

Horton Heath Development Management Committee  
Report of the Executive Head of Planning and Economy

**Application**

**Number:** F/21/91185  
**Case Officer:** Dawn Errington  
**Received Date:** 29 July 2021  
**Site Address:** Land between Burnetts Lane and Allington Lane  
**Applicant:** Eastleigh Borough Council  
**Proposal:** Construction of road between Allington Lane and Burnetts Lane with associated footway, cycle paths, water crossings, drainage and landscaping (This application is subject to Environmental Impact Assessment)

**Recommendation:** **Grant Permission subject to completion of the Environmental Impact Assessment process of notifying the Secretary of State and publishing the decisions and completion of final conditions (delegated to Executive Head of Planning and Economy in consultation with Chair of the Horton Heath Development Management Committee 26.9.22)**

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Report:

- 1 This application has been referred to Committee because Eastleigh Borough Council are the applicants and it is a major development which is subject to Environmental Impact Assessment.

**Structure of Report**

- 2 The Report cover the following matters:
  - i. The Site and its Surroundings
  - ii. The Proposals
  - iii. Environmental Impact Assessment
  - iv. Habitats Regulations Assessment
  - v. Documents Submitted
  - vi. Outline application Parameter Plans
  - vii. Relevant planning history and Designations
  - viii. Planning Policy Context
  - ix. Consultation Responses and Representations
  - x. Assessment of Proposals including Sustainable Development Considerations
  - xi. Other Matters

- xii. Planning Balance
- xiii. Conclusion and Recommendation
- xiv. Conditions
- xv. EIA Conclusion

### **The site and its surroundings**

- 3 The site is part of the 130ha One Horton Heath (OHH) site. It is of largely agricultural land west of Horton Heath, and east of Eastleigh town. The application site itself links Burnetts Lane to the southeast with Allington Lane to the northwest and the now completed access junctions with these roads benefit from extant planning consent (X/19/86303 and X/19/86475) and take the form of a 3-arm roundabout on Allington Lane and a 4-arm roundabout on Burnetts Lane.
- 4 The Chalcroft Farm complex immediately adjoins the road route, as does the existing solar farm (part of which is to be relocated to accommodate the road). Site topography has an overall gentle fall from Burnetts Lane towards Chalcroft Farm track and then rising to the north up to Allington Lane.
- 5 Three watercourses, tributaries to the River Itchen, flow through the wider One Horton Heath site and the road route crosses them at three points. The nearest SINC is located to the south at Chalcroft Business Park and Round Copse, within which is ancient woodland, and to the west at Hearts Copse. Vegetation is generally restricted to field boundaries and includes some strong hedgerows and woodland areas. The closest designated site of nature conservation interest is the River Itchen Site of Special Scientific Interest (SSSI) which is located approximately 1.1km west at its nearest point.
- 6 There are no Listed Buildings in the immediate vicinity of the application site, and whilst Chalcroft Farm buildings are of heritage interest, they are not formally designated and are largely not to be retained (two buildings are to be resited and rebuilt). They currently accommodate some of the Owton Butchery activities, which are to relocate. The Listed Fir Tree Farm, off Fir Tree Lane, is located to the north east of this proposed new road.
- 7 The route of the road and associated works is crossed by 4 public rights of way: Footpath Nos 11 Fir Tree Lane, Footpaths 701, 702 and 703 all in the Parish of Fair Oak and Horton Heath. Footpaths 11,701 and 702 would need minor diversion works for which there is a current separate Footpath Diversion Order application.

### **The Proposals**

- 8 The application is for detailed permission for the principal internal distributor road of the One Horton Heath site for which there is a concurrent new outline application (reference O/20/89498) following the previous grant of outline planning permission under two permissions in

2017 for up to 1400 homes, two schools, commercial land, and local facilities. The current outline application seeks to combine these sites and other land, update the proposals, and propose a revised scheme for up to 2500 homes, a primary school, comprehensive open space and sports facilities, commercial land, a new local centre and associated infrastructure. As this application has been submitted prior to the grant of outline permission for the revised development, this road application is for full permission, rather than the normal Reserved Matters application following the grant of outline permission. This means that it must be considered as a standalone application, although issues relating to the wider proposed development at One Horton Heath are relevant and are addressed in this Report. Also, there is a standalone detailed application ref F/20/89500 for the first residential parcel of development which duplicates the southern stretch of this distributor road, and which received support in principle at the 3 November 2021 Horton Heath Development Management Committee. The plans for both applications for this stretch of the road therefore need to be identical. To facilitate this road scheme, permission was also granted in 2021 for the relocation of solar panels.

- 9 In more detail, the proposals comprise: a 1,845m long, 6.5m wide road designed for 30mph speed but capable of accommodating HGV traffic and buses; 3m or 4.5m wide shared cyclepaths, watercourse crossings, drainage including ponds and swales, embankments, and landscaping including street tree planting and planting for ecology. Bridges for vehicles and pedestrians are proposed to cross the watercourses and these are designed to prevent flooding and enable safe passage underneath for mammals. Minor public footpath diversions would be necessary, for which there is also a separate Rights of Way Diversion Report on this agenda.

### **Environmental Impact Assessment (EIA)**

- 10 The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') came into force on 16 May 2017. The EIA Regulations set out the types of development that must always be subject to an EIA (Schedule 1 development) and other development that will only require assessment if they are likely to give rise to significant environmental effects (Schedule 2 development). Schedule 3 of the EIA Regulations provides guidance and thresholds to help to decide whether EIA is required for a Schedule 2 development.
- 11 The applicant considers that the proposed development falls within Schedule 2 Section 10(b) of the EIA Regulations as an "urban development project" and that, given the nature and scale of the proposed development, significant environmental effects could arise. As such, it was considered that the proposed development qualifies as EIA development as defined within the EIA Regulations.

### **Environmental Statement, Non-Technical Summary and Addendums**

- 12 Based upon a Scoping Opinion dated 12 August 2020, a single Environmental Statement (ES) was submitted with subsequent Environmental Statement Addendums (ESA 1) for the outline application for the whole development (OPA). The link road development, the application for which was submitted a few months later, relied upon the ES and ESA1 but was also supported by a further Addendum (“ESA2”) dated July 2021. A further Addendum (“ESA3”) was submitted in support of the Link Road Application in December 2021. The ES and subsequent addendums have assessed the likely environmental effects of the Proposed Development.
- 13 ESA2 assessed whether the detailed design of the Link Road materially alter the findings of the Environmental Statement and ESA1. Paragraph 4.15 of ESA2 states that “This ESA concludes that, in relation to the proposed detailed designs for the One Horton Heath Link Road, the original findings of the Original ES and ESA 1 remain valid”. The same approach is adopted in ESA3 and the overall conclusion (at para 3.17) is that “This ESA concludes that, in relation to the proposed detailed designs for the One Horton Heath Link Road, the original findings of the Original ES, ESA 1 and ESA 2 remain valid”. The Local Planning Authority agrees with the methodology and approach used in the Environmental Statement. The Secretary of State has been notified of the application in accordance with the EIA Regulations.
- 14 The original Environmental Statement (ES) including a Non-Technical Summary, was supplemented by an Environmental Statement Addendum (ESA) in December 2021, accompanied by updated documents and plans. The following matters were identified as potentially significant effects of the development during the scoping stage of the application and are dealt with in the following chapters of the original ES and the subsequent addendum: climate change, socio-economics (includes population), air quality (includes human health), transport and access (includes human health), built heritage, ecology (biodiversity), hydrology (including flood risk and drainage), noise (includes human health), vibration (includes human health) and landscape and visual impacts. Matters scoped out of EIA were Ground Conditions (human health), Archaeology, Waste, Accidents and Natural Disasters (excluding flooding), Health and Safety, Odour, Soils and Agricultural Land, although where appropriate these are covered in separate reports. The ES covers both the construction and operational stages of development.
- 15 The ES thus contains the following technical chapters:
- Chapter 6: Socio-Economics
  - Chapter 7: Air Quality
  - Chapter 8: Transport and Traffic
  - Chapter 9: Built Heritage
  - Chapter 10: Biodiversity
  - Chapter 11: Water Environment
  - Chapter 12: Noise and Vibration

- Chapter 13: Landscape and Visual
- 16 Climate Change and Human Health are considered across the Chapters. This report draws on all the supporting information and Environmental Statement (with Addendums) and also forms the Local Planning Authority Environmental Impact Assessment. Unless otherwise stated, the Local Planning Authority agrees with the conclusions of the ES/Addendums for each chapter and the level of impact identified.

### **Habitats Regulations Assessment**

- 17 Under Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) the Council, as competent authority, must complete a Habitats Regulations Appropriate Assessment (AA) for development of the scale proposed prior to determining the application, assessing the likely impacts and mitigation measures to ensure no adverse effects on the integrity of any internationally important and legally protected ecology sites. There are also provisions under the Wildlife and Countryside Act 1981 (as amended) in respect of taking account of Natural England advice. The Council's Appropriate Assessment concluding no significant impacts was completed on 12.8.22 and sent to Natural England for comment.
- 18 Natural England formally responded on 13 September 2022 and concluded that whilst they concur with the Council's opinion (as Competent Authority) on the majority of the Appropriate Assessment content, they felt further details of a long-term adaptive management and monitoring regime of the SuDs, including details outlining the necessary funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development needed to be provided. In response, the Council has identified for Natural England where in various submitted documents a commitment has been made by the applicant in principle to long-term monitoring and management along with the wording set out in recommended condition 3 seeking submission of the full details requested within 3 months of development commencing and preventing use of the road until such details are approved. As Competent Authority, having regard to the above, the Council is satisfied that it is able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question.

### **Documents Submitted**

- 19 On 16 December 2021 formal amendments to the application and its Environmental Statement were submitted in the form of a further Environmental Statement Addendum (ESA3) to supplement the Environmental Statement and ESA2 submitted with the application in July 2021. Other supporting documents have been updated throughout the course of the application process. This planning application and its plans are therefore supported by the following documents:

- Planning Application Form and Certificates
- Covering Letters
- Arboricultural Impact Assessment and Method Statement
- Archaeology Written Scheme of Investigation and Evaluation and desk study; Project Specification and Archaeological Evaluation
- Construction Environmental Management Plan (CEMP)
- Design and Access Statement and Addendum
- Detailed Topographic Surveys
- Environmental Statement (ES) and Addendum (including Biodiversity Survey and Report, Air Quality Assessment, Heritage Statement, Noise and Vibration Statement, Flood Risk Assessment and Drainage, hydrology and hydraulic modelling, Landscape and Visual Impact Assessment)
- Environmental Statement Non-Technical Summary and Addendums
- Flood Risk Assessment
- Ground Investigation Report
- Hydraulic Modelling Reports, Hydraulic Modelling Summary Notes
- Lighting Impact Assessment
- Statement of Community Involvement
- SUDS Supplementary Technical Note
- Typical SUDS Drainage details
- Phase 3 Road Transport Assessment and Appraisal of 30mph Speed Design
- Landscape general arrangement plans

20 The plan and document amendments have sought to address consultee and officer comments and included changes to the road design, landscaping, sustainable drainage and crossings.

### **Parameter Plans and Design Code for the Outline Application**

21 The associated outline application includes four parameter plans for Access, Land Use, Green Infrastructure and Building Heights, which illustrate a framework for development and which are a relevant consideration for this part of the One Horton Heath development. The parameter plans form the basis of the Concept Masterplan, whilst an Illustrative Masterplan sketches what is envisaged by the Design and Access statement and Design Code. Cumulatively they combine the constraints with the opportunities to provide information on the land uses and amount of development.

### **Relevant planning and site history**

<b>Application Reference</b>	<b>Address</b>	<b>Description of Development</b>	<b>Decision</b>
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O/14/75735	Chalcroft Farm and land West of Horton Heath, Burnetts Lane, Eastleigh, Southampton SO30 2HU	Outline application for up to 950 dwellings and associated road and parking infrastructure, including public open space, indicative landscaping, drainage, the construction of new accesses onto Burnetts Lane and Fir Tree Lane, the realignment of Fir Tree Lane, a new access road from Bubb Lane, the realignment and resurfacing of Public Rights of Ways, creation of new Public Rights of Way, footpaths and cycle links, the construction of utilities infrastructure, a Primary School (3FE), a Secondary School (8FE), a village centre (at Chalcroft Farm) including change of use of existing farm buildings (A3, A4 (with ancillary accommodation), A5, employment uses) and a local centre including a community building (A1, A3, A5 and D1), approximately 6ha of employment uses (B1(b/c), B2 and B8). The development proposal to incorporate the demolition and/or conversion/change of existing buildings (non-listed) at Chalcroft Farm. Detailed matter for determination access (all other matters reserved – scale, appearance, landscaping and layout).	Granted 22/12/2017
X/18/84413	As Above	Variation of conditions for above permission	Granted 11/12/2018
X/19/86475	As above	Variation of conditions	Granted

		for above permission	22/10/2019
O/16/79354	Fir Tree Farm and Victoria Farmhouse, Fir Tree Lane, Horton Heath, Eastleigh SO50 7DF	Outline application: Construction of up to 450 dwellings with new road and access onto Fir Tree Lane and Allington Lane. With associated highway modifications, infrastructure, public open space, landscaping and drainage. Detailed matter for consideration – access.	Granted 17/11/2017
X/19/86303	As above	Variation of conditions for above permission	Granted 22/10/2019
RM/18/84657	Chalcroft Farm, Burnetts Lane, West End, Southampton SO30 2HU	Reserved Matters pursuant to outline planning permission X/19/86475 for Phase 1A footway/cycleway for the development of up to 950 dwellings and associated infrastructure	On hold – permission kept live through submission of application
RM/19/86792	Fir Tree Farm and Victoria Farmhouse, Fir Tree Lane, Horton Heath	Reserved Matters pursuant to Outline planning permission O/19/86303 (previously O/16/79354) for Phase A1 Footpath as part of the residential development of the site for 450 dwellings and associated infrastructure	On hold – permission kept live through submission of application
F/20/88950	Chalcroft Farm, Burnetts Lane, Horton Heath, SO30 2HU	Demolition of buildings, dwellings and structures at Chalcroft Farm (with the granary to be lifted, stored and reinstated and the cart shed to be dismantled and rebuilt. All other buildings to be demolished)	Granted 18/01/21
O/20/89498	Land at Burnetts Lane,	Outline: phased mixed use development	Current application



	Fir Tree Lane and Allington Lane, Eastleigh	comprising up to 2500 residential units in total; a primary Local Centre (and supporting secondary local centres) comprising mixed use residential/retail/leisure /community/employment /day nursery/food establishment uses; office, commercial and industrial uses; a primary school, public open space including formal sports facilities and informal provisions; relocation of solar panels; key infrastructure and utilities provision including new roads, footpaths and cycle paths and improvements to the existing road junction at Fir Tree Lane/Burnetts Lane; and ecological, landscape, site preparation and demolition works (All matters reserved except access)	– supported in principle at HHDMC 30/9/21
O/20/89500	Land west of Burnetts Lane	Construction of 381 dwellings, access road works and public open space (first phase)	Current application – supported in principle HHDMC 3/11/21
F/21/91266	Chalcroft Farm Photovoltaic Installation, Burnetts Lane	Relocation of solar panels from western side of solar farm to southern side with associated infrastructure (no net change in number of panels)	Permitted October 2021

## **Designations applicable to site**

- Allocated for mixed used development (including link road) in Adopted Eastleigh Borough Local Plan
- Solent Mitigation and Disturbance Zone
- Flood Zones 1, 2 and 3 (watercourse routes)
- New Forest Recreational Impact Mitigation Zone

## **Planning Policy Context**

### **National Planning Policy Framework (July 2021)**

22 The NPPF sets out the Government's planning policies for England and how it expects them to be applied. It is a material consideration in planning decisions with relevant sections including:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 10: Supporting high quality communications
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

### **Planning Practice Guidance**

23 Where material, this guidance (which supplements the NPPF) should be afforded weight in the consideration of planning applications. Relevant sections include:

- Air Quality
- Appropriate Assessment
- Environmental Impact Assessment
- Flood risk
- Contamination
- Natural Environment
- Noise
- Water supply, wastewater and water quality

## **Development plan policies and SPD's**

- 24 The Development Plan formally comprises the 2022 adopted Eastleigh Borough Local Plan (2016-2036), referred to in this report as the Local Plan, and the Hampshire Minerals and Waste Plan (2013).

### **Hampshire Minerals and Waste Plan 2013**

- 23 The application site does not fall within a Minerals Safeguarding Area, as defined by Policy 15 “Safeguarding – Mineral Resources”.

### **Eastleigh Borough Local Plan 2016-2036 (Adopted April 2022)**

- 24 The Adopted Local Plan and its policies are considered to be up-to-date. The most relevant policies are as follows:

- S1 – Sustainable development
- S2 – New development
- S3 – Location of new housing (including reference to Horton Heath site)
- S11– Transport Infrastructure (includes new road linking Bubb Lane and Burnetts Lane)
- S12 – Strategic footpath, cycleway, bridleway links
- DM1 – General criteria for new development
- DM2 – Environmentally sustainable development.
- DM3 – Climate Change
- DM5 – Managing Flood risk
- DM6 – Sustainable surface water and watercourse management
- DM8 - Pollution
- DM10 – Water and Waste Water
- DM11 – Nature Conservation
- DM12 – Heritage assets
- DM13 – General Development criteria - transport
- HH1 – Land west of Horton Heath

### **Policy HH1, Land west of Horton Heath**

“1. An area of approximately 125 hectares of land to the west of Horton Heath, east of Allington Lane and north of the railway line as defined on the policies map is allocated as a strategic location for development to include approximately 1,500 dwellings, 6ha of employment land, open space, retail and community facilities including a primary school and a new link road to Bubb Lane. Development will be subject to the approval by the Borough Council of a set design principles and a high-level design code including a masterplan which addresses the following requirements:

- a. the provision of a new road link between Bubb Lane and the Chalcroft Business Park entrance on Burnetts Lane, as indicated on the policies map, built to a standard capable of taking the HGV traffic generated by the Chalcroft Business Park and the proposed new employment site,

and incorporating roundabout junctions on Burnett's Lane and Bubb Lane. The link road will continue north from Burnetts Lane through the development to Allington Lane. The first phase from Bubb Lane to Burnetts Lane will be built prior to the occupation of the first dwelling;

b. the provision of approximately 1,500 dwellings of a variety of sizes and tenures including provision to meet affordable and specific housing needs of groups within the local community in the form of a defined new neighbourhood or neighbourhoods to the west of Horton Heath;

c. the provision of approximately 6ha (24,000 sq.m) of employment land, to accommodate employment in use classes B2, B8 and/or E(g)(ii)/(iii), having regard also to the possibility of a shared access with the Chalcroft Business Park. In accordance with the sequential approach, major office development (greater than 1,000 sq.m gross) will only be supported if there are no suitable, available or viable alternative sites available in either Eastleigh town centre, the wider Eastleigh urban renaissance quarter, at Eastleigh River Side, (Southampton Airport) or in district and local centres;

d. the provision of a new three-form-entry primary school and associated facilities;

e. the provision of community facilities to serve the new development and the existing settlement of Horton Heath, to include a new local centre, a new community building/hall, early years provision and local health facilities;

f. a layout of residential development designed to maximise opportunities to create links to, and to integrate with the existing settlement of Horton Heath;

g. a layout of development within and around the Chalcroft Farm complex and Firtree Farmhouse that retains and enhances the heritage and architectural value of buildings and landscape features and does not prejudice the delivery of a transport link through to Allington Lane;

h. the provision of vehicular access to the residential parts of the site from Burnetts Lane, Allington Lane, Fir Tree Lane and Anson Road;

i. the provision of footpath, cycle and bridle routes through the site and that link the new developments with the wider existing and proposed footpath and cycleway networks, including those within Horton Heath, and a contribution towards the implementation of the proposed strategic footpath/cycleway route alongside the railway linking Hedge End to Eastleigh (see strategic policy S12(1)(e));

j. the provision of public open space, sports pitch provision and green infrastructure on site to provide a setting for the development and to meet the needs of the new and existing communities and related

facilities with long term maintenance arrangements. Open space north of Fir Tree Lane shall be managed primarily for nature conservation interest and shall not be used for playing fields;

k. ensuring no adverse impacts on adjacent Sites of Importance for Nature Conservation, with the provision of appropriate buffers in the region of 50m for ancient woodland and 20m for other SINCDesignations;

l. the provision of a comprehensive landscape framework for the site that includes measures to ensure that there is no damage to, and enhancement of the Sites of Importance for Nature Conservation, and that retains as many as possible of the existing mature trees and hedgerows within the site, enhances biodiversity interest including that of the watercourses running through the site and provides a linked network of open spaces and green routes;

m. to preserve water quality and flows details of Sustainable Urban Drainage shall be provided in accordance with policy DM6 as part of any application for outline or full planning permission; and

n. occupation of the development shall be phased to align with the delivery of any necessary wastewater network reinforcement, in liaison with the service provider.”

There is also supporting text in paragraphs 6.1.38-6.1.52.

### **EBC Supplementary Planning Documents**

These support Local Plan policies and provide further guidance

- Quality Places (November 2011)
- Biodiversity (December 2009)
- Trees and Development (April 2022)

### **Community Engagement**

- 26 The NPPF strongly encourages early community engagement advising that, where it can be demonstrated that Applicants have worked closely with those directly affected by the development, the design of the proposal should be looked upon more favourably. A supporting Statement of Community Involvement for this application has set out that the applicant undertook Neighbourhood Forums and public consultation events during the masterplanning and planning process prior to submission of the Outline Planning Application and this application. In accordance with paragraph 189 of the NPPF and Eastleigh Borough Council’s Statement of Community Involvement, a variety of online public consultation events has been held to enable the views from a wide range of groups and individuals to be obtained and considered.

- 27 Around 350 neighbour letters were sent to local residents when the application was received in July 2021 and again in December 2021 following application amendments. Site and press notices, which included the statutory EIA publicity details, were also displayed to advertise the application and amendments and the Secretary of State was notified. Further neighbour notification to residents in Allington Lane on updated drainage details were sent in August 2022.

### **Local Resident Representations (Summarised)**

- 28 In response to the original plans 4 letters of objection were received representing occupiers of 5 properties in Allington Lane with concerns relevant to this application relating to:

#### Highways

- New roundabouts are dangerous and may result in damage to adjoining property

#### Drainage

- Flow of water already altered in critical way causing flooding of properties and future further risk of flooding from this development
- Question quality of the environmental analysis, resultant plans and their implementation
- Development should be subject to flood risk sequential and exception tests and sustainable drainage as detailed in NPPF and all correct policy and process
- Any residual risk of flooding must be safely managed and remedial work undertaken

- 29 In respect of the amended documents notification in August, 2 letters of objection were received representing occupiers of 5 properties in Allington Lane repeating concerns raised in their original representations and requesting no determination of the application until the Environment Agency have withdrawn their objection; citing July 2021 flood event in Allington Lane and suggesting no further development be permitted until the cause of this is resolved (alleged to have been caused by the completed road works in Allington Lane). Further objection to the wider One Horton Heath development (for which road is needed) on the basis that proposals to manage flood risk are not appropriate and not fully complete/fully addressing EA's and LLFA's concerns.

### **Statutory and Non-Statutory Consultation final responses** (summarised and where jointly submitted for outline application relevant comments for this application extracted)

- 30 **Barley Fields Residents Group** – no comments received.
- 31 **British Cycling (Southampton Cycling Campaign)** – no comments received

- 32 **British Horse Society** – no comments received
- 33 **Burnetts Lane Residents Association** – no comments received
- 34 **EBC Sustainable Transport Planner** –road is designed for buses and large vehicles but motorists may need more visual clues to keep to 30mph limit; cycle paths, junctions and crossings should be designed to latest guidance; cycle and pedestrian paths to have sufficient lighting where they divert away from the road and be free from obstructions from landscaping; further information on junction designs will be needed at later stage; pedestrian crossing provisions for bus stops and pedestrian desire lines will be needed; parking restrictions at road junctions may be needed; cycle parking facilities at bus stops should be provided to enable multi-modal journeys; signage for wayfinding to key destinations should be provided and bus shelters designed to a high standard with RealTime information at main bus stops.
- 35 **EBC Ecologist** - no ecology objection is raised subject to the application of the appropriate and previously agreed conditions. With appropriate mitigation, management and monitoring the proposed Link Road between Allington Lane and Burnetts Lane with associated footway, cycle paths, water crossings, drainage and landscaping will not affect the integrity of any statutorily or locally designated sites of nature conservation value or protected and priority species. The proposals are compliant with national planning policy and Eastleigh local plan policies including DM6 and DM11. Appropriate Assessment has been drafted and sent to Natural England concluding no significant impacts subject to provision of mitigation measures sustainable drainage works and Construction Management controls. Advise no significant impacts on Moorgreen Meadows SSSI due to air quality impacts.
- 36 **EBC Built Heritage Consultant** – no objection.
- 37 **EBC Economic Development** – fully supportive of submitted Employment and Skills Plan.
- 38 **EBC Planning Policy** – The proposal is fully supported by the Local Plan policy HH1 which allocates the area for a major residential led mixed use development including a new link road to Bubb Lane. Criterion a. states that this link road will continue from Burnetts Lane through the development to Allington Lane (e.g. as provided by this phase). The proposal will provide a key phase of the transport infrastructure to serve and assist with the delivery of this key local plan site. Full policy support.
- 39 **EBC Pollution team** –a holding objection to lack of information for integrated noise impact mitigation from road and lack of information for integrated design quality to improve subject impression of the

noise environment, however this can be addressed by condition. Contaminated land: no contaminated land issues and no on-site remediation needed. Condition recommended to deal with contamination if found during works.

- 40 **EBC Street Scene** – no comments received
- 41 **EBC Tree Team** – road passes through several areas where tree impact could be harmful. Suggested tree protection is sufficient and loss of one category B Oak is regrettable but better option than losing other trees. Any loss of trees should be offset by replacement planting. Condition recommended.
- 42 **EBC Urban and Landscape Design Team** – consider road design should be for lower speed than 30mph. Further amended landscape plans to be conditioned.
- 43 **Eastleigh Ramblers** – objection to lack of detail on necessary footpath diversions
- 44 **Environment Agency** – no objection subject to conditions for further fine details (see recommended conditions list). The proposed scheme and its subsequent phasing arrangements will only be acceptable if the above conditions are included. These conditions are vital to ensure that the flood risk as a result of the development is not increased and where possible reduced.

Following an initial model review in April and subsequent reviews of method statements in June and July, our latest review (August 2022) has looked at the final model versions submitted by Aegaea. The proposed new road, footbridge and floodplain compensation area have been modelled correctly and an assessment of the hydrology has shown that it is still suitable. This review has found that previous flags relating to inconsistencies and issues have been resolved. The model is therefore representative and is suitable for the intended use by Aegaea.

The applicant did propose to truncate the model as they were intending to update and re-do the hydrology. Instead, they have undertaken some checks and re-run the same hydrological analysis that was undertaken in the original modelling, but with the latest datasets. Results of the modelling indicate that the proposed structures have been assessed, and the flood depths associated with the pre- and post-construction can be seen in the document titled Hydraulic Modelling Summary Note.

The Local Planning Authority as the decision maker should be satisfied that the stated increases in flood depth upstream of the road bridge pose no increase in flood risk to the proposed neighbouring development. It should be noted that the document also states that



flood depths downstream of the bridge are not increased, and in some places reduced as a result of the proposed development.

- 45 **Fair Oak and Horton Heath Parish Council** – no comments
- 46 **Go South Coast (Bluestar) Bus Company** – no comments received
- 47 **HCC Access Development Officer (Countryside Team)** – no objection in principle but required further amended plans to ensure plans are all consistent in respect of Footpath 11 diversion and demonstrate that users and the diversion route, tree protection, woodland buffer, flood attenuation and ditches can all be accommodated and levels changes around Footpath 701 fully taken into account. (consulted on amended plans 20.7.22 – no comments received)
- 48 **HCC Archaeology** – no conditions recommended following review of archaeological survey which found no archaeological potential.
- 49 **HCC Flood and Water Management (LLFA)** – no objection subject to conditions for further fine details (see conditions list). (The LLFA considered further information on ordinary watercourses in relation to water flow direction and the road, watercourse and ditch retention/diversion, discharge rates, watercourse referencing and SuDS).
- 50 **HCC Highways** - no objection subject to conditions. Will not adopt SuDS if not purely for highway drainage and these may be difficult to maintain or pedestrian bridges crossing Quobleigh and Foxwood Steams, and these should be adopted by EBC. Tracking, street lighting acceptable and Construction Traffic Management Plan can be dealt with by condition. Also condition for specific location and design of vehicular junctions and pedestrian crossing points.
- 51 **Hedge End Town Council** – no objection.
- 52 **Moorgreen Road Residents Association** – no comments received
- 53 **National Planning Casework Unit** – no response
- 54 **Natural England** – September 2022: In responding to the Council's Appropriate Assessment, Natural England advised that without details of a long-term adaptive management and monitoring regime of the SuDs, including details outlining the necessary funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development, the development could have potential significant effects on designated sites. Furthermore, post-construction monitoring is recommended for a period of 5 years to allow for corrective measures to be applied to the drainage scheme as necessary. Natural England concur or do not disagree with the Council's Assessment of the remaining issues considered – sediment,

construction drainage and the Construction Environmental Management Plan, odours and air quality. Previous advice related to locally designated sites and priority habitats provided.

- 55 **Southampton Airport** – no objection.
- 56 **West End Parish Council** - support application.
- 57 **Xelabus** – no comments received

### **Assessment of proposal**

- 58 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.
- 59 In terms of other material planning considerations, the National Planning Policy Framework and Planning Practice Guidance constitute material considerations of significant weight.

### **Development Principle**

- 60 Adopted Plan Policies HH1 and S11 specifically support the proposed road in association with housing and other land uses west of Horton Heath.
- 61 The Council also has an ongoing responsibility to ensure that there is a continuous 5-year supply of housing. This site contributes towards this by virtue of the extant consents and thus has an important infrastructure role to play in this respect.
- 62 The principle of developing this link road is clearly accepted in the adopted Local Plan, although the proposals are still subject to being acceptable in detail, needing to comply with other planning policies, and meeting tests relating to sustainable development and the assessment of environmental impacts.
- 63 In this respect the 2021 NPPF is a material consideration of significant weight. At the heart of the NPPF is a presumption in favour of sustainable development. The three overarching objectives to achieving sustainable development are defined in the NPPF (2021) as: economic, social and environmental.

### **Sustainable Development Considerations**

- 64 The NPPF presumption in favour of sustainable development indicates that it has an economic, a social and an environmental role. These roles should not be undertaken in isolation as they are mutually dependent and, therefore, the application is assessed against all three headings.

## **Economic Sustainability**

65 One of the core planning principles of the NPPF is to proactively drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs. As with any new development, the proposal would support growth in the local economy and the One Horton Heath development as a whole would create around 270 construction jobs on and off-site per annum for a 10-15 year period, working through the phases. An Employment and Skills Plan would ensure there is opportunity for training and skills development for the construction employees for the road. In EIA terms this would be a minor beneficial impact over the short to medium term.

## **Social Sustainability**

### **Supporting Housing and Green Infrastructure**

66 As well as providing critical road infrastructure for the One Horton Heath development and a key link between Hedge End, West End and Fair Oak, the application also ensures green infrastructure is provided for the benefit of residents and ecology.

67 The Green Infrastructure Parameter Plan, Concept Masterplan and Open Space Strategy submitted with the outline application all seek to respond to existing landscape character and Public Rights of Way. They retain woodland copses, hedges and trees, and provide for new open space and trees as well as the necessary SuDS, ecology areas and watercourse buffers and the link road proposals are designed to accommodate all these.

68 A key aspiration of the proposed OHH development is the promotion of walking and cycling, not only for the purposes of travel to destinations but also for recreational purposes, including dog walking and the proposals include provisions for this.

## **EIA Socio-Economics Consideration Summary**

69 This is addressed in Chapter 6 of the ES with minor beneficial effects in regard to operational jobs within the wider outline development being identified. ESA2 and ESA3 concluded that the assessment or findings within the ES remain unaltered. The road proposal allows for the provision for social infrastructure, including enhanced footpaths/cycleways, to be enabled.

## **Environmental Sustainability**

70 More details of relevant environmental considerations are set out in this section of the report.

## **Landscape Character**

- 71 The application site does not fall within a designated nationally important landscape, is not considered to be a 'valued landscape', and has an overall low landscape sensitivity, although it is recognised that there are some trees and hedges and existing recreation routes, which are valued local assets, in and around the site. Policy HH1, which designates the site for future development, recognises the need to retain elements of the existing landscape.
- 72 The submitted Landscape and Visual Impact Assessment (LVIA) assesses the whole One Horton Heath development site and development proposed, noting that an important contribution to landscape character is made by the landscape features within the site including arable fields, hedgerows, woodland and trees, streams and ponds and Public Rights of Way (PRoWs) crossing the site. The LVIA suggests the visibility of the site is largely contained by the vegetation within/on the boundaries of the site and by the topography. All of the identified receptors for landscape and visual impacts from the development are located within 1km of the site, with distant views prevented by existing landscaping / topography. The site's Public Rights of Ways currently enjoy a rural setting.
- 73 In terms of wider landscape impacts from the development, a minor to moderate adverse impact but not significant residual effect, is predicted on the wider Horton Heath Undulating Farmlands landscape character area, due principally to the scale of development proposed. Locally, the scheme is predicted to have a minor beneficial residual effect on the Chalcroft and Quobleigh Local landscape character areas once new landscaping is fully established and the positive features of the design and embedded mitigation are more apparent. Of particular note is that the majority of the site's extensive hedgerows and tree belts would be retained, thus keeping the green infrastructure pattern within the landscape despite development within. These landscape character effects overall are not significant in EIA terms.
- 74 From a visual amenity perspective, distant views of the site are restricted due to the presence of existing vegetation in the wider landscape and the presence of built form found at Horton Heath, Fair Oak and Hedge End. Middle distance views of the site are generally obscured with mature tree planting forming a key feature and characteristic across the landscape. The greatest visibility is within local views up to 500m from the site. Within this range, the strong presence of new trees planted along the avenue will become visually prominent. Along with the road and cycleways, the new 1-2m high embankments and bridges will also play a part in changing the landscape.
- 75 Therefore, the effects on visual amenity would be localised. Some residual moderate adverse effects would be experienced by users of parts of Public Rights of Way crossing the site and link road, due to the amount and extent of change which would be experienced.

- 76 It is evident that the change from countryside use would create a clear, irreversible landscape and visual impact that would be incapable of full mitigation, particularly when viewed close-up. However, this site already benefits from planning permission and is allocated for development under Policy HH1. It is accepted that the establishment of new green infrastructure would provide mitigation and long-term benefits and the majority of existing landscape elements, such as trees and hedgerows, would be retained.
- 77 Light pollution has also been considered as this can have an impact upon landscape character. The NPPF advises that good design should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation interests. It is inevitable that the site would be illuminated at night, changing the character of this rural location. It is important to try to minimise this where possible through careful design to ensure any light spillage is managed to be within acceptable limits, but still provides sufficient light for safety and security. It is therefore recommended that, should permission be granted, a condition is attached requiring full details of lighting to be approved.
- 78 During construction phases there would also be locally significant visual impacts for residents and users of the public rights of way and local roads. It is accepted that this is a moderate adverse impact but due to its temporary nature this is not deemed to be unacceptable when considered against the long-term operational impacts as set out above.
- 79 Overall, the impact on the wider landscape setting and settlement identity is not considered to be significantly harmful. The landscape principles proposed for new planting for this application are acceptable, subject to conditions requiring further final details.

### **Agricultural land**

- 80 As grade 3b or 4 agricultural land, the site meets the requirement advocated within the NPPF and the Local Plan to protect other better and more versatile agricultural land and thus there is no overriding objection to the loss of this agricultural land in terms of the relevant criteria for consideration.

### **Traffic**

- 81 Traffic congestion is one of the most significant local issues and this link road would assist in reducing congestion in Fair Oak village centre and roads leading to it as well as providing for the OHH development itself. New roads such as this do not, in themselves, generate new traffic, rather the residential or commercial land uses they serve do.
- 82 Local Plan Policies S1, S11, S12, HH1, DM1, DM8 and DM13 are relevant for the land use proposed at OHH. Specific road and sustainable transport

improvements are identified in addition to the Eastleigh Borough Local Transport Statement, Infrastructure Delivery Plan, Cycling and Walking Strategies.

- 83 As detailed above, Policy HH1i. requires the provision of the link road and the proposed route is as indicatively shown on the Access Parameter Plan. This application confirms the exact route and the detail and is in accordance with relevant transport policies.
- 84 The NPPF also advises that applications should allow for the efficient delivery of goods, and access by service and emergency vehicles and be designed to address the needs of people with disabilities and reduced mobility, and these requirements are addressed in the application, as are provisions for buses.

### **Walking and cycling routes**

- 85 The NPPF prioritises pedestrian and cycle provision and Policy HH1vi requires a layout of residential development designed to maximise opportunities to create links to, and to integrate with the existing settlement. Policy HH1ix further requires the provision of footpath, cycle and bridle routes through the site and that link the new developments with the wider existing and proposed footpath and cycleway networks. Hampshire County Council ensure that the design of roads and junctions meet Manual for Streets, LTN 1/20 and other relevant highway design guidance.
- 86 Central to the sustainable movement strategy is cycling, and the development caters for cyclists of all abilities. There are dedicated cycle links proposed alongside the link road for commuters and local movements and these will link to other dedicated cycle links to be provided throughout the development. The overall Environmental Impact conclusion for pedestrian and cycle amenity is that it would be slightly beneficial.

### **Road and Bridge Design**

- 87 Policy DM1 supports NPPF advice in that planning decisions should ensure that developments are well-designed, using design guides and codes and masterplans, to ensure that land is used efficiently while also creating beautiful and sustainable places (Paragraph 125 NPPF). The general principle applied for this scheme is that the road and bridges should be designed to minimise visual impact whilst ensuring they are safe and meet functional requirements including flood risk. Hampshire County Council ensure that the design of roads and junctions meet relevant highway design guidance.
- 88 The 6.5m wide and 1845m long tarmac road, including junctions and water crossings, is designed to carry traffic at a 30mph speed limit and this has necessitated some speed reduction elements. The road crosses Fir Tree Lane (which is to be downgraded to a bridleway), the vehicular access to

Chalcroft Farm (also to change to a bridleway) and public rights of way and joins the existing new roundabouts at Allington Lane and Burnetts Lane on the arms already provided. The footpath and cycleway routes are separated from the road by grass verges and soft landscaping to provide a sense of relief and safety for users, whilst also providing natural safety surveillance from passing traffic. Where the pedestrian/cycle route crosses a watercourse a separate crossing is provided as this best protects ecology and reduces flood risk. Road bridge spans have been kept to a minimum of 5.5m clear span (whilst still safeguarding water courses, ecology and reducing flood risk) to ensure that the bridges fit comfortably within the landscape.

- 89 The vehicular bridges crossings are of red or yellow brick construction parapets with contrasting brick piers, soldier courses and copings. The embankments have coir rolls and matting to provide stability for landscaping. The height of the bridges accommodates the 1/1000 year flood level plus 30% for climate change. The separate pedestrian/cycle path bridges in these locations are proposed to be constructed in timber.
- 90 Within the Lower Acre (first residential phase) there is a right turn lane proposed at the junction with the internal road leading up to the proposed local centre and other lower grade junctions with this link road. For other phases of the OHH scheme junctions are shown indicatively and are the subject of a condition for the full details, as are pedestrian/cycle crossing details (to include any necessary signalisation). HCC have also advised that footway/cycleways leading to the link road should be a minimum of 2.0m wide. Lighting designs have been submitted and agreed by HCC Highways but are the subject of a condition in respect of ecology, and it is expected that cowls or shields will be needed to minimise light spill.
- 91 In addition to planning permission, the road and bridges also require Highway Authority (HCC) Section 38 consent and the bridges need separate Environment Agency consent.

### **Public Rights of Way**

- 92 The route of the road and associated works is crossed by 4 public rights of way: Footpath Nos 11 Fir Tree Lane, Footpaths 701, 702 and 703 all in the Parish of Fair Oak and Horton Heath. Footpaths 11, 701 and 702 would need a diversion from the current legal alignment for the proposed works, although very minor for 701 and 702.
- 93 Where public rights of way are affected, detailed designs, including necessary diversions, are necessary to ensure the routes are fully considered. Footpath 11, north of Firtree Lane, would require a minor diversion to the route around the edge of a drainage pond and to ensure maximum visibility at the crossing of the new road and that the path is outside the pond. Footpath 702/703 along the Chalcroft Farm track can continue on its designated route but where it crosses the road this is a relatively long pedestrian crossing and the footpath route may be better

diverted to reduce the crossing stretch and maximise safety. Footpath 701, north of the solar park, may need a minor realignment to ensure it is a sufficient distance from a new bridge for a safe crossing point. Amended plans have been submitted following discussions with Eastleigh Ramblers and HCC Countryside and are considered to address previous concerns raised. Separate diversion and stopping up procedures will also need to be followed, but it is the intention to keep paths open, even if diverted, as much as possible during construction.

### **Residential Amenity and Noise**

- 94 The NPPF advises that decisions should avoid significant adverse noise impacts on health and quality of life as a result of new development, that impacts should be mitigated where possible, and that there should be a recognition that development will often create some noise. Noise can also have a negative impact on ecology. The application also needs to be considered against the Local Plan policies DM1 and DM8. A number of noise assessments have been carried out and the dominant noise will be from roads, particularly this link road, for the majority of the time.
- 95 There are no existing residents adjoining the proposed road, but the detailed location of properties in residential Phase 1 of the OHH scheme are known and there are existing properties within 100m of the route. As acknowledged in the landscape assessment, the road will be part of the significant change to the character and appearance of the OHH development and will therefore impact on outlook from properties, as would be expected from an allocated housing site. Regarding noise, the ES concludes that noise impact from traffic once operational would be neutral to moderate for proposed dwellings once glazing and ventilation boundary treatments are provided.
- 96 The Pollution Team have raised concerns regarding the lack of noise mitigation proposed for the road and have suggested use of a quieter road surface, noise bunds/fences or further landscaping. A condition in this respect is recommended. Without further noise mitigation provisions in association with this application, further residential phases are likely to need greater separation distances between dwellings and the road and/or other noise mitigation and this would be part of the reserved matters site constraint considerations for these subsequent phases.
- 97 In respect of the impact on existing residents in Burnetts Lane, Allington Lane and surrounding roads the overall EIA impact is neutral in the long term and in accordance with national guidance and adopted plan policies DM1 and DM8.
- 98 Construction noise has been assessed as being potentially moderate adverse effect in respect of the nearest occupied dwellings. This can be suitably addressed through conditions seeking to secure a final enhanced Construction Management Plan, including a Code of Construction Practice, and restricting hours of work to reduce it to a neutral effect.



## **Air Quality and Human Health**

- 99 The NPPF advises that policies should sustain compliance with and contribute towards national objectives for pollutants, taking into account Air Quality Management Areas and the cumulative impacts on air quality from individual sites. Adopted plan policy DM8 requires any impacts upon air quality to be assessed in this regard. There are also a number of European Directives that apply to air quality which the Air Quality Standards Regulations 2010 seek to transpose and simplify.
- 100 The application has been submitted with an air quality assessment and Environmental Statement (ES) for the OHH development as a whole which considers the impact of the development upon air quality at various receptors, including human and ecological receptors. Both the construction and operation phase were considered as well as various forms of air quality pollutants. In particular, NO<sub>2</sub>, NH<sub>3</sub> and particulates and nitrogen deposition to sensitive ecological receptors were considered from increased level of traffic and construction activities with the conclusion that there would be no significant impact on human health. The findings of the air quality assessment were also assessed in detail by the Council's Ecologist in respect of potential impact on the Moorgreen Meadows SSSI, with the conclusion that there would be no significant impacts.
- 101 A construction dust assessment was undertaken in line with IAQM guidance which predicted construction activities associated with the development to have a high risk of dust impacts, a low risk of human health impacts and a low risk of ecological impacts, thus providing the site with an overall high risk of impacts, and the potential to cause a Significant Effect. Adopting appropriate mitigation, such as that recommended, will ensure that this risk is reduced to Negligible and the residual effect will be Not Significant. Specifically, the impact on air quality dust impacts would be controlled through the use of a condition requiring the approval and implementation of a Construction Environmental Management Plan (CEMP).
- 102 Thus, in air quality terms the development would operate with a low to negligible risk to human health or ecology, ensuring a Not Significant residual effect for EIA and the application is considered to be in accordance with the NPPF and adopted Development Plan policy DM8.

## **Land Contamination**

- 103 The NPPF and Local Plan Policy DM8 require sufficient information be provided to adequately demonstrate that there is no risk to human health or ecology through contaminated land and that the land can and will be remediated to a standard suitable for the proposed end use and will ensure that the risk of pollution of controlled waters is minimised. Risks from contaminated land on this site were not identified as an Environmental Impact matter for consideration.

- 104 The submitted assessment of contamination concludes that there is no contamination land risk to human health on the link road route and the Pollution Team have only recommended a condition should unexpected contamination be found during the works.

### **Drainage and Flood Risk**

- 105 Adopted Plan Policy DM5 for Managing Flood Risk ensures that new development falls outside known flooding areas unless criteria for flood management are met including meeting sequential and exception tests (where required); the provision of site specific flood risk assessment; and protection measures and designs which exceed normal standards, all in order not to increase flooding elsewhere. Policy DM6 for Sustainable Surface Water Management and Watercourse Management requires appropriate proposals in this respect to ensure water quality retention and assist with flood management. Guidance within the CIRIA C753 SuDS Manual should be adhered to, including future management and construction period management.
- 106 There are three watercourses which run through the OHH site, all of which are to be bridged by this link road (Tollbrook, Foxwood and Quobleigh streams). Areas of elevated/high flood risk are the low lying areas around the on-site watercourses and these are in Flood Zones 2/3. These have flooded as a result of those watercourses bursting their banks, surface water runoff from intense rainfall and shallow and emergent groundwater. The remainder of the site is in Flood Zone 1 (very low risk of flooding), despite its geology and clay substrate. Downstream of the application site to the north-west there are residential properties in Allington Lane which are in Flood Zones 2/3 and were subject to a flood event in July 2021.
- 107 The Environment Agency (EA) consider Quobleigh Stream, which is a main river at the northern end of the site, whilst HCC as Lead Local Flood Authority (LLFA), consider Foxwood Stream north of the solar farm and Tollbrook Stream south and west of the solar farm, which are ordinary watercourses. All streams on site drain to the River Itchen. The NPPF requires flood risk assessment and uses a sequential test approach which restricts development in high-risk Flood zones 2 and 3, and only allows development in these areas where justified as part of an Exception Test process, and also encourages long-term flood risk planning and management in adapting to climate change. The bridge supports are located within Flood Zones 2 and 3 and, without significantly larger and visually dominant bridge(s), this is inevitable for a road which crosses streams. Compensatory areas for flood risk are instead proposed. The use of natural flood management techniques, including sustainable drainage schemes, as part of an integrated approach to flood risk management is proposed and the provisions for flood risk, including new ponds/areas designed to flood, are considered to exceed what is normally required so as to prevent risk of flooding elsewhere as a result of the proposed development.

- 108 To demonstrate that the proposed bridge installation would not increase flood risk, the application is accompanied by hydraulic modelling which assesses existing flows along Quobleigh Stream with how it will perform once the bridge is installed. In their April consultee response, the Environment Agency had not satisfied themselves over the resilience of the hydraulic model and sought further justification and assurance from the applicant and through further engagement and analysis of the Environment Agency's base model the applicant has demonstrated with a sufficient degree of certainty that the proposed works and bridge construction have no adverse impact on the modelled flows but that the modelled flows include a safety factor equivalent to 52% for the 100-year return period for this part of the watercourse.
- 109 The Environment Agency have subsequently removed their holding objection to the proposed work and are no longer strongly advocating the new bridge be designed and installed to span the floodplain.
- 110 EIA assessment has also been undertaken of the likely significant effect that the proposed development would have on flood risk, surface water drainage and surface water quality in nearby watercourses. This assessment is supported by a detailed and updated Flood Risk Assessment, Drainage Strategy and plans, hydrological assessment and further information in response to comments from HCC (the LLFA) and the Environment Agency (EA). Significant further work on design, hydrological modelling and supporting information on matters including flood compensation provisions, how overland flows are to be managed, ditch catchments and ditch retention/severance/diversion details has been undertaken by the applicants in recent months in consultation with the EA and LLFA. The revised Flood Risk Assessment and supporting information now demonstrates that the development would not increase the risk of flooding elsewhere, including in Burnetts Lane and Allington Lane. It is considered that the proposed increases in flood depth upstream of the road bridge pose no increase in flood risk to the proposed neighbouring development. Subject to conditions for final details, both the EA and LLFA have raised no objection to the proposals and are satisfied regarding flood risk. These conditions are contained within the list of recommended conditions in Paragraph 176.
- 111 Flood risk management should also include the implementation and management of a comprehensive Sustainable Urban Drainage System (SUDs) to include ground water monitoring and substantial SUDs features have been proposed for incorporation into the drainage design including natural filtration, swales, and attenuation ponds with sediments forebays and wetlands. The SuDS and new drainage would reduce run-off in terms of volume and flow speed to greenfield run-off rates and protect water quality through these various methods designed to blend into the landscape. With capacity for the 1 in 100 year storm rate plus 30-40% capacity for climate change this is in accordance with best practice.

- 112 The EA and LLFA will also consider further detailed information submitted for condition discharge and have considered local concerns in respect of flooding of their properties. Furthermore, HCC also separately consider Ordinary Watercourse consent for drainage works and the applicants also need to satisfy the EA in the separate flood risk permit process.
- 113 Whilst local flooding in or near Burnetts Lane and Allington Lane may have occurred, this is not the result of the development proposed and it is not a requirement for the applicants to solve this pre-existing situation, rather they should not make it worse. Alleged non-compliance with a different planning permission cannot under planning law be used as a reason to refuse subsequent applications. However, if the development site drainage can assist with addressing the issue, then this is seen as positive.
- 114 Regarding road drainage adoption, HCC have advised that they would only adopt balancing/attenuation ponds where solely highway water drains into them and where there isn't planting within or adjacent the SuDS features. This mitigates against fully multifunctional drainage which also can deliver significant landscape, nutrient mitigation and ecological benefits, and therefore it is likely that the drainage will be adopted and maintained by EBC as an appropriate public body.
- 115 The NPPF supports the multifunctional use of SUDS land, and the natural drainage proposed can also deliver other ecological benefits. With appropriate conditions detail, including the management and maintenance arrangements for the lifetime of the development, the proposals would comply with Policies DM5 and DM6 and NPPF advice.
- 116 In respect of EIA, the overall effect on surface water drainage and flood risk for the road and wider development is assessed as not significant with the proposed mitigation measures and conditions in place.

## **Ecology**

- 117 Policy HH1 includes the requirements that planning applications and decisions should ensure:
- no adverse impacts on adjacent Sites of Importance for Nature Conservation, with the provision of appropriate buffers in the region of 50m for ancient woodland and 20m for other SINC designations;
  - the provision of a comprehensive landscape framework for the site that includes measures to ensure that there is no damage to, and enhancement of the Sites of Importance for Nature Conservation, and that retains as many as possible of the existing mature trees and hedgerows within the site, enhances biodiversity interest including that of the watercourses running through the site and provides a linked network of open spaces and green routes.

- 118 Ecological considerations, along with landscape considerations have had a significant influence on the masterplan for the One Horton Heath Development as can be seen from the Green Infrastructure Parameter Plan for the outline application. Some 40% (51ha out of a total of 125ha) of the total site area would consist of green infrastructure, including the retention of important ecological and landscape features and the creation of new ecological features, both to mitigate for those that will be lost and to deliver across the whole site an overall 10%+ net gain in biodiversity. Not only are existing important ecological features retained but the ecological network is shown enhanced, so as to avoid the fragmentation of habitats and the isolation of species populations both of which would lead to a decline in overall biodiversity.
- 119 Local Plan Policies S1, DM6, DM10, DM11 and HH1 and the NPPF all provide important policy considerations which have informed the application and against which it must be assessed. In addition, the legal requirements of the Wildlife and Countryside Act, 1981 (as amended), the Conservation of Habitats and Species Regulations (the Habitats Regulations), 2017 (as amended) and the Natural Environment and Rural Communities (NERC) Act 2006 must also be considered where the proposed development is likely to have significant effects on statutorily protected sites and species and priority habitats and species. Ecological impacts can be both direct and indirect and can act both alone and in combination with other development proposals, affecting both on-site and off-site features of ecological importance. The Council has a Biodiversity Action Plan and Natural England provide guidance in addition to other available technical guidance. Chapter 10 of the submitted Environmental Statement addresses the likely significant effects on Ecology within the context of the EIA.

### **On-Site Ecological Impacts**

#### **Impacts on habitats and ecological connectivity**

- 120 The proposed Link Road route passes principally through habitats of low ecological value - predominantly improved grassland. The Link Road will run north to south between the Southern and Northern gateways (both already constructed). The proposed route of the Link Road does not pass through any statutorily protected sites or locally important Sites of Importance for Nature Conservation (SINC's). It does however pass close to two SINC's: the Round Copse, Tree Line Break and Quobleigh Pond and Woods.
- 121 The south-east to north-west alignment of the Link Road means that it invariably severs any linear ecological features that have an east-west alignment, most notably the woodland and stream north of the Solar Farm and the tree-lined Quobleigh Stream. Important hedgerows to be retained are to be protected by 5 metre buffers. However, there are some stretches of the road and the associated footpath that runs alongside H28 where there could be pinch points.

- 122 It also runs close to or crosses several watercourses including the two main unnamed streams both of which are classified as Main River and which have been variously referred to within the submitted planning application as the Chalcroft Stream (flowing north and west) and the Fair Oak Stream (flowing south and west). Both of these streams meet and join to the west of Allington Lane and feed into what has been called the Allington Stream which flows into the River Itchen just north of the railway bridge over the river and just south and east of Chickenhall Lane Waste Water Treatment Water Works (WWTW). These main river streams are fed by a series of Ordinary Watercourses within the site generally flowing east to west. To seek to avoid direct impacts on these features, the submitted *ES Appendix 10.2 Landscape and Ecological Masterplan*, proposes buffers (construction exclusion zones) of 10metres in connection with all watercourses (except where crossings are required), 15metres for the Tree Line Break SINC and 50metres for Round Copse and Quobleigh Pond and Woods SINC.
- 123 Appendix B of the CEMP (*Construction Environmental Management Plan (CEMP), One Horton Health, Phase 3 Link Road, V4 06092022*), provides a summary plan of the habitat related constraints for the proposed Link Road. This includes details of buffers for ancient woodland (up to 35m), water courses (10m) and hedgerows (5m excluding tree RPAs).

### **Habitat Mitigation - Biodiversity Net Gain**

- 124 The wider scheme (OPA) has a commitment to deliver a minimum of 10% biodiversity net gain (BNG) in line with National Planning Policy Framework (2021), the Environment Act (2021) and local plan policy DM11. *ES Appendix 4/Appendix 10.13 – Biodiversity Net Gain* outlines that in broad terms, (see Figure 13) there are 22.89 biodiversity units within the red line application boundary and 10.40 hedgerow units within an application site area of 7.20ha. This serves to illustrate that the wider scheme has ample scope to deliver the measurable uplift for biodiversity in terms of habitats.
- 125 Updated BNG calculations where necessary to reflect updated plans (using most recent iteration of the DEFRA Metric) can be provided through an Ecological Mitigation and Management Plan (EMMP) secured through a planning condition.
- 126 Where hedgerow buffers of 5 meters cannot be provided and pinch points are unavoidable it will be included as a loss within BNG calculations and compensation provided within the OPA.

### **Off-site Ecological Impacts - Protected Sites**

- 127 The application site is within close proximity to internationally important sites that form part of the post-Brexit National Site Network (formerly referred to as European designated sites or Natura 2000 sites), and

therefore has the potential to affect the special interest features for which these sites are protected and affect the achievement of their conservation objectives. The National Site Network is afforded statutory protection under the Habitats Regulations. The application site is within the Impact Risk Zones of the Solent and Southampton Water Special Protection Area (SPA) the New Forest SPA and the New Forest Special Area of Conservation (SAC), the Solent Maritime SAC and the River Itchen SAC. The New Forest and Solent and Southampton Water sites are also protected wetland sites of international importance under the Ramsar Convention (Ramsar Sites) and at a national level each of the above sites is also designated as Sites of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act, 1981. The site is also around 1km from Moorgreen Meadows SSSI.

128 The relevant issues for this application in relation to these internationally important site addressed through an Appropriate Assessment include:

- Atmospheric pollution;
- Hydrological impacts (water flow and water quality) on the River Itchen SAC and Solent Maritime SAC, including their headwaters, during constructional and operational phases
- Impacts on land used by species outside the European site boundaries for which the species are a qualifying interest feature
- Noise and vibration, including disturbance impacts on otter within the River Itchen and headwaters during construction and operational phases
- Non-native species;
- Water pollution.

129 Whilst the Appropriate Assessment for the link road considers those matters related to this development on a standalone basis it does have regard to a certain extent to the combination impacts of the current wider outline scheme and the current a standalone detailed application ref F/20/89500 for the first residential parcel of development which duplicates the southern stretch of this link road.

130 It was agreed with Natural England that the road scheme will not need to address issues of recreational disturbance, nutrient neutrality, or water abstraction as these are housing or other land use-related impacts which are associated and considered under the detailed and outline applications.

131 On 13 September Natural England formally responded to the Council's Appropriate Assessment concurring or not disagreeing with the Council on most matters but advised that without details of the long-term management and monitoring of the SuDS features that it is not possible to

ascertain that the proposal will not result in adverse effects on the integrity of the protected sites. In response, Natural England have been directed to evidence within the submitted documents supporting the application of the commitment by the applicant and the Council to the management and monitoring of the SuDS along with recommended condition 3 seeking submission of full details within 3 months of the commencement of development. The Council are confident this provides the necessary levels of certainty that the integrity of the protected sites would be ensured in perpetuity and is in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

- 132 A draft Appropriate Assessment for the detailed application was sent to Natural England on 30 August. Within this, the council as a Competent Authority concluded, there would be no adverse effect on the integrity of the SAC, SPA and Ramsar sites. In addition, a separate Appropriate Assessment has been draft for the wider whole site within which the link road is also assessed. This Assessment is to be shortly formally submitted to Natural England for consideration.

### **Hydrology - Water Supply, Flows and Quality Impacts on the River Itchen SAC**

- 133 Policies DM6 addressing sustainable surface water management and watercourse management and DM11 for the protection of designated nature conservation sites and interests are particularly relevant policy considerations.
- 134 Water quality is also both an EIA and Habitats Regulations matter as it is necessary to ensure the suitability of the water quality reaching sensitive receptors (River Itchen) is maintained. Regulation 63 of the Habitats Regulations also requires that local planning authorities as competent authorities under the Regulations, must undertake an Appropriate Assessment of any planning applications that either alone and/or in combination with other proposed developments, are likely to have a significant effect on the National Site Network
- 135 The River Itchen's important aquatic interest features, including water crowfoot, Atlantic salmon, bullhead, lampreys, southern damselfly and otter are all dependent on clean, unpolluted, fast-flowing well oxygenated freshwater. Therefore, any developments that could result in reduced water flows and water quality are likely to have a significant effect on the River Itchen SAC. Furthermore, as the River Itchen itself flows into Southampton Water and the Solent this could have potentially significant effects for those receiving waters; the Solent Maritime SAC and the Solent and Southampton Water SPA. To safeguard water quality the surface water runoff from the potentially polluted road would need to be discharged via at least three natural stages of filtration measures, reducing total suspended solids, heavy metals and hydrocarbons from the runoff, and providing water quality treatment.



- 136 The protected species and habitats within the designated sites downstream of the site are also sensitive to land use change across their catchment in relation to fine sediment and nutrient enrichment. If no mitigation measures are implemented the construction and operation of the development would change the surface water drainage regime and have implications for local flood risk and surface water quality in onsite and offsite watercourses.
- 137 To provide certainty and clarity in ensuring current water flows and water quality remain unaffected by development, relevant drainage and SuDS plans have been submitted to accompany this application along with documents related to the proposed approach to surface water management for the wider OPA site, which can be found in the following documents; the 'One Horton Heath Flood Risk Assessment Addendum (O/20/89498)' produced by PFA Consulting (ref. G277-FN14 - FRA ADDENDUM (O-20-89498).docx June 2022), the proposed SuDS features and the Hilson Moran. 2022. Technical Note – One Horton Heath Link Road. Sediments Baseline and Post-Construction Impact.
- 138 A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing surface water on the site. This acknowledges both the EBC Local Plan Policy DM6 (requiring three forms of natural filtration) and NE guidance.
- 139 The three forms of naturalised filtration for the site would be provided by a single enhanced basin which is split into the three components:
- Nitrogen reducing native marginal and aquatic species (including evergreen plants).
  - The incorporation of distinct zones in the large basins providing the water quality and quantity volume storage in a number of independent cells. These features create increased attenuation, longer pollutant removal pathways (and therefore enhanced pollution removal), easier maintenance regime and more varied ecology.
  - Basin Zones include a sediment forebay, permanent micro pools, attenuation storage volume above permanent pool water level, and aquatic benches surrounding the permanent micro pools, which support wetland planting, acting as a biological filter and providing ecology amenity and safety benefits. Around the micro pools, shallow wet and marshy grassland areas provide further filtration.
- 140 The proposals also include a series of SuDS features along the Link Road route, comprising detention basins and swales, and the proper implementation of a SuDS management/treatment train (as detailed in SuDS specific CIRA criteria and local plan policy DM6) using a combination of upstream Source Control and Strategic SuDS Features will

create greater resilience and allow the system to collect silt at various points, which can be removed during periodic maintenance. Creating a diverse SuDS scheme that encourages sedimentation, filtration and biological uptake throughout the site will reduce the outputs of nutrients and sediments from the site.

- 141 Provided that good practice is followed (including the guidance provided by Natural England and the Environment Agency) via a robust CEMP and that suitable housekeeping and maintenance of the SuDS features (to be secured by an appropriate planning condition) and wider site is undertaken together will ensure that they do not detrimentally affect local biodiversity or the conservation status of the downstream European Designated Sites.
- 142 Stringent monitoring, maintenance and management regimes would be required for both temporary and permanent pollution and sediment management techniques through CEMP measures and SuDS to ensure their effectiveness. An ongoing monitoring and management plan is proposed to monitor the effectiveness of the SuDS system (Water Quality Outline Monitoring and Maintenance Plan Johns Associates, Appendix 11.5 of ES).
- 143 Subject to final details to be assessed under the discharge of condition process, the surface water drainage for the road can be designed to ensure water quality can be protected once operational and meet the requirements of Policies DM6 and DM11. For Habitats Regulations Appropriate Assessment, as Competent Authority, the Council is also satisfied there is no deterioration in water quality and the options above provide the necessary means of mitigation. Similarly, for EIA the conclusion is that, with mitigation, there is no adverse impact on water quality.

### **Air Quality and Ecology**

- 144 As stated above, this road is not directly adjacent any sensitive ecological site, but it is part of a route which would take traffic to Bishopstoke Road, Tollbar Way and the M27 and Natural England have commented in respect of possible impacts on the River Itchen SAC and SSSI and Moorgreen Meadows SSSI. Natural England and Highways England guidance indicates that where traffic flows from a project are predicted to increase by 1000 Annual average daily traffic (AADT) on roads within 200 metres of any legally protected site, air quality impacts need to be considered further. Natural England has asked for verification of the air quality information provided (which concludes no impact on protected sites). The Council's ecologist has reviewed the modelled predictions of changes to critical levels and critical loads for a range of pollutants and concluded that the impacts from air pollution when the proposed Link Road comes into operation are not going to result in adverse effects on the designated interest features of any protected sites and that therefore, no mitigation measures are required.

### **Local Sites of Importance for Nature Conservation**

- 145 There are no Sites of Importance for Nature Conservation (SINC) within the site, but there are 3 of these locally designated areas nearby (Chalcroft Distribution Park, Round Copse and Hearts Copse), which include ancient and semi-natural woodland, and which without appropriate mitigation measures could be adversely affected by the proposed development.
- 146 Policy DM11 provides strong protection for and prevents development which would have a direct or indirect impact on them. Policy HH1 further requires the provision of appropriate buffers in the region of 50m for ancient woodland and 20m for other SINC designations, and also the provision of a comprehensive landscape framework for the site that includes measures to ensure that there is no damage to, and enhancement of the SINC. These criteria are shown to be met by the supporting Landscape and Ecological Mitigation Masterplan (LEMP) (ES Appendix 4 Appendix 10.12) and a Biodiversity Mitigation and Enhancement Plan showing all avoidance, mitigation and compensation measures is also necessary. Comprehensive SuDS and water management schemes to ensure no change to the drainage into the SINC are also necessary. Appropriate fencing and lighting also help to reduce impacts. Submission of a final detailed LEMP is conditioned as part of this recommendation.
- 147 In addition, comprehensive ecological surveys of the OHH site have identified a range of important and priority habitats (under the the Natural Environment and Rural Communities Act 2006). These include ancient woodland, streams, ponds, hedgerows and lowland meadows. This application will result in the loss of floodplain grazing marsh, a priority habitat, along the stream which runs parallel to the proposed link road. The road also crosses this stream at the Tollbrook crossing, an area of floodplain grazing marsh habitat, some of which would be lost, as also at Foxwood watercourse crossing, along with an area of deciduous woodland priority habitat. The Quobleigh crossing may also impact an area of mapped floodplain grazing marsh habitat. The total area of this habitat loss is around 0.53ha. The proposed development seeks to retain and protect and manage the majority of these important habitats. Loss of valuable hedgerows has been minimised to that which is necessary and generally the hedgerows to be lost are of low ecological value with the most important hedgerows to be retained and protected. The loss of woodland where the road crosses the stream and runs up to Fir Tree Lane has been kept to a minimum and compensatory tree planting is also proposed.

### **Protected Species**

- 148 Comprehensive ecological surveys have identified several legally protected species of wild animals within the OHH site. The protected species ecological considerations for the development are numerous and a comprehensive collection of ecological assessments and proposed measures to avoid harm to these species have been submitted.

- 149 These species reports and surveys and impact assessments relate to; bats, great crested newt; otter and water vole; dormouse; birds; badger; and common species of reptiles; ecological lighting baseline and habitat change. Bats, including brown long-eared bats and pipistrelle species bats and their maternity roosts are present, within some buildings and trees and there is extensive important bat foraging habitat particularly along hedges, watercourses and woodland edges. There are two distinct breeding populations (single metapopulation) of great crested newts, a localised population of dormice, and signs of water vole activity. Both barn owls and kingfisher have been recorded and there is a low population of common reptiles including common lizard and slow worm. Otter presence is likely limited to the use of the site as a connective habitat within the wider landscape. Natural England advise that consideration be given to potential disturbance impacts of this species and road fatalities, particularly along the three watercourse crossings which could directly impact Otters' supporting habitats and impede movement and as such measures such as mammal ledges under the bridges have been included within the design of the bridges.
- 150 In addition to seeking to retain important ecological features, measures have been proposed to avoid or mitigate for potentially harmful impacts on these habitats and species during construction phase activities and during the operational phase. Chapter 10 of the Environmental Statement (and December 2021 Addendum) and Air Quality Ecological Assessment for the development have been considered. Mitigation includes:
- buffers and exclusion zones
  - timing of works for example so as to avoid the risks of the killing, injury or disturbance of nesting birds by removing hedgerows and trees outside the bird breeding season;
  - pollution prevention measures to protect water, soil and air quality and;
  - disturbance avoidance measures for sensitive species and especially during sensitive stages of their annual life cycle.
- 151 Measures are proposed to avoid or mitigate the effects of the severance of important foraging and commuting routes, and for disturbance resulting from noise and lighting (both during construction and when operational).
- 152 Some of these mitigation measures for protected species will require Protected Species Licences to be granted by Natural England under Regulation 55 of the Habitats Regulations. Species specific mitigation strategies would be agreed prior to construction works to ensure the coordinated delivery of measures that are responsive, informed by an appropriate monitoring regime as the development progresses. Bats and great crested newts and dormice are specially protected species (Schedule 2 of the Habitats Regulations). The Council when determining the application must have regard to the likelihood of Natural England granting a European Protected Species (EPS) licence in connection with

development, Natural England must consider the three tests set out in subparagraphs (2)(e), (9)(a) and (9)(b) of the EU Habitats Directive

- “(1) Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- (2) Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- (3) Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

- 153 Based on the established need for housing and road infrastructure in Eastleigh, supporting information showing the protection of foraging and commuting corridors plus the mitigation strategies proposed, the development is likely to meet the three derogation tests and Natural England would be likely to grant a licence. There is no reason to believe that such licences will not be granted, subject to the implementation of necessary and appropriate mitigation and compensation measures which have been outlined in the submitted application.
- 154 Ecological survey work identified Himalayan balsam, rhododendron and laurel as being present, predominantly in the north of the site at Quobleigh Woods. For construction of the road, the main risk is from the spread of Himalayan Balsam as a result of disturbance of plants causing seed to be released into the Fair Oak/Quobleigh Stream and carried downstream via the Allington Stream to the River Itchen SAC.
- 155 The submitted ES Chapter 10 Appendix 10.12: Landscape & Biodiversity Design Inherent Mitigation & Enhancement, proposes that the control of INNS during the construction phase is implemented and managed through an invasive species management plan and through appropriate measures included within the CEMP. The most recent CEMP contains a section on biosecurity for controlling the potential spread of INNS during construction. The general approach is consistent with that laid out in CIRIA guidance for managing biosecurity and INNS.

### **Noise, Vibration and Lighting Impacts on Ecology**

- 156 Acknowledging that noise, vibration and lighting can negatively impact ecology unless adequately prevented or mitigated, these impacts require full and detailed assessment to meet Policy DM11 requirements. Information provided by the applicant’s ecologists (John’s Associates) provides evidence that significant impacts from noise and vibrations are unlikely. A lighting impact assessment has been submitted which makes

general provision for lighting levels to be low near sensitive habitats. However, this requires further review and detail and a condition for final details of the lighting scheme is recommended and which needs to be accompanied by a detailed updated lighting impact assessment. Construction phase lighting details are also required within the CEMP.

### **Monitoring and Management**

157 It is essential that all of the submitted measures to avoid or mitigate for significant effects on important ecological features are implemented in a timely manner and are demonstrated to be effective and that existing and proposed ecological features are managed appropriately to ensure that the overall conservation objectives and biodiversity net gain are successfully delivered. This includes measures to:

- Protect off-site features of ecological importance including protected sites in the National Site Network;
- Protect and appropriately manage important habitat features (SINC sites and priority habitats to be retained) during construction and operation;
- Deliver compensation for habitat loss and deliver biodiversity net gain;
- Protect the populations of protected species and priority species.

158 Therefore, it is recommended that any planning permission is subject to comprehensive conditions to ensure that retained and created habitats and mitigation measures for protected sites and species are implemented effectively and that the effectiveness of these measures is monitored. It is also important that where monitoring demonstrates that these measures are not being effective, remedial action is taken. These include conditions for the final production and/or implementation of:

- An Ecological Mitigation and Management Strategy (EMMS);
- An Ecological Mitigation and Management Plan (EMMP)
- A Construction Environment Management Plan (CEMP);
- A Landscape and Ecological Management Plan (LEMP);
- Sustainable Drainage Systems;

159 Overall, with the various mitigation and compensation strategies proposed for the loss of habitat, for the disturbance to known protected species, for the impact upon water quality and water environment on European sites, the proposals will comply with the NPPF and Local Plan policies S1, HH1, DM6 and DM11.

### **Trees**

160 Existing trees on the site are within hedgerows or are stand-alone within an agricultural context. The Arboricultural Impact Assessment (AIA) undertaken in relation to the application identifies key important trees to be retained, and other low value trees for likely removal. There are no trees

subject to a Tree Preservation Order on the site but trees within woodland are to be removed where the road must pass through and one Category B Oak tree is to be removed. There are significant opportunities for extensive new tree planting, for which draft landscaping plans are provided. The new avenue of trees alongside the road would provide significant visual, ecology, climate change, wellbeing and air filtration benefits. Further tree protection measures for retained trees have been provided and as such that there is no objection from the Council's tree team subject to conditions.

- 161 The Trees and Development SPD (April 2022) and NPPF recognise and support the increasing importance of trees in building character and quality of urban environments, as well as their contribution towards mitigating and adapting to climate change and it is the significant new tree planting proposed, ranging from small to large, which will provide a key element to the provision of an attractive and distinctive new development.

### **Climate Change and Environmentally Sustainable Development**

- 162 In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
- 163 The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. It is not part of development plan or emerging plan policy, but it is a material consideration to be considered alongside all other material considerations. The need to provide housing infrastructure is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.
- 164 The NPPF and Local Plan Policies S1, DM2 and DM3 require development to be sustainable in terms of resource use, climate change and energy use. Climate Change is covered across the ES Chapters. When considering the impact of climate change, the proposed development is not expected to be directly impacted by the potential effects of climate change from a transport and access perspective. Extreme weather events now require the drainage scheme and Flood Risk Assessment to address the 1 in 100-year risk of flooding events and allow for climate change in line with the latest guidance. Watercourse crossings for the distributor road also need to be designed so as to prevent and avoid flooding and are designed for the 1 in 1000-year flood event (these

also require consent from the Environment Agency). The ES conclusion is that, with SuDS provision and management, the effect of climate change on flood risk for the site is negligible.

- 165 For the wider housing development Energy and Sustainability Statements have been produced which detail the energy strategy, which would be delivered with the aim of reducing annual energy consumption and this application supports these through the provision of footways, cycleways and a bus route option.

### **Archaeology and Built Heritage**

- 166 There are no Listed Buildings or Conservation Areas within or adjoining the site. The Listed Firtree Farmhouse is nearby but not affected. Whilst there was some potential for prehistoric, Roman, medieval and post-medieval archaeology within the boundaries of the OHH site, recent archaeological fieldwork found no evidence on the application site and the HCC Archaeologist does not require any further investigation.

### **Conclusion on environmental sustainability**

- 167 The concerns raised by objectors are acknowledged, particularly in relation to the risk of surface water flooding. Prevention, monitoring and mitigation of impacts is critical to ensure there is no significant harm to relevant interests and, as detailed above, with the necessary mitigation and site management measures set out within this report, it is expected that the proposed development would be environmentally sustainable.

### **Other Matters**

- 168 The Secretary of State has also twice been notified of the application/applicant with the opportunity given to call in the application for public inquiry but has been content that the decision can be made locally. The applicant, whoever they may be, is not a material consideration in making planning decisions.

### **Equalities Implications**

- 169 Section 149 of the Equality Act 2010 created the public sector equality duty. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act - it is not considered that the application presents any form of such prohibited conduct.
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it - It is not considered that the application presents any form of advancement of inequalities. The Council are fulfilling the aim of the Equality Act through comprehensive planning (having regard to the wider



application) and securing delivery through conditions and, with the wider outline application and detailed residential applications, planning obligations. The NPPF is a material consideration for planning decisions and a framework for plan making. It provides a balanced approach to addressing social, economic and environmental issues through the planning system, while at the same time facilitating a more systematic and positive approach to meeting the full range of identified housing and other needs. This sustainable approach does not discriminate against any element of society. The Local Plan policies are in compliance with the NPPF as such, the impact on protected groups underpins the consideration of this scheme

c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it. - the application does not itself promote or undermine fostering good relations.

170 When making decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raises equality implications in relation to age, race, disability and socio-economic factors.

171 The Council can fulfil this aim of the Equality Act by requiring mitigation actions to be taken and certain actions being taken in relation to people with protected characteristics, as members of the overall community. Conditions secure mitigation measures to reduce impacts during the construction and operational stages to include a CEMP, noise, biodiversity and flood risk mitigation. These will ensure no additional impacts beyond that assessed as within the ES are experienced.

### **Planning Balance**

172 This report has set out the nature of the development and has provided a detailed review of the complex policy and technical issues relating to the proposals. These cut across overlapping economic, environmental and social issues at a local and regional level. The adopted Local Plan (2016-2036) is up to date and this includes Policy HH1, which makes specific provision for development at Horton Heath, including a link road between Burnetts Lane and Allington Lane.

173 A summary of the key benefits and harm resulting from the development as set out below enable a final consideration of the Planning Balance and recommendation

<b>Key Benefit</b>	<b>Summary</b>	<b>Weight attributed</b>
Place-making infrastructure	Development is part of the comprehensive One Horton Heath scheme, the scale of which	Moderate

	enables community and place-making and can include all the mixed and integrated uses needed for sustainable development with an attractive, coherent and distinctive identity which has longevity. This is, however, a standalone application for a road considered on its own merits	
Delivery	OHH is able to deliver the road and associated new homes and meet housing need in the near future. The provision of the link road from Bubb Lane to Allington Lane would divert traffic from existing congested roads to the benefit of those residents living near them.	Significant
Employment	Construction employment	Moderate
Sustainable transport	Provision of new and enhanced cycleways, footways for local and commuter trips as provision for buses.	Significant
Biodiversity	A degree of Biodiversity Net Gain would be achieved including the enhancement of habitats, new hedge and tree planting; water quality improved through ceasing farming of the land. However, some woodland would be lost. Sediments and pollutants would be prevented from reaching the Protected Sites.	Moderate
<b>Key Harm</b>		
Impact on existing Landscape	This is an inevitable consequence of this development. With appropriate design and	Minor

	mitigation, it would not have a significant adverse impact on the landscape character of the local area and, critically, would not cause the unacceptable merging of settlements	
Residential Amenity	Noise and air quality impacts from the road on future residents will need mitigation	Minor
Hydrology	The scheme maintains greenfield rates of run-off and is designed to accommodate the risks of flooding, including that from climate change, and to ensure water quality is maintained	Minor

### **Conclusion and Recommendation**

- 174 Meeting the requirements of Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal does accord with the development plan and there are no material considerations to indicate a decision otherwise than in accordance with the plan.
- 175 The assessment of the individual material considerations has been considered above, including policy documents such as the NPPF. In coming to a recommendation, officers have had regard to the comments received, both in favour and against the proposals, together with the delivery of policy and technical requirements.
- 176 The allocation of this site for mixed use development under Policy HH1 is a significant material consideration and its criteria are met. The extant planning permissions for the site are also material considerations of considerable weight and already grant permission for large-scale mixed-use development.
- 177 This is, however, a balanced recommendation weighing the impacts against the delivery of necessary infrastructure, in what would become a sustainable location. The impacts are acknowledged and addressed but, if mitigated, they would not outweigh the benefits this development would deliver now and in the future, and the application can demonstrate that the development would be economically, socially and environmentally sustainable.

- 178 It is recommended that planning permission be granted subject to completion of the Environmental Impact Assessment process and completion of final conditions should minor updates be necessary (delegated to Executive Head of Planning and Economy in consultation with Chair of HHDMC 26.9.22)

## **Recommended Conditions**

### **Plans compliance**

- 1 The development hereby permitted shall be implemented in accordance with the current and revised plans listed: 29975A/20 Rev C; 29975A/21 Rev C; 29975A/22 Rev C; 29975A/23 Rev A; 29975A/24 Rev B; 29975A/25 Rev C; 29975A/26 Rev B; 29975A/50 Rev A; 29975A/51 Rev A; 29975A/52 Rev A; 29975A/53; 29975A/54; and 29975A/55. Reason: For the avoidance of doubt and in the interests of proper planning.

### **Implementation**

- 2 The development hereby permitted shall begin no later than the expiration of two years from the date of this permission. Reason: To enable the Local Planning Authority to control the development in detail and encourage delivery.

### **SUDS incorporating EA condition 7 and LLFA condition**

- 3 No development shall begin until a detailed final surface water drainage scheme, based on the approved documentation, including at least the 3 forms of naturalised drainage, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment and addendums.
  - b) Groundwater monitoring to be undertaken across the site to inform which drainage features need to be lined to ensure separation of surface water and groundwater.
  - c) Any updated drainage plans and calculations as appropriate to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
  - d) Any updated exceedance plans demonstrating the extent of flooding expected at the 1:100 + climate change event.
  - e) Details of land drainage provision to allow suitable drainage where overland flow routes are disrupted as a result of the development and to manage high groundwater levels
  - f) Details for all run-off from roads and carriageways.
  - g) Details of (number, type and construction of) drainage outfalls to be located in watercourses on site).
  - h) Details to ensure protection of sensitive receiving waters, especially

relating to the prevention of the release of silt and sediment from these SUDS features

- i) A timetable for implementation
- j) Details of protection measures

and within 3 months of the commencement of development details for the long term maintenance, management, adoption and monitoring arrangements for the surface water drainage system shall be submitted to the Local Planning Authority and shall include:

- i. Maintenance schedules for each drainage feature type
- ii. A plan detailing ownership of each drainage feature
- iii. Confirmation that adoption of features is accepted by Southern Water/Highways Authority/other public body
- iv. the responsibilities of each party for the post-construction implementation, management and maintenance of the SuDS scheme

The sustainable drainage system shall be implemented in accordance with the approved details prior to first use of the road and thereafter monitored, managed and maintained in accordance with the approved details.

Reason: To prevent significant damage to water dependent designated species and habitats both on site and downstream within the River Itchen SSSI and SAC. This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity and Policies DM6 and DM11 of the EBLP (2016-2036)

### **Ecological and landscape mitigation strategy (EMMS)**

- 4 No development shall commence (including vegetation clearance, demolition and groundworks) until an over-arching Ecological Mitigation and Management Strategy (EMMS) covering all the proposed development has been submitted to and approved in writing by the Local Planning Authority. The purpose of the EMMS is to provide the basis for more detailed Ecological Mitigation and Management Plans (EMMP's) for each Reserved Matters application or full application and for the Construction Environmental Management Plans (CEMP's). The EMMS shall be based on the recommendations in Chapter 10 and Appendix 10.12 of the submitted Environmental Statement and on the revised Green Infrastructure Parameter Plan (dated 25.05.2021). It shall be based on the most up-to-date ecological survey information and outline the avoidance and mitigation measures to be carried out on-site and off-site, together with a timetable for implementation. The EMMS shall include the following:

- a) Overall risk assessment of potentially damaging site clearance and construction activities;

- b) The extent and location of important ecological features (habitats, including watercourses, ponds, all hedgerows and trees, and species including great crested newt, bats, dormice, otter, reptiles and barn owl) and ecological networks and related green infrastructure identifying those that are proposed to be retained and those proposed for removal and proposed avoidance and mitigation measures, shown on appropriate scale maps and plans;
- c) Identification of 'biodiversity protection zones' within which no construction related activities will take place (including protection zones for SINCs, woodland, hedgerows, ponds and watercourses);
- d) Details of biosecurity arrangements, invasive non-native species control and methods for preventing the spread of non-native species;
- e) Include a Biodiversity Net Gain Plan based on current DEFRA advice which delivers a site wide minimum of +10%
- f) Outline the requirements for updated ecological surveys to inform mitigation measures and the timetable for each survey;
- g) Identify where Protected Species Licences will be required to enable the proposed development to proceed lawfully;
- h) Outline practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during site clearance and construction including the location and timing of sensitive works to avoid harm to important biodiversity features (may be provided as a set of method statements);
- i) The times during construction when specialist ecologists need to be present on site to oversee works.

The approved EMMS shall be adhered to and implemented in accordance with the approved details.

Reason: To protect features of ecological importance during site clearance and construction in accordance with paragraph 174 of the National Planning Policy Framework (NPPF), July 2021 and Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036) April 2022. The EMMS will provide the ecological baseline and the framework for managing impacts to biodiversity throughout the lifetime of the construction. It will form the basis for more detailed Ecological Mitigation and Management Plans to accompany each subsequent application.

### **Ecological Mitigation and Management Plan (EMMP)**

- 5 No development shall commence (including vegetation clearance and groundworks) until an Ecological Mitigation and Management Plan (EMMP) covering all the proposed development within that phase has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall be based on the approved Ecological Mitigation and Management Strategy (EMMS) and the recommendations in Chapter 10 and Appendix 10.12 of the submitted Environmental Statement and on the revised Green Infrastructure Parameter Plan (dated 25.05.2021). They shall be based on up-to-date ecological survey information and detail the avoidance and mitigation measures to be carried out on site and off-site, together with a timetable for implementation. The development shall be carried out in

accordance with the approved details. The EMMP shall include the following:

- i. Detailed risk assessment of potentially damaging site clearance and construction activities;
- ii. Details of the extent and location of important ecological features (habitats, including watercourses, ponds, all hedgerows and trees, and species including great crested newt, bats, dormice, otter, reptiles and barn owl) and related green infrastructure and proposed avoidance and mitigation measures, shown on appropriate scale maps and plans;
- iii. Identification of 'biodiversity protection zones' within which no construction related activities will take place (including protection zones for SINCs, woodland, hedgerows, ponds and watercourses);
- iv. Details of the requirements for updated ecological surveys to inform mitigation measures and the timetable for each survey;
- v. Include a Biodiversity Net Gain Plan based on current DEFRA advice which enables delivery of a site wide minimum of +10%
- vi. Identify where Protected Species Licences will be required to enable the proposed development to proceed lawfully;
- vii. Detailed practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during site clearance and construction including the location and timing of sensitive works to avoid harm to important biodiversity features (may be provided as a set of method statements)
- viii. The times during construction when specialist ecologists need to be present on site to oversee works.  
The approved EMMP shall be adhered to and implemented in accordance with the approved details.

Reason: Reason: To protect features of ecological importance during site clearance and construction in accordance with paragraph 174 of the National Planning Policy Framework (NPPF), July 2021 and Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036) April 2022. The EMMP's will provide the detailed measures for managing impacts to biodiversity throughout each phase of the construction. They will be based upon the Ecological Mitigation and Management Strategy once submitted and approved by the local planning authority.

### **LEMP incorporating EA condition 6**

- 6 Within 3 months of commencement of development a final updated Landscape and Ecological Management and Enhancement Plan (LEMP) shall be submitted to the local planning authority. The purpose of the LEMP is to ensure that all the ecological features to be retained and those that are to be created, restored or enhanced are appropriately managed and monitored to deliver the conservation objectives for the development. The content of the LEMP shall include the following:
  - i. Details, extent and type of new planting (planting shall be of native

- species appropriate to the area).
- ii. Details of long term management and maintenance including that for watercourses, buffers around watercourses and wetland habitats and invasive non-native species controls;
  - iii. Details of new and compensatory habitat created on site including details of target condition for the retained habitats and those created, restored or enhanced and monitoring methods and remedial measures to ensure these targets including a minimum 10% Biodiversity Net Gain are achieved as calculated by the Biodiversity Metric 3.0;
  - iv. Details of watercourse buffer zones including the planting and long-term management of watercourses and their associated buffer zones;
  - v. details of management responsibilities including description and evaluation of the ecological features to be managed;
  - vi Ecological trends and constraints on site that might influence management;
  - vii. Prescriptions and specifications for management actions;
  - viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) to deliver the management and monitoring actions;
  - ix. Details of the body or organization responsible for implementation of the plan;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be fully implemented in accordance with the approved details prior to first use of the road and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that ecological management measures are appropriately devised and implemented effectively so that the overall conservation objectives of the development (including Biodiversity Net Gain) are achieved and maintained over the lifetime of the development, in accordance with paragraph 179 of the National Planning Policy Framework (NPPF), July 2021 and Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036) April 2022.



## **Lighting**

- 7 Within 3 months of the commencement of development, a final lighting design strategy for biodiversity and amenity shall be submitted to the local planning authority. The strategy shall:
- i. identify those areas/ecological features and the species they support that are particularly sensitive to artificial lighting and where artificial lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - ii. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Unless otherwise agreed in writing by the Local Planning Authority, the lighting strategy shall broadly accord with the submitted Lighting Impact Assessment (Hydrock, 23.7.21) recommendations and conclusions and follow the advice and guidance of the Institute of Lighting Professional (ILP)'s publication "Guidance Notes for the Reduction of Obtrusive Light" and the Bat Conservation Trust and ILP Guidance Note 08/18 "Bats and artificial lighting in the UK. All external lighting shall be installed in accordance with the approved details prior to first use of the road with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that crepuscular and nocturnal animal species are not significantly disturbed by artificial lighting such that it adversely affects their breeding, roosting, foraging and commuting patterns and behaviour and to protect residential amenity and provide security measures.

## **Arboricultural Impact and Method Statement**

- 8 The development must accord with the arboricultural reports reference 11705\_R08a\_RA-CW dated 18/10/2021 and 11705\_R09a\_RA-CW dated 18/10/2021. No excavation, demolition or development related works within 40 metres of the location of the tree protection measures shall commence until suitable photographic evidence has been submitted and approved by the Local Planning Authority that the tree protection measures have been installed, as per the approved tree protection plan contained within the report reference 11705\_R09a\_RA-CW dated 18/10/2021 . Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified

subject to written agreement from the Local Planning Authority. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.

### **Unexpected contamination**

- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority and any recommendations complied with. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority and the road hereby approved shall be brought in to use until such approval is provided. Reason: Reason: in the interests of human health and in order to comply with EBLP April 2022 Policy DM8

### **Acoustics**

- 10 Prior to the commencement of development (excluding vegetation clearance, demolition and groundworks) a detailed Noise Mitigation and Management Scheme detailing in full the noise reduction specifications for the top surface of the link road and any acoustic wall/fence/bund provisions shall be submitted to and approved in writing by the local planning authority. The agreed measures shall then be fully installed in accordance with the approved details prior to first occupation of any adjoining dwellings to the link road and thereafter retained and maintained to the satisfaction of the local planning authority.

### **CEMP including CTMP**

- 11 Before any site clearance or development commences, a final Construction and Environmental Management Plan (CEMP), to include Code of Construction Practice and a Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
  - a. the indicative timing and phasing of the works (including all piling, the prevention of works during periods of heavy rainfall events and the timing of ground works close to watercourses so as to avoid sensitive spawning periods for Atlantic salmon)
  - b. confirmation that there will be no burning of site clearance or waste on site
  - c. the location of temporary site buildings and plant and material storage areas,
  - d. the arrangement for construction deliveries including construction traffic routing (including any restrictions),

- e. measures to prevent or minimise the risks of air pollution (through controls over dust emissions, exhaust emissions, bonfires etc.);
- f. temporary construction car parking and turning provisions both on and off-site,
- g. temporary artificial lighting, including hours of lighting,
- h. mud on the road mitigation,
- i. a scheme for controlling noise and vibration from construction activities (to include piling) so as not to disturb sensitive biodiversity or harm residential amenity;
- j. the protection, closure and/or diversion of public rights of way during construction,
- k. storage of and collection of waste
- l. controls for the volume and the quality of surface water runoff (including treatments for pollution) and which prevent or minimises the risks of land contamination and water pollution (including minimising the area of land that is disturbed and exposed, temporary covering/protection of disturbed areas, the installation of temporary SUDS, the use of silt traps, etc)
- m. watercourse crossings and any proposed diversions (temporary or permanent),
- n. a map or plan showing habitat areas to be specifically protected (identified in the ecological reports) during the works and any necessary mitigation for protected species to include appropriate buffers, exclusion zones, protective fencing, etc. to avoid damage to hedgerows, trees, streams and other important ecological features;
- o. Information on the persons/bodies responsible for particular activities associated with the construction phase to include suitably competent SHEQ's on site at all times during construction who can monitor and control activities in accordance with the agreed CEMP and who shall ensure that there are satisfactory monitoring and reporting arrangements and that incidents and emergencies are immediately reported to the local planning authority.

All works shall be carried out in accordance with the approved CEMP and should have due regard to the advice and guidance contained in British Standard BS5228:2009 (A1 2014) "Code of Practice for noise and vibration control on construction and open sites".

Reason: in the interests of amenity, highway safety, flood risk prevention and the protection of ecology and watercourse features during construction.

### **Construction Hours**

- 12 Unless otherwise agreed in writing by the Local Planning Authority, the hours of all demolition and construction works shall be restricted to 0800 - 1800 hours Monday to Friday, 0800 - 1300 on Saturday, and at no other time on Sundays, Bank and Public holidays. Reason: To protect the amenities of occupiers of any nearby premises

### **Final landscaping plans**

- 13 Within 3 months of the commencement of development (excluding vegetation clearance, demolition and groundworks) final hard and soft landscaping details and maintenance and management proposals shall have been submitted to the Local Planning Authority. The final details shall be in broad accordance with the submitted drawings and documents ref DD508.R10 Link Road Infrastructure Landscape Principles and the amended Landscape Strategic Arrangement Drawings 1-5 and shall be fully consistent with drawings submitted for planning application F/20/89500. Unless otherwise agreed the landscaping shall be in undertaken in accordance with the approved details prior to first use of the road. Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and biodiversity.

### **Replacement of failed landscaping**

- 14 All works approved under condition 13 including hard & soft landscaping, tree planting and boundary treatments shall be carried out in accordance with the approved details and to the appropriate British Standard and written verification that the approved plans have been fully implemented shall be submitted to the Local Planning Authority for approval within 3 months of the completion of the works. For a period of no less than 10 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and biodiversity.

### **Highway works**

- 15 Prior to the commencement of associated works final details of the design and timing of works for visibility splays, refuges, additional junction designs, footway/cycleway crossings including any signalisation, bus stop and bus infrastructure and adoption provisions for pedestrian and cycle bridge structures shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented in accordance with the agreed timescales. Reason: in the interests of highway safety.

### **Footpath protection and diversion**

- 16 Unless otherwise agreed in writing by the Local Planning Authority, the works proposed to safeguard and divert Public Rights of Way shall be fully implemented in accordance with the amended Landscape Strategic Arrangement Drawings 1-5 received 20.7.22 prior to first use of the road. Reason: in the interests of highway safety and public amenity

## **Employment and Skills Plan**

17. The submitted and approved Employment and Skills Plan – Road Three received 2.9.22 shall be fully complied with during the construction phase unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide employment and skills development opportunities as a result of the development.

### **EA condition 1 Flood Risk Assessment Implementation**

- 18 The development shall be carried out in accordance with the submitted flood risk assessment (ref number *G277*, titled *One Horton Heath Chalcroft Avenue Flood Risk Assessment*, compiled by *PFA Consulting* and dated 27.07.2021) and the following mitigation measures it details:
- The proposed Quobleigh Stream Road Bridge shall have a soffit level set no lower than 16.20mAOD.
  - The proposed Quobleigh Stream Footbridge shall have a soffit level set no lower than 16.27mAOD.
  - Bridge crossings on main rivers shall have their soffits set no lower than 600mm above the modelled flood level
  - Compensatory storage shall be provided as detailed in the document titled Quobleigh Stream Floodplain Compensation reference number 10413-SEG3-245.

These mitigation measures shall be fully implemented prior to first use of the road and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change

### **EA condition 2 Implementation of Flood Model Drawings**

- 19 The development shall be carried out in accordance with the following drawings included and assessed within the submitted flood risk modelling
- Titled "Quobleigh Stream Floodplain Compensation", Reference Number "10413-SEG3-245", Revision P1, dated July 2021
  - Titled "Quobleigh Stream Bridge Footbridge", Reference Number "10413-SEG3-1003", Revision T4, dated October 2021
  - Titled "Quobleigh Stream Bridge Structural General Arrangement", Reference Number "10413-SEG3-1000", Revision T2, dated September 2021
  - Titled "Overall Site Layout 'The Avenue Northern Section'", Reference Number "10413-SEG3-214", Revision P3, dated January 2022.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. The condition is in line with the PPG to the NPPF for Flood Risk and Coastal Change

**EA condition 3 Scheme to be submitted for undeveloped buffer zone**

20 No development within the 10m buffer zones for any watercourse within the site shall take place until a working method statement to cover in, within 10 metres buffer zones of, or able to affect (source-pathway-receptor) any watercourse or aquatic habitat on the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

The method statement shall cover the following requirements:

- Timing of works
- Details of temporary watercourse crossings including (but not limited to) types of crossing used, installation methods, re-instatement following removal, fish rescue/removal)
- Details of use of construction machinery including the location and storage of plant, materials and fuel, access routes and haul roads, biosecurity).
- Details of water management arrangements during construction including SUDS and other pollution control and prevention measures especially with regards to measures used to prevent the release of soil, silts and sediments, chemicals and fuels/oils into watercourses.
- Details of protection of watercourses through the use and management of buffer zones
- Details of pollution prevention and spillage control arrangements.

Reason: The construction phase of any proposed development affecting the watercourses and aquatic habitats on site and the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) downstream of the site significant risks of, for example: damage to water dependent designated species and habitats both on site and downstream within the River Itchen SSSI and SAC. This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of

linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

#### **EA condition 4 – Bridge designs**

- 21 No bridge development shall take place until the detailed design of all proposed bridges crossing watercourses has been submitted to and approved in writing by the Local Planning Authority. The bridges shall be constructed as approved and any variation shall be agreed in writing by the Local Planning Authority.

The bridge designs shall include the following:

- Suitable mammal ledges and tunnels (as appropriate) and how these will be incorporated in the design.
- Construction methodology, including any temporary works to the existing watercourse, its bed and banks.
- Re-instatement of the watercourse following bridge construction, including the provision of appropriate mitigation measures and compensatory habitat creation where required.
- Details of landscaping, planting, and the creation and long-term management of watercourses and their associated buffer zones. All planting in and within 10 metres of any watercourses must be of native species appropriate to the location.

Reason: To protect the wildlife and habitat within the development site and avoid damaging the site's watercourses. This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

#### **EA condition 5 – Diversion of watercourses**

- 22 No development within 30m of any existing watercourse shall take place until the details of any temporary or permanent diversion of any watercourses on site has been submitted to and approved in writing by the Local Planning Authority. Any diversions shall be constructed as approved and any variation shall be agreed in writing by the Local Planning Authority.

Details shall include (although not limited to):

- Cross sections and long sections
- Details of how appropriate hydrological regimes will be maintained to

ensure no detriment to aquatic habitats and species

- Timings of works
- Method of works
- Pollution prevention measures, especially regarding release of silt or sediment.
- Habitat protection and creation including any planting and landscaping plans
- Fish removal (if necessary).

Reason: To protect the wildlife and habitat within the development site and avoid damaging the site's watercourses. This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

#### **LLFA condition Surface Water Flood Risk areas**

- 23 No development within areas identified as High or Medium Surface Water Flood Risk shall begin until further details have been submitted to and agreed in writing with the Local Planning Authority of the areas of surface water flood risk being affected due to the development, including details of compensation in a suitable location. The agreed works shall be fully implemented and thereafter retained and maintained for this purpose. Reason: to ensure the development does not increase flood risk in other areas.

#### **LLFA condition Drainage Works Verification**

- 24 Within 3 months of the completion of the drainage scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall contain as built plans and photographs of surface water drainage assets in situ to demonstrate correct construction has taken place. Photographs of excavations, soil profiles and any installation of flow control devices shall also be included. LPAs should also periodically review the construction of surface water management systems on new development to ensure it continues to adhere to best practice and industry standards. Reason: to ensure the drainage scheme is properly installed so as not to increase flood risk.

#### **LLFA condition Existing Watercourse checks**

- 25 The condition of the existing watercourse/ditch/drain/sewer up to and including the Main River which will take surface water from the development site shall be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation,



restitution, and replacement shall be undertaken. Evidence of this, including photographs shall be submitted to the Local Planning Authority. No development shall begin until written agreement in principle has been submitted and approved by the Local Planning Authority. This should include agreement for the both the principle of connection(s) and discharge rate(s). Ordinary Watercourse consent will also be required for the structure connecting to the watercourse. Reason: to ensure appropriate water drainage so as not to increase flood risk.

### **Notes to Applicant**

In accordance with the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

### **Southern Water advice:**

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to

[Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk). Restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers"

([southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf](https://southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents](https://water.org.uk/sewerage-sector-guidance-approved-documents)) with regards to any landscaping proposals and SW restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

advice - Environmental Permit

### **Environment Agency advice:**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact

Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Natural England advice:**

#### **Protected Species licence**

Site clearance and construction works that could result in harm or disturbance to species listed on Schedule 2 of the Conservation of Habitats and Species Regulations, 2017 (as amended) or their breeding sites or resting places, shall not in any circumstances commence unless the local planning authority has been provided with either:

- i. a licence issued by [the relevant licensing body] pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- ii. written confirmation from Natural England or accredited ecologist that the operation does not require such a licence.
- iii. The works must be undertaken strictly in accordance with the methods, conditions and limitations of the licence granted.

#### **HCC Countryside advice**

i Nothing connected with the development, or its future use should have an adverse effect on the right of way, which must always remain available for public use.

ii All vehicles and plant crossing a Public Right of Way and should give way to public users, which could include horse-riders and cyclists, at all times.

iii Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

iv. There must be no surface alterations to a Public Right of Way without the prior consent of Hampshire County Council as Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.

#### **HCC Highways advice:**

i The specific location and design of vehicular junctions (including capacity modelling and in accordance with measured speeds) and pedestrian crossing points are to be agreed at the reserved matters stage should the outline application be granted planning permission

ii The bridge structures not to be adopted by the Highway Authority crossing Quobleigh and Foxwood Streams shown on drawings 10413-SEG3-1003 T2 and 10413-SEG3-1004 T2 and forming part of the continuous pedestrian and cycle route adjacent to the link road should be

adopted by Eastleigh Borough Council and maintained and available to the public in perpetuity.

### **LLFA advice**

Ordinary Watercourse consents are also required

## **177 Environmental Impact Assessment Procedure – Conclusion**

The application has been assessed under the EIA procedures and this report (as updated) constitutes that assessment. In line with guidance Reasons for Approval are required to be given as follows:

1. The proposal is considered to represent a sustainable form of development. The proposal is therefore in accordance with the National Planning Policy Framework (July 2021) (NPPF) and Adopted Eastleigh Borough Local Plan Policy DM2 and S1.
2. The proposed development would have an impact on the local landscape character and scenic quality of the area but would successfully mitigate that impact. The proposal therefore complies with the National Planning Policy Framework (July 2021) and Adopted Eastleigh Borough Local Plan Policy DM1 and DM32.
3. The proposal would conserve the biodiversity value and nature conservation interests of the site and Nationally Designated areas and as such the proposal would comply with the National Planning Policy Framework (July 2021) and Adopted Eastleigh Borough Local Plan Policies DM6 and DM11.
4. The proposed development would provide safe access in accordance with highway requirements, and as such would accord with the National Planning Policy Framework (July 2021) and Adopted Eastleigh Borough Local Plan Policies DM1 and DM14
5. Adequate drainage (surface water) can be provided for the development and can be adequately controlled through other legislation, and through planning conditions, so as to ensure that there would be no flooding risk to property or biodiversity. The proposal accords with the National Planning Policy Framework (July 2021) and Adopted Eastleigh Borough Local Plan Policies DM5 and DM6.
6. The proposal would not result in unacceptable adverse harm to the amenities of existing nearby properties or proposed dwellings. The proposal would therefore accord with Adopted Eastleigh Borough Local Plan Policy DM1.
7. The conditions would ensure that the development provides adequate mitigation in relation to ecology, amenity, highway safety, water quality and flood risk.

The development therefore complies with the National Planning Policy Framework (2021); the Development Plan and the Council's adopted Supplementary Planning Documents.

The Secretary of State will be notified of any decision to grant permission and this decision would also be advertised in line with EIA Regulations

F/21/91185



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Address: Land between Burnetts Lane  
and Allington Lane.

Date: 13/04/2022

Scale: 1:10000