

Eastleigh Borough Local Plan 2016-2036

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

Marina Developments Ltd

December 2020

Turley

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Client
Marina Developments Ltd

Our reference
LONW3002

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1. Introduction

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

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

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

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

General Context Questions:

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

Are these still correct?

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

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

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

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

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

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

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

- 2.5 Paragraph 9.39 states:

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

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

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

- 2.7 As set out in Appendix 1 of the Regulation 19 representations submitted on behalf of my client, residential development values are such that the pressing issues and related numerous benefits that are sought at both a sub-regional and site-specific level can be delivered through the comprehensive mixed use regeneration of the Marina.
- 2.8 There are no other alternative uses that can provide the necessary viability, and EBC have not provided any evidence to suggest otherwise.
- 2.9 It is of note that EBC already offers some flexibility within Policy DM20 and supporting paragraph 5.105 of the submitted Plan for providing non-boat related uses within existing boatyards. Policy DM20 is permissive of development associated with boat building, and the fitting out, maintenance and repair of boats and ancillary uses, but includes the following paragraph:

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

- 2.10 The provision of some residential as part of the mixed use redevelopment of Mercury Marina would not prejudice the ongoing operation of the marina or the extent of the existing marina related commercial floorspace (indeed it would enhance both). It is accepted that it is not critical for its long term viability, but it would secure the much needed regeneration of the marina and its related facilities, and offer significant wider benefits as detailed in Section 5 of the representations submitted on behalf of my client to the Regulation 19 Plan.

2. If an element of residential development on the site is not appropriate, what other mechanisms are there within the Plan to achieve the objectives of the policy?

- 2.11 As outlined, above, it is considered there are no other viable mechanisms in place to achieve the objectives of Policy HA2.

Policy Specific Questions

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

- 2.12 The concerns raised by the EBC in relation to the Badnam Copse SINC are based on a comprehensive assessment of the overall net effect on biodiversity objectives based on a change in site use from its current condition to that proposed by my client (Appendix 4 of ED80). This has been undertaken by consultants Urban Edge Environmental Consulting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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