

**Curdrige Parish Council (number 00012) and  
Curbridge Preservation Society (number 20260) Joint Response**

**Session/Issue 3 HOUSING GENERAL – Policies CP1, WT1 and SH1**

**Part (ii)**

**1 Housing Distribution Issues**

**1.1 Summary: -**

We find this policy unsound in terms of Housing Distribution numbers/location and suggest that a more balanced distribution to increase the supply of new housing in the northern part of the district needs to be achieved for reasons of sustainability across the district. For example access to major employment areas such as Basingstoke and the Thames Corridor and related environmental costs arising from increased journey distances and social equitability issues. We are also concerned that the figures project an over-supply to predicted need.

**Spatial distribution of current housing population related need (excluding level 3 and 4)**

**1.2 Housing need/provision analysis from WCC's Housing Technical Report (Chelmer Modelling)**

	No. Houses	%age of Need
SDNP (40% area of District)	0	= 0% of 1,100
<u>Non-PUSH MTRA</u>	<u>550 – 700</u>	<u>= 22 - 28% of 2,500</u>
Winchester Town	4,000	= 100% of 4,000
PUSH Area (25% area of District)	6.65 – 7.8K	= 198 – 232% of 3,350

**1.3 Housing, Options and Alternatives**

Needed district-wide development (excluding Winchester Town – 4,000) is 7,000 dwellings...

West of Waterlooville MDA (WoW)	2,500
North of Whiteley' Proposed MDA	<u>3,000 – 3,500</u>
Sub total	5,500 – 6,000
Plus PUSH area MTRA policy (levels 1 and 2)	<u>1,150 – 1,800</u>
Subtotal	<b>6,650 – 7,800</b>
<b>Add</b>	
Non-PUSH MTRA	<u>550 – 700</u>
Total	7,200 – 8,500
Total 'over-supply' (excl levels 3 and 4 provision)	200 – 1,500

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PUSH region need (from same Housing Tech Report)	3,350
less 2,500 at WoW leaves	<u>-2,500</u> 850
Less PUSH MTRA	<u>1,150 to 1,800</u>
<u>PUSH Over-supply to 'need'</u>	<u>300 to 950 dwellings</u>

**MDA/PUSH is expected to provide, in comparison to its needs of 3,350 dwellings, a proposed supply of 6,650 – 7,800 = 3,300 – 4,450 as an 'over-supply' of new dwellings. This represents more than 95 – 111% of the district's housing requirement (non Winchester town) being provided in 25% of the area.**

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**Session/Issue 6 Policy SH3**

**6.1 Part (i) Are the Policies and proposals for growth and change in this area appropriate and justified in relation to the NPPF and in terms of environmental, economic and social impact?**

1.1. No, They are neither justified nor appropriate.

1) They ignore elements and tests of the Habitats Regulations 6(3) and (4) which for travel to SPA distances were determined for large scale development under TBH and buffer zones from PUSH policy– the tests for this policy should be most stringent as sustainability is not the only issue (NPPF 119);

2) In terms of the test of soundness the lack of a hydrology report as part of the supporting evidence from the Local Authority we reaffirm our opinion that this needs to be tested at the Core Strategy level for determining the soundness of a Strategic Policy and the in-combination effects of neighbouring boroughs' plans rather than a presumption that it is lawful/sound, and therefore only carrying out an assessment at individual project level; and

3) We would also agree with the RSPB that the scale of development (housing numbers) should be determined by the final results of the Solent Waders Disturbance and Mitigation Report; we also suggest that the policy should be altered so that rather than just complying with that report, a condition be applied that the policy should not be allowed to proceed to an outline planning application until the development proposals have fully adopted the above waders report's findings and recommendations and the PUSH Updated Spatial Strategy (including the HRA-Lite report's recommendations including flight paths, supplementary feeding/roosting sites, buffer zones and zones of constraint.)

**[NPPF para 119 : *"The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* ]**

1.1.a The SPA and year round protection of the Habitat and Designated Features has, to our knowledge, been ignored and we would suggest that the assessment of impact on the SPA would have materially differed if this policy had been taken into consideration, along with the avian Ramsar features of the site.

1.1.b We would clarify that the UK government policy (following the 2001 SPA Review) for **waterbirds** is that SPA designated features are protected at any time of their occurrence, not just at the time of their designation, so full SPA protection applies to the habitat at all times of the year protecting all relevant phases of the lifecycle, as previously detailed in our extensive Pre-Submission Consultation responses.

1.1.c Since then we have gained through an EIR request further information that confirms this and the legal framework.

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- 1.1.d The JNCC UK SPA SCIENTIFIC WORKING GROUP 2001-2002 ANNUAL REPORT (<http://jncc.defra.gov.uk/PDF/ar2001-2002.pdf>) minutes state in point 3.9.3. *“Defra circulated a letter outlining its opinion that the provisions of Articles 6(3) and 6(4) of the Habitats Directive apply to an SPA all year round, despite whether the qualifying birds are present or not.”*
- 1.1.e This issue was specifically addressed at the UK SPA SCIENTIFIC WORKING GROUP 8 May 2002 in their **Passage waders: progress report** ([http://jncc.defra.gov.uk/pdf/passage\\_wader.pdf](http://jncc.defra.gov.uk/pdf/passage_wader.pdf)) : -
- 1.1.f **“Highlighted interest in the migration period**  
*Where sites are already known to have importance during the migration period as well as during the winter period, this has been highlighted in SPA Review site accounts (Volume 3) with the phrase:*
- “Note that sites selected for waterbird species on the basis of their occurrence in the breeding, passage or winter periods also provide legal protection for these species when they occur at other times of the year.”*
- This highlights that whilst the importance of the site may not be specifically highlighted, site-based protection is given nonetheless. Following discussions in the SPA Working Group in 2002, both EN and Scottish Executive sought legal advice in 2000 regarding this question. It is not clear whether this was ever delivered.*
- ISSUE: Departments to obtain legal advice regarding approach adopted by SPA review with regard to identification of qualifying species in passage periods.”**
- 1.1.g This has been confirmed by DEFRA’s legal advice, letter to SPA SWG 18 September 2002 [Appendix (i) ]
- 1.1.h We would also add that designated features, Black-Tailed Godwits (SPA features), have been seen in Curbridge Creek, by the pub, both on the 2<sup>nd</sup> July and the 22<sup>nd</sup> September 2012. Along with (Annex 1) Little Egrets, continually present in the upper part of the creek. The developers’ agents have previously denied that Little Egrets were designated features – which give significant cause for concern that the protected sites will indeed not be properly protected.
- 1.1.i The Little Egrets and Black-headed Gulls are both (amongst others Appendix (ii)) Ramsar designated features rather than SPA features (source Ramsar Spatial/summary data <http://jncc.defra.gov.uk/page-2392>). The nationally important [bird count] site presence puts them at 115 individuals significantly over the SPA criteria of 50 and representing 6.96% of the UK population. The protection of Little Egrets has been confirmed by the JNCC [Appendix (iii)].
- 1.1.j **Table2: Upper Reaches of the Hamble Five-year average monthly counts of avian Ramsar features** (Little Egrets and Black-headed Gulls (Appendix (iv))

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Species	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Little Egret	12	12	8	8	8	6	7	4	10	7	7	6
Black-headed Gull	149	209	170	258	220	254	183	71	126	124	45	81

Representing at peak 9.5% of the overall Ramsar suite's population of Little Egrets this is statistically significant – we would also reiterate that historically Curbridge Creek has not featured in the WeBS count data.

### 1.2 The Ramsar Site – The Lack of an Hydrology Report/ Impact Assessment

- 1.2.a Whilst the NPPF (118) also states that the same level of protection applies to Ramsar sites and their features as to European sites it appears to give no further guidance and thus it would appear that the required government policy (under the terms of the Convention should hold).
- 1.2.b Clearly Policy SH3 North of Whiteley has required an Appropriate Assessment under both European Directives as well as UK statute. We would also like to stress that as a 'Wetland of International Importance' (Ramsar site) the Upper Reaches of the Hamble qualify for enhanced protection measures under the Birds' Directive (with reference to Article 4 (2) of the Birds Directive "...To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance").
- 1.2.c The Ramsar CoP 4 (1990) produced guidance for Ramsar sites 'Recommendation 4.10: Guidelines for the implementation of the wise use concept of the convention' which was expanded from the definitions of 'Wise Use' from CoP3

*"The wise use of wetlands is their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem".*

- 1.2.d CoP4's Wise Use Guidelines particularly addressed the following: -  
'5. Actions to address problems at particular wetland sites, including:  
(a) integration from the outset of environmental considerations in planning of projects which might affect the wetland (including full assessment of their environmental impact before approval, continuing evaluation during their execution, and full implementation of necessary environmental measures). **The planning, assessment and evaluation should cover projects upstream of the wetland, those in the wetland itself, and other projects which may affect the wetland, and should pay particular attention to maintaining the benefits and values listed in 3b above'**
- 1.2.e The UK Ramsar Policy (DEFRA 2006, source: <http://archive.defra.gov.uk/rural/documents/protected/ramsar-policy.pdf>) confirms the need to fully assess proposals that will affect additional Ramsar Site's

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features/vulnerabilities (point 16) and stress the importance of assessing hydrological changes including both direct and indirect effects (point 17)

- 1.2.f Under ‘Special Considerations’ in the same Policy document we would draw particular attention to point 18 and with particular reference to point 19 and its statement “*Projects of limited regional or local significance are thus unlikely to meet this test*”.
- 1.2.g Considering that the HRA Executive Summary (point 0.4) and page 35 point 4.61 highlights increased water levels, run-off and pollutants. We would therefore draw particular attention to the lack of a Hydrology report/the SUDS design assessment as part of the Habitats Regulation Assessment for the European sites and in particular the Ramsar site that forms the same area as the SPA site. From UK Government Policy under the requirements of the Ramsar Convention the potential impacts on the Ramsar site – in addition to those required under the European Directives - need to be separately assessed.
- 1.2.h Without a hydrology/drainage report to support the soundness of the SH3 policy the methodological assumptions for the estuarine dynamics in the Creek and the ability of pollutants to enter the protected site cannot be adequately assessed – especially in combination with the impacts of Eastleigh’s plans at Botley and Boorley Green.
- (\* Use of PPG9 214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework [and also NPPF point 216].)*
- 1.2.i Our reasons for considering this to be a significant issue are due to the effect of hard surfacing the ground and an inadequate SUDS system that will give similar effects to our experience of July this year (source <http://www.sotonmet.co.uk> dock head figures): -

Date	Time	WSPD	WD	GST	ATMP	BARO	DEPTH
07/07/2012	16:10	17	145	19.8	14.1	1004.9	4.78
07/07/2012	18:00	16.4	144	18.5	14.6	1003.9	3.73

On 7<sup>th</sup> July 2012 after rain over the previous days we had a short downpour (total rainfall that day only 16.5mm) from a SE direction. The recent rain had created conditions where the ground was saturated – causing rapid run-off, similar to hard surfacing from development; which significantly damaged the bridge crossing Whiteley Stream in Ridge Lane. At approximately 1800hrs the fluvial flood entering the creek created a tide height increase of approximately 1+m. If the time of the heavy rain had been 1 hour earlier the 2<sup>nd</sup> high tide level would have reached 5.8m which would have caused devastation to the village’s houses next to the SPA/Ramsar site. We would also draw attention to the article in the New Civil Engineer (5 October 2012 <http://www.nce.co.uk/8636754.article> ) to support our concerns at a JCS policy level.

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- 1.2.j We are not aware of any adequate tidal height/flow measures having been taken at Curridge Creek to support any capacity of the tributary of the Hamble being able to take increased water draining into it from balancing ponds without a detrimental effect being had on its Ramsar conservation objectives or those of the SAC/SPA.
- 1.2.k With the known effects of climate change and the south sinking into the sea, the lack of a hydrology report as part of the HRA gives rise to grave concerns of off-site flooding and damaging un-assessed environmental changes to the Ramsar protected site. (see Appendix (v) for flood engineer's report)

**1.3 Highways – Environmental Impact**

- 1.3.a *Updated points:* We would also draw attention to the current Air Quality issues at Botley and the 'in combination effects' of the proposals for major development in the village's neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh's own data [as reported in the Daily Echo 26/09/2012] [www.dailyecho.co.uk/news/9948410/Village\\_takes\\_clean\\_air\\_fight\\_to\\_Europe/](http://www.dailyecho.co.uk/news/9948410/Village_takes_clean_air_fight_to_Europe/)) has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is <http://www.eastleigh.gov.uk/meetings/documents/s50002012/Appendix%201.pdf>)
- 1.3.b There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curridge.
- 1.3.c The provision of 3000+ new dwellings at North of Whiteley with access to the A334 at King's Corner without the provision of a bypass for Botley can only significantly increase the pollution levels in that village and are unsustainable in terms of economic, environmental and social impact. HCC's own data for the last week of May 2012 gave the 12-hour traffic flow at 15,043 through Botley. Delivering Strategies' Winchester District Local Development Framework Transport Assessment (Stage 2 Report) Final Report for Winchester City Council, November 2009, Chapter 5, 'Table 5.1 North Whiteley Base Trip Generation by Mode'. This table shows a 1657 peak AM hour increase in external trips departing from Whiteley as a result of this proposed development and 448 incoming trips; with the peak PM hour showing an additional 1067 arrivals and 672 departures. The total number of arrivals using Whiteley Way a day is estimated at arrivals 2064 and departures 2285 giving a total of 4349 vehicle trips per day; an approximate 30% increase to the traffic on the northern part of the A3051. This is unsustainable for Botley and Mill Hill.
- 1.3.d Travel/road creation aspirations still ignore the SPA/Ramsar and the harmful impact of increased air pollution has on waders' use of the site. The HRA (page 18/19 points 4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new

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accesses onto the A3051 at Curbridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.

- 1.3.e In line with the Department for Transport Guidance as expressed in the Design Manual for Roads and Bridges (DMRB, Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1: Air Quality) states that the first process in determining air quality impacts from road schemes is to determine whether the road in question is an 'affected road' which is defined as, among other criteria, if it will experience an increase in flows of more than 1,000 Average Annual Daily Traffic (AADT). The A3051 will experience at least such an increase from this proposed policy SH3 and the A3051 abuts the SPA/SAC/RAMSAR site at the bridge (as per WCC's 'Delivering Strategies' report above).

**6.2 Part (ii) Are they clear and deliverable, including all aspects of the infrastructure requirements?**

- 2.1 No, transport and drainage modelling/plans are still not finalised, with transport infrastructure at A3051/A334 junction fundamentally inadequate, so the question appears to be a non-sequitur to these important sustainability issues. Therefore - not sound.

**6.3 Part (iii) Are the mitigation proposals for European designated sites appropriate and deliverable?**

- 3.1 No, The mitigation proposals as currently proposed on the JCS are woefully inadequate; however we do welcome the publication of the Habitats Review of the South Hampshire Spatial Strategy Update. The HRA-Lite Non-Technical Summary (September 2012) 6.3 Mitigation Measures, with particular with reference to the following in point 6.3.1 in relation to this policy, gives an improved level of comfort. It is our view that has to be fully adopted, and implemented as a condition of planning consent, for this policy to begin to be found 'Sound': -

- *Local protection of supplementary bird feeding and roost sites;*
- *Traffic management - modifying traffic behaviour to control where emissions are generated;*
- *Buildings should not be located within proximity to flight paths, existing feeding, roosting habitats and other sensitive areas;*
- *Zones of constraint around designated sites to minimise the effects of urbanisation.*
- *Locate away from flight paths so no interference with migrating and commuting routes; and*
- *Buffer zone away from vulnerable areas*



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- 3.1.a At the present time access to the European and Ramsar site at Curbridge is self-policing due to limited parking facilities and foot access from urban areas of Whiteley being in excess of 2km distance – This will dramatically change with the proposed development and its aspirations for local connections.
- 3.1.b A 300m – 500m access from the curtilage of the proposed development by foot, car, cycle, with dogs, or to canoe, fish, walk, mountain bike etc by road and CRoW access is still seriously inadequate especially considering the precautionary principle and the expected in-combination effects of other proposed development in Eastleigh and the statutory requirements to protect the sites. Therefore alternative access/egress points at a much greater distance from SPA/Ramsar access points need to be identified and implemented if it is to be found 'sound'.
- 3.1.c An on-site dog friendly walking area is a welcome minimal level of mitigation, but somewhat inadequate especially as its proposed site is an area used by breeding Nightjars (ground-nesting Annex 1 species subject to special conservation measures).
- 3.1.d Although there is the inclusion of the following comment in the Submission document's changes: *"The mitigation measures .... The full package of measures should demonstrate that harmful impacts on any European site would be avoided or adequately mitigated, otherwise the scale of the development would need to be reduced accordingly."* It does not mention the Ramsar site and any 'assessed' necessary measures required to protect that site's avian features (et al). **We would invite the developers' agents to confirm that Little Egrets and Black-headed Gulls are present as Qualifying Features on both the Ramsar site and on alternative feeding/roosting areas within the Policy boundary.**
- 3.1.e It is still far short of complying with the PUSH GI Strategy Objective 5 which is designed to *"Contribute to the mitigation of the impacts of growth on European sites using **buffer zones**, providing alternative recreation destinations and reducing the effects of coastal squeeze by providing new habitat sites."*
- 3.1.f Buffer zones as suggested above in the PUSH GI Strategy, need to include travel to SPA distances from the curtilage of a development to reduce the potential of damage from increased recreational use, to further help with the mitigation from large scale development.
- 3.1.g The Brent Goose and Solent Waders Strategy (2009) that is informative to the PUSH biodiversity measures (Appendix C: Review of relevant programme page C4) along with the Interim Visitor Survey (travel distance to SPA) findings for the Solent Waders Disturbance and Mitigation Project (Phase 2) correlate to those of Thames Basin Heaths at a statistically significant level, further enhancing the need for similar buffer zones/zones of influence.
- 3.1.h Objective 5 as identified in table 5.1 (p42) confirms that the PUSH initiative will deliver against that objective in this area of the sub-region; the SH3 policy ignores the Solent Waders and Brent Goose Strategy (2010) where its very proximity to the SPA (as seen from that strategy's research results) will cause that part of the European and Ramsar Site to be less suitable for its designated features to use it.

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This is also emphasised by the existing legal protection for designated feature waterbirds at any time of their occurrence.

- 3.1.i **Policy Direction:** It is particularly difficult (even impossible) to find the proposed avoidance strategy / mitigation 'sound' in the policy tests in NPPF, because insufficient information is available on which to make an informed decision until after the Solent Study is reported in 2013. Dog friendly parks offer insufficient policy and practical assurances.

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**TRANSPORT - Policy CP10**

**Session/Issue 11:**

- i) **Is the overall transport strategy and policy consistent with the NPPF and the Local Transport Plan and, if not, what needs to be changed and why?**

No Comment

- ii) **Is the policy suitable and appropriate to deliver the necessary transport infrastructure improvements with new developments, including in terms of rail and bus services, park and ride, cycling and walking and, if not, what else needs to be done and why?**

No – we would reiterate our response to Section/Issue 6 1.3.a to 1.3.e

“ **1.3 Highways – Environmental Impact**

1.3.a *Updated points: We would also draw attention to the current Air Quality issues at Botley and the ‘in combination effects’ of the proposals for major development in the village’s neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh’s own data [as reported in the Daily Echo 26/09/2012]*

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*has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is*

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1.3.b *There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curbridge.*

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*4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new accesses onto the A3051 at Curridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.*

- 1.3.e In line with the Department for Transport Guidance as expressed in the Design Manual for Roads and Bridges (DMRB, Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1: Air Quality) states that the first process in determining air quality impacts from road schemes is to determine whether the road in question is an 'affected road' which is defined as, among other criteria, if it will experience an increase in flows of more than 1,000 Average Annual Daily Traffic (AADT). The A3051 will experience at least such an increase from this proposed policy SH3 and the A3051 abuts the SPA/SAC/RAMSAR site at the bridge (as per WCC's 'Delivering Strategies' report above)."*

- iii) Is the policy JCS suitable and appropriate to encourage increased use of public transport, cycling and walking and, if not, what needs to be changed?**

No Comment

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- III. Little Egrets as Designated Features, confirmation email from JNCC**
  
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**Part (ii)**

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**6.1 Part (i) Are the Policies and proposals for growth and change in this area appropriate and justified in relation to the NPPF and in terms of environmental, economic and social impact?**

1.1. No, They are neither justified nor appropriate.

1) They ignore elements and tests of the Habitats Regulations 6(3) and (4) which for travel to SPA distances were determined for large scale development under TBH and buffer zones from PUSH policy– the tests for this policy should be most stringent as sustainability is not the only issue (NPPF 119);

2) In terms of the test of soundness the lack of a hydrology report as part of the supporting evidence from the Local Authority we reaffirm our opinion that this needs to be tested at the Core Strategy level for determining the soundness of a Strategic Policy and the in-combination effects of neighbouring boroughs' plans rather than a presumption that it is lawful/sound, and therefore only carrying out an assessment at individual project level; and

3) We would also agree with the RSPB that the scale of development (housing numbers) should be determined by the final results of the Solent Waders Disturbance and Mitigation Report; we also suggest that the policy should be altered so that rather than just complying with that report, a condition be applied that the policy should not be allowed to proceed to an outline planning application until the development proposals have fully adopted the above waders report's findings and recommendations and the PUSH Updated Spatial Strategy (including the HRA-Lite report's recommendations including flight paths, supplementary feeding/roosting sites, buffer zones and zones of constraint.)

**[NPPF para 119 : *"The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* ]**

1.1.a The SPA and year round protection of the Habitat and Designated Features has, to our knowledge, been ignored and we would suggest that the assessment of impact on the SPA would have materially differed if this policy had been taken into consideration, along with the avian Ramsar features of the site.

1.1.b We would clarify that the UK government policy (following the 2001 SPA Review) for **waterbirds** is that SPA designated features are protected at any time of their occurrence, not just at the time of their designation, so full SPA protection applies to the habitat at all times of the year protecting all relevant phases of the lifecycle, as previously detailed in our extensive Pre-Submission Consultation responses.

1.1.c Since then we have gained through an EIR request further information that confirms this and the legal framework.



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- 1.1.d The JNCC UK SPA SCIENTIFIC WORKING GROUP 2001-2002 ANNUAL REPORT (<http://jncc.defra.gov.uk/PDF/ar2001-2002.pdf>) minutes state in point 3.9.3. *“Defra circulated a letter outlining its opinion that the provisions of Articles 6(3) and 6(4) of the Habitats Directive apply to an SPA all year round, despite whether the qualifying birds are present or not.”*
- 1.1.e This issue was specifically addressed at the UK SPA SCIENTIFIC WORKING GROUP 8 May 2002 in their **Passage waders: progress report** ([http://jncc.defra.gov.uk/pdf/passage\\_wader.pdf](http://jncc.defra.gov.uk/pdf/passage_wader.pdf)) : -
- 1.1.f **“Highlighted interest in the migration period**  
*Where sites are already known to have importance during the migration period as well as during the winter period, this has been highlighted in SPA Review site accounts (Volume 3) with the phrase:*
- “Note that sites selected for waterbird species on the basis of their occurrence in the breeding, passage or winter periods also provide legal protection for these species when they occur at other times of the year.”*
- This highlights that whilst the importance of the site may not be specifically highlighted, site-based protection is given nonetheless. Following discussions in the SPA Working Group in 2002, both EN and Scottish Executive sought legal advice in 2000 regarding this question. It is not clear whether this was ever delivered.*
- ISSUE: Departments to obtain legal advice regarding approach adopted by SPA review with regard to identification of qualifying species in passage periods.”**
- 1.1.g This has been confirmed by DEFRA’s legal advice, letter to SPA SWG 18 September 2002 [Appendix (i) ]
- 1.1.h We would also add that designated features, Black-Tailed Godwits (SPA features), have been seen in Curridge Creek, by the pub, both on the 2<sup>nd</sup> July and the 22<sup>nd</sup> September 2012. Along with (Annex 1) Little Egrets, continually present in the upper part of the creek. The developers’ agents have previously denied that Little Egrets were designated features – which give significant cause for concern that the protected sites will indeed not be properly protected.
- 1.1.i The Little Egrets and Black-headed Gulls are both (amongst others Appendix (ii)) Ramsar designated features rather than SPA features (source Ramsar Spatial/summary data <http://jncc.defra.gov.uk/page-2392>). The nationally important [bird count] site presence puts them at 115 individuals significantly over the SPA criteria of 50 and representing 6.96% of the UK population. The protection of Little Egrets has been confirmed by the JNCC [Appendix (iii)].
- 1.1.j **Table2: Upper Reaches of the Hamble Five-year average monthly counts of avian Ramsar features** (Little Egrets and Black-headed Gulls (Appendix (iv))

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Species	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Little Egret	12	12	8	8	8	6	7	4	10	7	7	6
Black-headed Gull	149	209	170	258	220	254	183	71	126	124	45	81

Representing at peak 9.5% of the overall Ramsar suite's population of Little Egrets this is statistically significant – we would also reiterate that historically Curbridge Creek has not featured in the WeBS count data.

### 1.2 The Ramsar Site – The Lack of an Hydrology Report/ Impact Assessment

- 1.2.a Whilst the NPPF (118) also states that the same level of protection applies to Ramsar sites and their features as to European sites it appears to give no further guidance and thus it would appear that the required government policy (under the terms of the Convention should hold).
- 1.2.b Clearly Policy SH3 North of Whiteley has required an Appropriate Assessment under both European Directives as well as UK statute. We would also like to stress that as a 'Wetland of International Importance' (Ramsar site) the Upper Reaches of the Hamble qualify for enhanced protection measures under the Birds' Directive (with reference to Article 4 (2) of the Birds Directive "...To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance").
- 1.2.c The Ramsar CoP 4 (1990) produced guidance for Ramsar sites 'Recommendation 4.10: Guidelines for the implementation of the wise use concept of the convention' which was expanded from the definitions of 'Wise Use' from CoP3

*"The wise use of wetlands is their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem".*

- 1.2.d CoP4's Wise Use Guidelines particularly addressed the following: -  
'5. Actions to address problems at particular wetland sites, including:  
(a) integration from the outset of environmental considerations in planning of projects which might affect the wetland (including full assessment of their environmental impact before approval, continuing evaluation during their execution, and full implementation of necessary environmental measures). **The planning, assessment and evaluation should cover projects upstream of the wetland, those in the wetland itself, and other projects which may affect the wetland, and should pay particular attention to maintaining the benefits and values listed in 3b above'**
- 1.2.e The UK Ramsar Policy (DEFRA 2006, source: <http://archive.defra.gov.uk/rural/documents/protected/ramsar-policy.pdf>) confirms the need to fully assess proposals that will affect additional Ramsar Site's

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features/vulnerabilities (point 16) and stress the importance of assessing hydrological changes including both direct and indirect effects (point 17)

- 1.2.f Under ‘Special Considerations’ in the same Policy document we would draw particular attention to point 18 and with particular reference to point 19 and its statement “*Projects of limited regional or local significance are thus unlikely to meet this test*”.
- 1.2.g Considering that the HRA Executive Summary (point 0.4) and page 35 point 4.61 highlights increased water levels, run-off and pollutants. We would therefore draw particular attention to the lack of a Hydrology report/the SUDS design assessment as part of the Habitats Regulation Assessment for the European sites and in particular the Ramsar site that forms the same area as the SPA site. From UK Government Policy under the requirements of the Ramsar Convention the potential impacts on the Ramsar site – in addition to those required under the European Directives - need to be separately assessed.
- 1.2.h Without a hydrology/drainage report to support the soundness of the SH3 policy the methodological assumptions for the estuarine dynamics in the Creek and the ability of pollutants to enter the protected site cannot be adequately assessed – especially in combination with the impacts of Eastleigh’s plans at Botley and Boorley Green.
- (\* Use of PPG9 214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework [and also NPPF point 216].)*
- 1.2.i Our reasons for considering this to be a significant issue are due to the effect of hard surfacing the ground and an inadequate SUDS system that will give similar effects to our experience of July this year (source <http://www.sotonmet.co.uk> dock head figures): -

Date	Time	WSPD	WD	GST	ATMP	BARO	DEPTH
07/07/2012	16:10	17	145	19.8	14.1	1004.9	4.78
07/07/2012	18:00	16.4	144	18.5	14.6	1003.9	3.73

On 7<sup>th</sup> July 2012 after rain over the previous days we had a short downpour (total rainfall that day only 16.5mm) from a SE direction. The recent rain had created conditions where the ground was saturated – causing rapid run-off, similar to hard surfacing from development; which significantly damaged the bridge crossing Whiteley Stream in Ridge Lane. At approximately 1800hrs the fluvial flood entering the creek created a tide height increase of approximately 1+m. If the time of the heavy rain had been 1 hour earlier the 2<sup>nd</sup> high tide level would have reached 5.8m which would have caused devastation to the village’s houses next to the SPA/Ramsar site. We would also draw attention to the article in the New Civil Engineer (5 October 2012 <http://www.nce.co.uk/8636754.article> ) to support our concerns at a JCS policy level.

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- 1.2.j We are not aware of any adequate tidal height/flow measures having been taken at Curridge Creek to support any capacity of the tributary of the Hamble being able to take increased water draining into it from balancing ponds without a detrimental effect being had on its Ramsar conservation objectives or those of the SAC/SPA.
- 1.2.k With the known effects of climate change and the south sinking into the sea, the lack of a hydrology report as part of the HRA gives rise to grave concerns of off-site flooding and damaging un-assessed environmental changes to the Ramsar protected site. (see Appendix (v) for flood engineer's report)

**1.3 Highways – Environmental Impact**

- 1.3.a *Updated points:* We would also draw attention to the current Air Quality issues at Botley and the 'in combination effects' of the proposals for major development in the village's neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh's own data [as reported in the Daily Echo 26/09/2012] [www.dailyecho.co.uk/news/9948410/Village\\_takes\\_clean\\_air\\_fight\\_to\\_Europe/](http://www.dailyecho.co.uk/news/9948410/Village_takes_clean_air_fight_to_Europe/)) has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is <http://www.eastleigh.gov.uk/meetings/documents/s50002012/Appendix%201.pdf>)
- 1.3.b There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curridge.
- 1.3.c The provision of 3000+ new dwellings at North of Whiteley with access to the A334 at King's Corner without the provision of a bypass for Botley can only significantly increase the pollution levels in that village and are unsustainable in terms of economic, environmental and social impact. HCC's own data for the last week of May 2012 gave the 12-hour traffic flow at 15,043 through Botley. Delivering Strategies' Winchester District Local Development Framework Transport Assessment (Stage 2 Report) Final Report for Winchester City Council, November 2009, Chapter 5, 'Table 5.1 North Whiteley Base Trip Generation by Mode'. This table shows a 1657 peak AM hour increase in external trips departing from Whiteley as a result of this proposed development and 448 incoming trips; with the peak PM hour showing an additional 1067 arrivals and 672 departures. The total number of arrivals using Whiteley Way a day is estimated at arrivals 2064 and departures 2285 giving a total of 4349 vehicle trips per day; an approximate 30% increase to the traffic on the northern part of the A3051. This is unsustainable for Botley and Mill Hill.
- 1.3.d Travel/road creation aspirations still ignore the SPA/Ramsar and the harmful impact of increased air pollution has on waders' use of the site. The HRA (page 18/19 points 4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new

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accesses onto the A3051 at Curbridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.

- 1.3.e In line with the Department for Transport Guidance as expressed in the Design Manual for Roads and Bridges (DMRB, Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1: Air Quality) states that the first process in determining air quality impacts from road schemes is to determine whether the road in question is an 'affected road' which is defined as, among other criteria, if it will experience an increase in flows of more than 1,000 Average Annual Daily Traffic (AADT). The A3051 will experience at least such an increase from this proposed policy SH3 and the A3051 abuts the SPA/SAC/RAMSAR site at the bridge (as per WCC's 'Delivering Strategies' report above).

**6.2 Part (ii) Are they clear and deliverable, including all aspects of the infrastructure requirements?**

- 2.1 No, transport and drainage modelling/plans are still not finalised, with transport infrastructure at A3051/A334 junction fundamentally inadequate, so the question appears to be a non-sequitur to these important sustainability issues. Therefore - not sound.

**6.3 Part (iii) Are the mitigation proposals for European designated sites appropriate and deliverable?**

- 3.1 No, The mitigation proposals as currently proposed on the JCS are woefully inadequate; however we do welcome the publication of the Habitats Review of the South Hampshire Spatial Strategy Update. The HRA-Lite Non-Technical Summary (September 2012) 6.3 Mitigation Measures, with particular with reference to the following in point 6.3.1 in relation to this policy, gives an improved level of comfort. It is our view that has to be fully adopted, and implemented as a condition of planning consent, for this policy to begin to be found 'Sound': -

- *Local protection of supplementary bird feeding and roost sites;*
- *Traffic management - modifying traffic behaviour to control where emissions are generated;*
- *Buildings should not be located within proximity to flight paths, existing feeding, roosting habitats and other sensitive areas;*
- *Zones of constraint around designated sites to minimise the effects of urbanisation.*
- *Locate away from flight paths so no interference with migrating and commuting routes; and*
- *Buffer zone away from vulnerable areas*

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- 3.1.a At the present time access to the European and Ramsar site at Curbridge is self-policing due to limited parking facilities and foot access from urban areas of Whiteley being in excess of 2km distance – This will dramatically change with the proposed development and its aspirations for local connections.
- 3.1.b A 300m – 500m access from the curtilage of the proposed development by foot, car, cycle, with dogs, or to canoe, fish, walk, mountain bike etc by road and CRoW access is still seriously inadequate especially considering the precautionary principle and the expected in-combination effects of other proposed development in Eastleigh and the statutory requirements to protect the sites. Therefore alternative access/egress points at a much greater distance from SPA/Ramsar access points need to be identified and implemented if it is to be found 'sound'.
- 3.1.c An on-site dog friendly walking area is a welcome minimal level of mitigation, but somewhat inadequate especially as its proposed site is an area used by breeding Nightjars (ground-nesting Annex 1 species subject to special conservation measures).
- 3.1.d Although there is the inclusion of the following comment in the Submission document's changes: *"The mitigation measures .... The full package of measures should demonstrate that harmful impacts on any European site would be avoided or adequately mitigated, otherwise the scale of the development would need to be reduced accordingly."* It does not mention the Ramsar site and any 'assessed' necessary measures required to protect that site's avian features (et al). **We would invite the developers' agents to confirm that Little Egrets and Black-headed Gulls are present as Qualifying Features on both the Ramsar site and on alternative feeding/roosting areas within the Policy boundary.**
- 3.1.e It is still far short of complying with the PUSH GI Strategy Objective 5 which is designed to *"Contribute to the mitigation of the impacts of growth on European sites using **buffer zones**, providing alternative recreation destinations and reducing the effects of coastal squeeze by providing new habitat sites."*
- 3.1.f Buffer zones as suggested above in the PUSH GI Strategy, need to include travel to SPA distances from the curtilage of a development to reduce the potential of damage from increased recreational use, to further help with the mitigation from large scale development.
- 3.1.g The Brent Goose and Solent Waders Strategy (2009) that is informative to the PUSH biodiversity measures (Appendix C: Review of relevant programme page C4) along with the Interim Visitor Survey (travel distance to SPA) findings for the Solent Waders Disturbance and Mitigation Project (Phase 2) correlate to those of Thames Basin Heaths at a statistically significant level, further enhancing the need for similar buffer zones/zones of influence.
- 3.1.h Objective 5 as identified in table 5.1 (p42) confirms that the PUSH initiative will deliver against that objective in this area of the sub-region; the SH3 policy ignores the Solent Waders and Brent Goose Strategy (2010) where its very proximity to the SPA (as seen from that strategy's research results) will cause that part of the European and Ramsar Site to be less suitable for its designated features to use it.

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This is also emphasised by the existing legal protection for designated feature waterbirds at any time of their occurrence.

- 3.1.i **Policy Direction:** It is particularly difficult (even impossible) to find the proposed avoidance strategy / mitigation 'sound' in the policy tests in NPPF, because insufficient information is available on which to make an informed decision until after the Solent Study is reported in 2013. Dog friendly parks offer insufficient policy and practical assurances.

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**TRANSPORT - Policy CP10**

**Session/Issue 11:**

- i) **Is the overall transport strategy and policy consistent with the NPPF and the Local Transport Plan and, if not, what needs to be changed and why?**

No Comment

- ii) **Is the policy suitable and appropriate to deliver the necessary transport infrastructure improvements with new developments, including in terms of rail and bus services, park and ride, cycling and walking and, if not, what else needs to be done and why?**

No – we would reiterate our response to Section/Issue 6 1.3.a to 1.3.e

“ **1.3 Highways – Environmental Impact**

1.3.a *Updated points: We would also draw attention to the current Air Quality issues at Botley and the ‘in combination effects’ of the proposals for major development in the village’s neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh’s own data [as reported in the Daily Echo 26/09/2012]*

[www.dailyecho.co.uk/news/9948410/Village\\_takes\\_clean\\_air\\_fight\\_to\\_Europe/](http://www.dailyecho.co.uk/news/9948410/Village_takes_clean_air_fight_to_Europe/)

*has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is*

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1.3.b *There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curbridge.*

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1.3.d *Travel/road creation aspirations still ignore the SPA/Ramsar and the harmful impact of increased air pollution has on waders’ use of the site. The HRA (page 18/19 points*



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*4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new accesses onto the A3051 at Curridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.*

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- iii) Is the policy JCS suitable and appropriate to encourage increased use of public transport, cycling and walking and, if not, what needs to be changed?**

No Comment

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- I. Letter (September 2002) from DEFRA to SPA SWG confirming position of protection**
  - I.a Covering letter to Mr Murray Curbridge Preservation Society**
  
- II. Ramsar Avian Features Solent and Southampton**
  
- III. Little Egrets as Designated Features, confirmation email from JNCC**
  
- IV. Ramsar Features Bird Count Data (origin WeBS)**
  
- V. Flood Engineer's Report**

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**Session/Issue 3 HOUSING GENERAL – Policies CP1, WT1 and SH1**

**Part (ii)**

**1 Housing Distribution Issues**

**1.1 Summary: -**

We find this policy unsound in terms of Housing Distribution numbers/location and suggest that a more balanced distribution to increase the supply of new housing in the northern part of the district needs to be achieved for reasons of sustainability across the district. For example access to major employment areas such as Basingstoke and the Thames Corridor and related environmental costs arising from increased journey distances and social equitability issues. We are also concerned that the figures project an over-supply to predicted need.

**Spatial distribution of current housing population related need (excluding level 3 and 4)**

**1.2 Housing need/provision analysis from WCC’s Housing Technical Report (Chelmer Modelling)**

	No. Houses	%age of Need
SDNP (40% area of District)	0	= 0% of 1,100
<u>Non-PUSH MTRA</u>	<u>550 – 700</u>	<u>= 22 - 28% of 2,500</u>
Winchester Town	4,000	= 100% of 4,000
PUSH Area (25% area of District)	6.65 – 7.8K	= 198 – 232% of 3,350

**1.3 Housing, Options and Alternatives**

Needed district-wide development (excluding Winchester Town – 4,000) is 7,000 dwellings...

West of Waterlooville MDA (WoW)	2,500
North of Whiteley’ Proposed MDA	<u>3,000 – 3,500</u>
Sub total	5,500 – 6,000
Plus PUSH area MTRA policy (levels 1 and 2)	<u>1,150 – 1,800</u>
Subtotal	<b>6,650 – 7,800</b>
<b>Add</b>	
Non-PUSH MTRA	<u>550 – 700</u>
Total	7,200 – 8,500
Total ‘over-supply’ (excl levels 3 and 4 provision)	200 – 1,500

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PUSH region need (from same Housing Tech Report)	3,350
less 2,500 at WoW leaves	<u>-2,500</u> 850
Less PUSH MTRA	<u>1,150 to 1,800</u>
<u>PUSH Over-supply to 'need'</u>	<u>300 to 950 dwellings</u>

**MDA/PUSH is expected to provide, in comparison to its needs of 3,350 dwellings, a proposed supply of 6,650 – 7,800 = 3,300 – 4,450 as an 'over-supply' of new dwellings. This represents more than 95 – 111% of the district's housing requirement (non Winchester town) being provided in 25% of the area.**

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**Session/Issue 6 Policy SH3**

**6.1 Part (i) Are the Policies and proposals for growth and change in this area appropriate and justified in relation to the NPPF and in terms of environmental, economic and social impact?**

1.1. No, They are neither justified nor appropriate.

1) They ignore elements and tests of the Habitats Regulations 6(3) and (4) which for travel to SPA distances were determined for large scale development under TBH and buffer zones from PUSH policy– the tests for this policy should be most stringent as sustainability is not the only issue (NPPF 119);

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- 1.1.e This issue was specifically addressed at the UK SPA SCIENTIFIC WORKING GROUP 8 May 2002 in their **Passage waders: progress report** ([http://jncc.defra.gov.uk/pdf/passage\\_wader.pdf](http://jncc.defra.gov.uk/pdf/passage_wader.pdf)) : -
- 1.1.f **“Highlighted interest in the migration period**  
*Where sites are already known to have importance during the migration period as well as during the winter period, this has been highlighted in SPA Review site accounts (Volume 3) with the phrase:*
- “Note that sites selected for waterbird species on the basis of their occurrence in the breeding, passage or winter periods also provide legal protection for these species when they occur at other times of the year.”*
- This highlights that whilst the importance of the site may not be specifically highlighted, site-based protection is given nonetheless. Following discussions in the SPA Working Group in 2002, both EN and Scottish Executive sought legal advice in 2000 regarding this question. It is not clear whether this was ever delivered.*
- ISSUE: Departments to obtain legal advice regarding approach adopted by SPA review with regard to identification of qualifying species in passage periods.”**
- 1.1.g This has been confirmed by DEFRA’s legal advice, letter to SPA SWG 18 September 2002 [Appendix (i) ]
- 1.1.h We would also add that designated features, Black-Tailed Godwits (SPA features), have been seen in Curbridge Creek, by the pub, both on the 2<sup>nd</sup> July and the 22<sup>nd</sup> September 2012. Along with (Annex 1) Little Egrets, continually present in the upper part of the creek. The developers’ agents have previously denied that Little Egrets were designated features – which give significant cause for concern that the protected sites will indeed not be properly protected.
- 1.1.i The Little Egrets and Black-headed Gulls are both (amongst others Appendix (ii)) Ramsar designated features rather than SPA features (source Ramsar Spatial/summary data <http://jncc.defra.gov.uk/page-2392>). The nationally important [bird count] site presence puts them at 115 individuals significantly over the SPA criteria of 50 and representing 6.96% of the UK population. The protection of Little Egrets has been confirmed by the JNCC [Appendix (iii)].
- 1.1.j **Table2: Upper Reaches of the Hamble Five-year average monthly counts of avian Ramsar features** (Little Egrets and Black-headed Gulls (Appendix (iv))

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Species	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Little Egret	12	12	8	8	8	6	7	4	10	7	7	6
Black-headed Gull	149	209	170	258	220	254	183	71	126	124	45	81

Representing at peak 9.5% of the overall Ramsar suite's population of Little Egrets this is statistically significant – we would also reiterate that historically Curbridge Creek has not featured in the WeBS count data.

**1.2 The Ramsar Site – The Lack of an Hydrology Report/ Impact Assessment**

- 1.2.a Whilst the NPPF (118) also states that the same level of protection applies to Ramsar sites and their features as to European sites it appears to give no further guidance and thus it would appear that the required government policy (under the terms of the Convention should hold).
- 1.2.b Clearly Policy SH3 North of Whiteley has required an Appropriate Assessment under both European Directives as well as UK statute. We would also like to stress that as a 'Wetland of International Importance' (Ramsar site) the Upper Reaches of the Hamble qualify for enhanced protection measures under the Birds' Directive (with reference to Article 4 (2) of the Birds Directive "...To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance").
- 1.2.c The Ramsar CoP 4 (1990) produced guidance for Ramsar sites 'Recommendation 4.10: Guidelines for the implementation of the wise use concept of the convention' which was expanded from the definitions of 'Wise Use' from CoP3

*"The wise use of wetlands is their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem".*

- 1.2.d CoP4's Wise Use Guidelines particularly addressed the following: -  
*'5. Actions to address problems at particular wetland sites, including:  
(a) integration from the outset of environmental considerations in planning of projects which might affect the wetland (including full assessment of their environmental impact before approval, continuing evaluation during their execution, and full implementation of necessary environmental measures). **The planning, assessment and evaluation should cover projects upstream of the wetland, those in the wetland itself, and other projects which may affect the wetland, and should pay particular attention to maintaining the benefits and values listed in 3b above'***
- 1.2.e The UK Ramsar Policy (DEFRA 2006, source: <http://archive.defra.gov.uk/rural/documents/protected/ramsar-policy.pdf>) confirms the need to fully assess proposals that will affect additional Ramsar Site's

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features/vulnerabilities (point 16) and stress the importance of assessing hydrological changes including both direct and indirect effects (point 17)

- 1.2.f Under ‘Special Considerations’ in the same Policy document we would draw particular attention to point 18 and with particular reference to point 19 and its statement “*Projects of limited regional or local significance are thus unlikely to meet this test*”.
- 1.2.g Considering that the HRA Executive Summary (point 0.4) and page 35 point 4.61 highlights increased water levels, run-off and pollutants. We would therefore draw particular attention to the lack of a Hydrology report/the SUDS design assessment as part of the Habitats Regulation Assessment for the European sites and in particular the Ramsar site that forms the same area as the SPA site. From UK Government Policy under the requirements of the Ramsar Convention the potential impacts on the Ramsar site – in addition to those required under the European Directives - need to be separately assessed.
- 1.2.h Without a hydrology/drainage report to support the soundness of the SH3 policy the methodological assumptions for the estuarine dynamics in the Creek and the ability of pollutants to enter the protected site cannot be adequately assessed – especially in combination with the impacts of Eastleigh’s plans at Botley and Boorley Green.
- (\* Use of PPG9 214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework [and also NPPF point 216].)*
- 1.2.i Our reasons for considering this to be a significant issue are due to the effect of hard surfacing the ground and an inadequate SUDS system that will give similar effects to our experience of July this year (source <http://www.sotonmet.co.uk> dock head figures): -

Date	Time	WSPD	WD	GST	ATMP	BARO	DEPTH
07/07/2012	16:10	17	145	19.8	14.1	1004.9	4.78
07/07/2012	18:00	16.4	144	18.5	14.6	1003.9	3.73

On 7<sup>th</sup> July 2012 after rain over the previous days we had a short downpour (total rainfall that day only 16.5mm) from a SE direction. The recent rain had created conditions where the ground was saturated – causing rapid run-off, similar to hard surfacing from development; which significantly damaged the bridge crossing Whiteley Stream in Ridge Lane. At approximately 1800hrs the fluvial flood entering the creek created a tide height increase of approximately 1+m. If the time of the heavy rain had been 1 hour earlier the 2<sup>nd</sup> high tide level would have reached 5.8m which would have caused devastation to the village’s houses next to the SPA/Ramsar site. We would also draw attention to the article in the New Civil Engineer (5 October 2012 <http://www.nce.co.uk/8636754.article> ) to support our concerns at a JCS policy level.



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- 1.2.j We are not aware of any adequate tidal height/flow measures having been taken at Curridge Creek to support any capacity of the tributary of the Hamble being able to take increased water draining into it from balancing ponds without a detrimental effect being had on its Ramsar conservation objectives or those of the SAC/SPA.
- 1.2.k With the known effects of climate change and the south sinking into the sea, the lack of a hydrology report as part of the HRA gives rise to grave concerns of off-site flooding and damaging un-assessed environmental changes to the Ramsar protected site. (see Appendix (v) for flood engineer's report)

**1.3 Highways – Environmental Impact**

- 1.3.a *Updated points:* We would also draw attention to the current Air Quality issues at Botley and the 'in combination effects' of the proposals for major development in the village's neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh's own data [as reported in the Daily Echo 26/09/2012] [www.dailyecho.co.uk/news/9948410/Village\\_takes\\_clean\\_air\\_fight\\_to\\_Europe/](http://www.dailyecho.co.uk/news/9948410/Village_takes_clean_air_fight_to_Europe/)) has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is <http://www.eastleigh.gov.uk/meetings/documents/s50002012/Appendix%201.pdf>)
- 1.3.b There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curridge.
- 1.3.c The provision of 3000+ new dwellings at North of Whiteley with access to the A334 at King's Corner without the provision of a bypass for Botley can only significantly increase the pollution levels in that village and are unsustainable in terms of economic, environmental and social impact. HCC's own data for the last week of May 2012 gave the 12-hour traffic flow at 15,043 through Botley. Delivering Strategies' Winchester District Local Development Framework Transport Assessment (Stage 2 Report) Final Report for Winchester City Council, November 2009, Chapter 5, 'Table 5.1 North Whiteley Base Trip Generation by Mode'. This table shows a 1657 peak AM hour increase in external trips departing from Whiteley as a result of this proposed development and 448 incoming trips; with the peak PM hour showing an additional 1067 arrivals and 672 departures. The total number of arrivals using Whiteley Way a day is estimated at arrivals 2064 and departures 2285 giving a total of 4349 vehicle trips per day; an approximate 30% increase to the traffic on the northern part of the A3051. This is unsustainable for Botley and Mill Hill.
- 1.3.d Travel/road creation aspirations still ignore the SPA/Ramsar and the harmful impact of increased air pollution has on waders' use of the site. The HRA (page 18/19 points 4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new

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accesses onto the A3051 at Curbridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.

- 1.3.e In line with the Department for Transport Guidance as expressed in the Design Manual for Roads and Bridges (DMRB, Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1: Air Quality) states that the first process in determining air quality impacts from road schemes is to determine whether the road in question is an 'affected road' which is defined as, among other criteria, if it will experience an increase in flows of more than 1,000 Average Annual Daily Traffic (AADT). The A3051 will experience at least such an increase from this proposed policy SH3 and the A3051 abuts the SPA/SAC/RAMSAR site at the bridge (as per WCC's 'Delivering Strategies' report above).

**6.2 Part (ii) Are they clear and deliverable, including all aspects of the infrastructure requirements?**

- 2.1 No, transport and drainage modelling/plans are still not finalised, with transport infrastructure at A3051/A334 junction fundamentally inadequate, so the question appears to be a non-sequitur to these important sustainability issues. Therefore - not sound.

**6.3 Part (iii) Are the mitigation proposals for European designated sites appropriate and deliverable?**

- 3.1 No, The mitigation proposals as currently proposed on the JCS are woefully inadequate; however we do welcome the publication of the Habitats Review of the South Hampshire Spatial Strategy Update. The HRA-Lite Non-Technical Summary (September 2012) 6.3 Mitigation Measures, with particular with reference to the following in point 6.3.1 in relation to this policy, gives an improved level of comfort. It is our view that has to be fully adopted, and implemented as a condition of planning consent, for this policy to begin to be found 'Sound': -

- *Local protection of supplementary bird feeding and roost sites;*
- *Traffic management - modifying traffic behaviour to control where emissions are generated;*
- *Buildings should not be located within proximity to flight paths, existing feeding, roosting habitats and other sensitive areas;*
- *Zones of constraint around designated sites to minimise the effects of urbanisation.*
- *Locate away from flight paths so no interference with migrating and commuting routes; and*
- *Buffer zone away from vulnerable areas*

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- 3.1.a At the present time access to the European and Ramsar site at Curbridge is self-policing due to limited parking facilities and foot access from urban areas of Whiteley being in excess of 2km distance – This will dramatically change with the proposed development and its aspirations for local connections.
- 3.1.b A 300m – 500m access from the curtilage of the proposed development by foot, car, cycle, with dogs, or to canoe, fish, walk, mountain bike etc by road and CRoW access is still seriously inadequate especially considering the precautionary principle and the expected in-combination effects of other proposed development in Eastleigh and the statutory requirements to protect the sites. Therefore alternative access/egress points at a much greater distance from SPA/Ramsar access points need to be identified and implemented if it is to be found 'sound'.
- 3.1.c An on-site dog friendly walking area is a welcome minimal level of mitigation, but somewhat inadequate especially as its proposed site is an area used by breeding Nightjars (ground-nesting Annex 1 species subject to special conservation measures).
- 3.1.d Although there is the inclusion of the following comment in the Submission document's changes: *"The mitigation measures .... The full package of measures should demonstrate that harmful impacts on any European site would be avoided or adequately mitigated, otherwise the scale of the development would need to be reduced accordingly."* It does not mention the Ramsar site and any 'assessed' necessary measures required to protect that site's avian features (et al). **We would invite the developers' agents to confirm that Little Egrets and Black-headed Gulls are present as Qualifying Features on both the Ramsar site and on alternative feeding/roosting areas within the Policy boundary.**
- 3.1.e It is still far short of complying with the PUSH GI Strategy Objective 5 which is designed to *"Contribute to the mitigation of the impacts of growth on European sites using **buffer zones**, providing alternative recreation destinations and reducing the effects of coastal squeeze by providing new habitat sites."*
- 3.1.f Buffer zones as suggested above in the PUSH GI Strategy, need to include travel to SPA distances from the curtilage of a development to reduce the potential of damage from increased recreational use, to further help with the mitigation from large scale development.
- 3.1.g The Brent Goose and Solent Waders Strategy (2009) that is informative to the PUSH biodiversity measures (Appendix C: Review of relevant programme page C4) along with the Interim Visitor Survey (travel distance to SPA) findings for the Solent Waders Disturbance and Mitigation Project (Phase 2) correlate to those of Thames Basin Heaths at a statistically significant level, further enhancing the need for similar buffer zones/zones of influence.
- 3.1.h Objective 5 as identified in table 5.1 (p42) confirms that the PUSH initiative will deliver against that objective in this area of the sub-region; the SH3 policy ignores the Solent Waders and Brent Goose Strategy (2010) where its very proximity to the SPA (as seen from that strategy's research results) will cause that part of the European and Ramsar Site to be less suitable for its designated features to use it.

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This is also emphasised by the existing legal protection for designated feature waterbirds at any time of their occurrence.

- 3.1.i **Policy Direction:** It is particularly difficult (even impossible) to find the proposed avoidance strategy / mitigation 'sound' in the policy tests in NPPF, because insufficient information is available on which to make an informed decision until after the Solent Study is reported in 2013. Dog friendly parks offer insufficient policy and practical assurances.

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**TRANSPORT - Policy CP10**

**Session/Issue 11:**

- i) **Is the overall transport strategy and policy consistent with the NPPF and the Local Transport Plan and, if not, what needs to be changed and why?**

No Comment

- ii) **Is the policy suitable and appropriate to deliver the necessary transport infrastructure improvements with new developments, including in terms of rail and bus services, park and ride, cycling and walking and, if not, what else needs to be done and why?**

No – we would reiterate our response to Section/Issue 6 1.3.a to 1.3.e

“ **1.3 Highways – Environmental Impact**

1.3.a *Updated points: We would also draw attention to the current Air Quality issues at Botley and the ‘in combination effects’ of the proposals for major development in the village’s neighbourhood by Eastleigh Borough Council. Botley (from Eastleigh’s own data [as reported in the Daily Echo 26/09/2012]*

[www.dailyecho.co.uk/news/9948410/Village\\_takes\\_clean\\_air\\_fight\\_to\\_Europe/](http://www.dailyecho.co.uk/news/9948410/Village_takes_clean_air_fight_to_Europe/)

*has nitrogen dioxide levels (2008 – 2010 measurements) normally in excess of 40ug/m<sup>3</sup> peaking at over 60ug/m<sup>3</sup> and with particulates at levels that cause a health risk to children and vulnerable adults. An application has been made to the European Commission to have it declared a Low Emission Zone. Mill Hill, this side of Botley bridge is within our parish, and it seems highly likely that the air quality issues are the same. (The Air Quality Action Plan source is*

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1.3.b *There are currently no quantitative data for air quality at the bridge boundary of the SPA/Ramsar in Curdridge.*

1.3.c *The provision of 3000+ new dwellings at North of Whiteley with access to the A334 at King’s Corner without the provision of a bypass for Botley can only significantly increase the pollution levels in that village and are unsustainable in terms of economic, environmental and social impact. HCC’s own data for the last week of May 2012 gave the 12-hour traffic flow at 15,043 through Botley. Delivering Strategies’ Winchester District Local Development Framework Transport Assessment (Stage 2 Report) Final Report for Winchester City Council, November 2009, Chapter 5, ‘Table 5.1 North Whiteley Base Trip Generation by Mode’. This table shows a 1657 peak AM hour increase in external trips departing from Whiteley as a result of this proposed development and 448 incoming trips; with the peak PM hour showing an additional 1067 arrivals and 672 departures. The total number of arrivals using Whiteley Way a day is estimated at arrivals 2064 and departures 2285 giving a total of 4349 vehicle trips per day; an approximate 30% increase to the traffic on the northern part of the A3051. This is unsustainable for Botley and Mill Hill.*

1.3.d *Travel/road creation aspirations still ignore the SPA/Ramsar and the harmful impact of increased air pollution has on waders’ use of the site. The HRA (page 18/19 points*

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*4.13 – 4.16) acknowledge the impacts of development on a protected site extending to an area of 200m from a major road, including A roads – however this is not being applied to the A3051 in terms of NO<sub>2</sub> and particulates especially considering that the protected site abuts the road. The provision of two new accesses onto the A3051 at Curridge will only increase air pollution and recreational access to the SPA. Again we stress the need for the Whiteley Way and other access/egress points to remove traffic from the SPA area seeking alternative connection points to the local road network in line with PUSH/TBH Buffer Zones/areas of influence.*

- 1.3.e In line with the Department for Transport Guidance as expressed in the Design Manual for Roads and Bridges (DMRB, Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1: Air Quality) states that the first process in determining air quality impacts from road schemes is to determine whether the road in question is an 'affected road' which is defined as, among other criteria, if it will experience an increase in flows of more than 1,000 Average Annual Daily Traffic (AADT). The A3051 will experience at least such an increase from this proposed policy SH3 and the A3051 abuts the SPA/SAC/RAMSAR site at the bridge (as per WCC's 'Delivering Strategies' report above)."*

- iii) Is the policy JCS suitable and appropriate to encourage increased use of public transport, cycling and walking and, if not, what needs to be changed?**

No Comment

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- III. Little Egrets as Designated Features, confirmation email from JNCC**
  
- IV. Ramsar Features Bird Count Data (origin WeBS)**
  
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