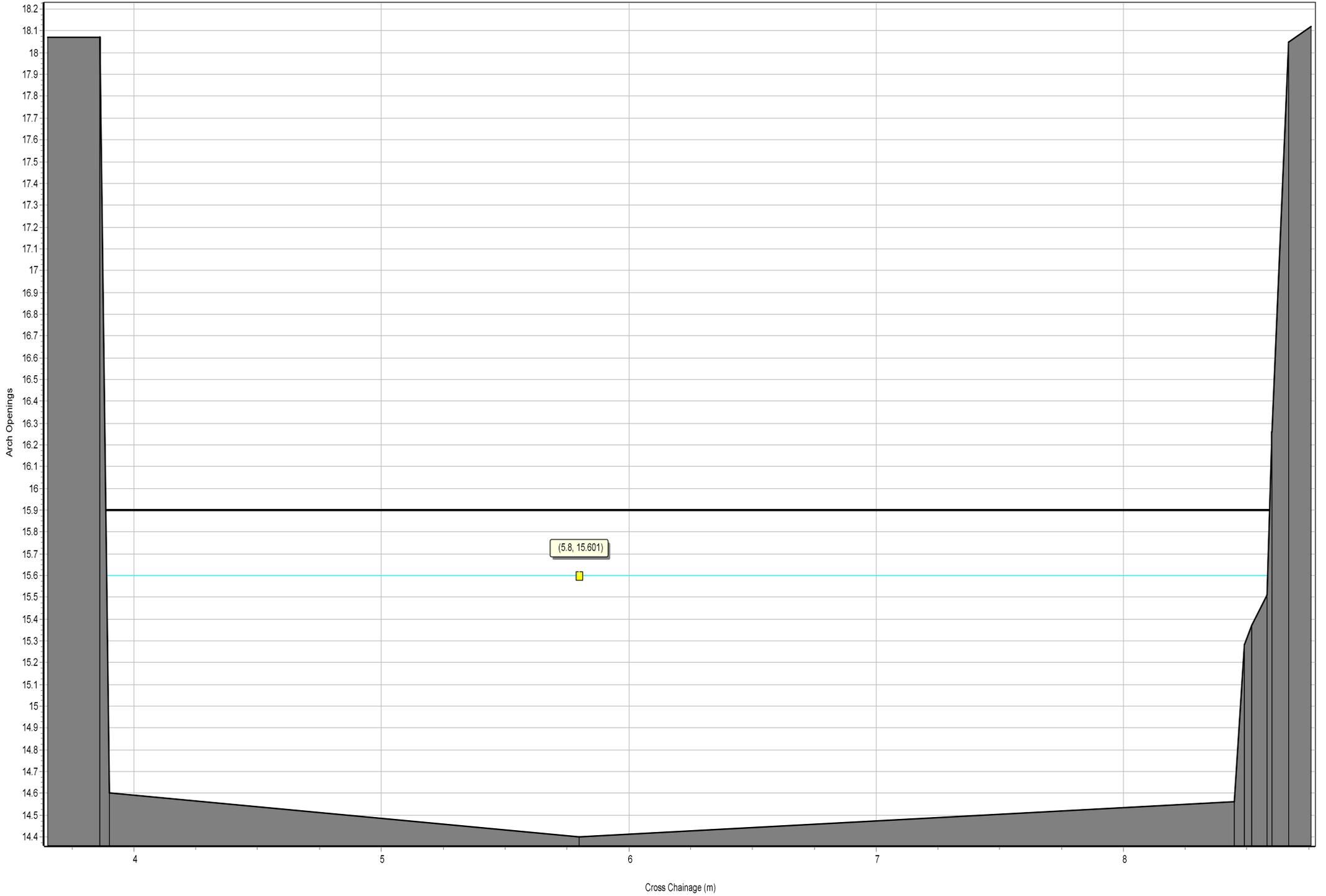
Job Title	EASTLEIGH STRATEGIC DEVELOPMENT, EASTLEIGH
Figure Title	MODELLED FLOODPLAIN EXTENT 1 IN 100 YEAR + 105% CLIMATE CHANGE ALLOWANCE

Client	HIGHWORTH LAND LLP
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Scale	1:5000 @ A3	Date	OCT 19	Designed	JH
Drawn	JH	Checked	GG	Approved	GG
Job No	19-032	Figure No	FIGURE 110	Rev	C

APPENDIX C

Existing B3335 Bridge Cross Section



Appendix 3 – Addendum to HRA

Addendum

Project	Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036	Date	October 2019
Note	Addendum	Ref	UE0247
Author	Nick Pincombe	Page	1 of 7
Status	For issue		

1 Introduction

- 1.1 This Addendum to the Habitats Regulations Assessment (HRA) of the Eastleigh Local Plan has been prepared to address a limited number of specific issues raised by the Inspector or during discussions with Natural England and the Environment Agency in advance of the examination hearings, namely:
- Whether or not the Southern Damselfly Strategic Conservation Plan (SDSCP) is required as part of the HRA mitigation strategy;
 - Whether or not the proposed new horizontal and vertical alignment of Highbridge Road requires further consideration in the Local Plan HRA;
 - Proposed additions to Policy S5 requested by Natural England;
 - Proposed additions to Policy DM6 requested by the Environment Agency; and
 - Natural England's comments on the New Forest Interim Mitigation Strategy.

2 Southern Damselfly Strategic Conservation Plan

- 2.1 The Environment Agency (EA) has raised concerns over how and when the SDSCP would be implemented alongside development proposed in the Local Plan, especially considering that many of the SDSCP measures would take place outside of development sites.
- 2.2 The HRA has concluded no adverse effects on integrity as a result of atmospheric nitrogen pollution, in part because phosphate (P) is the limiting nutrient in southern damselfly (SD) breeding habitat rather than nitrate (N). There are however elevated P levels in the Itchen resulting from agriculture, cress & fish farms, and waste water treatment works (WWTW) discharges.
- 2.3 Section 6.11 of the HRA examines the water pollution impacts of the plan and at 6.11.20-21 states (based on research elsewhere) that measures taken to reduce N inputs are often also successful at reducing P. The HRA then goes on to calculate a nitrogen budget for the local plan and quantify the approximate amount of N that would need to be removed from the system to offset development

impacts. It does not specify exactly which measures will be implemented to achieve N removal (e.g. taking agricultural land out of production, planting reedbeds, etc). However, on the basis that extensive measures will need to be taken to deal with N, and that these are likely to simultaneously reduce P, it is likely that nutrient budgeting will be sufficient to protect ecological integrity in the Itchen (including SD) without needing to rely on implementation of the SDSCP.

2.4 In order to strengthen the protections for SD from adverse effects, the following additions (in *italic underline*) will be made to the mitigation strategy presented at chapter 8 of the HRA (June 2019):

- Para 8.4.1, bullet 3, first sentence: “In order to maintain the current conditions of water flow and quality supporting the River Itchen SAC, including its Annex 1 habitat and Annex 2 species...”
- Para 8.4.1, bullet 6, final sentence: “...geomorphology of the River Itchen and hydrology of its floodplain (including through impacts on Annex 2 species) can be minimised”
- Para 8.4.1, bullet 13: “Management of surface water runoff from the road network to ensure appropriate water quality and quantity are maintained to achieve favourable conditions for Annex 1 habitat and Annex 2 species in the River Itchen SAC”
- Para 8.6.1, at end of bullet 7: “... dissolved oxygen content) affecting the River Itchen SAC, including its Annex 1 habitat and Annex 2 species”
- Para 8.6.1, at end of bullet 8: “... dissolved oxygen content) affecting the River Itchen SAC, including its Annex 1 habitat and Annex 2 species”
- Para 8.8.2, bullet 6: “Development of a nutrient neutral policy (e.g. in a detailed Supplementary Planning Document), including offsetting measures and development contributions, as advised by Natural England. This will include specific measures to address phosphate loads affecting the River Itchen SAC, its Annex 1 habitat and Annex 2 species including southern damselfly, upstream of the Chickenhall WWTW discharge”
- Para 8.8.2: delete existing bullet 7 which refers to the Southern Damselfly Strategic Conservation Plan
- Para 8.8.2, bullet 8, sub-bullet 3, end of second sentence: “other biodiversity objectives in the Borough for example the Southern Damselfly Strategic Conservation Plan (Rushbrook, 2018a)”

2.5 This combination of measures is considered to provide the requisite certainty that the River Itchen SAC (including SD) will be protected against adverse effects on integrity. Notwithstanding this, policy DM11 (as proposed to be modified) secures delivery of the SDSCP under its requirement to achieve net gains for biodiversity.

2.6 It should be noted that there are other mechanisms which should or are being addressed to achieve P reduction targets, including catchment management, reductions at fish/cress farms, implementing Technically Achievable Limits (TAL) for P in WWTW discharge consents, and ensuring that Southern Water monitors the quality of discharges at Chickenhall. All of these should be pursued independently of (but in tandem with) Local Plan HRA mitigation. There will also need to be some form of published strategy (e.g. Supplementary Planning Document) which sets out the Local Plan nutrient budget, the measures envisaged to offset it, how these will be funded and implemented, and periodic updates on progress (i.e. number of dwellings vs amount of mitigation delivered); it would be

useful to tie N and P monitoring in with this so that the strategy can be adjusted if sufficient progress for either pollutant does not materialise.

3 Alignment of Highbridge Road

- 3.1 Policy S6 of the Local Plan supports construction of new link road from Allbrook to east of Fair Oak to serve the new communities north of Bishopstoke and Fair Oak. Phase 2 of the road will include a realignment of the existing B3335 Highbridge Road to improve the traverse of the Allbrook rail bridge for larger vehicles. The policy also requires that the road will, inter alia, not adversely affect (either alone or in combination with other plans or projects; and subject only to imperative reasons of overriding public interest in the absence of alternative solutions) the integrity of the River Itchen Special Area of Conservation or any other European site. This will include the provision of appropriately designed bridges across the river and its tributaries, measures to manage hydrology, and any other measures required.
- 3.2 The supporting text to Policy S6 explains that the realignment will include a new bridge which crosses the River Itchen Special Area of Conservation (SAC), and the remainder of the road also passes within 200 metres of the SAC. The road, including the realignment also lies within the flood zone and needs to be designed to mitigate flooding issues.
- 3.3 The new alignment of Highbridge Road was taken into account in air pollution modelling for the Local Plan to enable the HRA to fully assess the potential for traffic flows to impact on features of the River Itchen SAC. This concluded that there would be no adverse effects on the integrity of the SAC; see paragraph 7.2.32 of the HRA (June 2019, examination reference SUB017a).
- 3.4 The HRA (section 6.12) also considered the potential for adverse effects on the River Itchen SAC resulting from a new bridge over the Itchen Navigation to facilitate the Highbridge Road realignment. It considered the potential for water pollution, noise and vibration in relation to migratory fish, and otter passage, and concluded that standard mitigation measures are likely to be available and should be applied during detailed design of the bridge and through project-level HRA. It also considered but discounted potential impacts on southern damselfly dispersal because the Itchen Navigation does not provide suitable habitat for the species.
- 3.5 It has recently come to light that, in order to maximise the benefits of the improved alignment of Highbridge Road, it will be necessary to raise the road surface above the existing level. Preliminary design drawings suggest this can be achieved by raising the road onto a new embankment which would be supported by a retaining wall on the south side to ensure it does not encroach into the SAC; see Figure 1 at the end of this document.
- 3.6 Ditch 2c (as referred to within the Southern Damselfly Survey and Habitat Assessment produced by Dr Ben Rushbrook in 2017) is located very close to the northern boundary of the SAC in this location. Ditch 2c is mostly dry in the summer and only takes water in the winter, and its historic link to the Navigation now appears to be lost. A single southern damselfly was recorded at the eastern end of ditch 2c during the survey but this is thought to have been a vagrant from the adjacent high quality habitat in transect 3 and 2b. In general ditch 2c is very poor southern damselfly habitat.

- 3.7 The design and construction method for the retaining wall, embankment and road will need to ensure that disturbance to adjacent habitats within the SAC is minimised. Mitigation will need to be developed during the detailed design stage to ensure that any short- or long-term loss of habitat function, or changes to hydrology or habitat buffering through loss of scrub, can be avoided.
- 3.8 JBA Consulting, which produced the hydrological study for the Strategic Growth Option (SGO) at Bishopstoke and Fair Oak, has provided an initial analysis on the new alignment and retaining wall¹. A comparison of the flood modelling we carried out in 2018 and the location plan shows that the wall is mainly located outside of the 1 in 100-year floodplain. So long as the embankment and retaining wall are designed to avoid any changes to the Itchen bank levels downstream of the site, water will still be able to top the bank and the hydrology would be unaffected.
- 3.9 In conclusion, based on the information currently available the proposed horizontal and vertical alignment of Highbridge Road is unlikely to significantly affect the River Itchen SAC and does not require further consideration in the Local Plan HRA. However, project-level HRA will need to be undertaken during the detailed design stages for the road.

4 Policy S5

- 4.1 During discussions on a Statement of Common Ground, Natural England requested that policy S5 should be amended to read (latest amendments in underline):

Development will appropriately manage the risk of flooding to the new communities and not increase the risk of flooding to existing communities. Where possible and practicable, opportunities to reduce the causes and impacts of flooding should be implemented (through the use of natural flood management techniques where appropriate). Development will include sustainable drainage systems which are appropriate to the overall design of the new communities, and preserve the water quality and flows in the Itchen and its tributaries and other flood risk management measures as required. A nutrient budget to address both nitrates and phosphates should be calculated to inform the design and capacity of the surface water drainage system taking into account planned improvements at Chickenhall wastewater treatment works. Subject to the results of the nutrient budget, a strategic wetland should be identified as a key asset of the sustainable urban drainage system in reducing diffuse nitrogen and phosphates as well as fine sediment. Applications for development will need to:

i. Incorporate regular monitoring of surface water discharge into the Itchen during pre-construction, construction and operational phases;

ii. Include a requirement to stop works where monitoring shows measurable levels of pollutants and measures taken to resolve any problems or unforeseen issues;

¹ Pers. comm. (2019): Email correspondence between Emma Barnett (Adams Hendry on behalf of Eastleigh Borough Council) and Natasha Todd-Burley (JBA Consulting) dated 30 September 2019.

iii. Include full details of who will adopt the drainage system and manage it over the lifetime of the development;

iv. Include step-in rights for the local authority to take over where a different management authority are no longer able to carry out management of the system;

v. Ensure adequate financial provision can be secured for the long term maintenance of the operational SuDS system including the strategic wetland; and

vi. Provide details of the three forms of naturalised filtration systems to be used.

- 4.2 These proposed additions to policy S5 are considered to be consistent with the findings of the HRA in relation to the hydrological impacts of the SGO. They will be incorporated into the mitigation strategy set out at section 8.4 of the HRA at Proposed Modifications stage.

5 Policy DM6

- 5.1 During discussions on a Statement of Common Ground, the Environment Agency requested that policy DM6 should be amended to expand the scope of projects required to provide three forms of naturalised filtration for surface water drainage to protect the quality of water flows into the River Itchen SAC and Solent Maritime SAC. Currently DM6 requires that sites of more than 1ha or within 100m of either SAC should provide three forms of naturalised filtration. It is currently proposed to amend DM6 as follows (latest amendments in underline):

New development (excluding extensions to dwellings and changes of use), will only be permitted if it incorporates Sustainable Drainage Systems (SuDS). Wherever feasible, naturalised filtration should be included within the treatment train as follows:

- *On sites of 1 hectare or more, or within 100m of the River Itchen SAC or Solent Maritime SAC, SuDS schemes should include at least three forms of naturalised filtration. On sites within 100m of headwaters and tributaries draining into a SAC, SuDS schemes should include at least three forms of naturalised filtration unless hydrological studies and project-level Habitats Regulations Assessment demonstrate this to be unnecessary to protect the integrity of the SAC and its qualifying features.*
- *On sites of between 0.5 hectares and 1 hectare, SuDS schemes should include at least two forms of naturalised filtration; and*
- *On sites of less than 0.5 hectares non-naturalised SuDS e.g. permeable paving will be considered where justified.*

- 5.2 These proposed amendments to policy DM6 are considered to be consistent with the findings of the HRA in relation to site-specific hydrological impacts, and are also in line with the mitigation strategy set out at section 8.6 of the HRA.

6 New Forest Interim Mitigation Strategy

- 6.1 During discussions on a Statement of Common Ground, Natural England requested that it be made clear that the Interim Mitigation Strategy for the recreational impacts on the New Forest will be finalised and agreed with Natural England. The Statement of Common Ground now includes the following wording in the section which discusses policy DM11:

17.7 The New Forest Interim Mitigation strategy (ED12C) will be finalised, following consultation with Natural England, prior to the adoption of the Local Plan as the basis for securing project level mitigation where required and will be superseded in due course by the final strategy.



Figure 1: Realignment of Highbridge Road showing retaining wall outside of the River Itchen SAC

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