

## Eastleigh Borough Council

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

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

#### Introduction

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

#### ***“Background***

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

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

#### General context questions

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

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

***issues' are addressed?***

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

into the field to the west of the marina access road (areas T, U and V on the masterplan). This field lies in the designated settlement gap in the submission plan. It also remains so in the Council's review of settlement gaps (ED84). In that review, this field forms part of site A64. The review identifies that the site meets all the criteria for a gap (Table A2, page 30). It concludes that the site contributes to the openness of the gap, the character of Hamble, its separation from the cluster of development around Hamble School, and that it is important for the perception of the gap for users of Satchell Lane (page 31). (There is also a site description on page 27 and relevant maps on pages 22 and 32). The existing camping and caravan park is in a location well screened from Satchell Lane. The Council considers that the 'static lodge zone' indicated in area T of MDL's masterplan would have a significant urbanising effect, creating further 'ribbon development' extending from the village, changing the current rural nature of the approach, which would be detrimental to the purposes of the settlement gap.

11. Therefore, whilst the Council considered that a hotel-led allocation would have broadly benefitted the 'context and key / pressing issues' (had it been deliverable), it considers that a residential-led allocation would be beneficial with regards to some aspects of the 'context and key / pressing issues', but detrimental to others. Based on MDL's site boundary, residential development would also be detrimental to the settlement gap. In short, the planning balance changes, and falls against a residential-led allocation.
12. If further residential development were not supported, the benefit would be the avoidance of the traffic / transport issues; and the disbenefit would be the potential lack of enhancement for the marine sector and biodiversity. However a number of contextual points should be made under this scenario:
  - (1) First, MDL could still open the gate to the woodland to create the pedestrian access route.
  - (2) Second, MDL's long-standing existing operation would still have a benefit for the marine economy and heritage. This is likely to include the benefit from the provision of lower cost marine facilities, maintaining a more diverse offer for the sector.
  - (3) Third, if there is a sustainable commercial demand to enhance existing facilities (e.g. restaurant or workshops) this may occur anyway (and there may be other opportunities to fund enhancements to the community water sports facilities (see response to question 7)).
  - (4) Finally, in this regard, it is also worth noting that MDL's proposals would not address the specific needs identified by the Plan for public car parking or a hotel in-order for the area to benefit from the marine heritage of the area.

13. In supporting the deletion of Policy HA2 from the Plan, rather than modification to include residential uses on this site, the Council is choosing to prioritise avoiding the traffic / transport disbenefits over realising the potential marine / biodiversity benefits. In terms of striking a planning balance between the 'key / pressing issues', this is a reasonable (and therefore sound) position, which in the Council's view is preferable to residential uses on the site for the reasons set out in more detail in ED80. Moreover, as the Procedure Guide for Local Plan Examinations explains, the "plan belongs to the LPA" and, subject to the duty to ensure the plan's soundness, an Inspector will not seek to impose their views on its content (paragraph 7). Since soundness would be achieved by deletion of the Policy, modifying Policy HA2 to make it a residential-led allocation is unwarranted, even if the Inspector's own view is that this would be preferable. On this basis the Council respectfully considers that the appropriate modification is to delete the policy.

Furthermore, it is not clear to the Council that MDL's development proposals would be able to deliver all the benefits cited, in terms of financial viability or of the compatibility of MDL's leisure concept with the ability to maximise the biodiversity enhancements. A 'no residential' position clearly avoids the traffic / transport disbenefits, whereas allowing residential uses would not clearly deliver all of the benefits. The Council considers this further strengthens its position.

14. The Council's position is, therefore, that the policy should be deleted, and that residential development should not be supported for the reasons it sets out in this statement and in ED80.
15. Without prejudice to this clear position of principle, however, this statement also sets out some potential modifications (replicated with a full set of modifications in the Statement of Common Ground Appendix 3), if the Inspector were still to consider that the policy should be modified rather than deleted. In that event, put briefly:
- (1) The policy should require that the disbenefits are resolved and that all of the benefits identified by MDL's evidence and the Council's biodiversity evidence (ED80 Appendix 4) are secured.
  - (2) The policy should also state that if this cannot be achieved, the site will remain as an existing boatyard.

In-order to ameliorate the pedestrian/cycling disbenefits, the policy should state that:

*"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"*.

16. A new and dedicated footpath / cycleway from the northern end of Satchell Lane to the secondary school would cover a considerable distance of just over 1 kilometre and would need to be on 3<sup>rd</sup> party land. Whilst the modification would provide the flexibility to enable residential development to proceed should circumstances enable such a footpath / cycleway to be provided in the future, there is no evidence at this stage that this necessary infrastructure can be delivered, hence the Council's position that the policy should be deleted.
17. The policy boundary should not be changed, and the field to the west of the access road should remain designated as settlement gap. As a consequence, the policy should delete the requirement to retain the holiday accommodation.
18. The modifications required fully to secure the benefits are set out in the response to questions below.

**Q2** *As the Council have acknowledged that a hotel led allocation would not present a sound policy, the only other option presented to the examination in terms of modifications remains as set out in the representation by Marina Development Ltd (MDL). If an element of residential development on the site is not appropriate, what other mechanisms are there within the Plan to achieve the objectives of the policy?*

19. The submitted Plan's policy could be amended to delete hotel and residential uses, and be based on retention / enhancement of the marine / community / biodiversity facilities / designations. This would enable MDL to bring forward proposals for their facilities in accordance with commercial demands, and the other benefits to be supported. These could be funded by developer contributions from any other sites towards achieving a net gain in biodiversity and enhancing community facilities; or as a result of funding from MDL, the community or other sources. It may take longer using this approach for the same level of benefits to be realised.
20. Otherwise, in the Council's view, there are no alternative mechanisms within the Plan to achieve the objectives of the policy, which is why the Council considers that the policy should be deleted.

### **Policy specific questions**

21. The Inspector's Additional Matter and Issues document sets out five policy specific questions, which have regard to the wording of Policy HA2 as it appears in the

Regulation 19 version of the Plan (SUB001). The questions are answered in turn below.

**Q3** *In the first instance, the Council and landowner are requested to prepare a detailed statement of common ground (SOCG) which should set out clearly the areas of agreement and disagreement. This should also include agreed modifications to the policy which could potentially address the soundness issues with the existing policy wording.*

The SOCG is submitted separately.

**Q4** *The Council have raised specific concerns regarding the potential impact of the development on Badnam Copse SINC and that there are 'missed opportunities' to maximise the ecological benefits of the site's redevelopment. In what way would criteria (vi) and paragraph 6.2.58 fail to adequately address any ecology issues arising from the site's redevelopment? In responding to this question, the Council is requested to identify precisely whether modifications to the policy could address these concerns.*

22. The Council considers that, in financial terms, the development is unlikely to deliver all the potential benefits (including environmental enhancements). MDL's development concept for a leisure hub, as set out in their original hearing statement, also indicates a potential conflict with protecting and enhancing biodiversity (e.g. the car park illustrated at Badnam Copse, the grassed recreational area as opposed to restoration of salt marshes, and the pontoons accessible to people). This indicates a disparity between the leisure / marine requirements and the biodiversity requirements, and so brings into question whether there is a reasonable prospect that the allocation can be delivered. This contributes to the Council's position that the site allocation should be deleted.
23. Without prejudice to this position, the wording of the Plan itself broadly addresses the requirements but should be strengthened.
24. There is no need specifically to refer to avoiding adverse impacts in the policy because this is addressed by policy DM11 (Nature Conservation). However, given the range of biodiversity designations and the potential for impacts, an additional cross reference should be made at paragraph 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).”

25. MDL’s original hearing statement has identified biodiversity enhancements for the northern shore and the Mound, and the Council’s Position Statement (ED 80 Appendix 4) has identified further biodiversity enhancements in-order to be commensurate with the designations for these areas. These are all summarised in ED80 paragraphs 65 - 68. Criterion (v) appropriately sets out the principle that the enhancements to the northern shores should be commensurate with the national / international designations; and criterion (vi) appropriately sets out the principle that the Mound is managed to enhance its nature conservation interest as a Site of Importance for Nature Conservation.
26. However, given the importance of achieving these principles, the supporting text should set out in broad terms the measures required in order to ensure that the policy is effective. The proposed text, to follow paragraph 6.2.58, is as follows:

“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.”

**Q5 The Council have raised a number of highways and traffic generation concerns. As a result of these concerns, a statement from Hampshire County Council (HCC) as the highways authority is requested in relation to the implications of the policy as drafted in the Regulation 19 version of the Plan as well as a consideration of other uses in place of the hotel provision. This statement should be informed by the SOCG requested at question 3 above. Accordingly, the Council is requested to liaise with HCC on the provision of this statement.**

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

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

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

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

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

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

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

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

28. The Council considers that the policy should be deleted and that the criteria are not, therefore, justified. Without prejudice to this position, however, **if** the Inspector were to consider that the **only** sound approach is to modify rather than delete the policy, then in terms of the overall planning balance (as the Inspector saw it), it would be vital to secure these benefits. In that scenario (and only in that scenario) would the criteria be justified.
29. In order to be effective, however, the criteria would need to be adjusted to better align with the potential benefits that MDL (and in the case of biodiversity, the Council) have identified. Therefore criterion (iv) and (v) would need to read:

“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”.

*and*

“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”.

30. The supporting text at paragraph 6.2.57 would need to be amended to define the scope of these enhancements, as follows:

*“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)”*

31. Additional supporting text would also be required in relation to criterion (v) and criterion (vi) as set out in the response to question 4.

32. As already noted, the Council considers that it is unlikely that all the benefits could viably be delivered on a residential-led redevelopment of the site. If the policy were to be modified to provide for a residential-led allocation, it should require that the site be retained in boatyard use unless all the benefits were delivered and issues resolved. This potential modification to the policy would read:

*“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].”*

33. This would prevent a redevelopment of the site which did not achieve the necessary benefits or resolve the identified issues. However, it would not address the deliverability issue that the Council has identified. As already noted, the Council considers that deletion of the policy is both sound and preferable.

**Q7** *In light of the representations from both the Hamble Sea Scout Group, the 31<sup>st</sup> Itchen North Amazon Sea Scout Group as well as the Royal Yachting Association, how would the long term protection and enhancement of this existing facility (criterion ii) as well as a public slipway for use of the general public (criterion iii) be achieved on the site? What effect would the deletion of these criteria and supporting text at paragraph 6.2.57 as suggested by the Council have on the long term provision of these facilities in the area?*

34. The Hamble Sea Scout Group express concern that the Council's proposed modification to the policy (ED32, MM163) reduces the size of the allocation such that the Group's facilities are no longer included, and consequently deletes criterion (ii) which requires the retention of these facilities. It is reasonable to assume that this concern will remain under the Council's current position of deleting the whole policy. The Council understands this concern and proposes that this could be addressed by modifying policy DM20 (Boatyard and Marina sites) to include a requirement that:

*“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.”*

35. The wider point regards how enhancements to these facilities can be secured. The Council recognises that if these community facilities are enhanced, this is in itself a planning benefit and would contribute to the overall planning balance of benefits and disbenefits. However, the Council considers it is unlikely that allowing residential development will, in terms of financial viability, enable all the enhancements proposed by MDL to be delivered. It is noted that MDL's proposed modification to the policy in their regulation 19 statement only refers to the provision of further facilities “where possible”. The deletion of the policy may, therefore, have no effect, to the extent that the enhancements to the water sports facilities might not be achieved by allowing a residential use in any case.
36. However, there is no indication that this would prevent further funding of the water sports facilities over the longer term. The Hamble Sea Scout Group Overview (2017), at pages 24 and 26, indicates a successful track record of fund raising to enhance its facilities, including: £80,000 in 2014 to construct a workshop / storage

facility; the award of a substantial Sport England grant in 2017; and a range of other funding sources (subscriptions, sponsorships or sales). The Council has, for example, awarded two grants of £95,000 each from the New Homes Bonus, to fund buildings for Scouts and Guides in Chandlers Ford. If MDL chose to make a contribution, either from a development receipt or for other reasons, this would no doubt be welcomed by the group. There is no indication, however, that without this there would not be the financial scope for further enhancements over the longer term.

## **Appendix 1: Statement by Hampshire County Council as Local Highway Authority**

There are four areas of concern that arise from the potential allocation of this site for housing development of up to 75 units.

1. In considering public consultation responses to proposals for a preferred transport scheme for the northern part of Hamble Lane it was decided in March 2019 that Hampshire County Council would actively seek funding for the implementation of the preferred scheme. Hamble Lane is heavily congested throughout much of the day but particularly during peak periods, with the potential to improve the situation being limited by the geographical constraints associated with the peninsula location and development adjacent to the road. There is a clear need for an improvement to help address existing traffic problems and to help manage future demand associated with background growth and recent development, accessing onto Hamble Lane. It was considered that additional development along the corridor would compound the existing problems and would negate the benefits of the preferred scheme, with very limited opportunity to make further improvements to the corridor in the future. Therefore, until at least the preferred scheme for the northern section has been implemented, it was considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane. Subsequently a bid was submitted by Hampshire County Council to the Department for Transport for £12m of funding from the Local Pinch Point fund, in January 2020. HCC was advised in April 2020 that assessment had been put on hold due to Covid-19 and in September the DfT advised that assessment was once again underway. A further update is awaited. If awarded, the LPP funding would supplement locally held contributions towards the preferred scheme on Hamble Lane and if the level of funding did not allow for full implementation, then elements of the scheme would be delivered on a priority basis within the available funds.
2. In considering the transportation impacts of the allocated developments proposed by the submitted Eastleigh Local Plan Review, Hampshire County Council would have had regard to a transport assessment of the transport impact and potential mitigation. The assessment would have focussed upon the residential allocations and associated everyday trips arising such as to employment, education, local services and leisure facilities. In particular, this would have considered the suitability of proposed locations to such facilities within walking or cycling distance, the availability of convenient public transport services and the dependency of sites for such trips on vehicle based accessibility. Had this site been allocated for residential development and therefore part of that consideration (which it was not), then the paucity of a good range of local facilities within easy walking or cycling distance would have been noted, as would the almost complete dependency upon vehicle based accessibility for access to a range of employment and other likely everyday destinations and services. Furthermore, the technical work underpinning development of the Hamble Lane preferred scheme has only taken into account those development allocations that were considered committed, such as those for which planning consent had been granted, rather than simply an allocation in an emerging local plan, as evidenced by the present considerations.

3. HCC has been working in cooperation with officers at EBC in developing the borough local plan review. This has included the development of a borough wide interim transport strategy that sought to identify transport measures to address potential future development scenarios. Once there is clarity on the direction of the emerging local plan review, HCC intends to work with EBC officers to prepare a borough wide final transport strategy to support the local plan proposals and to replace the Eastleigh Borough Transport Statement (2012).
4. In considering the transportation impacts of the proposed allocation, Hampshire County Council would take into account whether these impacts could be mitigated by the provision of suitable transport facilities to provide acceptable levels of sustainable accessibility for future residents to everyday facilities. It is considered that the substantial distances involved to a good range of facilities would require significant investment in pedestrian and cyclist provision that would be at considerable cost and unlikely to be borne by this scale of development and in all likelihood would require additional (potentially third party) land to be included within the highway. Furthermore there is no prospect in the present or foreseeable circumstance that a commercially viable bus service could be provided to connect future residents to facilities in Hamble and further afield. It is acknowledged that Hamble train station is reasonably well located in relation to the development although again not easily accessed by active travel modes. As a result it can be concluded that accessibility of this development site would depend upon improved highway access firstly along Satchell Lane and then further afield along Hamble Lane. The County Council would not support the provision of increased vehicle facilities that are likely to impact upon the rural nature of Satchell Lane, or compound the congestion along Hamble Lane. It is considered that increased level of vehicle use would not be acceptable unless improvement schemes were incorporated of the form being considered by HCC in the preferred scheme for Hamble Lane. Therefore, if it is considered that this site is deemed suitable for residential development, Hampshire County Council would seek contribution from the developer towards elements of the Hamble Lane preferred scheme.