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19th July 2021

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

VIA Email to local.plan@eastleigh.gov.uk

Dear Sir,

Eastleigh Borough Local Plan: Proposed Main Modifications consultation.

Background

I am writing on behalf of our client, Mr Tim Masters in response to the Eastleigh Borough Local Plan: Proposed Main Modification Consultation, running from 9th June - 21st July 2021. This representation is in specific consideration of my client's site - Land adjacent to the Roll Call Public House, Woolston Road, Netley Abbey, Southampton, SO31 5FJ, and its proposed inclusion within the Settlement Gap in line with emerging policy S8.

This representation seeks to address the LPA response to the Inspector's post hearings advice letter from April 2020 (Examination Document ED71).

The Inspector's post hearings advice letter from April 2020 included an examination document ED71 that contained a number of matters for which she had significant concerns which needed to be addressed in order to progress forward with the Emerging Local Plan. One of these concerns was Settlement Gaps (previously referred to as Countryside Gaps).

The detail of such concerns was with regard to the overall settlement gap strategy and site selection process. Equally, a number of action points were set out under Examination Document ED73, Matter 8, by the Inspector which included the following matters to be addressed:



Action Number	Task	Output
8.1	Addressing settlement gap concerns set out in the Inspectors post hearing letter (as above) Reconsidering the policy wording for policy S8 (countryside gaps) in line with the Council's hearing statement and countryside gap background paper Inclusion of glossary and wording on how the gap is between all relevant settlements	Potential Modification
8.2	Including an illustrative map to show all countryside gap	Potential Modification
8.3	Consideration of policy re-wording given "presumption against" currently used in policy S7 (New Development in the Countryside)	Potential Modification
8.4	Consideration of policy re-wording from countryside gap to settlement gap and consistency of use throughout the policy documents	Potential Modification
8.5	Botley Parish to provide maps of 3 areas they feel should be included within the countryside gaps - in response to regulation 19 response	Other Action

The LPA feels these action points have been addressed via the latest Main Modifications Document, which seeks to rectify soundness and legal compliance issues identified during the examination proceedings. MM27 which seeks to address action numbers 8.1 and 8.2, MM26 which seeks to address action number 8.3 and MM122 which also seeks to address action number 8.1 with regards to the use of a glossary and definition of terms.

This representation will be responding to the previous issues raised by the Inspector, with regards to Settlement Gaps and it focuses on Action numbers, 8.1, 8.2 and 8.4 above which in turn are focused on Main Modifications MM27 and MM122. Equally and in relation to Action number 8.1, comment has also been provided on the latest Eastleigh Borough Settlement Gap Study, prepared by the LPA and Deacon Design (ED84) in response to the Inspector's initial concerns expressed in the post hearings advice letter (ED71).

Response to Main Modification 27 (MM27)



We support the more positive policy wording now included within Strategic Policy S8 Protection of Settlement Gaps, with regard to the following:

1. Development within a Settlement Gap as set out in the Policies Map will be permitted provided that:

However, the phrasing of the following proceeding points should be further refined.

*a. it would not diminish the physical extent and/or visual separation of settlements;
and*

b. it would not have an urbanising effect detrimental to:

i. The character of the countryside; or

ii. The separate identity of the adjoining settlements.

With regards to point a, it is suggested that this is reworded to state *“it would not diminish the integrity of separate settlements”*. This is due to the fact that, physical distance does not on its own always guarantee a clear sense of separation (hence the issue with the and/or wording) and equally nor does visual separation it depends on the nature of the boundaries and character of intervening land. Preventing coalescence is based on a myriad of factors and this should be reflected within the policy wording.

We suggest the word *“significant”* prior to *“urbanising effect”* is also added to point b of policy S8. This is important as even when circumstances where the ‘tilted balance’ and paragraph 11 d) of the NPPF are triggered, these designations, which can only be amended through a review of the Local Plan, have the potential to prevent sustainable development from coming forwards in sustainable locations.

There must also be sufficient flexibility within the policy to ensure that the purpose of the policy is not to prevent all development within a defined gap but that each proposal must be assessed on a site by site basis considering individual environmental considerations and the benefits of the proposal.

We also question the inclusion of the following wording within the supporting policy text:

“...The Council considers that designating areas between settlements settlement gaps to be kept free from urbanising development is the best way of preventing further loss of local identity”

There are various other policies with regards to landscape protection which can be effectively utilised to prevent urbanising development between settlements. These can be via Conservation Areas, AONB or Green Belt policies or ecological and landscape designations. The Settlement Gap policy should be used in a secondary capacity where other policies may not apply, rather than as a first resort. It would be redundant for



example (and as demonstrated by their removal from some of the Settlement Gap areas) to apply such a policy to an existing woodland area or ecological designation.

This links to MM122 and the glossary wording with regards to Settlement Gaps:

“Settlement Gaps: Areas of predominantly open or undeveloped land/countryside between settlements that have been defined to protect the individual identity of those settlements and prevent their coalescence (the merging together of separate settlements to form one single settlement).”

This wording is important because it must be recognised that such Settlement Gaps are used as a planning tool to prevent coalescence of settlements and maintain their separate identity. They have not been specifically defined to protect the countryside or landscape. Their purpose is to help maintain a sense of place for both residents of, and visitors to, the settlements on either side of the gaps. When travelling through a Settlement Gap, a traveller should have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entered the second settlement.

Settlement gaps are not allocated on the basis of being important landscape features or in need of such strict resistance such as sites within the Green Belt for example. Equally, as evidenced by previous permissions within the borough, in times where the LPA could not demonstrate a five year housing land supply and the ‘titled balance’ was engaged, it was determined that the delivery of housing was considered to outweigh the protection of these areas. This is rarely the case for sites which have Green Belt restrictions. Settlement Gaps should not be allocated at the expense of housing provision in sustainable locations within the borough and blanket restrictions of large swathes of land should not be applied.

New development can often be located in countryside gaps without leading to the physical or visual merging of settlements, subject to site specific considerations. The inclusion of this consideration within the supporting text at 4.34 on this basis in MM27 is therefore welcomed.

In light of the above, without the requested re-wording to policy S8 and recognition that other policies can be just as effective in preventing settlement coalescence, this policy is considered unsound in line with paragraph 83 of the NPPF - to be discussed further in the conclusion section.

Response to Eastleigh Borough Settlement Gap Study (ED84)



An updated Settlement Gap Study (ED84) was prepared in light of previous concerns over blanket restriction policies being applied to the Settlement Gaps, especially when there is already existing countryside protection from development set out in policy S7. This report concluded that amends to the proposed Settlement Gap boundaries were required given they did not all fulfill the required functions or criteria applied. Despite this, the subject site for which this representation relates to, remains in our view incorrectly within the Settlement Gap and should, for the reasons set out below, should also be removed from it.

Assessment Criteria

Whilst there is no National Policy Guidance with regards to countryside gap use/allocations. The latest Countryside Gap Study (ED84) sought to use the key criteria set out in the original Partnership for Urban South Hampshire (PUSH) Policy Framework for Gaps Study from 2008 as set out below:

- a) The open nature/sense of separation between settlements cannot retained by other policy designations;*
- b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence.*
- c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.*

This was then coupled with the PUSH Spatial Position Statement (2016) updates on Countryside Gaps, which included the need to consider the role played by sites in maintaining a sense of place, settlement identity and countryside setting (see position statement S1 contained within this document).

Further criteria were also considered in the context of site specific factors in relation to:

- Preventing the fragmentation of Gaps by uncontrolled development between the existing settlements*
- Maintaining the countryside setting for local communities where it is an integral part of settlement identity.*
- Considering removing large woodland areas from the edges of Gaps as they can be protected in their own right and are at less risk of development*

Site Specific Considerations



The site is known as Land Adjacent to the Roll Call Public House, Woolston Road, Butlocks Heath, SO31 5FJ. Please see **appendix A** for site Location Plan. As the name implies it is land formerly associated with the public house. It's boundaries are fully demarcated by existing boundary tree and hedgerow planting which offers screening from within the site looking to the open countryside beyond and visa versa. Its nature is that of an enclosed plot of land which has a lawful B8/D2 use for caravan and vehicle storage and recreational use for the keeping of horses. Equally, it is well related to the existing settlement of Butlocks Heath in which the site sits by virtue of its proximity to the adjacent pub and the mass of residential development sitting directly opposite. The site's geography and function does not lend itself to the requirements for siting within the Settlement Gap and for this reason it should be removed, as is the case for several smaller land parcels which serve no such function within the area. The justification for these conclusions is set out in further detail in the following paragraphs.

The subject site falls within Area A - Bursledon, Southampton, Netley, Hamble from the Countryside Gap Study (ED84). It forms part of the wider land parcel which seeks to prevent the coalescence of the villages of Netley to the south with Bursledon to the north. The sub areas were grouped by land parcels which together have the same characteristics, arguably the subject site does not share the same open countryside nature or assist in defining the settlement's rural character of the rest of the A19 sub area, or indeed the adjacent A18 sub area. It is more akin to the urban fringe area found along the southern side and part of the northern side (containing the Roll Call and The Heath Gardens Cul de Sac) of Woolston Road.

The subject site makes up a small proportion of sub area A19 as shown at **appendix B**. The blue circle has been added to demonstrate the location of the site and its vegetated boundaries showing distinct separation from the site and the wider A19 land parcel as a whole. It is located on the boundary of the proposed Settlement Gap area, with the adjacent public house falling outside of it. As noted in the previous sections, the subject set is more clearly associated with the public house and residential development in this area compared to the open fields to the north which make up the rest of the Settlement Gap at A19.

On assessment of **appendix B** which shows the field findings plan from the latest Settlement Gaps report, it is clear that if the site were removed from the Settlement Gap, it would not adversely impact its function or character. The experience of key views from the site looking northwards would remain unchanged, the sense of leaving/arrival highlighted at the Woolston Road/Grange Road junction to the west would not be altered, the site and indeed much of the wider land parcel of A19 is not visible from this location due to the extensive vegetated boundaries which exist. The existing PROW Footpath No.3 which crosses the A19 land parcel would also remain unchanged as a result of the site's



removal from the Settlement Gap. It will continue to retain its sense of arrival and departure given that upon accessing the wider A19 area from this location, there is a clear sense of openness and wider views across the site. There will remain a clear sense of having left the first settlement, having travelled through an undeveloped area and then entered the second settlement. This is not something which is offered by the subject site given its clear separation from the wider land parcel due to its vegetated boundaries, limiting any visual assimilation and physical access, given this is a private land parcel with no public access.

Sub Area A19 is described as follows within the report.

“Large open grassland located to the immediate north of Netley settlement edge. Footpath No.3 crosses the field diagonally. The parcel has a central depression and is well contained by field boundary vegetation along Grange Road to the west and Woolston Road to the south. Glimpsed views across the site are afforded from the Roll Call Public House and neighbouring properties. These provide long distance views to the north across the flat landscape.”

This description would not change if the subject site were removed from the Settlement Gap. Indeed it is an agreed position that the wider sub area does form an important function in ensuring separation between the settlements of Netley and Bursledon, in line with adjacent Sub Areas, A16-A18. However, the inclusion of the subject site which does not meet any of the required criteria nor cause a huge change in how the gap as a whole functions and is viewed suggests this is an unnecessary addition and could easily be removed. This aligns with the 2008 PUSH criteria C, which seeks to ensure *“no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.”*

The analysis of Sub Area A19 is set out as follows within the report

“The area contributes to the open nature of the Gap and defines Netley’s rural character and rural setting. Whilst the woodland to the east provides strong visual separation from Bursledon, the area should remain in the Gap to prevent a significant decrease of the Gap’s width in the east - west direction.”

This demonstrates a key concern is the reduction in width of the gap as a result of incremental changes over time. The removal of the subject site, which is circa 0.19ha in size and located to the south of the gap adjacent to Woolston Road would not adversely affect the width of the proposed gap.

Looking at the Sub Areas proposed for removal also within Area A, similar comparisons can be drawn to also justify the subject site’s removal.



To the north of the site is Sub Area A21 (see **appendix C**) which is located on the western boundary of Burlleson. It is described within the report as:

“Open recreational fields surrounded by highly mature woodland vegetation and associated watercourses providing a strong edge to the Bursledon settlement.”

It is proposed for removal on the basis that:

“This area enclosed by woodland and adjacent to Bursledon has no contribution to the Gap’s open nature and can be removed from the Gap without harm to its separating function, which is ensured by much larger, open fields to the west.”

In a similar vein, the subject site is enclosed by vegetated boundaries providing clear separation from the wider land parcel of Sub Area A19. It in itself does not contribute to the open nature of the wider land parcel (given it is enclosed and hosts existing development) and separation between the settlements of Netley and Bursledon. Instead it is the wider land parcel to the north which is made up of larger open fields which performs this key function.

To the west of Netley is sub area SA28 (see **appendix C**). Which is described as:

“Single residential dwelling on settlement edge with mature garden boundary vegetation to rear of property preventing views to Southampton, to the north.”

It is proposed for removal on the basis that:

“Due to the small size of the area on the edge of Netley, its inclusion in the Gap is not necessary to prevent coalescence of Netley with Southampton and it can be removed without harm to the Gap’s function.”

The subject site is similar in size and level of enclosure of this site, it can equally be removed from the gap without harm to its wider function by virtue of its boundary location and proximity to the existing settlement and residential built form.

Similarly, adjacent Sub Areas (see **appendix C**) :

“A29 - Small field parcels with strong vegetated boundaries used for equestrian purposes, including cluster of residential rear gardens. Not part of the adjacent woodland nature reserve.

A30 - Manicured extensive rear gardens to cluster of residential properties north of Grange Road. Enclosed to the north by mature tree belts associated with the adjacent country park.”

Are also proposed for removal:



“Due to the small size of the area on the edge of Netley and adjacent to a permitted development, its inclusion in the Gap is not necessary to prevent the coalescence of Netley with Southampton and it can be removed without harm to the Gap’s function.”

The subject site would also comply with this approach. Its inclusion within the wider land parcel of A19 is erroneous and in the spirit of seeking to not include any more land than necessary to prevent settlement coalescence, should be removed. In relation to this point, whilst it is caveated in the report that very few gaps and sub areas fulfill all of the required criteria. The positive contribution of one of the sub areas to one criteria can be assessed as carrying enough weight to justify their retention in a Gap despite their ‘under performance’ against other criteria.

This seems to go against the requirements to ensure no more land than is necessary should be included within the Settlement Gap, in line with the 2008 PUSH criteria. There should not be a blanket approach to the inclusion of land where it may not actually be in full accordance with the required criteria, in the same way sites which have existing protection from development should not be included as a “double protection” attempt to ensure they remain free from development.

The subject site’s removal would also not conflict with the additional potential for Green Infrastructure improvement considerations applied as part of the site assessments within the report. Instead it would help continue to support the following elements:

1. Rural lanes with strong hedgerow structure provide a sense of rural character between settlements. No change to the existing Woolston Road and its rural character and vegetation cover on either side of the road as a result of the site's proposed removal.

4. Retain simple large fields, avoiding subdivision to maintain a sense of openness. No change to the open field pattern as a result of the site's proposed removal, this is already an enclosed and separate area from the wider land parcel.

6. Protect and enhance recreational open spaces to encourage local residents to gain exercise and connect with the external environment. The existing PROW route which crosses the A19 area will remain unchanged and unobstructed as a result of the site's proposed removal.

12. Protect and maintain important traffic-free pedestrian/cycle links through the landscape that supports sustainable transport, recreational use and interaction with the natural environment. As above.

Looking at the Sub Area Matrix specifically, see **appendix D**. It is important to note that the key criteria have been padded out to form 5 key considerations, really only 3 topics



are included within these - preserving openness, maintaining settlement separation and defining settlement characteristics. Of these, the subject site in isolation does not accord with any of the criteria listed, it does not assist in preserving openness given it is enclosed by the existing mature trees/planting and hosts existing built form. It does not assist in defining settlement character given it is set in a developed context surrounded by largely residential units. Finally, it does not assist in maintaining the sense of separation between settlements by virtue of its size, enclosure and relationship to the existing settlement's built form.

Whilst it is noted that incremental removal of small land parcels from the countryside gaps could result in erosion of their purpose and function. The subject site differs from being a generic smaller land parcel due to its historic tree border. Looking back in time at the historic maps, this tree border has been in existence since 1895 and the site itself has formed/been closely related to some form of development since this time, The Roll Call pub for example also dates back to 1896 - please see attached maps at **appendix E**. These demonstrate that the subject site has been historically well related to the public house and was formerly read as a single land parcel in this capacity. The site's character, established history, location and use are better related to the existing settlement than the wider proposed Settlement Gap. This is evidenced by the Eastleigh Landscape Character Assessment and Area 13 (Hounds Plain) in which the subject site sits. These reports were used as part of the evidence base to inform the boundaries of the proposed Settlement Gaps. Within the report it is noted at paragraph 4.198 that the landscape sensitivity for this area, *"is defined mainly by its relative flatness and the feeling of an open landscape."* Paragraph 4.199 considers visual sensitivity and sets out how *"the area is open, largely flat or gently domed with extensive views."* Neither of these descriptions are related to the subject site, which is visually well contained by its existing landscaping features and therefore prevents feelings of "openness" and blocks the "extensive views" felt within the wider area.

Instead, the site's removal from the proposed Settlement Gap in this location, would substantially strengthen the gap boundary along with the site's natural enclosed features, creating a stronger association with the existing settlement area and built form, to which it is more akin. The whole description, and evidence used to support A19 within ED84 and the latest Settlement Gap Study Report, shows no likeness or resemblance to the subject site, such that its removal would not change the wider character or create adverse impacts in terms of reducing visual and physical separation between the settlements.

Overall, there seems to be little consistency in the application of the criteria to justify removal from the Settlement Gap, this causes concern and question over the soundness of this evidence and its justification for use to inform the associated policy.



Summary and Tests of Soundness

In light of the above, there have certainly been steps forward to remove the overly restrictive and presumption against development within the Settlement Gaps in line with the revised policy wording to S8 of the Emerging Local Plan as set out in MM27 and MM122. However, without the inclusion of the revised policy wording to policy S8 to replace *“it would not diminish the physical extent and/or visual separation of settlements”* with *“it would not diminish the integrity of separate settlements”*. By not limiting the wording to just physical distance and visibility the policy is able to encompass the full range of factors which influence the sense of separation between settlements.

In addition, by including “significant” prior to “urbanising effect” at point b, this prevents the risk of blanket policy application to development within the Settlement Gap, which is not appropriate given this is not a “presumption against” policy such as the Green Belt. Equally, this is important as even when circumstances where the ‘tilted balance’ and paragraph 11 d) of the NPPF are triggered, these designations, which can only be amended through a review of the Local Plan, have the potential to prevent sustainable development from coming forwards in sustainable locations. New development can often be located in countryside gaps without leading to the physical or visual merging of settlements, subject to site specific considerations. Therefore, the policy needs sufficient flexibility on this basis in order to be able to be positively prepared and not restrict the borough from meeting required housing and infrastructure needs into the future.

Without the proposed policy changes and rewording, in its current form, policy S8 does not have enough flexibility built into it to be found sound in line with paragraph 83 of the NPPF.

Turning to the Eastleigh Borough Settlement Gaps Study (ED84). The key issue is the blanket use of Settlement Gap policy to resist development in the open countryside where;

1. This can be achieved through the use of other policy designations which are found within the NPPF - such as Green Belt, AONB, Conservation Areas etc and;
2. The extent of the gap should be limited to no more land than is necessary to prevent the coalescence of settlements.

If such functional requirements are not met then arguably and as is the case for the subject site, they should not be included within the Settlement Gap. The lack of consistency between sites proposed for inclusion and removal questions the justification of the supporting evidence document, making it not in line with the tests of soundness set out in paragraph 35 of the NPPF. Equally, using Settlement Gap policies ahead of other policy designations, which are found within the NPPF, should not be a favoured



approach. Certainly sites which already have existing designations present, should not be included within Settlement Gaps.

Similarly, only the smallest amount of land should be included within them which robustly meet the criteria for inclusion. The use of an overly restrictive policy approach for Settlement Gaps over those found within the NPPF suggests a lack of compliance with national policy and ensuring the delivery of sustainable development, again this would not be in line with the tests of soundness set out in paragraph 35 of the NPPF.

In line with the above, it is suggested that the policy wording and background evidence to the inclusion of Settlement Gaps within the Emerging Local Plan is not sound in its current form. More work is required to rectify this issue. This has been evidenced above and through the inclusion of the subject site within the allocation where it has no ability to meet any of the required criteria or function of said Settlement Gap. On this basis it is requested that the subject site is removed from it and further revisions to the assessment of the proposed gaps is undertaken to provide more robust conclusions.

Yours faithfully

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Appendices

Appendix A - Site Location Plan



Land adjacent to the Roll Call, Woolston Road, Butlocks Heath



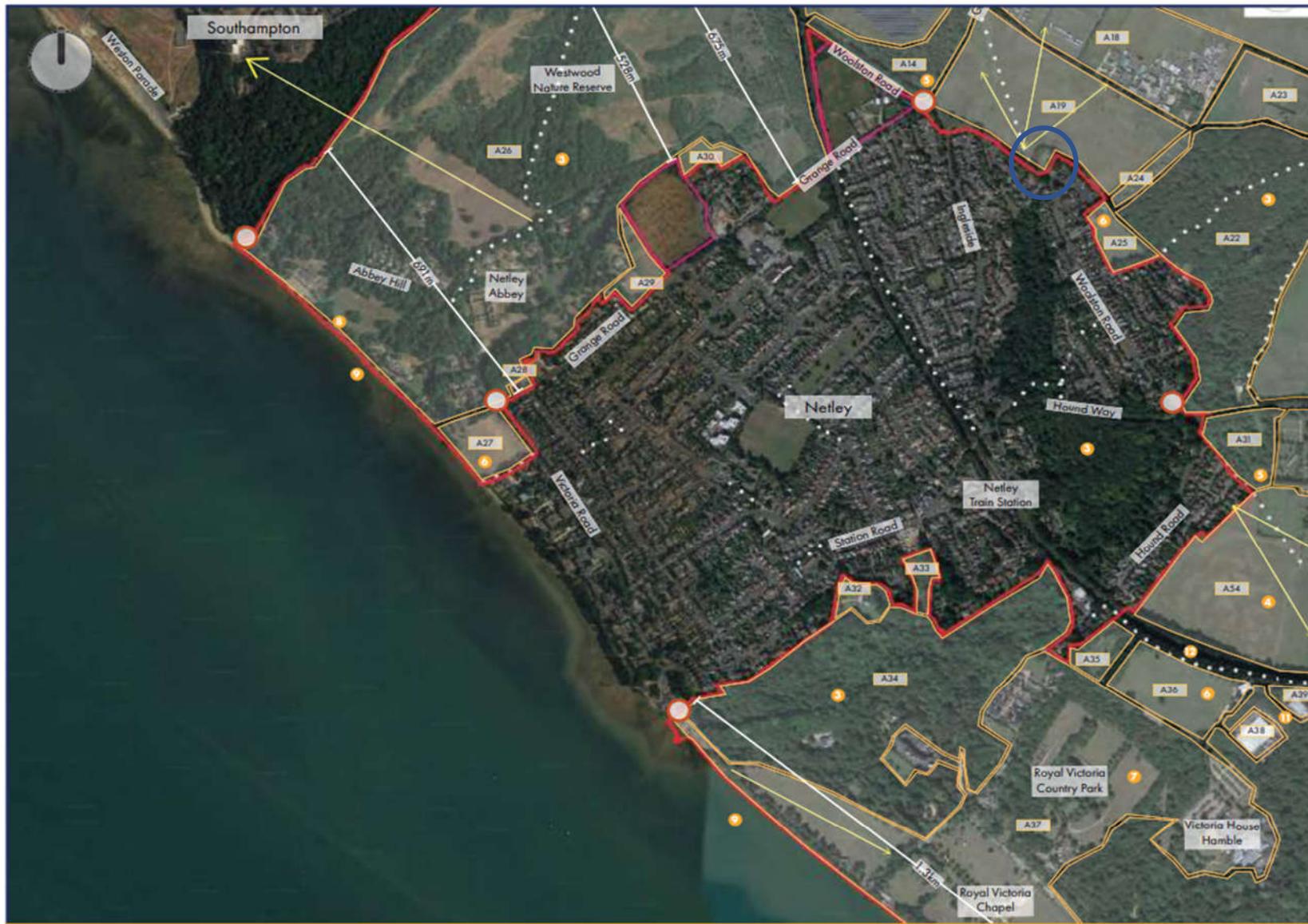
Ordnance Survey © Crown Copyright 2015. All rights reserved.
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RL023 LDC application location plan

Appendix B - Figure A4 Field Findings from Settlement Gaps Study (ED84) with annotation





Key

- Existing Countryside Gaps
- Public Rights of Way
- A1 Gap Sub Areas
- Observations
- Key Views
- Sense of Leaving / Arrival

Local Plan 2016 - 2036

- S3 Proposed Housing Allocation
- S4 Proposed Employment Allocation
- DM24 Housing Sites with Planning Permission

Figure A4 - Area A Bursledon, Southampton, Netley, Hamble - Field Findings Plan

Appendix C- Figure A6 Gap Removal Plan from Settlement Gap Study (ED84)





Key

- Existing Countryside Gaps
- Public Rights of Way
- Areas Proposed for Removal from the Gap
- A1 Gap Sub Areas Proposed for Removal - Reference

Figure A6 - Area A Bursledon, Southampton, Netley, Hamble - Gap Amendment Plan

Appendix D- Table A1 Sub Area Matrix from Settlement Gap Study (ED84)



Gap A - Bursledon, Southampton, Netley, Hamble

Criterion check for each Sub Area (Gap component area playing a similar function)	A1	A2	A3	A4	A5	A6	A7	A8	A9	A10	A11	A12	A13	A14	A15	A16	A17	A18	A19	A20	A21	A22	A23	A24	A 25	A26	A27	A28	A29	A30	A31	A32	A33	A34	
The area helps preserve the open nature of the Gap.									
The area helps maintain the sense of separation between settlements.
The area plays an important role in defining the settlement character.	
The area plays an important role in separation of settlements at risk of coalescence.	
The land is necessary in preventing the coalescence of settlements.	

TABLE A1: Gap A Bursledon, Southampton, Netley, Hamble Sub Area Matrix

Appendix E - Subject Site Historic Mapping Evidence





[View this map](#)

