

CABINET

MONDAY, 25 APRIL 2022

COUNCIL

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ADOPTION OF EASTLEIGH BOROUGH LOCAL PLAN (2016 - 2036)

Report of the Planning Policy Senior Specialist

Recommendation(s)

It is recommended that Cabinet recommends to Council to:

- (1) Incorporate the Inspector's Main Modifications, and the additional modifications, into the submitted version of the Local Plan, and so adopt the Eastleigh Borough Local Plan (2016 – 2036) (Appendix 1) and the associated Policies Map (Appendix 2);**
- (2) Note that the adoption of the Eastleigh Borough Local Plan (2016 – 2036) will make it the main part of the adopted development plan for the Borough against which planning applications are determined, replacing all saved policies of the Eastleigh Borough Local Plan (2001 – 2011); and**
- (3) Withdraw the draft Eastleigh Borough Local Plan (2011 – 2029).**

It is recommended that Council:

- (4) Incorporate the Inspector's Main Modifications, and the additional modifications, into the submitted version of the Local Plan, and so adopts the Eastleigh Borough Local Plan (2016 – 2036) (Appendix 1) and the associated Policies Map (Appendix 2);**
- (5) Notes that the adoption of the Eastleigh Borough Local Plan (2016 – 2036) will make it the main part of the adopted development plan for the Borough against which planning applications are determined, replacing all saved policies of the Eastleigh Borough Local Plan (2001 – 2011); and**
- (6) Withdraws the draft Eastleigh Borough Local Plan (2011 – 2029).**

Summary

In October 2018 Council approved the submission of the Eastleigh Borough Local Plan (2016 – 2036). In May 2021 Council approved the Inspector’s proposed main modifications to the Local Plan for public consultation. These proposed modifications deleted the Strategic Growth Option (SGO), and otherwise adjusted some settlement gaps and made a range of generally relatively detailed changes which did not change the overall shape of the submitted Plan. The Inspector’s final main modifications only very slightly alter the proposed main modifications which have already been approved by Council for consultation in May 2021. It is recommended that the Council formally adopts the Local Plan (2016 – 2036). To do so the submitted Plan must be updated to incorporate all of the Inspector’s final main modifications, with no other material amendments being made. (Additional modifications are recommended which do not materially affect the Plan).

The adoption of the Eastleigh Borough Local Plan (2016 – 2036) will ensure the Development Plan against which planning applications are determined is brought up to date. The Plan promotes sustainable development (meeting economic, social and environmental needs).

Statutory Powers

Planning and Compulsory Purchase Act 2004

Localism Act 2011

The Town and Country Planning (Local Planning) (England) Regulations 2012

Strategic Implications

1. This report sets out the approach to securing the adoption of the Eastleigh Borough Local Plan (2016 – 2036) (the “Local Plan” or “Plan”), which is a key instrument in the Council’s place-shaping role. The policies in the Plan underpin and help meet all of the objectives in the Council’s Corporate Plan (2015 – 2025):
 - Tackling congestion;
 - Developing green infrastructure;
 - Excellent environment for all;
 - Minimising waste and managing resources;
 - Enabling healthier lifestyles / well-being;
 - Tackling deprivation;
 - Increased provision and more diverse mix of housing;
 - Ensuring appropriate infrastructure including employment land;
 - Enabling the right skills and employment mix; and
 - Reinvigorating town and local centres.

Introduction

2. Once adopted, the Local Plan will form the main part of the Development Plan for the Borough¹, replacing the saved policies of the Eastleigh Borough Local Plan (2001 – 2011). Adopting the Local Plan (2016-2036) also enables the Council to withdraw the draft Local Plan (2011 – 2029). The Local Plan (2016 – 2036) sets the overall strategy for where and how development should be delivered, and which areas should be protected. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Evolution of the Local Plan

3. The preparation of the Local Plan has been undertaken in accordance with the relevant statutory provisions. It has been informed by a sustainability appraisal, habitat regulations assessment, and a wide range of other evidence. The preparation of the Plan has also involved widespread consultation with the public, and with key statutory and other bodies, in accordance with the Council's Statement of Community Involvement and the 'duty to co-operate'. The evidence submitted with the Plan and through the examination can be found here: <https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-examination>
4. A brief summary of the key stages in the evolution of the Plan is as follows:
5. 2015 - 2017: The Council undertook widespread consultation with the public and interested parties, prepared evidence to support the preparation of the Plan and took decisions to indicate a 'direction of travel'. This included:
 - (a) December 2015 – February 2016: The Council approved an 'Issues and Options' document for public consultation on key issues, a vision and objectives, scenarios for development needs, alternative locations for strategic growth options (SGOs), and other strategic policy options.
 - (b) July 2016: The Council endorsed the way forward for technical work (including housing need), the approach to considering smaller sites, and confirmed continued work to evaluate the potential for strategic scale development in the northern part of the Borough.
 - (c) December 2016: The Council endorsed the 'Development Distribution Strategy and Principles' to guide work on the Local Plan, the approach for considering smaller sites, and the strategic direction / approach / further actions in respect of alternative SGOs.
 - (d) July 2017: The Council noted the Plan's emerging approach, including the scale of development growth, the location of an SGO, a range of other sites, and settlement gaps.

¹ The Hampshire Minerals and Waste Plan also forms part of the Development Plan.

6. 2017 – 2018: The Council completed the evidence to support the Plan, undertook formal public consultation on the ‘pre-submission’ Local Plan and submitted the Plan. This included:
 - (a) October 2017: ‘Shaping Your Community’ public consultation.
 - (b) December 2017: The Council approved in principle the pre-submission Local Plan, delegating authority to commence public consultation upon full completion of the evidence.
 - (c) June - August 2018: Formal public consultation on the pre-submission Local Plan.
 - (d) October 2018: The Council approved submission of the Local Plan to the Secretary of State.

7. 2018 – 2022: The Secretary of State appointed a Planning Inspector to conduct an independent examination of the Local Plan. This included:
 - (a) July 2019: Under the delegated authority approved by Council in October 2018, proposed modifications to the Local Plan were published (to address issues raised by some of the representations), and evidence updates on specific matters were provided.
 - (b) October 2019: Under the same delegated authority, 10 statements of common ground were agreed with key statutory and other parties.
 - (c) November 2019 – January 2019: The Inspector conducted the main examination hearings.
 - (d) April 2020 – May 2020: The Inspector indicated the areas of proposed modifications and further evidence necessary.
 - (e) June 2020 – May 2021: The Cabinet stated it was content to progress with the Inspector’s proposed approach and the further work was undertaken (subject to the Cabinet’s position on Mercury Marina which was discussed at a further hearing in January 2021).
 - (f) May – September 2021: The Council approved the Inspector’s proposed main modifications (along with its own [minor] additional modifications and policies map) for public consultation in June / July 2021 and provided responses to the representations received for the Inspector. These are published here:
<https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-examination/main-modifications/responses-to-main-modifications>
 - (g) March 2022: Receipt of the Inspector’s final Report (Appendix 3). This confirms that the Local Plan is ‘sound’ and legally compliant with main modifications. This enables the Council to adopt the Local Plan.

8. (Paragraphs 5 – 7 list every Council decision. Some additional Cabinet decisions noted representations and endorsed a response, and gave initial support to settlement gaps, for example).

Adoption of the Local Plan

9. The Plan recommended for adoption is at Appendix 1. This is the Plan that the Council approved for submission in October 2018, incorporating the following modifications:
 - (a) The Inspector's main modifications: These must be made in-order for the Council to lawfully adopt the Local Plan. These are also set out separately within Appendix 3 (as an appendix to the Inspector's report).

Additional modifications: These can be made by the Council provided that taken together they do not materially affect the policies of the Local Plan if adopted with the main modifications. These can be found here: <https://www.eastleigh.gov.uk/media/11215/additional-modifications-schedule.pdf>
10. A range of the Inspector's main modifications were first proposed by the Council in July 2019. Furthermore, since the Council approved the proposed modifications in May 2021, the Inspector has only made very minor changes to the overall main modifications (see Appendix 4) and staff are only recommending very minor changes to the additional modifications (see Appendix 5). The final modifications have been assessed as part of the sustainability appraisal and habitat regulations assessment to meet the relevant regulations. Links to these can be found in the last paragraph of this webpage: <https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-adoption>
11. The Policies Map recommended for adoption has been updated to reflect the modifications to the Local Plan and is in Appendix 2.
12. The version of the Plan approved for submission in October 2018 set a target to provide 14,580 new homes and 144,050 sq m (net) of employment space (2016 – 2036). This provision was made at a Strategic Growth Option (SGO) B/C (a mixed-use community north of Bishopstoke and Fair Oak) and a range of other sites. The Plan also provided for the necessary transport and other infrastructure and a mix of housing (including affordable homes), promoted sustainable development and good design, and protected employment areas, settlement gaps, the countryside and biodiversity.
13. The Inspector's main modifications delete the SGO (this is unchanged from her proposed main modifications). However, she continues to support the approach to allocating all the other sites, and so the Plan still provides sites for 11,966 new homes, sufficient to meet 82% of housing needs to 2036 and fully meet needs for the next 9 years. The modifications commit the Council to commencing a review of the Plan within one year of adoption. This will enable the Council to review the need for and location of growth in the light of

the latest evidence, including the emerging PfSH² Spatial Strategy. The housing numbers set out above will be updated as part of that review, taking account of any changes including any permissions for further dwellings. The Council's proactive approach ensures that the new homes needed will continue to be delivered over the next decade, and the Local Plan Review will maintain positive planning for the longer term. The employment target is adjusted to 103,500 sq m (net) to reflect the Council's latest evidence of needs.

14. In all other respects the Inspector's main modifications retain the overall shape of the Plan submitted by the Council. This includes areas of the Plan that in April / May 2020 the Inspector had originally raised questions on, but where her proposed main modifications generally supported the Council's evolving approach. The final main modifications are unaltered from the proposed main modifications approved by Council in May 2021 for consultation (except where stated in brackets or as set out in Appendix 4):
 - (a) Protection of important settlement gaps: In April 2020 the Inspector recommended that the Council undertook a Borough wide review of settlement gaps. This has led to focussed changes (mainly some reductions) to the areas designated and the deletion of the Boyatt Wood, Otterbourne Hill and Allbrook gap. However, the overall approach to protecting settlement gaps is retained. (Minor changes in policy wording since May 2021 are in Appendix 4).
 - (b) Continued provision for the Chickenhall Lane Link Road (CLLR) and other transport infrastructure: In April 2020, the Inspector recommended that either the CLLR be deleted, or further evidence be prepared to demonstrate its deliverability. Given the importance of the road the Council prepared further evidence, and this has led to the CLLR being retained in the Plan with some detailed wording changes to reflect a likely phased implementation of the road.
 - (c) Mercury Marina: In May 2020 the Inspector recommended the policy for Mercury Marina be modified. In June 2020 the Cabinet approved a response restating it did not support residential development on the site, and further supporting evidence was considered at a hearing in January 2021. The Inspector's main modification includes adding support for a modest amount of non-boatyard floorspace where this is needed to secure the future of the boatyard / marina and will complement the use of the site / enjoyment of the river.

Next Steps

15. Subject to and following the Council's decision, the Council will complete the final tasks necessary to comply with the relevant regulations. This includes the Council notifying and making available:
 - (a) The Local Plan and Sustainability Appraisal;

² Partnership for South Hampshire

- (b) An adoption statement³ which will specify: (i) when the Plan was adopted; (ii) the main and additional modifications; (iii) that any person aggrieved by the Local Plan may make an application to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004; and (iv) the grounds on which, and the period within which, such an application may be made;
- (c) A Sustainability Appraisal adoption statement, which will (in essence) explain how environmental considerations have been integrated into the Plan, how the appraisal / opinions / consultation responses have been taken into account, the reasons for choosing the Plan against reasonable alternatives, and measures for monitoring; and
- (d) Details of where the Local Plan is available for inspection and the places and times at which the document can be inspected.

Financial Implications

- 16. Funding has been approved to progress the Local Plan to date. The additional funding to complete the outstanding work will be minimal and can be covered by existing budgets and is reflected in the Medium-Term Financial Plan.

Risk Assessment

- 17. The receipt of the final Inspector's report enables the Council to adopt the Local Plan provided it incorporates her main modifications. This identifies sites to fully meet housing needs for the next 9 years. This will demonstrate the Council has planned positively for development, reducing the risk that developers will be successful at appeal. It also gives the Council the time to review the Plan to ensure that the requirement for a 5-year supply of housing sites continues to be maintained in the medium and longer term and that options for growth are re-assessed to ensure the timely provision of new homes in the longer term.
- 18. If the Council were to reject the Inspector's main modifications it could not lawfully adopt the plan. This would reduce the ability of the Council to control and positively shape development in the Borough under the plan-led system, and would not meet the Government's aim for each Council to have an up to date adopted plan.

Equality and Diversity Implications

- 19. The Equality Act 2010 is relevant to the decision. An Equality Impact Assessment (EqIA) has already been conducted for the full submission Local Plan. In summary this indicated that any impacts of the Plan will be regardless of groups with protected characteristics. Some positive impacts were also identified. For example, policies to manage the mix and type of housing will be of benefit to the elderly, disability groups, low-income groups,

³ A copy of the adoption statement will also be sent to the Secretary of State and any person who has asked to be notified of the adoption of the Local Plan.

families, and gypsies and travellers. The provision of health / education / community facilities and employment will also have benefits, for example for the elderly, young and low-income groups.

20. An EqlA was also conducted for the proposed modifications to the Plan. In summary this indicated that the additional flexibility regarding access standards in policy DM31 may slightly reduce the positive impact for disabled people; the very slight lowering of the threshold for when affordable housing is sought in policy DM30 may slightly increase the positive impact on social deprivation; and the deletion of the SGO in policy S5 necessitates an early review of the Plan to avoid potential adverse impacts on social deprivation.
21. The minor changes between the proposed and final modifications, as set out in Appendices 4 and 5, do not raise any further EqlA issues.

Climate Change and Environmental Implications

22. The Plan includes policies to meet development needs whilst addressing climate change and protecting and enhancing biodiversity. In relation to mitigating and adapting to climate change, these relate (for example) to sustainable travel, energy efficiency, and flood risk.
23. The Inspector's main modifications maintain this approach, but follow the Government's requirement to apply national standards for energy and water efficiency (rather than seek higher or wider standards).

Conclusion

24. The Local Plan (2016-2036) recommended for adoption (Appendix 1) provides for development needs over the short to medium term, including housing needs to 2031. The Plan also promotes sustainable development, protects settlement gaps, the countryside, open spaces and biodiversity, promotes high quality design, seeks to minimise congestion and provides for transport, employment, community and other infrastructure. It allocates a range of development sites and designates areas of protection or control to achieve this. The Plan is therefore important in supporting the Borough's economy, communities, quality of life, and environment, and in shaping the Borough as a place.
25. The preparation of the Eastleigh Borough Local Plan (2016 – 2036) has involved widespread consultation with the public, statutory parties and other key stakeholders, and it has been informed by a sustainability appraisal, habitats regulations assessment and a wide range of other evidence.
26. Following the public examination, the independent Planning Inspector has found the plan 'sound' and legally compliant subject to main modifications being made. This enables the Council to adopt the Plan, provided these main modifications are made. They delete the SGO and link road, but otherwise retain the overall shape of the Council's plan. (It is standard practice for an Inspector to make a range of main modifications to a plan, and in this case a

number were first proposed by the Council). No other material changes can be made at this final stage of adoption.

27. The preparation of the overall Plan has already been subject to a number of Council approvals, including of the submission Plan (October 2018) and proposed modifications for consultation (May 2021). The final changes since May 2021 are very small. It is recommended that the Council now formally adopts the Eastleigh Borough Local Plan (2016 – 2036) in Appendix 1.
28. The adoption of the Local Plan (2016 – 2036) will ensure the Development Plan against which planning applications are determined is brought up to date.

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Appendices Attached: 5

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None