



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR STRATEGIC PLANNING AND ECONOMIC DEVELOPMENT

TOPIC – RECOMMENDED RESPONSE TO EASTLEIGH BOROUGH LOCAL PLAN 2011-2029 (PRE-SUBMISSION DRAFT)

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

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SUMMARY

Eastleigh Borough Council is currently consulting on its Pre-submission draft Local Plan which covers the period 2011-2029. The Eastleigh Borough Local Plan (EBLP) sets out the strategy to deliver 9,400 new dwellings in the Borough by 2029. This figure appears to be consistent with the housing allocation for Eastleigh in the recently-published South Hampshire Spatial Strategy prepared by PUSH.

A site north and east of Boorley Green which immediately adjoins the Winchester District boundary, has been identified in the EBLP to help meet Eastleigh Borough's housing requirements. The site is allocated for 1,400 new homes, together with employment uses and a range of social and physical infrastructure. The policy also has the requirement that the development of the site should provide a financial contribution towards a new bypass at Botley.

The policy requires adequate protection along the Ford Lake river which effectively forms the boundary with Winchester District. However there is not considered to be an effective infrastructure delivery strategy in the EBLP to demonstrate how and when the necessary infrastructure might be provided. It is essential for Winchester to ensure that the necessary landscape buffers and transport interventions are delivered, to ensure that there are no adverse impacts on the District or that these are properly mitigated.

There is also a proposal for a new Botley bypass, and the proposals map shows an indicative route which is to be safeguarded in the plan. Part of the route is within the Winchester District, but to date Eastleigh Borough Council has not formally approached this Council to set out their justification for the bypass, the broad order of costs, and its basic design principles. While the City Council has reserved the route of the Bypass in its 2006 Local Plan, the case for the new road and a viable means of funding it has yet to be established, given the lack of support for the scheme from the Highway Authority.

The consultation period finishes on the 12 October 2012. It is recommended that the City Council formally objects to the soundness of the Eastleigh Borough Local Plan on the basis that it has not been positively prepared; it has not been justified; and that without a costed and effective delivery plan the EBLP cannot be considered effective.

DECISION

That the Portfolio Holder for Strategic Planning and Economic Development approves objections on behalf of the City Council to the soundness of the Pre-submission draft Eastleigh Borough Local Plan, on the basis:

- that it has not been **positively prepared** in that the infrastructure requirements for policy BO1 (land north and east of Boorley Green) have not been objectively assessed;
- the case for the Botley bypass has not been properly set out, nor has any evidence been put forward that any alternatives been considered so the Plan cannot be considered **justified**; and
- that the lack of any form of effective delivery plan means that the Plan cannot be considered **effective**.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Eastleigh Borough Council is currently consulting on a Pre-submission draft of its Local Plan, the consultation period extends to the 12 October 2012. The draft EBLP combines the work previously undertaken by the Borough in preparing their Core Strategy and the proposed Sites and Policies DPD. It therefore includes the Borough's spatial strategy, detailed site allocations, and designations, together with development management policies.

The intention is that following this round of formal consultations the Eastleigh Borough Local Plan will be submitted to the Secretary of State for likely

Examination in spring 2013, with the expectation that Eastleigh will adopt the Plan by the end of 2013/ early 2014.

The City Council commented on the draft EBLP in December 2011 (PHD375 refers), at which time it did not raise formal objection, but did raise concerns about the way in which the Plan's housing requirements were derived and that they may pre-judge the update of the PUSH Spatial Strategy. The City Council also pointed out that the transport case for Botley Bypass had not been made. Eastleigh Borough Council consulted on some draft changes to site allocations in the summer of 2012 and City Council officers responded to this. They reiterated the comments made on the previous draft Plan and questioned the compliance of the Plan's housing requirements with the newly-published National Planning Policy Framework (NPPF). Officers also questioned the Plan's development strategy, which seemed to be based on promoting housing where it could contribute to Botley Bypass, even though the transport need for the bypass had not been proved.

The EBLP is a lengthy and detailed document, which covers the whole Borough, and includes a section setting out proposed development management policies. The majority of the policies and proposals are therefore of little concern to this Council, however there are two policy areas which do raise concern.

The PUSH Spatial Strategy has recently been updated and covers the period up to 2026. This updates the development requirements in the sub-region and effectively supersedes the South East Plan. The updated PUSH Spatial Strategy sets a requirement for 8,050 new homes in the Borough from 2011 to 2026. The EBLP sets out the strategy for delivering 9,400 over a slightly longer plan period, from 2011 to 2029. Although the City Council had previously expressed concerns about the derivation of the Plan's housing requirements, the Plan's requirement appears consistent with the updated PUSH Spatial Strategy and it is not recommended that this matter be pursued by the City Council.

A number of sites have been identified by Eastleigh Borough Council to meet the above housing targets, two of which are of direct interest to the Council. These are sites north and east of Boorley Green on the site of Botley Park country club, hotel, and golf course, which is proposed for 1,400 dwellings (policy BO1) and a smaller site north-east of Botley, which is proposed for 300 dwellings (policy BO2). Both sites adjoin the District boundary, but the latter should not cause any undue concerns for the Council.

The site north and east of Boorley Green immediately adjoins the Winchester District boundary and is allocated in policy BO1 for 1,400 new homes, together with employment uses and a range of social and physical infrastructure. There is also a requirement for any future development to make a financial contribution towards two new bypasses, one at Botley and another at Sunday's Hill. Adequate protection is also required along Ford Lake which effectively forms the boundary with this District. However there is no evidence that these requirements have been properly costed, and that an effective infrastructure delivery strategy is in place to provide the necessary infrastructure in a timely fashion.

Draft Policy BO3 provides for a new Botley bypass, and identifies an indicative route, the largest section of which is in Eastleigh. Part of this route, to the west of the River Hamble, is to be made available in conjunction with the development of the site north-east of Botley (policy BO2). However, to complete the road land in Winchester District would be required and this land is currently safeguarded by a 'saved' policy of the adopted Winchester District Local Plan 2006 (policy T.12).

The Transport Assessment which supports the EBLP did not include the Botley Bypass, as at the time it was prepared no funding had been secured for its construction within the plan period. Hampshire County Council as the Highway Authority made the following response to the pre-submission draft Winchester District Local Plan Part 1 in respect of the proposed Botley Bypass;

"Hampshire County Council would like to see all references to Botley Bypass and the safeguarding of land to support such a scheme removed as there is no transport related justification in either Eastleigh Borough Council's or Winchester City Council's draft Local Plans and hence no likelihood of a bypass being required, funded or delivered within the Local Plan period. A safeguarding for a Botley Bypass should therefore not be included within the Winchester City Council Local Plan at this time and (WCC) Policy T12 should not be saved."

Furthermore, given that it would be a new road, it would be expedient to consider whether the previous alignment is still valid or, as proved the case at North Whiteley, a different approach to providing the road would be more appropriate in the current circumstances. As far as can be ascertained from the evidence, there has been no consideration of possible alternatives to either building the road or its design.

The potential route would need to cross the river Hamble and the Habitat Regulations Assessment (HRA) accompanying the draft Plan identifies the risk of the new road adversely impacting on internationally protected sites and that there is a policy requirement for a further HRA to be undertaken to support any future planning application. However before the bypass could be allocated in the Plan a HRA should be prepared which identifies the nature and extent of the potential risks and sets out the measures which would be necessary to mitigate or avoid these risks. At the present time, in the absence of an Appropriate Assessment to support the EBLP there is no certainty that any mitigation works required to avoid or mitigate any adverse impact on protected sites could be funded and delivered, which is another reason why this policy is considered unsound.

The National Planning Policy Framework paragraph 162 places the requirement on local planning authorities to work together to 'assess the quality and capacity of infrastructure for transport'. To date there has been no formal approach to this Council to consider the need and deliverability of this piece of infrastructure which spans the two authorities. It is clear, however, that the Highway Authority considers there to be no transport related justification for the bypass or likelihood of it being funded or delivered in the Plan period. This brings into question whether Eastleigh Borough Council has fulfilled its 'duty to cooperate' with this Council and the Highway Authority on a piece of infrastructure which it suggests is essential to the Plan and which spans the two authorities.

The NPPF goes on in paragraph 173 to make the point that plans should be deliverable. Sites should not be subjected to infrastructure requirements the scale of which renders them unviable, however at this stage the costs of providing the infrastructure required to meet both the housing allocations and the Botley bypass have not been properly costed. Therefore, it is impossible to conclude that the Plan as a whole is viable and deliverable.

It is concluded that the Eastleigh Local Plan therefore fails the tests of soundness in that it has not been **positively prepared** as the infrastructure requirements for either the development at Boorley Green or the Botley bypass have not been objectively assessed. The case for the Botley bypass has not been properly made, and does not enjoy the support of the Highway Authority, nor has any evidence been put forward that any alternatives been considered so the Plan cannot be considered **justified**. There is no costed and effective delivery plan to support either of the above proposals which means that the Plan cannot be considered **effective**.

RESOURCE IMPLICATIONS:

None directly.

CONSULTATION UNDERTAKEN ON THE DECISION

Consultation on draft report with CMT and Portfolio Holder.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED
FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION
NOTICE**

n/a

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR
OFFICER CONSULTED**

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 15.10.12

**Councillor Humby – Portfolio Holder for Strategic Planning and Economic
Development**