

**Statement of Common Ground for Mercury
Marina, Hamble-le-Rice (Policy HA2)**

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

Site Promoter: Marina Developments Ltd

Local Planning Authority: Eastleigh Borough Council

Date: 10th December 2020

Contents

1.	Introduction	1
2.	Topics	2
3.	Declaration	12

Appendix 1:	Plan Showing Extent of Land within the Site Agreed to be Previously Developed Land	13
-------------	--	----

Appendix 2:	Walking and Cycling Distances to Local Facilities	15
-------------	---	----

Appendix 3:	Without Prejudice Modifications to Policy HA2 and Supporting Text and Policy DM20	16
-------------	---	----

Appendix 4:	Differences between the Parties on the without Prejudice Modifications to Policy HA2 and Supporting Text	22
-------------	--	----

1. Introduction

- 1.1 This Statement of Common Ground ('SoCG') sets out those matters upon which Eastleigh Borough Council (the 'Council') in its role as Local Planning Authority and Marina Developments Ltd ('MDL') in its role as the site promoter and landowner have common ground and identifies those areas where disagreement lies in respect of Draft Policy HA2 in the emerging Eastleigh Borough Local Plan (2016-2036). Draft Policy HA2 relates to Mercury Marina in Hamble-le-Rice (the 'Site').
- 1.2 The points raised in this SoCG should be read in the context of the following:
- 1.3 Documents prepared by Eastleigh Borough Council:
 - (i) Cabinet Report (June 2020)
 - (ii) Mercury Marina Position Statement (ED80)
 - (iii) Hearing Statement (January 2021)
- 1.4 Documents prepared by Hampshire County Council:
 - (i) Hearing Statement, response to Question 5 (January 2021)
- 1.5 Documents prepared by MDL:
 - (i) Regulation 19 Submission Statement
 - (ii) Regulation 19 Submission Appendix 12 – Supporting Highways Evidence
 - (iii) Hearing Statement (January 2020)
 - (iv) Hearing Statement (January 2021)
- 1.6 Appendix 3 sets out the amendments to Policy HA2 that have been discussed between both parties. The Council's position is that this is provided on a without prejudice basis and their formal position is that the Policy should be deleted. MDL's position is that this is provided on a without prejudice basis and their formal position is that the Policy should be amended subject to their proposed modifications.
- 1.7 To assist, where there are differences between the parties these are identified within the Policy and text through the insertion of square brackets and suitable references. For ease, these differences are also identified separately in the Table at Appendix 4.

2. Topics

2.1 The Table sets out the extent of common ground (or otherwise) in relation to the following issues.

	MDL	Council
Topic – MDL Proposed Allocation Area / Policy HA2		
1.	The Site lies outside of the urban edge as defined in the submission Local Plan and is identified under policy allocation HA2.	Agree.
2.	The Site as shown on the red line boundary identified in the Masterplan at Appendix 4 of the MDL Regulation 19 Submission is 11.14 hectares in size.	Disagree with site boundary. The site is as defined in the submission Local Plan. Therefore, as stated in the submission plan is 4.7 hectares, or 6.9 hectares if the designated boatyard is included. However it is agreed that MDL's red line area is 11.14 hectares.
3.	<p>The Site as shown on the red line boundary identified in the Masterplan at Appendix 4 of the MDL Regulation 19 Submission includes the following additional areas relative to the submission version of the Policy HA2 allocation:</p> <ul style="list-style-type: none"> • the area of woodland adjacent to the River Hamble known as 'the Mound' • the field to the west known as Chamberlayne's Field; and • the additional storage area to the extreme north-west adjacent to Badnam Copse SINC 	Disagree with the inclusion of each of these additional areas. The Mound is a SINC and its inclusion is not necessary to achieve the necessary enhancements. The Chamberlayne's Field is a part of the designated settlement gap. The storage area is adjacent to Badnam Copse SINC. However based on MDL's masterplan, the proposed car park within the red line (area D) appears to also cross into a part of the SINC. (Otherwise, agree with the factual description of the differences between the Council's and MDL's site areas).

MDL	Council
Topic – Hotel Use	
4. There is no current evidence of demand for a hotel on the Site in the short-medium term, and it should not be considered as part of any mixed-use allocation.	Agree.
Topic – Potential Benefits	
5. The draft Local Plan Policy HA2, MDL Regulation 19 Statement and Council Position Statement (ED80) identify a range of potential benefits to be sought from the comprehensive redevelopment of the Site subject to design and delivery considerations. These benefits are set out below.	Agree these are potential benefits. However, it is unlikely they can all be delivered in terms of financial viability and/or the conflicts between a community leisure hub and biodiversity. The extent of the benefits should also be placed in appropriate context, as described below. For example, some of the benefits are small, uncertain or could be achieved by other means. A decision on the site should be taken in the context of all these points.
i. Ecological enhancements, particularly in relation to the northern shore and the Mound.	Agree these are potential benefits, but MDL’s proposals do not fully realise the range of benefits required to create enhancements commensurate to the biodiversity designations.
ii. Enhancements to the Old Bursledon Conservation Area through relocation and redevelopment of existing commercial buildings	Agree that subject to appropriate design, there is the potential to enhance the conservation area.
iii. Provision of an enhanced slipway for use by the general public which will improve a valued local facility.	Agree this is a potential benefit.
iv. Enhancements to the sail and canoe facilities through the provision of a dedicated storage/hub building.	Agree this is a potential benefit, and it is also likely that over time the facilities could be funded by other means.

	MDL	Council
v.	Improvements to formalise the informal part of Footpath Number 1 to the north of Hamble Village/Hamble Gardens through a suitable contribution to enhance its role as a pedestrian route between the Site and Hamble Village.	This would be a limited benefit: the current route is indirect, and MDL's regulation 19 statement refers to resurfacing the route (Appendix 12 Highways Assessment paragraph 2.9), meaning the northern section of the route would remain narrow and unlit (the photographs in MDL's Appendix 12 are representative).
vi.	Provision of a Public Right of Way set out as a formal path to formalise access to the Mound (currently there is no permitted access or formal public footpath with access for local residents being at the discretion of MDL).	Agree this is a potential benefit.
vii.	Enhanced marina facilities (commercial premises, improved supporting facilities such as the bar/restaurant, changing rooms/showers, chandlery, public slipway) in line with paragraph 4.63 and 6.2.43 of the submitted Local Plan, which recognises that this sector, is a major influence on the local and sub-regional economy and is a valued part of local heritage.	Agree, whilst noting that if there is the commercial demand for these facilities these enhancements will occur in any case. MDL's regulation 19 statement recognises that the investment in new premises has focussed on the other marinas in Hamble, and that the demand for commercial marina facilities is therefore limited in this location (paragraphs 1.3 – 1.5); and that Hamble's three marinas each have a different role (paragraph 2.2 – 2.11). The Council considers this creates a diversity of offer for the broader marine economy. The marina space to be reprovided, as illustrated by MDL's regulation 19 statement, is small in the overall context of Hamble's marine economy (950 sq m of commercial units and 795 sq m marina building, including restaurant / office, etc [Appendix 1 Viability report, paragraph 1.21).
viii.	The provision of 75 dwellings would help to provide additional flexibility in meeting housing requirements resulting from the deletion of the Strategic Growth Option (see also Items 6 and 7 below).	Disagree. The site is unsuitable for residential development. The Plan provides for sufficient housing supply until 2031. The shortfall will be

	MDL	Council
		met through a review of the Local Plan, which will consider all options in terms of their relative merits.
ix.	Draft Local Plan Policy DM30 sets a target for 35% of dwellings to be affordable. On this basis the proposed 75 dwellings could yield 26 affordable dwellings which would make a small but notable contribution to the submitted Local Plan's annualised housing target and would contribute to a greater number of affordable homes on the Hamble Peninsula.	Agree, whilst noting that the site is unsuitable for residential development and that the contribution to the overall target is very small. (Based on HOU006 the target is 165 dwellings per annum or 3,300 dwellings in total [2016 – 2036]).
x.	Provision of enhanced holiday accommodation and facilities within a more attractive setting.	Disagree. The current setting is attractive. The relocation of these facilities would be contrary to strategic gap policies.
Topic – Delivery of Benefits		
6.	The higher land values associated with residential development provide greater opportunity to secure the benefits associated with the comprehensive redevelopment of the Site identified in Item 5 above.	Agree, however it is unlikely that the residential development will generate the financial viability to ensure that all the potential benefits cited by MDL will be delivered. The Council's reasons are set out in its Position Statement (ED80).
Topic – Transport and Highways		
7.	A comparative assessment of the traffic generation of the existing lawful use on the site, the Policy HA2 position as set out in the Regulation 19 submitted Plan, and the proposals as shown on the Illustrative Masterplan at Appendix 4 of the Regulation 19 MDL representations, is provided at Appendix 12 of the same representations. This was undertaken by an appointed highway consultant, Paul Basham Associates. Table 12 and paragraph 4.22 of	A residential use on this site would have strong dis-benefits in transport terms for the reasons stated in the Council's Position Statement (ED80) and hearing statement (January 2021). These disbenefits relate particularly to the significant increase in dwellings which would result at the northern end of Satchell Lane, with poor access for pedestrians / cyclists to the important local facilities of the secondary school, health centre and rail station; and to some extent to

	MDL	Council
	<p>this report summarise these differences in relation to Policy HA2 as submitted and the MDL proposals. This equates to an additional 1 trip every 5 minutes on average over the day.</p> <p>In relation to the impact on Satchell Lane, paragraph 4.27 confirms an additional 18 vehicle trips at the junction of Satchell Lane and Hamble Lane in the AM peak, and an additional 26 trips in the PM peak. This equates to the addition of 1 trip every 2-3 minutes at tis junction in the peak hour.</p>	<p>the sub-optimal nature of the Satchell Lane route into the village. Furthermore, given the level of traffic congestion on the Hamble peninsula, the highway authority (Hampshire County Council) have a policy of objecting to any further development on the Hamble peninsula. These dis-benefits outweigh the potential benefits outlined in point 5.</p>
8.	<p>The proposals do not represent significant development in the context of the local transport circumstances in the Hamble Peninsula and along Satchell Lane.</p>	<p>Disagree. The proposals represent significant development, in the context of the transport circumstances of the area. This particularly relates to the conditions along Satchell Lane, noting that the development would result in a 57% increase in dwellings at the northern end of Satchell Lane. It also relates to the highway authority's policy position against new development on the Hamble peninsula.</p>
Topic – Housing Supply		
9.	<p>The Inspector's letter of 1 April 2020 (ED71) concludes that the Strategic Growth Option (SGO) (policies S5 and S6) should be deleted from the Local Plan. The Inspector recognises that this will leave some shortfall during the last 4 or 5 years of the plan period to 2036; that the remaining housing sites proposed through policies S2 and S3 would be sufficient to meet both the need and requirement for housing for the majority of the plan period; and that the shortfall could be appropriately addressed through the next Local Plan review, taking</p>	<p>Agree.</p>

	MDL	Council
	account of the evolving PfSH Strategy review (Inspector's letter para. 42).	
10.	Based on the Council's housing trajectory (ED20), the SGO would have delivered 3,350 dwellings within the plan period to 2036. (The housing trajectory and shortfall is being updated in accordance with the Inspector's letter, paragraph 45). The provision of 75 dwellings on the Mercury Marina site would make a small contribution to reducing this shortfall. The overall shortfall will in any case be addressed through a Local Plan review, based on the relative merits of all potential sites put forward as part of that process.	Agree, whilst noting this site is unsuitable for residential development, and that the shortfall will be addressed through a Local Plan review.
Topic – Settlement Gap		
11.	Based on the submission Local Plan's settlement gap designations and Policy HA2 allocation, the settlement gap designation lies immediately adjacent to the western boundary of the Site, and includes the extreme northern tip of the allocation (hardstanding /open boat storage), and a small petroleum depot area to the west of the access road which is outside of the redline boundary of MDL's Masterplan.	Agree
12.	The Council's background evidence (EBC Small and Medium Greenfield Housing Sites Background Paper (HOU11a and HOU11b) concludes that the site (reference 8-3-c and 40c), which includes the western and northern areas within the Gap as defined on the MDL Regulation 19 Appendix 4 Illustrative Masterplan, is 'in an area which has been suggested could be removed from the Gap', and it's development would not 'cause a risk of coalescence between settlements', and that	The description is not fully agreed: The study concludes, regarding whether there is the potential for development to avoid impacting settlement coalescence, that the site scores "average" (which is not as definitive as suggested in MDL's column). The other quotes are two of a range of quotes leading to that conclusion. The report simply states that it has been suggested an area could be removed from the gap, this does not indicate a Council position regarding any specific part of the gap.

	MDL	Council
	<p>‘physical separation is reinforced by the presence of salt marsh and woodland’.</p> <p>Appendix 2 of the MDL Regulation 19 representations includes a Landscape and Visual Appraisal of the site as identified at Appendix 4 of the same representations. This concludes that Zone 3 (i.e. Chamberlaynes’ Field) has ‘no intervisibility between it and Netley or Bursledon’, is ‘not connected to the wider Gap and there are limited places where the open field is experienced, and ‘therefore makes little contribution to the function and experience of the gap between settlements’</p>	<p>In any case, the Inspector has requested that the Council prepares further evidence regarding settlement gaps in the Borough. The Council has completed this study for consideration through the examination process (ED84). This concludes that the field to the west of the submission Plan’s boundary (the Chamberlaynes’ field) should be retained in the settlement gap; and that the settlement gap to the north of (and including the northern tip of the site) should be deleted.</p>
13.	<p>Based on the submission Local Plan’s settlement gap designation and the site allocation proposed by the redline boundary in MDL’s Masterplan, this larger revised allocation would also include a field to the west of the site access which lies within the designated settlement gap. MDL’s Masterplan illustrates that the holiday lodge and camping area development would be located on this field within the designated Hamble – Bursledon – Netley settlement gap, and an area safeguarded adjacent to Satchell Lane dedicated to additional planting to complement the existing vegetation.</p>	<p>Disagree with the overall approach. The scale and extent of holiday lodges indicated by MDL’s Masterplan would be contrary to settlement gap policy. This adds to the dis-benefits of a residential led scheme. (Agree with the factual description of the relationship between MDL’s boundary and the settlement gap, and this remains the case with the Council’s latest settlement gap review, ED84).</p>
Topic – Other Relevant Policy Context		
14.	<p>The following parts of the Site are previously developed land as defined by the NPPF (2012):</p>	<p>Broadly agree, whilst noting that based on the aerial photograph in Appendix 1, small parts of this area do not appear to be previously developed:</p>

	MDL	Council
	<ul style="list-style-type: none"> • the marina and commercial area comprising the related access road, internal circulation access, buildings, hardstanding, parking, and storage areas; • the existing restaurant/café/chandlery building and related external seating area; and • that part of the Mercury Yacht Holiday Park occupied by fixed lodges and related access circulation and facilities building <p>This area is identified on the plan at Appendix 1 and comprises a total 4.02 hectares</p>	<p>A significant part, if not all, of the westward indentation which is within Badnam Copse site of importance for nature conservation;</p> <p>Parts of the foreshore within the northern promontory.</p>
15.	<p>The Site was submitted for inclusion on the Council’s Brownfield Register. However, the Council decided not to include the Site on the Register as it was considered not suitable for residential development as per the definition set out in Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. This was on the basis the Site was neither allocated; benefitted from planning permission nor permission in principle; nor did the Council consider the Site appropriate for residential development, having regard to impacts on the natural and built environment (including heritage assets), local amenity and any relevant representations.</p>	<p>Agree. Furthermore it should be noted that a significant proportion of the site in MDL’s master plan is not brownfield land.</p>
16.	<p>The proposals do not represent a ‘strategic scale of development’.</p>	<p>Agree that the proposals would not be at a ‘strategic scale of development’ but do consider the proposals to be significant in a local highways context. This latter point is disputed by MDL.</p>

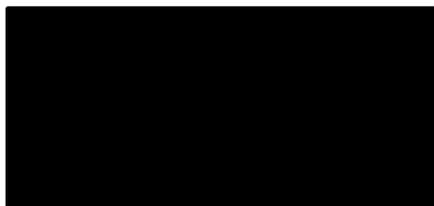
	MDL	Council
17.	The planning permission associated with the appeal decision at Satchell Lane (PINS ref: 18/3194846) has expired. However, the Inspector's comments and those of the High Court decision remain a relevant material consideration.	Agreed, however the further evidence presented by the Council in its Position Statement [ED80] which was not available to that Inspector is also a relevant material consideration. Furthermore, Draft Policy HA2 is being considered in the context of the overall submission Local Plan, which is relevant for the reasons the Council state in its Position Statement (ED80).
Topic – Sustainability		
18.	Walking and cycling distances and times for accessing local facilities are agreed as per the table contained at Appendix 2.	Agreed (subject to one minor point highlighted in Appendix 2)
Topic – Impact on Designated Ecological Sites		
19.	The Illustrative Masterplan at Appendix 4 of the MDL regulation 19 representations is a concept plan. It is noted that Appendix 4 of ED80 includes an assessment of these proposals at the northern shoreline by Urban Edge Consulting. It states that the removal of hardstanding will of benefit but the landscaping of the area with grassland as shown on the Illustrative Plan will inhibit the extent of salt marsh habitat that can be expand naturally. The specific treatment of this area can be considered in more detail as part of any future planning application. There is no reason in principle why some dune grassland seeding could not be provided, nor that through appropriate management the use of some of the wider area as a focus for water based leisure activities would be incompatible with the ecological designations.	There is likely to be a conflict between the marina's concept for a marine and leisure hub and the strong need to protect and enhance international, national and local biodiversity designations, as set out in the Council's Position Statement (ED80).

	MDL	Council
20.	<p>The proposals include a small part of Badnam Copse SINC. There is no intention to remove any existing trees or vegetation within the SINC. The Illustrative Masterplan at Appendix 4 of the MDL Regulation 19 representations is a concept Plan and shows parking in part of this area and is restricted to the existing storage area on site that broadly corresponds with the boundary of the SINC. The extent of any parking and lighting in this area can be considered in more detail as part of any future planning application to minimise any impact on the SINC.</p>	<p>The proposals have the potential to impact on the SINC. It is agreed that the details can be resolved through a planning application. Depending on the outcome, and the importance of this car park to MDL's overall concept, this may affect the deliverability of the scheme.</p>

3. Declaration

- 3.1 This Statement of Common Ground is agreed by Turley on behalf of MDL and by the Council.

Signed on behalf of MDL (the site promoter and landowner)



Simon Packer, Director, Turley on behalf of Marina Developments Ltd

Signed on behalf of Eastleigh Borough Council (the Local Planning Authority)



Nick Tustian, Chief Executive, Eastleigh Borough Council

Appendix 1: Plan Showing Extent of Land within the Site Agreed to be Previously Developed Land

Plan shown on next page.



© Crown Copyright 2014 License 01 911 762
Reproduction in whole or in part is prohibited
without the prior permission of Ordnance Survey.



Appendix 2: Walking and Cycling Distances to Local Facilities

These distances are measured from the point of origin (the housing area of MDL Masterplan (Appendix 4 of MDL Regulation 19 Submission) to the destination. Times have been rounded up to the nearest whole minute.

Destination	Route	Distance (km)	Walking Time* (minutes)	Cycling Time** (minutes)
Hamble Village Centre (contains services including convenience store and bus stop)	Direct: Satchell Lane Footway / 'The Bund' or via Satchell Lane and existing site entrance	1.3	16	5
	PROW 1 / Local footpath	1.3 (Council disagrees, this is slightly longer route than the direct route)	16	5
Hamble Train Station	Direct: Satchell Lane	1.8	22	7
	Dani King footway / cycleway	2.6	32	10
The Hamble School	Direct: Satchell Lane	1.3	16	5
	Dani King footway / cycleway	3.1	38	12
Blackthorn Health Centre	Direct: Satchell Lane	1.5	18	6
	Dani King footway / cycleway	3.2	39	13

* Assumed walking speed: 5.0 km/hour

** Assumed cycling speed: 15.5 km/hour

Appendix 3: Without Prejudice Modifications to Policy HA2 and Supporting Text and Policy DM20

Policy HA2

The Council considers that policy HA2 and paragraphs 6.2.56 to 6.2.60 should be deleted, and that residential development should not be supported on the site.

Without prejudice to the Council's clear position of principle regarding policy HA2 set out above, in-order to fully engage with the Inspector's 'Matters, Issues and Questions', this section sets out potential modifications to the policy and text, in case the Inspector were still to consider that the policy should be modified rather than deleted. The modifications from the submission version of the plan are indicated by ~~strike throughs for deletions~~ and underlining for additions.

The without prejudice version set out below is agreed by MDL, except where the wording is in [square brackets]. This means that MDL does not agree with this wording, or considers it should be inserted. The subsequent table sets out the without prejudice wording, MDL's wording, and the reasons for the difference.

Holiday Accommodation, Hamble Mercury Marina, Hamble

~~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 considered to be suitable to accommodate 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).~~

6.2.56 The Mercury Marina site, including the Mercury Yacht Harbour and Holiday Park, lie adjacent to the shore of the River Hamble. The site plays an

important role in the marine economy and heritage of Hamble, and also includes sail and canoe and other water based recreational facilities, which are used by local community groups. The site is also adjacent to important biodiversity designations. [See MDL insertion]. There is [a potential] opportunity to enhance these facilities and designations as part of a mixed-use redevelopment of the site that includes some residential development. The vehicular and pedestrian access from the site to the wider area is via Satchell Lane. [From the site towards the village centre there is a gap in footpath provision of approximately 125 metres before the village's pavement network is reached. From the site to other important local facilities (the secondary school, health centre and rail station), Satchell Lane is a narrow rural lane with no footpath or cycleway. Therefore, residential development will only be supported if a new footpath / cycleway is provided to the school and other facilities and the potential benefits to the site are all delivered.]

A planning application will be accompanied by a [development brief and] masterplan to ensure a comprehensive development.

Note: the northern part of this site lies in Hound Parish

Policy HA2, Mercury Marina and Riverside Camping and Caravan Park

Approximately [4.7] hectares of land at the Mercury Marina and the Mercury Yacht Harbour and Holiday Park, Satchell Lane, Hamble / Bursledon/Hound (in addition to the boatyard identified on the policies map) is allocated for a marina, hotel, approximately 75 residential units (including 35% affordable housing), retention of existing commercial marina uses, replacement marina building comprising restaurant/bar, marina office, chandlery and ancillary showers/toilets, [a range of 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. development shall conserve and enhance the Old Bursledon Special Policy Area, the landscape setting of the River Hamble, and shall protect the settlement gap;**
- ii. the ~~hotel~~ residential development shall be of an outstanding design commensurate with its location close to or within the Old Bursledon Conservation Area and fronting the River Hamble; located outside the Old Bursledon Conservation Area, Flood Zones 2 and 3, the settlement gap and to the east of the existing access road to the site,**

- iii. [The residential development will only be permitted if a good quality / dedicated new footpath and cycleway is secured from the site to the secondary school / health centre / rail station, and to link with the existing Satchell Lane pavements at the northern end of Hamble village];
- iv. the site retains and enhances the marina and related uses including marine employment, the sail and canoe training facilities, facilities for other water-sports and visitor facilities
- v. the provision of a Public Right of Way set out as a formal path (in accordance with criterion viii) through the Mound connecting the site to Mercury Gardens to the south;
- vi. a public slipway to the River Hamble will be provided within the site for the use of the general public;
- vii. ~~[the site retains and, where feasible, enhances the existing amount and mix of holiday accommodation within the site;]~~
- vii. the northernmost shores of the site are restored for nature conservation purposes, commensurate with the proximity of national and international nature conservation designations;
- viii. 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;
- ix. improvements to the existing access to the site from Satchell Lane as necessary to enhance highway safety;
- x. the provision of footpath links within the site eastward toward the Strawberry Trail to the south east;
- xi. [see MDL insertion]
- xii. the development includes measures to protect the amenities of existing residential properties within the site and adjoining

dwelling to the south at The Halyards, Fry Close and Kingfisher Close; and

- xiii. 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 which delivers all of the benefits and resolves all of the issues identified by this policy. In the event that ~~no hotel is developed~~, this is not achieved, the site shall be retained in boatyard use and covered by policy DM20, Chapter 5].

6.2.57 It is considered important to retain and enhance the 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. It is also important that the comprehensive scheme delivers enhanced workshops for the marine economy and an enhanced marina restaurant / bar / café facility for visitors, including opening up the pedestrian route through the Mound, and managing this route consistent with criterion (vii)

6.2.58 The site is in a very ecologically sensitive location adjacent to 3 international designations (1 Special Area of Conservation and 2 Special Protection Areas); 2 national designations (Sites of Special Scientific Interest); 3 local designations (2 Sites of Importance for Nature Conservation and 1 Local Nature Reserve); and an area of ancient woodland. There must be no adverse impact on these designations in accordance with policy DM 11 (Nature Conservation). In the site level Habitats Regulation Assessment, particular reference should be made to the findings of the Habitats Regulation Assessment of the Local Plan with regards to the Solent Maritime SAC and the Solent and Southampton Water SPA and Ramsar site and the avoidance and mitigation measures identified. These include:

- a. careful design of new development, informing new residents of, and a commitment to monitoring, with regard to the risks associated with introducing invasive non-native species; and
- b. adherence to a Construction Environmental Management Plan and utilisation of standard pollution control guidance with regard to impacts on water quality; and
- c. avoidance measures with regard to disturbance of otters and protection of watercourses to preserve the otter movement network.

The biodiversity enhancements required by criteria vi and vii must be commensurate with the importance of the relevant designation. The enhancements to the northern shore will include: the removal of hardstanding [to allow the salt marsh to expand]; improvement of the public slipway at the east of Badnam Creek (to reduce pressure on the northern shore); relocation of houseboats where appropriate and possible and [closing public access to but retaining pontoons (as roosts)]; restricted / managed access to activity areas; and screened access routes / activity areas. The enhancements to the Mound will include: relocating access routes away from the shoreline; provision of interpretation boards (including in respect of recreational disturbance); a footbridge / boardwalks, bird hides, bird and bat boxes; thinning secondary woodland / removing non-native species; enhancing the linear wetland feature and pond by linking to the reedbed; and expanding the salt marsh.

6.2.59 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.

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

Policy Site Boundary

[No change to submitted plan's policy boundary.]

Policy DM20

Without prejudice to MDL's position, were the Inspector to decide to delete Policy HA2, then the Council considers it necessary to amend Policy DM20 as follows:

Policy DM20, Boatyard and marinas

At boatyard and marina sites on the River Hamble (as shown on the policies map) the Borough Council will permit development associated with boat building, and the fitting out, maintenance and repair of boats and ancillary uses, provided that it does not:

- i. jeopardise the safety and ease of navigation on the river or have a detrimental impact on the regime of the river;**
- ii. adversely affect nature conservation, landscape or heritage interests; or**
- iii. cause a reduction in water quality.**

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

Existing water sports / training facilities within these sites should be retained unless it can be demonstrated to the Council's satisfaction that [they are no longer needed by the community].

Appendix 4: Differences between the Parties on the without Prejudice Modifications to Policy HA2 and Supporting Text

Where there is only a difference in a part of the text, this is emboldened for clarity.

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
Para. 6.2.56	N/A	Based on the Council's site boundary there is no capacity for both the residential and holiday accommodation. An extension to the boundary to enable the holiday accommodation to be relocated would be contrary to the settlement gap policy.	Insert additional text: The site also continues to be suitable for lower cost holiday accommodation (excluding holiday lodges occupied as a sole or main residence or second home).	The provision of low cost holiday accommodation will complement the existing and proposed leisure uses, and will be consistent with the Plan's strategy to support the marine based economy. That part of the site proposed for the holiday lodges forms a limited role in the Gap, as implied by EBC within Exam document HOU11a and 11b, and Appendix 2 of the MDL Reg 19 representations

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
Para. 6.2.56	There is a potential opportunity to enhance these facilities and designations as part of a mixed-use redevelopment of the site that includes some residential development.	It is unlikely that all of these benefits can be delivered, for the reasons the Council states in its Position Statement (ED80).	There is an opportunity to enhance these facilities and designations as part of a mixed-use redevelopment of the site that includes some residential development.	
Para 6.2.56	From the site towards the village centre there is a gap in footpath provision of approximately 125 metres before the village's pavement network is reached. From the site to other important local facilities (the secondary school, health centre and rail station), Satchell Lane is a narrow rural lane with no footpath or cycleway. Therefore, residential development will only be supported if a new footpath	In-order for the plan to be effective in this 'without prejudice' scenario, it would need to clearly specify the measures required. MDL's wording does not achieve this.	Existing dedicated footpaths extend to approximately 125m south of site access. Therefore, any additional traffic generated by providing residential development as part of the mixed-use redevelopment of the site should demonstrate that it will not have an adverse effect on highway safety, and that measures to improve highway safety are secured as necessary. The proposals should also ensure that the	

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
	/ cycleway is provided to the school and other facilities and the potential benefits to the site are all delivered.		criteria listed in Policy HA2 are satisfactorily addressed.	
Policy HA2, first paragraph specifying site area	4.7ha (or 6.9 hectares if boatyard included)	The site boundary should not include SINCs or areas designated as settlement gaps. (Therefore, the site area is lower than that proposed by MDL).	11.1ha	
Policy HA2 2 nd paragraph	Development will be subject to the approval by the Borough Council of a development brief including a masterplan	A planning application should be informed by a comprehensive approach to detailed matters, including design / layout.	Development will be subject to the approval by the Borough Council of a masterplan which addresses the following requirements:	

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
	which addresses the following requirements:			
Policy HA2 criterion iii	The residential development will only be permitted if a good quality / dedicated new footpath and cycleway is secured from the site to the secondary school / health centre / rail station, and to link with the existing Satchell Lane pavements at the northern end of Hamble village;	In-order for the plan to be effective in this 'without prejudice' scenario, it would need to clearly specify the measures required. MDL's wording does not achieve this.	Redevelopment of the site should ensure there is no adverse impact on highway safety. Where necessary, measures should be incorporated to mitigate against any adverse effect.	The extent of 'additional' traffic generation relative to the existing lawful uses on site, and Policy HA2 position as set out within Regulation 19 of the submitted Plan, is limited. Any mitigation proposed should be proportionate to this additional traffic.
Policy HA2 original criterion vii	Delete the criterion: the site retains and, where feasible, enhances the existing amount and mix of holiday accommodation within the site;	Based on the Council's site boundary there is no capacity for both the residential and holiday accommodation. An extension to the boundary to enable the holiday accommodation to be	Retain the criterion: the site retains, and where feasible, enhances the existing amount and mix of holiday accommodation within the site;	See response to 6.2.56 above

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
		relocated would be contrary to the settlement gap policy.		
Policy HA2 criterion xi	N/A	All impacts on all the biodiversity designations should be assessed, and this is already covered by policy DM11 (biodiversity).	Insert additional criterion: that the important habitat within Badnam Copse SINC is safeguarded from potential disturbance from light and/or noise;	Happy this can be either considered against Policy DM11 or would benefit from more site specific references
Policy HA2 last paragraph	A comprehensive scheme will be required for the site which delivers all of the benefits and resolves all of the issues identified by this policy. In the event that this is not achieved, the site shall be retained in boatyard use and covered by policy DM20, Chapter 5.	For added clarity regarding the importance of resolving all issues and delivering all benefits regarding this 'without prejudice' scenario.	A comprehensive scheme will be required for the site that addresses the above criteria. In the event that the mixed use redevelopment of the site does not come forward it shall be retained in boatyard use and covered by policy DM20, Chapter 5.	Agree with the need for a comprehensive scheme. It is not reasonable for the Policy <u>to require all of the benefits to be delivered and issues to be resolved</u> as part of any future scheme, and in advance of a more detailed assessment that would be necessary as part of any future planning

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
				application. Some flexibility is required. Retaining the need for proposals to address the criteria provides some flexibility.
New paragraph beneath paragraph 6.2.58	The enhancements to the northern shore will include: the removal of hardstanding to allow the salt marsh to expand ; improvement of the public slipway at the east of Badnam Creek (to reduce pressure on the northern shore);	In-order to be effective in this 'without prejudice' scenario, the plan would need to clearly specify the requirements for enhancements. MDL's wording regarding the salt marsh may assist in ensuring no adverse impact, but it does not specify an enhancement.	The enhancements to the northern shore will include: the removal of hardstanding at the northwest corner of the Site adjacent to Badnam Creek and provide suitable treatment to compliment the existing salt marsh ; improvement of the public slipway at the east of Badnam Creek (to reduce pressure on the northern shore);	The hardstanding covers a significant element of the northern part of the site. Seeking its complete conversion to salt marsh is excessive and will limit the ability to deliver other aspirations, i.e. recreational water sports activities

Ref	Wording drafted by Council staff without prejudice to Council's position	Council staff Reason	MDL's wording	MDL's Reason
Policy HA2 site boundary	No change to submission plan boundary	The site boundary should not include SINCs or areas designated as settlement gaps.	Extending the boundary as set out in MDL's masterplan	
Policy DM20 (Council's policy position; MDL's without prejudice position)	Existing water sports / training facilities within these sites should be retained unless it can be demonstrated to the Council's satisfaction that they are no longer needed by the community.	The issue relates to community needs, not to viability (which could be interpreted as commercial viability).	Existing water sports / training facilities within these sites should be retained unless it can be demonstrated to the Council's satisfaction that these are no longer viable.	