

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Introduction

1. These representations are made on behalf of Action Against Destructive Development (ADD). ADD is an organisation that was founded in early 2016 following the publication of the Issues and Options Consultation for the Eastleigh Local Plan. The organisation began with two informal groups of concerned residents from the villages of Colden Common and Bishopstoke agreeing to join forces, and quickly grew to represent several local communities with thousands of supporters.
2. ADD has a main committee with a wide range of skills, supported by sub-committees, and employs planning and other consultants to inform its work. It has the backing of ten parish councils, the Campaign to Protect Rural England (CPRE), the Angling Trust, the Test and Itchen Association, the Woodland Trust, the Campaign for Better Transport and several other organisations with an interest in the environment and good planning.
3. Its support comes from across the political spectrum, including all three local MPs. It is backed by the Labour, Conservative and Green parties, by UKIP, by the Liberal Democrat group on Winchester City Council and by the environmental campaigner Chris Packham, who grew up in the area. Three Independent candidates opposed to the current version of the Local Plan were elected to represent Bishopstoke in the May 2018 borough elections.
4. ADD has engaged extensively with local communities both directly and through the media, and makes active use of its website (add-eastleigh.org). As well as arranging its own events, it has accepted invitations to speak at a number of parish council and other local meetings.

5. With regard to the organisation's objectives, ADD recognises the need for appropriate new housing to accommodate a growing population nationally, especially to help people onto the housing ladder. ADD does not identify with or endorse 'Nimbyism'. However, it believes the current version of the Local Plan is unjustified and proposes the wrong housing in the wrong place by means of a flawed process. ADD's greatest concern in the Local Plan relates to the proposed allocation of the Strategic Growth Option (SGO) and link road within Policies S5 and S6, as will be explained as follows.
6. Although ADD has made representations in relation to specific matters separately (for example, in relation to housing numbers and employment land issues), this text should be treated as ADD's principal representations.
7. These representations address matters that go to the heart of the Plan in general and the proposed SGO on land north and north-east of Bishopstoke and Fair Oak in particular in terms of both legal compliance and soundness.
8. These representations cover the following matters:

(1) Process – Legal Compliance and Soundness: The Plan is unsound and fails to comply with the Eastleigh Borough Council (EBC) Statement of Community Involvement (SCI), in that proper consultative processes that would have allowed for meaningful public participation have not been adopted. Sustainability Appraisal has not been followed and there has not been any proper assessment or consideration of the proposed SGO against reasonable alternatives. The decision as to the preferred SGO was predetermined and not evidence based;

(2) Sustainable Development and Soundness: The Eastleigh Plan breaches the Ecology and Habitats Regulations in a number of ways, described under the following headings:

(a) River Itchen and Special Area of Conservation – The proposal would have an adverse effect on the River Itchen Special Area of Conservation

(SAC) and the proposed mitigation would not be sufficient to overcome these impacts.

(b) Other biodiversity impacts – The proposed SGO would have a significant adverse impact on the network of ancient woodland that is present on the site and would have an adverse impact on priority habitats and protected species, including bats, dormice, otter, water vole and reptiles.

(c) Landscape – There would be an adverse impact on the setting of the South Downs National Park (SDNP) and the landscape of the SGO, which consists of a ‘valued landscape’ as defined in the National Policy Planning Framework (NPPF).

(d) Consideration of alternative SGO – EBC’s reason for rejecting the alternative options of D (expansion of Bishopstoke to the south and Horton Heath to the west) and E (extension to West End to the north of the M27) on the grounds that both could not be developed together due to the need to retain a substantial countryside gap, is not justified: EBC is not proposing to designate any of the land within these options as ‘countryside gaps’ and, in any case, a substantial ‘countryside gap’ of 1 km separating development on these sites from the urban area to the south could be retained;

(e) Transport – The transport impact of the proposed development would create a huge growth in congestion and delay and the effectiveness of the link road is likely to be constrained by the low headroom and limited potential for improvements where the B3335 passes under the railway line at Allbrook;

(f) Noise – The WYG Noise As (2018) fails to consider the noise impacts on any of the wider road network in any of its scenarios.

(g) Deliverability – There is inadequate evidence to demonstrate that the link road is deliverable and no assessment has been made of the transport consequences of only part of the link road being constructed. These consequences will inevitably arise during the development of the SGO, as it is

intended to develop the road in phases. They might also apply for the longer term if the whole development became no longer financially, preventing completion of the road. This is contrary to Government advice which requires contingencies to be assessed;

(h) Heritage – The proposed new road would have a very detrimental effect on Allbrook farmhouse, a grade II listed building that was once the home of Mary Beale (1633 – 1699), a distinguished portrait artist and early feminist.

9. The proposed SGO and accompanying link road would have significant negative environmental impacts and therefore:

- i) Would not be consistent with the environmental components of the presumption in favour of sustainable development, which means that the case for the proposed SGO is not **positively prepared**;
- ii) Would not be the most appropriate strategy as there is alternative land at Options D and E, which could be developed with a lower level of environmental impact, and yet has not been appropriately considered. The Local Plan is therefore not **justified**;
- iii) Is not **effective** as there is inadequate evidence to demonstrate that the SGO and accompanying link road can be delivered over the Plan period;
- iv) Is not consistent with **national policy** due to the likely adverse impacts on the River Itchen SAC and ancient woodland.

10. The proposal therefore fails all of the soundness tests as set out in paragraph 182 of the NPPF.

11. The Plan is also not considered to be legally compliant in relation to:

- (a) EBC's SCI
- (b) Strategic Environmental Assessment (SEA) Regulations
- (c) Habitats Regulations.

12. The representations are accompanied by the following evidence base prepared on behalf of ADD:

- Potential aquatic ecological threats to the River Itchen from the Eastleigh Borough Submission Local Plan - Final report by Aquascience Ltd (23 July 2018) (**Appendix 1**)
- Ecological Review of the Strategic Option Sites Proposed in the Eastleigh Borough Local Plan 2016 – 2036 by Phlorum (6 August 2018) (**Appendix 2**)
- Eastleigh Local Plan – Review of Transport Evidence Base by DTA (31 July 31 2018) (**Appendix 3**)

13. In addition, a Landscape Review of Eastleigh Borough Council's Emerging Local Plan Allocation Area B/C (north / east of Bishopstoke / Fair Oak) by The Terra Firma Consultancy Ltd (**Appendix 4**) has been commissioned by CPRE Hampshire. It forms part of the evidence base for these representations and is therefore also attached to these representations.

14. Two opinions from Hereward Phillpot, QC, obtained by ADD in July and December 2017 and sent to EBC, are also referred to in these representations and explain why he considered that the process that the Council was following was not 'sound' at the times when he gave these opinions. These form **Appendices 5 & 6**.

15. A plan prepared by ADD showing how the alternative SGO (Option D/E) could potentially accommodate a strategic development forms **Appendix 7**. Finally, an E mail from Professor Rob Wilby of Loughborough University stating his conviction that SUDs are unlikely to protect downstream habitats in the River Itchen Special Area of conservation form **Appendix 8**.

Part 1: Process – Legal Compliance and Soundness

- 16.** This section addresses matters relating both to soundness and legal compliance with regard to the process followed by EBC in the development of the Plan.
- 17.** The preparation of the Eastleigh Local Plan has been marked by a real lack of public engagement. The process has not involved the development of a proper evidence base to inform decisions in relation to the Plan, nor any informed consideration of reasonable alternatives, at key stages in the process.

The Process: From 2015 to the Present

- 18.** The sole consultation in respect of the Plan prior to the Regulation 19 consultation was the Issues & Options consultation which took place from 23 December 2015 to 17 February 2016, when 8 potential strategic development sites proposed by developers (Options A-H) were identified. No preference was expressed by EBC in relation to any option. The Issues and Options Consultation was accompanied by a Sustainability Appraisal (SA). At this stage, very large-scale opposition was manifest to Option B which consisted of 'Expansion of Fair Oak and Bishopstoke to the north/north east with related development in Allbrook village,' and Option C which consisted of 'Expansion of Fair Oak to the east and north.' The Issues & Options Consultation Report stated in the section on 'Next Steps' that 'we will produce a detailed draft Local Plan in 2016 which will be subject to further consultation,' (p79). No draft Local Plan was produced in 2016 or at any stage until the publication on 25th June 2018 of the 'pre-submission' Local Plan that is the subject of this consultation.
- 19.** Subsequent to the Issues and Options consultation. EBC began to consider combined options B/C and D/E as potential SGOs. Despite no SA having been undertaken in respect of combined options, nor any consultation

undertaken with regard to the wisdom or effects of such an approach, EBC effectively resolved to select a SGO to the north and north-east of Bishopstoke and Fair Oak with a new link road (Option B/C) at the Council meeting on 21st July 2017. This decision was taken when substantial parts of the evidence base had not been completed including the Transport Modelling Report; Strategic Growth Option Viability Study; Sustainability Appraisal; and Habitats Regulations Assessment. At the time, ADD submitted to EBC the opinion of Hereward Phillpot, QC (attached to these representations as Appendix 5). This set out that EBC's approach was fundamentally inadequate and in breach of the correct procedure to select the most appropriate strategy based on the rigorous assessment of the evidence base and Sustainability Appraisal of the alternative options. EBC then considered the 'pre-submission' Local Plan at its Council and Cabinet meetings in December 2017. At the Council meeting, which was attended by 800 local people, EBC resolved to approve in principle the 'pre-submission' Local Plan, and gave delegated authority to the Chief Executive in consultation with the Leader of the Council to:

1. *'finalise the wording and content of the Eastleigh Borough Local plan 2016 – 2036 [...] following the completion of the technical studies (subject to the results of these not significantly changing the content of the Eastleigh Borough Local Plan'.*
2. Undertake the Regulation 19 consultation.
3. Submit the Local Plan to the Secretary of State.

This resolution was passed despite a number of vital evidence studies still not being complete including Transport Modelling; Viability Testing; Sustainability Appraisal; Habitats Regulations Assessment; Flood Risk Study Ecology – Hydrology; Infrastructure Delivery Plan; and Duty to Co-operate Statement. No consultation was undertaken in respect of the preferred option prior to this decision. At the time of the December 2017 Council and Cabinet meetings, a further opinion was obtained from Hereward Phillpot QC regarding the fundamental inadequacies of following this approach (attached to these representations as Appendix 6) and this was distributed among the members of the Council and Cabinet.

20. The decisions taken in July and December 2017 effectively predetermined the content of the Plan that is now intended to be submitted for Examination.

The Treatment of Options D/E in the Preparatory Stages

21. In addition to deciding to select the SGO before key parts of the evidence base had been completed, EBC took every opportunity to dismiss the possibility of development taking place on the potential alternative combined options of D (expansion of Bishopstoke to the south and Horton Heath to the west) & E (extension to West End to the north of the M27). This was despite the fact that:

- The Option D/E land contains relatively little ancient woodland unlike the selected SGO; the landscape is generally of relatively low quality with scattered development; it is close to employment and services in Hedge End/ West End and Southampton; and a significant new road across environmentally sensitive areas would not be required as part of the proposal.
- In 1998 Hampshire County Council had first identified land at Allington (which corresponds with the Options D and E in EBC's Local Plan) as one of the four most suitable locations (of the 22 considered across the county) for major housing development of 2000-5000 houses.
- In November 2000 the Eastleigh Borough Council Executive, resolved to recommend to the full Council that 'no greenfield sites be made available for housing development other than at Allington'.
- As recently as 2011 EBC noted the suitability of Allington for major housing development.

22. More recently EBC has sought to dismiss various important benefits that would support development at Allington such as (albeit not straightforward) the possibility of creating a new junction 6 onto the M27 which would provide a huge benefit in reducing traffic congestion through the centre of Eastleigh

and would facilitate traffic solutions to a development in Allington. Similarly, EBC has made no effort actively to explore the opportunity of creating a new station at Allington on the Eastleigh–Fareham train line (unlike neighbouring Fareham Borough Council, which is actively promoting a new station at Welbourne further along the same line).

23. In July 2017, EBC made reference to the perception that developing Option D/E would lead to a continuous development from Southampton city centre to northern Fair Oak (EBC Cabinet Report (20 July 2017), paragraph 44), but in December 2017, it was for the first time formally stated that a major development gap of one kilometre or more would be required in Allington Lane to prevent coalescence between West End (which is within Eastleigh) and Bishopstoke/Fair Oak to the north. This, it was stated, meant that it would not be possible to develop options D AND E, only options D OR E. In effect, the perceived need for a countryside gap was treated as a showstopper to the development of Option D/E. This decision was made without any evidence-based, balanced approach to the relative merits and demerits of Option D/E having been considered. In fact it is possible, as ADD has demonstrated, to develop a modified Options D and E scheme to provide 3,500 houses while still allowing a one kilometre gap to the south of such a development were this to be regarded as essential.

24. The bias which was introduced latterly through the development of the Local Plan is in contrast to an earlier policy paper presented to the full Council by the former lead EBC strategic planner in December 2016. The paper included a SWOT analysis of Option B/C and of Option D/E and concluded that while both had the same number of assessed Key Strengths, Option B/C had eleven Key Weaknesses compared to Options D/E's five.

25. The process adopted by EBC gives rise to a number of issues:

(a) The Council has failed to demonstrate that the SGO allocation is '*the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence*' and therefore justified.

- (b) The Local Plan has not been developed via a process that is consistent with national policy in relation to meaningful engagement and collaboration with the community, contrary to paragraphs 17, 155 and 157 of the NPPF.
- (c) EBC's SA is fundamentally flawed and fails to comply with the SEA Regulations.
- (d) The process is not legally compliant as EBC has failed to comply with its SCI.

26. The defects in the SA and in EBC's compliance with its own SCI are set out below.

The Sustainability Appraisal

27. The SA submitted with the Eastleigh Borough Local Plan 2016 – 2036 does not comply with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

28. This is because:

- (1) The environmental statement has not informed or influenced on the development of the Plan. Significant decisions have been taken by EBC at various stages of the process without sufficient environmental information. The environmental statement has not been developed in parallel with the Plan (see *Seaport (NI) Ltd v Department of the Environment for Northern Ireland* [2008] Env LR 23 at [47]);
- (2) The environmental statement has not considered the reasonable alternatives to the SGO, contrary to Reg. 12(2)(b) of the SEA Regulations, and neither has it examined alternatives on an equal basis to the preferred option (see *Heard v Broadland* [2012] Env LR 23)
- (3) The environmental statement does not assess the "likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and

secondary, cumulative and synergistic effects, on issues such as biodiversity, landscape, soil, water, cultural heritage and the inter-relationship between these matters, etc., contrary to Schedule 2(6) of the SEA Regulations. There has not been proper assessment of these matters in relation to either the quantum of development proposed or the SGO. Chapter 10 of the SA on cumulative impacts only makes brief passing references to the strategic site and the associated link road.

- 29.** In addition to the failure to comply with the requirements of the SEA Regulations, the manner in which the SA process has been undertaken and its influence (or lack thereof) on the content of the Plan clearly makes the selection of the SGO unsound in that it is not justified.
- 30.** ADD's concerns in relation to the SA stem from the fact that only two iterations of the SA have been undertaken, the first being the SA issued for consultation alongside the Issues and Options consultation in December 2015. The second iteration is the 2018 SA that now accompanies the Regulation 19 consultation.
- 31.** Significant decisions taken in respect of the selection of the SGO between 2015 and the present have not been informed by any environmental statement. Importantly, EBC chose a preferred option, B/C over D/E, without adequate environmental information or proper comparative analysis.
- 32.** The 2015 SA undertook a comparative assessment of SGOs (considering A-H individually rather than in any combined forms). The comparative assessment of the SGOs in the main body of the 2018 SA is contained in chapter 5. This is virtually identical to the wording of chapter 6 of the 2015 SA. Indeed, there is a misprint in paragraph 5.90 which refers to the effects of Option B in the section C analysis. The same error is reproduced in paragraph 6.88 of the December 2015 SA. The impression that the assessment of SGOs was undertaken in December 2015 is reinforced by the text in the 'Difficulties encountered' section of the 2018 SA which states that: *'The assessment of*

Strategic Locations and Strategic Spatial Options were undertaken in December 2015 and therefore use a slightly different set of assessment questions than other assessments in this document. Further, Chapter 5 of the 2018 SA refers to the need for further evidence. For example, it makes such statements with regard to options B & C as ‘the [traffic] impacts are likely to be severe unless suitable new transport infrastructure is provided’ (para 5.74); ‘a cumulative significant negative effect could occur [with regard to air pollution] and further transport and air quality work is required to investigate this’ (para 5.78); it highlights potential significant effects on biodiversity and landscape, etc. (paragraphs 5.81 and 5.84 & 5.85). It is most unsatisfactory to have these statements in an SA, and no subsequent analysis of the implications of the further studies undertaken over the past three years; or how they affect the comparative assessment of alternatives and whether suitable mitigation can be provided.

33. Chapter 6 of the 2018 SA is entitled ‘SA findings for the Strategic Policies and reasonable Alternatives’ and for some policies alternative scenarios are assessed, such as for housing growth (Table 6.3, which is based on 2015 housing figures). However, for Policy S5, which relates to the SGO, the only options assessed are ‘site only’ and ‘site with policy.’ For Policy S6, which relates to the link road, no alternative options are assessed and paragraph 6.52 states that ‘The Council did not identify any reasonable alternatives to this policy.’ Given that the link road crosses the River Itchen SAC and would go through a sensitive area of countryside containing a large amount of ancient woodland and a network of species-rich hedgerows this is quite extraordinary, especially as there are other potential alternatives at Options D and E or a combination of the two, which would certainly not require the very extensive link road that is essential for options B/C.

34. There are ‘Detailed SA matrices for Strategic Growth Options and reasonable alternatives’ in Appendix 6 of the 2018 SA but this appendix does not state when this assessment was undertaken or give any details of the evidence base that was used in generating the scores given. Appendix 7 is entitled ‘Comparative summary of SA findings for Strategic Growth Options.’ Again,

there is no text stating when this assessment was undertaken, nor are any details given of the evidence base that was used in generating the scores for the various options. However, the Methodology section of Appendix 7 on page 308 states that: *'This document does not present a change to any of the previous SA results for the SGOs, it simply compares the results of the alternatives against the selected SGO included in the Local Plan.'* This again implies reliance on the 2015 assessment. The options assessed in both appendices include B/C, but do not include D/E. Yet Option D/E is not subject to any overriding constraints that would prevent development, as it does not fall within any environmental designations (including countryside gaps). This option is therefore clearly a reasonable alternative that should have been assessed, and its omission supports ADD's conclusion that the choice of SGO was predetermined by EBC without any proper evidence base to justify the decision.

- 35.** It is extraordinary that at no stage has the SA considered the reasonable alternative of Option D/E, which was expressly considered by EBC as an alternative to Option B/C in various reports to Cabinet. Further, there has never been any comparative assessment of B/C against D/E. It is absolutely clear that the SA has not informed the development of the Plan. When EBC resolved to approve in principle the Local Plan on 11th December 2017, subject to final sign off by the Chief Executive in consultation with the Leader of the Council, there was no SA to inform the decision apart from the one produced in 2015. Even this did not form one of the background papers to the report put before Members. Appendix 6 of the report, which contained a list of studies, indicated that the SA was 'underway.' The SA clearly therefore played little or no part in EBC's decision on the options or in the wording of the policies in the proposed submission Local Plan.

Statement of Community Involvement

- 36.** EBC has not complied with its adopted SCI in developing the Plan, contrary to s. 19(3) of the Planning and Compulsory Purchase Act 2004. This failing has caused significant prejudice to the local community, which has been

prevented from taking part in any effective consultation on EBC's preferred SGO.

- 37.** Paragraph 5.2 of the SCI states that the Regulation 18 consultation document "will indicate the options considered and the Council's preferred option(s), subject to the outcome of the consultation and any further appraisal that is required".
- 38.** Further, para 5.2(vii) of the SCI indicates that at the Regulation 18 stage, appraisals and assessments will include appraisals of all the alternative development and policy options considered and "reasons for the Council's choices". Again, this indicates that EBC will have expressed a preference for a particular choice at the Regulation 18 stage. It also states that "if it proves necessary to re-consult on a revised draft of the options, the consultation period will normally be six weeks."
- 39.** However, the Issues and Options consultation in 2015, which EBC refers to as its Regulation 18 consultation, did not identify a preferred option or indicating the total number of houses that needed to be provided, but simply set out Options A-H for the SGO without expressing any preference or indicating that one or more of the options might be combined.
- 40.** Further, following the Issues and Options consultation, EBC did consider combined options, specifically Options B/C and D/E. However, there was neither consultation on EBC's preferred option of B/C nor any opportunity to comment on the revised combined options of B/C versus D/E in a formal consultation stage prior to the Regulation 19 consultation. ADD had a legitimate expectation, engendered by the text of the SCI, that it would have an opportunity to respond to EBC's preferred option and revised set of options through a formal consultation process. It has been deprived of that opportunity.
- 41.** The SCI also states in paragraph 5 (iii) that, when the Regulation 19 Local Plan is published, "formal representations on the soundness of the Local Plan will be invited, to be made on-line, via e-mail and by letter, with the opportunity

provided to use a consultation form (this will not be mandatory). The Council will provide advice on what soundness means and on how to make formal representations". At paragraph 3.5, the SCI states that an overriding objective is to ensure that "no one has just cause to feel that they have been denied opportunities to engage in the consultation process". ADD considers that EBC's approach has acted as an inhibitor to proper public participation.

42. Specifically, in respect of the Regulation 19 consultation, it is ADD's view that it has not been undertaken in compliance with the SCI in that:

- The questionnaire was available online or, upon request, as a numbered form. A paper form is suitable for those who wish to handwrite their response, but no provision was made for those who wanted to use a word-processor to prepare their response. ADD requested that the questionnaire be provided as a Word document (which would also have lent itself to collaborative responses from bodies, including the statutory consultees), but EBC declined to do this. It is ADD's view that having to make an official request for a paper questionnaire presents a barrier to public engagement and does not encourage participation.
- For each policy, the respondent was invited to indicate whether they supported, opposed or were neutral toward the policy, but not whether they judged the policy to be sound or legally compliant. A person might object to a policy which is nevertheless sound, or support a policy that is unsound, so that this question is not relevant to the Regulation 19 consultation. The touchstone for every representation made at the pre-submission stage is whether a given policy, and the supporting text and proposals map, are legally compliant and sound, but the questions relating to legal compliance and soundness are posed only once in EBC's questionnaire, in the "Overall Assessment" section, and are therefore divorced from the questions on individual policies. EBC should have made respondents aware that at the Regulation 19 stage

the validity and perceived relevance of their response rests on their having indicated, for each policy on which they had commented, whether they believed that policy to be sound and/or legally compliant; not whether they supported, opposed or were neutral to it. Again, ADD considers that this has acted as a barrier to effective public participation in the process.

- Finally, it should be noted that on the final date for submitting representations, the Eastleigh Borough Council web site crashed, causing enormous disruption to those seeking to submit representations, some of whom lost their draft submission.

43. With regard to process and effective public participation, a further matter of great concern to ADD is the fact EBC has failed to comply with the requirement of the National Planning Policy Guidelines (NPPG) that documents that form part of the evidence base for a Local Plan should be published “as they are completed, rather than waiting until options are published or a Local Plan is published for representations”. Many significant elements of EBC’s evidence base were only published at the commencement of the Regulation 19 process in spite of the fact that it is clear from the dates of the documents that they were completed in advance of June 2018.

44. EBC has therefore not complied with its own SCI, which is one of the tests of legal compliance.

Part 2: Sustainable Development and Soundness

45. In the view of ADD, the proposed allocation of the SGO under Policy S5 and the associated link road proposed under Policy S6, do not accord with the NPPF’s fundamental principle in favour of sustainable development and are therefore unsound as they are not justified, effective or consistent with national policy.

46. In the case of Policies S5 and S6, there will be significant negative effects on the natural environment and local communities contrary to paragraphs 7 and 9 of the NPPF, while there is another more sustainable option available on land south of Bishopstoke (which EBC refer to as Options D and E), and so it cannot constitute sustainable development.

47. There is also insufficient evidence to demonstrate that the allocation is deliverable over the plan period. The adverse impacts are addressed as follows:

a) River Itchen and Special Area of Conservation

48. The River Itchen SAC has been designated under the Habitats Directive adopted in 1992 and is therefore of international importance for biodiversity. 'The River Itchen is perhaps the most iconic chalk stream in the world,' is how this internationally important river is described in the 2009 WWF Report 'Rivers on the Edge'.

49. Paragraph 55 of Circular 06/2005 on 'Biodiversity & Geological Conservation – Statutory Obligations and their impact within the Planning System' states, with regard to the proposed allocation of sites in development plans, that: '*local planning authorities should ...adopt the precautionary principle and should undertake sufficient assessment of any proposal in a development plan likely significantly to affect a European site.*'¹ EBC explained what the precautionary approach involves in paragraph 2.2.5 of its Habitats Regulations Assessment Screening Report (November 2015), which defined it as meaning that '*the plan is never given the benefit of the doubt; it must be assumed that an objective/policy is likely to have an impact leading to a significant adverse effect upon a European site unless it can be clearly established otherwise.*'

¹ Although it refers to previous versions of the Habitats Regulations, Circular 06/2005 has not been withdrawn and the text contained within it remains relevant. According to the Government's website, the Circular should be read "in conjunction with the NPPF and NPPG

50. ADD does not consider that it has been demonstrated that the development would be compliant with Reg. 105 of the Habitats Regulations 2017, specifically that it would not adversely impact the integrity of the River Itchen SAC. In this case it is considered that, based on a precautionary approach, there is significant likelihood that there will be adverse impacts, and that EBC has not demonstrated that mitigation measures are available or will be effective in removing those impacts. Where a Plan gives rise to adverse impacts on the integrity of a SAC, assessment must be undertaken to determine whether there are any alternative solutions and, if not, it must be demonstrated that there are imperative reasons of overriding public interest in accordance with Reg. 107 of the Habitats Regulations 2017. EBC has not engaged with this process.

51. At the outset it is important to note the sheer scale of what is proposed, which is largely within the catchment of watercourses that flow into the River Itchen SAC. This includes approximately 5,300 dwellings; 30,000 sq metres of employment; schools and a district and a local retail centre. The scale of development will therefore be very significant for such a sensitive location. EBC's HRA concludes that, with mitigation measures, the SGO and associated link road will result in no adverse effect on the integrity of the SAC. ADD challenges the conclusions of EBC's HRA. To ensure that the issue is robustly assessed ADD has commissioned Dr Nick Everall of Aquascience, who has over 30 years' experience in the water industry, wetland operational science, and environmental monitoring, to assess the potential impact of the proposed SGO and associated link road on the River Itchen SAC. His assessment, which disagrees with EBC's conclusions, is attached to these representations as Appendix 1.

52. The key points that arise from the commissioned ecological report are as follows:

- EBC has relied on inadequate survey data relating to the SAC with respect to invertebrate data for species other than the Southern Damselfly.

- There has not been adequate assessment of the headwaters that cross the proposed SGO;
- The hydrological data relied upon, namely the Eastleigh Hydrological Sensitivity Study (JBA, 2018), are inadequate;
- Failure to rely upon adequate data renders unsound the conclusion that the Plan will not have an adverse impact on the SAC;
- There are potentially significant impacts of the development on the water quality at the SAC, with consequent effects on the habitat and species that EBC has not taken into account;

53. Dr Nick Overall is strongly of the opinion that the JBA Report is not sufficient as an impact assessment:

'In my opinion it certainly does not address potential adverse effects of water pollution, physical modification, siltation or water abstraction. The data is simply not sufficient to do so and so it makes no attempt to achieve this. It asks [begs] the question how based upon this benchmark hydrological study, Eastleigh Borough Council can make the statement 'As such it is considered that the risk of development in the vicinity of the headwater is low subject to the proposed mitigation and design measures' in their current HRA (Eastleigh Borough Council, 2018).'

54. In respect of the impacts and mitigation measures he states:

'Urban development is globally well documented to cause aquatic ecosystem degradation and since construction schemes and later SuDS schemes do not provide 100% prevention of some degree of contamination to receiving watercourses from heavy metals, fine solids, oils, fuels (polycyclic aromatic hydrocarbons ...), detergents, faecal pathogens, nutrients, domestic pesticides - herbicides and other chemicals associated with urban run-off then I cannot see that building on the potentially proposed scale on a river conduit and porous chalk aquifer is not an unacceptable risk which in my opinion the current proposed mitigation measures will not address given the present

condition of the river and the desired level of protection for a SAC. There currently appear[s to be] a lack of resolution in aquatic cause and effect data in the survey reports to provide full knowledge of the likely significant effects of the proposed works on the receiving wetlands of the Itchen catchment in the proposed works areas.'

55. This view is reinforced by Professor Rob Wilby of Loughborough University, one of the country's leading authorities on river systems, who has reviewed the JBA report and has commented "*Based on the evidence reviewed by this report, I am unconvinced that any level of SUD development in the headwaters of the Itchen would be sufficient to protect downstream habitats from urban runoff in the event of moderate to extreme rainfall events, let alone the design flood ([which is] 100-year plus upper end allowance for climate change).*" (Appendix 8)

56. Environmental stresses, including the discharge and runoff from urban drainage, engineering works such as road improvement schemes (e.g., the proposed associated link road, which includes a new bridge over the Itchen at B3355 Highbridge Road) can result in an overall deterioration of water quality locally as well as on a widespread scale, which in turn is likely to impact the ecology within designated sites and surrounding areas. During the construction phase, the disturbance of the ground can result in an increase in suspended solids within surface water and impact upon water quality in receiving waters. Depending on their composition, suspended solids can lead to changes in nutrient, organic or chemical loading. Where additional sediment is deposited within the river system, this can impact upon migratory and spawning fish and feeding patterns. There is a reasonable amount of information upon the unique and iconic Itchen salmon stocks, with the Environment Agency's most recent assessment of salmon population in the River Itchen in 2016 stating that stocks were 'Probably at Risk', and stocks of juvenile fish 'low and declining'. The salmon population of the River Itchen is clearly adversely affected by current anthropogenic stresses. The risk of further (e.g., sediment and nutrient) input from routine or pollution-related

construction, SUDS operations, pressure on sewage-works capability and abstraction demands resulting from the proposed works appears very high.

- 57.** That the impacts on breeding salmon could be very serious is confirmed by David Sear, Professor of Physical Geography, at the University of Southampton who is an international expert on the impacts of fine sediment on incubating salmonid embryos, and the management of chalk stream spawning gravels. He has over 27 years' experience of leading research in this area including on the spawning habitats of the River Itchen.
- 58.** In his view the proposed strategic development and associated mitigation poses a threat to the River Itchen SAC and SSSI through deterioration of salmon spawning gravels. The development will undoubtedly generate increased fine sediment loads that will discharge into the River Itchen within the key reaches for salmon spawning. The best spawning reaches in terms of measured survival lie within the main river at Bishopstoke and in reaches upstream on the main river towards Winchester. Whilst some sedimentation can be reduced, research demonstrates that it is the very fine clay that are particularly deleterious to incubating salmon embryos. The fine clays are not trapped effectively by current sedimentation management techniques. In addition, research has demonstrated that fine sediment derived from road verges and urban runoff have disproportionately high impacts on salmon embryo mortality compared to agricultural land and river banks. Chalk rivers are extremely sensitive to small increases in fine sediment loads owing to their low flushing capacity and stable gravel beds. Thus, the location of the proposed development discharging into the most sensitive spawning habitat areas for the protected SAC Atlantic salmon, its scale (sediment yield is related to area of disturbance) and the nature of the change from agricultural to urban/road surfaces, collectively ensure a detrimental impact on the Atlantic Salmon in the River Itchen.
- 59.** In David Sears' opinion there is a solution, and that is to look at the alternative development option located around Allington Lane (Option D). Here the

drainage is into lower reaches of the Itchen that are not productive salmon spawning gravels and that are already impacted by fine sediment deposition and poor quality sediments from runoff from Eastleigh. He concludes that the development is highly likely to negatively impact the SAC protected salmon spawning gravels in the most productive reaches for the species within the River Itchen. Mitigation is unlikely to work owing to the nature of the fine sediments produced during and after the development, but an alternative site is available, which would have a much lower impact, and should therefore be considered.

- 60.** The impact of the link road on the Southern Damselfly has been inappropriately considered by EBC. Its HRA (pg. 133) states that Highbridge, where road bridge works are proposed as part of the creation of the link road, is not critical to the Southern Damselfly population. This is contrary to the opinion of EBC's own expert, Dr Rushbrook, that it is '*strategically important in connecting sites across the wider Itchen Valley meta population*' and is therefore key to the overall meta population in preventing it from becoming fragmented.
- 61.** With regard to mitigation, much emphasis is placed throughout the HRA on mitigation of impacts, although there is currently limited information on the form that these will take, construction methods or timeframes. The developers' own ecology advisers, WYG, acknowledge in paragraph 5.2 of their 'Strategic Eastleigh Site Ecological Appraisal' (2017) that '*The streams and ditches on Site are likely to be retained and used as part of the SuDS strategy for the Site. As such there is potential for adverse effects from sediment and pollution runoff during construction and operation and modifications to the hydrology of the area. There is also potential for direct effects during construction as crossings will be required of several watercourses to accommodate the bypass and internal road layout*'. In addition it is important to recognise that no SuDS scheme provides 100% pollutant or sediment removal from run-off and their efficacy can tail off over time if not well maintained, so that even with mitigation measures there will always be the

risk of the development impacting upon the receiving fauna of the River Itchen SAC.

62. Further, with regard to the Southern Damselfly in particular, the Council's evidence base includes Arcadian Ecology's 'Strategic Conservation Plan for Southern Damselfly' (April 2018). However, a conservation action plan to enhance the population of Southern Damselfly in the Itchen Valley has been tried in the past, and it failed. The action plan focused on the damselfly population in the Itchen Valley Country Park, an area managed by EBC and therefore more manageable than areas owned or occupied by farmers, landowners and other private stakeholders. This plan intended to lead to a beneficial dispersal to habitat in areas where no Southern Damselfly population previously existed. Dr. Rushbrook writes, in Arcadian Ecology's report, that the long-term annual count data collected from Itchen Valley Country Park between 1999 and 2017 inclusive, shows that there has been a marked declining trend in the total number of adult Southern Damselfly recorded. The action plan clearly failed, and we know of no cases where such a strategy has succeeded. This therefore calls into question the adequacy of the mitigation measures in relation to this species.

63. There is also a major flaw in the report entitled 'Air Quality Assessment: Ecological Sites,' by Air Quality Consultants (June 2018) in that it has modelled impacts in 2036, only. This is important as the pollutant emission databases that would have been used assume a lot less pollution per vehicle by 2036 due to technological changes (in particular zero tail pipe emissions from a higher percent of the fleet, due to electric vehicle penetration). Conditions could therefore become a lot worse before they get better, and so it is important to assess the short and medium term impacts (as required under the SEA Regulations), as the interim impacts could be much worse than those for the completed development.

64. In conclusion, ADD does not consider that the Plan is compliant with the Habitats Regulations in that it has not been demonstrated that the SGO and link road would not have an adverse impact on the integrity of the SAC, even

taking into account mitigation measures. Further, ADD does not consider the Plan to be sound in this regard as it is not consistent with national policy or justified.

(b) Other biodiversity impacts

Adverse Impacts on areas of ancient woodland

- 65.** There would be a significant adverse Impact on areas of ancient woodland. The information on the DEFRA Magic website 'Nature on the Map' indicates that the proposed SGO and the route that the link road would follow north of Bishopstoke is almost entirely surrounded by ancient woodlands.
- 66.** These include:
- Upper Barn Copse;
 - Crowdhill Copse;
 - Stoke Park Wood;
 - Hill Copse;
 - Hall Lands Copse;
 - Park Hill Woods;
 - Lords Wood (which could be affected by the link road).
- 67.** Proposing large scale development within a network of ancient woodlands which are in close proximity to one other, and thereby fundamentally changing their ecological context, is a significant planning issue as acknowledged by paragraph 118 of the NPPF.
- 68.** Although not applicable directly to this Plan, it is noteworthy that in the new NPPF issued in July 2018 the wording relating to the protection for ancient woodland has been strengthened.
- 69.** Three of the ancient replanted woodlands that would be most affected by the proposed SGO and link road are Upper Barn and Crowdhill Copses and Stoke Park Wood.

- 70.** Upper Barn and Crowdhill Copses are owned by the Woodland Trust. The Trust acquired these sites in 1990 and states in its Management Plan 2014 – 2019 for these two woodlands that since then a programme of thinning the conifers in favour of native broadleaved trees has been followed; this restoration process is almost complete in Crowdhill Copse, which now has an excellent range of native species of varying age.
- 71.** The Woodland Trust states that these woods: *'support a varied wildlife mix - this is much enhanced through links with neighbouring woods, shaws, hedgerows and farmland. The rich flora and wildlife ...[includes] - moschatel, butcher's broom, Solomon's seal, bluebells, and 11 species of fern.'* The butterflies/moths include silver washed fritillary and barred hook tip (Section 5.10).
- 72.** These two copses therefore have considerable value for wildlife and this is reflected in EBC's designation of them as Sites of Importance for Nature Conservation (SINCs).
- 73.** The other area of replanted ancient woodland that would be affected is the large Stoke Park Wood which is owned by the Forestry Commission. This wood already adjoins the existing built up area of Bishopstoke and has development on three sides. Under the proposals, the SGO would be located on what is currently its only undeveloped edge. The notice board at the entrance to this woodland states that it contains purple emperor and silver washed fritillary butterflies, valley mires and streams, bluebells and reptiles, and so is also of considerable value for wildlife. This is reflected in its designation as a SINC.
- 74.** Several of the other areas of ancient woodland that would be affected have not been re-planted including an area of woodland at Hall Lands Lane, which EBC's plan of the SGO shows washed over as part of the Strategic Site and Hill Copse, which adjoins the northern edge of the SGO. These sites are also designated as Sites of Local Importance for Nature Conservation.

75. EBC is not proposing that the areas of ancient woodland would be developed. However, this does not mean that there would be no detrimental effects. The Forestry Commission and Natural England Standing Advice states that potential impacts on ancient woodland from nearby development include:

- *breaking up or destroying connections between woodlands and veteran trees*
- *reducing the amount of semi-natural habitats next to ancient woodland*
- *increasing the amount of pollution, including dust*
- *increasing disturbance to wildlife from additional traffic and visitors*
- *increasing light pollution*
- *increasing damaging activities like fly-tipping, and the impact of domestic pets*
- *changing the landscape character of the area*

A previous version of the Standing Advice issued in 2016 also mentions the potential for impacts on local hydrology through changes in drainage or water table levels.

76. In the case of this SGO and link road it is considered that all of these detrimental impacts would occur. In particular, there would be a fundamental severance between Upper Barn Copse, Crowdhill Copse and Stoke Park Wood. These three woodlands are currently connected by a small triangular field, which is adjoined on all three sides by mature trees, so providing a link between the three areas of ancient woodland, and enabling species such as reptiles, amphibians and dormice to travel between them. However, under Policy S6 it is proposed to drive the new link road through the gap between these three woodland areas, which are only 120 metres apart at the narrowest point. The road would also require the removal of a significant number of existing trees, and create significant ecological severance. Moreover, two-thirds of the perimeter of the proposed Option B development of houses would be ancient woodland.

- 77.** At present there are a large number of species-rich hedgerows which link the various areas of ancient woodland. WYG in their Ecological Appraisal (2017) of the proposed SGO have identified 65 of these as being species-rich and therefore important (Table 4 and paragraph 5.2). However, it is important to note that Table 4 also highlights a number of the 'species-poor' hedgerows as having 'high bat potential' or 'high bat roost potential.' It is clear, then, that a number of the species-poor hedgerows are also likely to perform important ecological functions, including containing bat roosts and bat foraging and providing commuting routes, as well as hosting other forms of wildlife. By locating the SGO and associated link road and other supporting infrastructure where proposed, this network of semi-natural habitat would inevitably be substantially broken up, with connecting links destroyed.
- 78.** Considerable pollution, including dust, would inevitably arise, especially during the construction period, which the Local Plan indicates may take up to 25 years (para 4.24). Light pollution would be a particularly serious issue because an area that is currently dark would be transformed into a well-lit area, and a number of bat species are sensitive to artificial lighting.
- 79.** There would inevitably be a significant increase in disturbance to wildlife from additional traffic and visitors. While ancient woodland can tolerate a certain amount of public access without significant adverse impact on the ecology, intensive public access undoubtedly has a detrimental impact. This arises from a number of different issues, including trampling (to which ancient woodland species are sensitive), dog-walking and cycling.
- 80.** However, the most significant impact of all is likely to be from the severance of the existing woodland areas though breaking up the network of hedgerows that connect the woodland areas and introducing a new link road carrying a significant volume of traffic and giving access to large residential and employment areas that will create insuperable barriers to many species. With regard to this, it is important to note that there are significant differences in the

ability of wildlife to cross areas of hostile habitat. Many bird species, and some butterfly species such as red admirals, are strong fliers and easily able to cross areas of unsuitable habitat. Other species, however, particularly those associated with specialist habitats such as ancient woodland, are much less able to do this. These include, for example, plant species such as the wood anemone, specialist invertebrates, and dormice, as well as some more widespread species such as slow worm, common lizard and adder. The severance that will be created by the SGO and link road will therefore have a significant negative impact on the wildlife of the areas of ancient woodland, over time, as species that become locally extinct will not be able to re-establish by spreading from adjoining areas.

- 81.** The consequence of locating 1,000 dwellings north of Bishopstoke, and the associated link road in the middle of an area surrounded by three ancient woodlands, would cause them all to be degraded, and the wildlife currently present would rapidly diminish.

Inadequacy of Proposed Mitigation

- 82.** EBC's Local Plan Strategic Policy S5 states that:

'Development will not adversely affect the ecological functioning of the Sites of Importance for Nature Conservation and priority habitats such as ancient woodland/ hedgerow complex or the protected and priority species that use them. An appropriate area of land will remain undeveloped around the headwaters and tributaries of the River Itchen, the SINC's and ancient woodland, and other measures provided as required, including a visitor management plan for the woodland.'

- 83.** The supporting text states in paragraph 4.33 that *'it is likely that the following measures will be required:*

- *buffers left free of development around important features:*
- *[20 metres]* around headwaters and watercourses;*

- *[30 - 50 metres]* around woodland Sites of Importance for Nature Conservation, the precise buffer within that range will be determined by the further assessment and detailed design;*
- *Large enough to preserve the root zones of trees and tree lines of value;*
- *5 metres around hedgerows that are retained with like for like replacement of any species rich hedgerows that are lost'*

A footnote states that these distances are indicative and will be refined by more detailed studies and negotiation with developers.

84. In respect of buffers, the Woodland Trust's 'Planning for Ancient Woodland: Planner's Manual for Ancient Woodland and Veteran Trees,' states that '*as a precautionary principle a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the developer can demonstrate very clearly how a smaller buffer would suffice.*' However, it also emphasises that '*there is no "one size fits all" with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of development concerned* (p 20). This clearly must be the case. It would be absurd to consider that a 50 metre buffer would suffice equally for a development of 30 dwellings and for one of over 5,000 dwellings, located within a network of ancient woodland. For a small development on one side of an area of ancient woodland a 50 metre buffer might well be appropriate, but a 30 -50 metre buffer is totally inappropriate for the proposed SGO comprising 5,300 dwellings, and with a link road separating the three key areas of ancient woodland. The development would result in a whole range of significant negative impacts as outlined above.

85. It is not clear what uses are envisaged for the buffer zones and how they would be managed. The 2016 edition of the Standing Advice for Ancient Woodland and Veteran Trees states in paragraph 6.4 that: '*The permanent retention of buffer zones must be secured as part of the planning permission. These should be allowed to develop into semi-natural habitat. Developments*

such as gardens must not be included within buffer zones as there is limited control over how they may be used, or developed in the future; for example, they might be paved or decked without the need for planning permission or they may include inappropriate species which could escape into the woodland.' Besides gardens, other open space such as parks, sports pitches and children's play areas would also clearly be inappropriate within the buffer due to the need for intensive management (including regular cutting of grass; application of fertilisers and pesticides) and the increased recreational pressure that would result from these uses.

- 86.** It is also not clear from paragraph 4.33 of the Local Plan whether the creation of semi-natural habitat is envisaged for the buffer zones for the proposed SGO north of Bishopstoke and Fair Oak, and whether they would be managed in perpetuity as semi-natural habitat to ensure that they continued to perform the buffer role.
- 87.** It is already evident that a 50 metre buffer can barely be achieved where the proposed link road goes through the narrow gap between Crowdhill and Upper Barn Copses, which is only 120 metres wide. The Eastleigh Strategic Growth Emerging Masterplan (May 2018) has '*an indicative sketch of the proposed environment at the point where the link road will enter an area of landscape between the areas of ancient woodland - Upper Barn Copse to the north and Crowdhill Copse/Stoke Park woods to the south,*' (p49). This indicates two vehicular carriageways either side of a central reservation, which is shown to contain '*shrouded lighting to be used to protect darkness beyond road corridor,*' and also a '*planted central reservation,*' which it states '*may assist in habitat continuity.*' It is not clear how the provision of both planting and lighting is compatible with a narrow central reservation. No figures are given for the road width on this sketch but paragraph 17.5 of the 'Strategic Growth Option Delivery Paper' states that the road width will be 7.3 metres, with the flanking shared-use footpaths/cycleways being a further 6 metres, creating a total width of 13.3 metres. A badger/wildlife tunnel is shown, but if used it would only benefit badgers and not those terrestrial species that move above or at ground level such as dormice, reptiles and

amphibians. The link road is also proposed to take large volumes of traffic, as it not only serves the development but is also intended to act as a bypass to Bishopstoke and Fair Oak, and Policy S6 states that it will '*act as a main road.*' The effect of the mitigation measures could therefore be to attract further wildlife to the road area, including feeding and commuting bats and birds, thereby increasing road kill. Policy C6 states that the link road will be required to '*not adversely affect Sites of Importance for Nature Conservation.*' However, as it will inevitably create severance between Upper Barn Copse and Stoke Park Wood/Crowdhill Copse (which are all SINC's), this would be impossible to achieve.

- 88.** The proposed mitigation measures are therefore totally inadequate to offset the significant negative ecological impacts that will occur in the areas of ancient woodland from the SGO and link road.

Impacts on Habitats of Principal Importance

89. It is not only ancient woodland that would be affected by the proposed development. There are also a range of other habitats that have been listed by the Secretary of State under Section 41 of the Natural Environment and Rural Communities Act 2006 as being of principal importance for the conservation of biodiversity, including rivers, ponds and hedgerows. A particularly significant impact will occur in the case of the network of species-rich hedgerows. The 'Ecological Appraisal of the Strategic Eastleigh Site' (WYG Report) indicates that there is a dense network, particularly on the eastern part of the site, with a total of 65 hedgerows being identified as being species-rich (section 5.2). If the majority of these hedgerows are to be retained the proposed development would be divided into small parcels. In reality there would therefore be considerable fragmentation not only from the link road but also from the network of smaller roads needed to serve the development. The species-rich hedgerows are important not only as habitat in their own right but also as a network linking the various other habitats, and especially the ancient woodland. The WYG Report acknowledges that these hedgerows provide important habitat for foraging and commuting bats, and for dormice, reptiles, amphibians and breeding birds. This is particularly important in relation to bats and dormice as both are European-protected species. Development on the scale proposed, together with the new link road and other infrastructure needed to serve the new development, would therefore inevitably lead to substantial fragmentation of the species-rich hedgerows and also affect the wildlife that relies on them.

Otters, water voles and reptiles

90. The WYG Ecological Appraisal Report acknowledges that the Hampshire Biodiversity Information Centre has records of both otter and water vole in the vicinity of the site, and the streams on the site have high potential for both species, (para 3.3.6). WYG therefore assume that otters and water vole are present on the site but consider that *'suitable mitigation measures are achievable given the large amount of open space included within the Site Delivery Strategy'* (para 6.3).
91. The WYG report also acknowledges that due to the distribution of high quality habitat across the site, including field margins and edges of the broadleaved woodlands, the site has high potential for reptiles (para 3.3.2). Again the report states that *'it is assumed that reptiles are present on site, and that suitable mitigation measures are achievable given the large amount of open space included within the Site Delivery strategy'* (para 6.30).
92. However, given the lack of knowledge about the distribution of these species across the site, the fragmentation of habitats through development, and the creation of the link road and a whole network of other roads, the conclusion that a negative impact on these protected species can be avoided is nothing more than an assertion without any evidence to back it up.

Cumulative Impact on Biodiversity

93. The Sustainability Appraisal produced by Land Use Consultants on behalf of Eastleigh Borough Council states in paragraph 5.102 that although in their view there would be likely minor effects on SINC, ancient woodland, protected species and the biodiversity network as a result of development, *'cumulatively these could result in significant negative effects to biodiversity and geodiversity'*. It noted that *'connectivity between SINC and movement corridors for protected species are particularly important and there is a risk that development of this Option could sever these.'* Nothing to date has

demonstrated that there would not be significant cumulative impacts, and with the link road going right through the strategic site together with the scale of residential and employment development, significant severance is inevitable.

Biodiversity Action Plan (BAP) for Eastleigh Borough 2012 – 2022 & conflict with Local Plan Policy DM11

94. The Eastleigh BAP contains ten Priority Biodiversity Areas (PBAs), *‘which contain hotspots for biodiversity which hold the greatest concentrations of priority habitats and species, and land where there is potential to enhance or restore priority habitats. They are the areas where action should be targeted first and foremost to achieve the greatest benefit to biodiversity,’* (p17). One of these PBAs is Stoke Park, which is where the SGO and link road are proposed to be located. The BAP acknowledges that *‘Stoke Park has the highest woodland concentration present in the borough,’* (p26). The BAP also identifies 15 Priority Biodiversity Links, *‘where conservation work can achieve biodiversity stepping stones or corridors for wildlife movement,’* (p2). One of these is Bowlake (also within the SGO), where the aspiration is the *‘restoration and creation of priority habitats to facilitate species movement.’* Concentrating development and the link road in these areas will fragment and diminish their wildlife value and negate the aspiration of the BAP *‘to ensure no net loss of biodiversity through the planning process.’* (p13)
95. Proposed Local Plan Policy DM11 on Nature Conservation expresses EBC’s commitment to *‘protect, conserve and enhance networks of natural habitats and features, including the Priority Biodiversity Areas and Priority Biodiversity Links identified in the Eastleigh Borough Biodiversity Action Plan 2012 – 2022, and watercourses and wetland complexes, woodland trees and hedgerows important to biodiversity and local character.’* The proposed SGO will cause significant damage to them and is therefore inconsistent with this policy.

Omission of an Ecological Impact Assessment

96. The WYG Ecological Appraisal (August 2017) is essentially an extended Phase 1 Habitat Survey. The purpose of such an assessment is to gain an overview of the ecological interest of the site. It is not to assess the ecological impacts of the proposed development. Given the extent of the proposed development in such a sensitive location, and the potential significance of the impacts, the omission of such an assessment is a major omission in the evidence base and means that the proposed allocation and link road is not based on a proportionate evidence base.

Assessment by Phlorum

97. An overall assessment of the ecological impacts of all of the strategic options based on the current evidence base has been undertaken by Phlorum on behalf of ADD, which is submitted with these representations (Appendix 2). They conclude that *'On the basis of the existing information it would appear that SGO E offers the least ecological impact followed by D and then C. The Council's preferred option of SGO B/C together with the north of Bishopstoke link road has the greatest potential for significant ecological impact,'* (para 8.16). In particular they assess that it is likely that there will be significant negative impacts with regard to statutorily designated sites; non-statutorily designated sites; legally protected species; habitat fragmentation; species population fragmentation; wildlife disturbance; air pollution; and water pollution (Table 1). They therefore conclude that the proposed development *'could potentially result in significant negative ecological impacts which could cause a significant loss of biodiversity within the borough.'*

Biodiversity Conclusion

98. The proposed strategic site represents an area of considerable importance for biodiversity. The ancient woodland areas north of Bishopstoke and Fair Oak are already subject to considerable recreational pressures from the existing

substantial populations of these settlements. They are, however, currently connected through the farmland area to the north of these settlements which contains connecting belts of broadleaved, semi-natural woodland, species-rich hedgerows and scattered individual trees, which serve to act as wildlife corridors and stepping stones and create a local ecological network². The scale of development proposed, including a link road carrying a large volume of traffic, will inevitably have a significant adverse ecological impact on the ancient woodland and the local ecological network in which they are set. Given the significance of the likely effects it will be impossible adequately to mitigate the effects and achieve a net gain in biodiversity, which is an essential component of sustainable development as set out in paragraph 9 of the NPPF. The proposed allocation would lead to a long term significant negative impact on biodiversity and is therefore contrary to the presumption in favour of sustainable development. Given that the NPPF also describes ancient woodland as '*irreplaceable habitat*' (para 118), a proposed SGO that would have significant and long lasting detrimental effects on a whole network of ancient woodland is not consistent with national policy.

c) Landscape

Impact on South Downs National Park

99. One of the most significant environmental protections relates to the protection afforded to National Parks, (NPPF paragraph 115). The eastern part of the Strategic Site extends to 1 km away from the National Park boundary and the link road would only be 1.5 km away. Despite this EBC's 'Landscape Sensitivity Appraisal of Sites Being Considered for Strategic Development' has only considered one viewpoint from within the SDNP which is view number 075-076/R12, which is '*looking SSW – SW from right of way south of Upham Copse towards Stroudwood Farm and Portsmouth Road.*' There are

2 NPPF Paragraph 117 indicates that planning policies should "identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.

a network of public rights of way (PRoW) within the National Park boundary, including the Monarchs Way and Pilgrims Trail from which views might be affected, but no comprehensive assessment has been undertaken. In fact, Terra Firma (Appendix 4) have identified additional views from the SDNP where the undeveloped ridge of the SGO is openly visible, and these are included in Appendix 2 to their report. They conclude that development on the ridge within the SGO would result in visual intrusion into views of very high sensitivity from the SDNP and development would be difficult to screen. The landscape impact of S5/S6 has therefore been understated by EBC.

100. The development of the strategic growth area is likely to adversely affect the setting of the SDNP resulting from the urbanisation of an area which shares a number of positive characteristics with the National Park and provides a rural 'buffer' between the designated landscape and the built up area of Fair Oak. In addition, positive views to and from the designated landscape are likely to be affected and development of the area is likely to result in urbanising effects on the SDNP arising from the expansion of the settlement edge closer to the designated landscape and the new link road. Potential adverse effects include lighting on valued dark skies, views of built form on the elevated ridge running across the SGO and increased traffic. This is of great significance given the level of protection granted to National Parks in the NPPF and means that the proposed strategic site is not consistent with national policy, nor is it with EBC's proposed Local Plan policy S7 on new development in the countryside and is therefore unsound.

101. In addition to the visual impact it is also intended that the link road will connect with Mortimer's Lane (B3037) only 1.5 km from the SDNP Boundary. This new link road would serve not only the very significant development proposed as part of the new SGO, but also serve as a bypass to Bishopstoke and Fair Oak, linking the SGO with the M3 and Allbrook roundabout at the north end of Eastleigh. The road would therefore carry very significant levels of traffic, some of which would travel on into the National Park, while substantial volumes would travel along the B2177 which forms the boundary with the National Park, to Bishops Waltham; Swanmore and Waltham Chase,

and goes through a small corner of the National Park at Lower Upham. This would affect the tranquility of the National Park, creating increased noise and pollution levels that would affect the enjoyment of the National Park.

102. As the link road would also connect with both the B3335 and B3354 (which go north through the National Park to Winchester), the M3 and A34, significant increased levels of traffic are likely to go through the National Park, adding to the already significant traffic congestion in the historic settlement of Twyford. This is significant as Twyford is a linear settlement with a long Conservation Area which straddles the whole length of the settlement and contains numerous listed buildings. This is important as paragraph 115 of the NPPF states that the conservation of wildlife and cultural heritage '*should be given great weight in National Parks.*'

103. The National Park has also been designated for its dark skies. Development on the scale proposed within 1 – 3km of the National Park boundary would introduce substantial additional lighting into the locality and have a substantial effect on the dark skies.

Impact on the Local Landscape

104. One of the 12 core planning principles of the NPPF is '*to take account of the different roles and characters of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,*' (para 17). That development on the option B part of the SGO would have a significant impact on the intrinsic character and beauty of the countryside is acknowledged in the Sustainability Appraisal (SA) produced by Land Use Consultants on behalf of Eastleigh Borough Council. This states at paragraph 5.84 and 5.85 that:

The Strategic Options which comprise Option B are generally likely to have significant negative effects, particularly arising from impacts on the character

of the landscape in these areas. These locations have a strong rural character with generally a clear physical separation from nearby settlements. Development is likely to result in significant urbanisation of these locations individually and collectively in the wider area. Development north and east of Fair Oak would represent a significant growth of Fair Oak, both in terms of land take and population size which would significantly change the existing character of the village. The proposed east–west connecting road north of Bishopstoke and Fair Oak, which is part of this wider Strategic Spatial Option, is likely to have a significant effect on the landscape and visual character of the area, enclosing wooded countryside on the northern side.

This location is also recognised for negative effects which are likely to occur as a result of the introduction of development into an elevated landscape. This is therefore likely to result in a marked physical and visual erosion of the countryside between Bishopstoke and Colden Common. Collectively, development north of Stoke Park Woods and north and east of Fair Oak would further intensify sporadic development, particularly between Fair Oak and Crowdhill. It would contribute to the erosion of the physical and visual gap between Fair Oak and Crowdhill, and Fishers Pond and Colden Common. Therefore, there is likely to be significant negative effects with regard to separation of settlements and locally important views.

- 105.** These findings are reinforced by the assessment undertaken by Terra Firma for CPRE-Hampshire (Appendix 4), which is attached to these representations. This report states that ‘*overall SGO B/C has a strong rural character comprising an undulating ridge which is a unifying feature across the area,*’ (para 2.4). The extensive public right of way network across the proposed SGO also means that a high proportion of the area is visible from public vantage points. The elevated ground within the area is visible in wider views from the surrounding area including from nearby settlements, roads and PRow where the ridge and woodland forms an important backdrop and prominent feature. Many potential views of the site are screened by adjacent woodland notably the central area in views from the north and the western area from views to the south-west (para 2.12).

106. From elevated ground within the area long views across and out of the area are possible. The most notable views out of the area are:

- Long reaching views to the SDNP from the public rights of way in the east near Tippers Copse across open countryside to the prominent rural chalk escarpment to the north-east within the National Park (South Downs National Park LCA D1a) and from Mortimers Lane.
- Long reaching views out across open countryside towards Colden Common from public rights of way to the north of Stoke Park Wood. There is intervisibility between the western half of the area and Colden Common to the north.

107. The NPPF states in paragraph 109 that '*The planning system should contribute to and enhance the natural and local environment by:*

- *Protecting and enhancing valued landscapes...*'

108. In Terra Firma's view the area where the SGO is proposed is sufficiently distinctive and above the 'ordinary' to meet this definition. The reasons being that the site forms a distinctive ridge which is a key landscape feature providing an important backdrop to many views from the surrounding area. The landscape has a strong rural character with areas of remoteness and tranquillity with a strong sense of history, including two local historic parks, sunken lanes and historic field patterns and a significant network of ancient woodland and mature hedgerow trees which are distinctive features. There are positive long reaching views across the area to the SDNP and other positive long reaching views from the extensive well-used network of PRowS which provide opportunities for quiet recreation within easy reach of the nearby built up areas, (para 4.13).

109. However, Terra Firma consider that the alternative options of D and E constitute areas of lower landscape value, which would not therefore constitute 'valued landscapes' and are therefore to be preferred in terms of

the SGO. In the case of Option D the area is more adversely influenced by the adjacent and nearby visually intrusive settlement edges and overall more degraded by urbanising influences of existing land uses than SGO B/C. The area is also less constrained in landscape terms than the SGO B/C because it is further removed from the SDNP and separated from the designated landscape by Fair Oak and Horton Heath urban area; having fewer remote and tranquil qualities; and located on a lower ridge. Similar considerations apply to the Option E land, which is more adversely influenced by the presence of the motorway in the south and the railway line in the north and to a limited extent by urban edges than the SGO B/C, although away from these intrusive elements there are pockets with a good rural and more tranquil character, particularly around the elevated centre of the site.

- 110.** This indicates that the strategic allocations proposed under Policies S5 and S6 are not the most appropriate strategy in landscape terms and are therefore not justified; neither are they consistent with national policy. They are therefore unsound.

Landscape Impact of Link Road

111. EBC has belatedly, over halfway through the consultation period, made available a report by Deacon Design on the 'Fair Oak North Link Road – Landscape Appraisal and Mitigation Measures,' (June 2018). This report is very cursory in nature with no description of the width of the proposed road or the methodology of the assessment used to assess its impact. Terra Firma have reviewed this report and their findings are contained in paragraphs 3.22 – 3.30 of the attached report (Appendix 4). They consider that the report does not provide a systematic assessment of the landscape and visual effects of the proposed link road in line with Landscape Institute/IEEMA 'Guidelines for Landscape and Visual Impact Assessment.' There is very little discussion of the effect of the significant differences in topography along the route of the proposed link road on its visual impact. The report assumes that all visual impacts can be mitigated as though the proposed road were a country lane. However, paragraph 17.5 of the Strategic Growth Option Delivery Background Paper indicates that the road '*will in broad terms consist of a 7.3 m single carriageway with 2 x 3 m flanking shared footpath/cycleways.*' It will therefore be 13.3 metres wide and a major intrusion on the landscape. Nor is any account taken of the significant regrading required (embankments and cuttings), intrusive vehicle movement, road noise and lighting, which will intrude into an attractive area of countryside that currently has few visual intrusions. Very little weight can therefore be given to its findings. Terra Firma, by contrast, consider that the road will have significant adverse landscape effects.

Countryside Gaps

112. As stated above, the clear alternative to the proposed SGO proposed under Policy S5 is Option D/E, which consists of land south of Bishopstoke and north of West End. Regarding these options there is some remarkable text in paragraph 13.2 of EBC's 'Environmental capacity background paper' (June 2018), which states that:

*‘There is one significant area of countryside within the Borough which is largely unaffected by these designations: this is the area south of Bishopstoke and north of West End which comprise what have been identified in the EBLP Issues & Options Consultation as Strategic Growth Options D (49.0ha) and E (79.5ha). This area is not completely unaffected by the designations set out above: it is bisected by narrow flood zones and sites of importance for nature conservation and is also adjacent to the Itchen Valley (international ecology designations and country park). **However it must be reasonable to assume that, in environmental capacity terms, this area could potentially be developed at some point whilst protecting these designations.**’*

113. The designations previously discussed in the report, and in respect of which the site is largely unaffected, include countryside gaps; environmental designations; flood zones; conservation areas; public open space/country parks; air quality; and best and most versatile agricultural land. EBC therefore acknowledges Options D and E to be relatively unconstrained. However, two reasons were given in the ‘Environmental capacity background paper’ for not allocating this land, namely that:

- Firstly, it is considered important to retain a clear countryside gap between the major urban area of Southampton and Eastleigh and, more locally, between Southampton/West End and the substantial and growing communities of Bishopstoke/Fair Oak/Horton Heath.
- Second, if the remaining area were to be allocated for development, alongside the proposed SGO already allocated in the EBC Local Plan to the north of Bishopstoke and the north and east of Fair Oak, it is considered that the cumulative effects of this scale of development would undermine delivery of the SGO.

114. ADD disagrees with the second point as it considers it irrelevant. There has been no suggestion by anyone that Options B/C should proceed as well as a substantial development in the Option D/E area. The latter is an alternative and better option than B/C.

- 115.** ADD disagrees that locating a SGO on land south of Bishopstoke would be thwarted by the desirability/necessity of keeping a countryside gap over part of this area. In this respect it is important to note that EBC does have a policy on protecting countryside gaps in the new Local Plan (Policy S8 on Protection of countryside gaps). This identifies 14 gaps, which are shown on Figure 5 and the Local Plan Proposals Map. None of them relate to the Option D and E land, though land adjoining these options is identified as countryside gaps.
- 116.** The only conclusion that can be reached from this omission is that EBC does not consider the evidence to be strong enough to justify a countryside gap policy relating to this land. It is worth noting that Simon Emerson, who conducted the previous Local Plan Examination in 2014, issued a 'Post Hearing Note 3 – Other Matters' to the Council, in which he stated that, although he had not considered gap policy at the hearing, he would set out some preliminary concerns so that the Council could consider how to address the matter. In particular he was concerned that he saw: *“nothing in the Council’s evidence base which seeks to justify on a rigorous and comprehensive basis the need for a gap designation; the choice of location for gaps or the extent of the designated area of any of the gaps identified in the Plan”*. The proposed rejection of Options D and E on the basis that they form an important countryside gap, (a gap that is not identified on the Proposals Map) is clearly contrary to this advice, as the case for a gap here is clearly not considered sufficiently robust for EBC to justify its inclusion on the Proposals Map.
- 117.** Simon Emerson recommended that if gaps were accepted in principle, the criteria in Policy 15 of the 'South Hampshire Strategy – A framework to guide sustainable development and change to 2026' (October 2012) would seem a good starting point to consider their extent. Policy 15 includes the following criteria for the designation of Countryside Gaps:

1. *The designation is needed to retain the open nature and/or sense of separation between settlements;*
2. *The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence;*
3. *The Gap's boundaries should not preclude provision being made for the development proposed in this Strategy;*
4. *The Gap should include no more land than is necessary to prevent the coalescence of settlements having regard to maintaining their physical and visual separation.*

118. EBC has given considerable attention to the designation of Countryside Gaps, taking a report on its Countryside Gaps Review to Cabinet on 15th June 2017;, and subsequently producing its Settlement Gap Policy Review Background Paper (June 2018). The fact that the Option D and E land has not been designated as a Countryside Gap is a tacit acknowledgement that it does not meet the requisite criteria and that designating the area in its entirety would be more than is necessary to prevent the coalescence of settlements, having regard to their physical and visual separation.

119. ADD have produced an indicative masterplan (attached to these representations as Appendix 7), which shows how the Option D and E land could be developed for 3,500 dwellings and potentially accommodate 20,000 square metres of employment floorspace, while retaining a substantial countryside gap with West End to the south. This option puts most of the development on Option D land with the balance on the northern edge of E. This is based on walking both areas and the perception that the landscape in E is considerably less degraded/better than in D. It achieves a gap to West End (including the landscaping south of the motorway) of around 1000 metres measured from Quob Lane, which is wholly within the Borough and which is appreciably more than the 850 metre strategic gap between Southampton and

Eastleigh at Bournemouth Road in Chandlers Ford (within which EBC have just approved a significant development, including a new hotel). It would therefore achieve EBC's objective of maintaining separation between the major urban area of Southampton/West End and the Bishopstoke/Fair Oak/Horton Heath area.

120. It is also important to note that the proposed SGO also performs important countryside gap functions. This is particularly the case with regard to the gap between Fair Oak and Lower Upham, which forms both the approach and setting for the SDNP. The function this gap performs is significantly more important than that performed by the gaps at Options D and E, as the NPPF confirms that National Parks *'have the highest status of protection in relation to landscape and scenic beauty'* (para 115), and the land is close to the South Downs escarpment, where there is a much greater difference in topography than anywhere at Options D and E. Development on the proposed SGO would also further extend the built up area of the Southampton conurbation and associated settlements, thereby creating urban sprawl and substantially eroding the gap between Colden Common and Bishopstoke. In this respect the Landscape review prepared by Terra Firma states that: *'The elevated ground of the western end of the area in combination with the surrounding woodland, currently forms a visual barrier between the two settlements which is likely to be eroded by the development of the area. Development of SGO B/C is likely to increase the intervisibility between the settlements thus eroding both their perceived and actual separation, (para 4.7).'* *'The elevated ground of the western end of the area in combination with the surrounding woodland, currently forms a visual barrier between the two settlements which is likely to be eroded by the development of the area. Development of SGO B/C is likely to increase the intervisibility between the settlements thus eroding both their perceived and actual separation, (para 4.7).'*

121. For these reasons the allocation of the land north of Bishopstoke and Fair Oak under Policy S5, rather than the Option D and E land is not the most appropriate strategy when considered in relation to countryside gaps and

therefore fails to meet the soundness test for this policy to be justified.

d) Consideration of alternative SGO

122. Throughout the previous sections of this representation it has been shown that EBC failed to consider Options D and E thoroughly or to make a sound comparison with Option B/C. This is summarised in the evidence report attached as Appendix 7.

e) Transport

123. The 5,300 new houses will generate a huge increase in traffic, most especially as the location will never be able to sustain good public transport services. A common rule of thumb is that for every house built there will be on average an additional five 'traffic movements' per day which means over 26,000 additional journeys per day. The new link road will be required to access the areas where the new housing is proposed to be built, but that road will join on to an already highly congested existing road network. Although some junction improvements are planned, the general result will be a huge growth in congestion and delay.

124. There are also very real technical problems in building the new link road including how a vast increase in traffic will be able to pass through the narrow low headroom Allbrook railway bridge. There is currently a bottleneck along the B3335 where the Highbridge Road passes under the railway line. The existing bridge in this location has been the scene of several accidents and of HGVs becoming stuck under the bridge. The current proposal is to straighten the approach road which will make it easier for HGVs to pass under the bridge but the height will still not allow for larger HGVs and double decker buses to do so. If the link road is sub-optimal then this could have an effect on both the delivery of the SGO and on the mitigation required elsewhere on the network. There is also currently no evidence that this proposal has the support of Hampshire County Council.

125. ADD's key objections in relation to transport matters are detailed in the attached paper (Appendix 3) prepared by Simon Tucker, of David Tucker Associates, entitled 'Eastleigh Local Plan: Review of Transport Evidence Base.' His report focuses on three key failings in the preparation of the Local Plan, namely:

1. The process undertaken by EBC to identify and test the appropriate level and location of development for the Local Plan was, and is, wholly flawed;
2. On the evidence submitted by EBC, the chosen option performs demonstrably worse than other available options;
3. There is no certainty that the transport infrastructure specifically required to serve the SGO can or will be delivered.

126. As demonstrated by Mr Tucker's Report, the evidence base related to transport issues is entirely flawed as there has been no proper comparative assessment of reasonable alternative options. In transport terms, the evidence base supporting Policies S5 and S6 is not adequate, nor does it demonstrate that the SGO and associated link road selected by EBC is the most appropriate strategy, when considered against the reasonable alternatives; nor is it consistent with national policy in promoting sustainable transport. It is therefore unsound.

e) Noise

127. A significant omission of the WYG 'Noise assessment,' (June 2018) is that the assessment only considers the noise impact of the new road. It does not consider the noise impact on the wider existing road network for any of the scenarios. It also fails to consider the interim period between the baseline and

the full committed development opening year of 2036. This is significant because the indications are that the link road will be built in phases and much of the development on the proposed strategic site may be occupied before the link road is complete. It is therefore likely that there will be large noise impacts on the existing road network, but they are completely missing from this assessment.

f) Deliverability

128. A fundamental soundness test is deliverability, which is that *'the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.'* In this respect one of the key issues is that the proposed link road proposed under Policy S6 is only partially within the area administered by EBC. A very substantial part of it is in the neighbouring area administered by Winchester City Council. It is therefore fundamental that EBC should have reached agreement with Winchester City Council on the route of this road. However, the 'Duty to Co-operate Statement' (June 2018) provides no assurance on this issue. It states on page 10 that in the Regulation 18 consultation Winchester City Council *'expressed strong concerns about Option B (Expansion of Fair Oak and Bishopstoke) and the relief road,'* and *'expressed the need for further work if Option B were to be progressed.'* It emphasises that regular liaison meetings have been held with Winchester City Council, which have had a particular focus on the SGO and the associated link road, but nowhere does it state that they now agree to the allocation of the link road. On such a crucial matter it would be expected that memoranda of agreement would be included, demonstrating that Winchester City Council and Hampshire County Council support the provision of the link road. In the absence of such an agreement, and given the evidence of previous concerns at the Regulation 18 consultation, it can only be concluded that Winchester City Council continues to have concerns about the provision of the link road. This fundamentally calls into question the deliverability of the road.

129. This is confirmed by the recent Winchester City Council Draft Portfolio Holder Decision Notice, which proposes that Winchester City Council:

'makes a formal objection to the Plan on the basis that it fails the Test of Soundness for the following reasons:

1. *The current evidence base does not demonstrate that it is an Effective strategy because the proposed Strategic Growth Option may not be viable or deliverable as proposed.*
2. *The proposed link road on which the Strategic Growth Area is predicated has not yet been shown to be technically feasible or fit for purpose.*
3. *The Duty to Cooperate in relation to the preparation and sharing of the evidence base has not yet been fulfilled.'*

130. With regard to delivery of homes, Paragraph 4.21 of the Local Plan states that *'The first new homes will be completed in 2019/20.'* This is totally unrealistic. EBC's own Local Development Scheme (December 2017) does not show receipt of the Inspector's report and adoption of the Local Plan until Spring 2019, and this was based on and the assumption of an examination in the autumn of 2018. This timetable has already slipped and takes no account of the probable need for consultation on main modifications even if the Inspector finds the Local Plan generally sound.

131. Policy S5 also states that *'Development will be in accordance with the principles of development set out in this policy, the North of Bishopstoke and Fair Oak Supplementary Planning Document (SPD) and a detailed masterplan to be approved by the Council.'* The timetable for the production of the SPD and detailed masterplan is unknown but as an SPD needs to relate to adopted policy it will clearly have to follow the adoption of the Local Plan and will need to be subject to public consultation prior to adoption. The receipt of a planning application will need to follow the adoption of the SPD and detailed masterplan, and it is likely to be several years before planning permission is granted, given the complexity of the issues; the scale of the

proposed development and the sensitivity of its location, including potential impacts on the River Itchen SAC; the complexity of the transport impacts and the inevitable need for lengthy S106 obligations; the need for a full Environmental Impact Assessment and Appropriate Assessment. It is assumed, therefore, that the 2019/20 completions refer to Pembers Hill Farm, where planning permission has already been granted for 235 dwellings with access from Mortimers Lane, but it clearly cannot apply to the further development that would take place in the event that this part of the Local Plan is subsequently found to be sound and adopted.

132. In addition to this, Policy S5 (9) states that:

Development will support and not prejudice the delivery of the full link road as set out in policy S6. All phases of development will make a proportionate financial contribution to the link road. No development will be permitted until the link road (or at least phases 1-3 as defined by policy S6) has full planning permission; all the land is in the control of the developers; and there is at least a strong likelihood that the full road will be funded. Phases of development will not be occupied until phases of the link road are completed, as determined by the infrastructure delivery phasing plan.

133. This is supported in the text in paragraph 4.29 which emphasises that the link road is essential to the delivery of the SGO. Section 8 of the 'North Bishopstoke Bypass Feasibility Report' sets out the works required to get to identification of a preferred route. That is (at least) a two-year process. Following that, a planning application (with full EIA and Appropriate Assessment) would be required. Side Orders, Traffic Regulation Orders and possibly Compulsory Purchase Orders would also be required. Any of these could trigger the need for a Public Inquiry and, realistically, this is also a two-year process.

134. Even under the most optimistic scenario, therefore, it is likely to be a considerable number of years before development starts on the SGO.

135. Moreover, there is currently no timetable for the delivery of the link road. This is clearly acknowledged in paragraph 4.20 which states that the forthcoming detailed masterplan 'will include an infrastructure delivery and phasing plan.' Clause 9 of Policy S5 (as quoted in paragraph 131 above) states that :

'no development will be permitted until the link road (or at least phases 1 – 3 as defined by policy S6) has full planning permission.'

136. Paragraph 19.23 of the 'Strategic Growth – Delivery Background Paper,' also states that: *'Development will support and not prejudice the delivery of the full link road as set out in policy S6. All phases of development will make a proportionate financial contribution to the link road. No development will be permitted until the link road (or at least phases 1-3) has full planning permission; and there is at least a strong likelihood that the full road will be delivered (e.g. in terms of land ownership and financial viability). Phases of development will not be occupied until phases of the link road are completed, as determined by the IDP.'*

137. It is clear, therefore, that the intention is that development will be allowed to commence once planning permission has been granted, and potentially prior to construction work commencing on the link road. The Transport Assessment also relies on the link road to be provided to ensure that the strategic development does not lead to severe congestion on local roads. However, given that it is clearly not the intention to build the road in its entirety at the commencement of development, there is the potential for part of the strategic site to be constructed, only for an economic recession to prevent further construction of the scheme or link road. This scenario, which would have significant implications for traffic congestion on local roads, has not, however, been assessed.

138. There is also a contradiction in EBC's own evidence base over the cost of the link road. Paragraph 17.12 of the Strategic Growth Option – Delivery

Background Paper (June 2018) states that the total cost of the link road is £47 million and that this is based on cost estimates produced by Hampshire County Council in 2016 as part of the Eastleigh Strategic Transport Study North Bishopstoke Bypass Feasibility Report. However, the 'Viability Study,' (May 2018) produced by the Dixon Searle Partnership states in paragraph 3.1.1 that the estimated cost of the link road is c. £41m. In paragraph 2.1.21 it states: '*Off-site highway works (by-pass and links) totalling £41m as per EBC supplied indications to date of likely total costs,*' implying that the £41m also includes other off-site highway works required, and similarly the £41m is the figure given for '*off-site highway works in the 'Updated Appraisal Summary and Sensitivity Testing'*' in Appendix 1. There is therefore a difference of £6m in the estimated costs for construction of the link road, and it would seem that the lower figure potentially includes other highway improvements. The revised estimate makes no allowance for the required improvements to Junction 12 on the M3 or for the 'Do something' or 'Do more' improvements identified in EBC's Transport Assessment. This emphasises the point made in paragraph 3.1.5 of the Dixon Searle report that '*At this stage, however, we cannot overstate how much the figures are prone to move around - how sensitive they are to varying inputs.*' There must be a question mark over the robustness of a viability assessment based on such rough estimates of costs.

139. The NPPG is also clear that: '*where the deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and alternative strategies.*' (Paragraph: 018 Reference ID: 12-018-20140306) However, no such details have been provided by EBC despite the link road being critical to the delivery of the SGO and to addressing its transport impacts.

140. In the absence of any demonstration that Winchester City Council has agreed to the construction of the link road within its administrative area, and given the unrealistic timetable proposed, with work due to commence in 2019/20, and the

conflicting figures provided on the construction of the link road, it cannot be said that the link road is deliverable. The Plan is therefore unsound.

f) Cultural Heritage

141. Close to Highbridge, and very close to the proposed route of the link road, is Allbrook Farmhouse, a Grade II listed building constructed in 1659. This is of significant historic interest as it was once the home of Mary Beale (1633 – 1699), a distinguished portrait artist and early feminist whose own portrait is in the National Portrait Gallery Collection. She had a wide clientele from the gentry and aristocracy, including fellows from the Royal Society, and clergy, including Edward Stillingfleet (later Bishop of Worcester) and John Tillotson (later Archbishop of Canterbury). In her essay on friendship she also propounds equality between men and women, both in friendship and marriage, (Oxford Dictionary of National Biography). The proposed link road is likely to have a very detrimental effect on the setting of this important historic house. However, there is no indication in EBC's Sustainability Appraisal or other evidence that it has taken any account of the potential impact of the link road on this historic house. This is unsound as it is essential for such an assessment to be undertaken in order to comply with the advice on heritage assets in the NPPF.

Conclusion

142. For the reasons stated above and in ADD's supporting evidence base, it is considered that the Plan is neither sound nor legally compliant.