

## CHAPTER 10 - TRANSPORT AND INFRASTRUCTURE

### 10.1 OMISSION

#### Representations

GOSE

TI01-172/60-ID-O

#### Issue

- a. Whether the public transport provisions of the Plan accord with advice in PPG 13.

#### Inspector's Reasoning and Conclusions

- 10.1.1 Planning Policy Guidance Note 13: *Transport* (PPG 13) states that development plans should identify areas of public transport improvement in conjunction with work on the Local Transport Plan (LTP). With regards to rail travel there is an aspiration to re-open the Eastern Docks Line and provide a new rail station in the vicinity of Canute Road<sup>1</sup>. Policy TI 4 safeguards land for this purpose. The LTP indicates the long term objective of developing Southampton Central Station into a high quality multi-level public transport interchange. This is addressed through Policy MSA 2. The need for improvements to bus services and routes and the contribution to public transport initiatives are referred to in Chapter Two of the Plan<sup>2</sup>.
- 10.1.2 In the circumstances, I am satisfied that the Plan has been prepared in accordance with advice in Paragraph 74 of PPG 13. I do not therefore consider that changes are needed in response to GOSE's concerns on this point.

### RECOMMENDATION

**I recommend that no modification be made to the Plan in response to this objection.**

### 10.2 PARAGRAPHS 10.6 AND 10.7

#### Representations

GOSE

Hermes Property Asset Management Ltd

TI01-172/59-ID-O

TI01-413/27-RD-O

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<sup>1</sup> See Core Document CD14/1.

<sup>2</sup> See Policy SDP 2 and its supporting text.

## Issues

- a. Whether the Plan should make reference to park and ride facilities outside of the Council's administrative boundaries.
- b. Whether park and ride would affect short term car parking in the city centre.

## Inspector's Reasoning and Conclusions

- 10.2.1 GOSE objects to the reference in Paragraph 10.7 of the Local Plan to park and ride sites outside the Council's administrative boundaries. Policy T16 in the Structure Plan sets out the wider context for bus-based park-and-ride in the Nursling, Windhover and Stoneham areas. I agree with GOSE that it is unnecessary and contrary to advice in PPG 12 for the Local Plan to extend its land use preferences beyond its boundaries. That the Council will liaise with neighbouring authorities to achieve Structure Plan objectives is commendable. However, Paragraph 10.7 of the Local Plan is inappropriate and should be deleted.
- 10.2.2 Hermes Property Asset Management Ltd support the development of park and ride sites around Southampton, providing they are not at the expense of convenient short stay shopper car parking in the city centre. Government policy seeks to encourage people to use modes of travel other than the private car. With that objective in mind, park and ride facilities, along with other management measures, can have a considerable influence on the travel choices people make. However, there will still be a need to make some provision for short term car parking in the city centre as is recognised in the Plan. I do not consider that the Plan needs to be changed in response to the points made by the Objectors.

## RECOMMENDATION

**I recommend that the Plan be modified by deleting Paragraph 10.7.**

## 10.3 POLICY TI 1: CITY CENTRE PARKING PROVISION

### Representations

Strategic Rail Authority	TI01-9/2-ID-O
GOSE	TI01-172/58-ID-O
Hermes Property Asset Management Ltd	TI01-413/13-ID-O*
John Lewis Partnership	TI01-1022/5-ID-O
National Car Parks Ltd	TI01-1116/1-ID-O

\*This objection also includes comments made at Revised Deposit stage, which were not given a separate objection number.

## Issues

- a. Whether the policy serves a useful planning purpose.
- b. Whether the Plan should allow for further long term parking provision.

## Inspector's Reasoning and Conclusions

- 10.3.1 PPG 13 points out that car parking has a considerable influence on the determination of travel modes. It also takes up a large amount of space. GOSE is concerned that the Council has not considered other uses for this city centre site in view of the emphasis that the government places on urban renewal. However, the Salisbury Street car park has now been built and in the circumstances there seems little point in a policy that safeguards the land for this purpose or including the background information in the supporting text.
- 10.3.2 Hermes consider that the policy should allow for further long and short term public parking for shoppers in the city centre where a need can be demonstrated. The Local Transport Plan aims to reduce the number of car borne journeys to the city centre and to meet the short term needs of shoppers and visitors by all modes of travel. Conversely, it aims to discourage further long-stay commuter parking.
- 10.3.3 John Lewis Partnership object to any selective demand management measures that would make driving to edge or out-of-centre retail destinations more attractive than a visit to the city centre. The LTP recognises this and, as I have said already, aims to discourage long stay parking and increase the turnover of available spaces<sup>3</sup>. There is no proposal to introduce parking management measures that prejudice short stay car parking although there is an overall objective to encourage more journeys by alternative modes to the private car. This is in line with national planning policy. The Objectors raise issues about the traffic implications of retail allocations at the Millbrook and the Pirelli site through further representations. I have dealt with retail matters in Chapter 8 of the Plan.
- 10.3.4 National Car Parks Ltd consider that long term parking should be allowed to be replaced in the event of redevelopment for alternative uses. In the Council's response it is stated that such replacement would be permitted. However the LTP actually aims to reduce long-stay parking in Council controlled car parks and it comments that there will be close liaison with other operators of public car parks in the city. It seems to me that if car park sites are redeveloped there should not necessarily be provision for replacement of long term spaces.
- 10.3.5 The Strategic Rail Authority objects to the policy on the grounds that it would preclude the provision of commuter parking at Southampton Central Station. I consider the development of this

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<sup>3</sup> See Section 9.2 in the Local Transport Plan – Core Document CD14/1.

site under Policy MSA 2 and conclude that a degree of further car parking at the station would accord with the Regional Transport Strategy (RTS) providing it is part of an integrated surface access strategy<sup>4</sup>. However as the Council comments, the LTP seeks to reduce car journeys into the city centre. The provision of large amounts of commuter parking at the station would not accord with this objective.

- 10.3.6 Paragraph 2.31 of PPG 6 says that the main need is for parking in town centres to serve the centre as a whole rather than individual developments. Local authorities are encouraged to promote such provision through public-private partnerships and allocate sites to serve shoppers and others needing short term car parking. The Local Plan makes no specific allocation for a new car park save for that at Salisbury Street. As I have recommended deletion of the reference to this car park there seems little purpose in retaining a policy that relates to the management of further public car parking provision.

### **RECOMMENDATION**

**I recommend that the Plan be modified by deleting Policy TI 1 and its supporting text at Paragraphs 10.8-10.11.**

## **10.3 POLICY TI 2: SAFEGUARDING FOR TRANSPORT IMPROVEMENTS**

### **Representations**

City of Southampton Society	<u>TI02-640/11-ID-O</u>
Eastleigh Borough Council	TI02-1015/4-ID-O
Councillor Samuels	TI02-1213/4-ID-O

### **Issues**

- a. Whether adequate provision is made to safeguard land needed for transport improvements during the lifetime of the Plan.
- b. Whether provision should be made in the Plan for the South Hampshire Rapid Transit.

### **Inspector's Reasoning and Conclusions**

- 10.3.1 The safeguarding scheme relates to the southern section of the city centre ring road and will form part of the Western Approach to the Port of Southampton proposal, which aims to provide improved access to the Eastern and Western Docks and the city centre for vehicles and freight traffic. The scheme is identified in the LTP as three separate and independent schemes<sup>5</sup>. As implementation of any of them will be independent of the others it would seem more appropriate for the policy to list them separately.

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<sup>4</sup> See RTS Paragraph 9.64 - Core Document CD4/2

<sup>5</sup> See Local Transport Plan, Paragraphs 10.1.24-10.1.28 (Core Document CD14/1).

- 10.3.2 The City of Southampton Society consider that these improvements are a vital part of the waterfront development and should be implemented at an early stage of that development. The LTP envisages the Town Quay scheme as falling within the current 5-year capital programme period but it will depend on developer contributions and land availability as it involves operational port land. The Objectors also question whether traffic flows will materially improve but I do not consider that this is a matter for the Local Plan.
- 10.3.3 Policy T11 in the Structure Plan refers to the safeguarding of land for the South Hampshire Rapid Transit, which includes a link between Southampton and Fareham to be undertaken within the Plan period. Eastleigh Borough Council objects to the lack of reference to this proposal in the Local Plan, apart from in Paragraph 1.49. The Council points out that phase one of this scheme (in Portsmouth) is not due for completion until 2007. Whilst there is a long-term aspiration to extend the link to Southampton by 2013, I understand that no detailed feasibility work has yet been undertaken and that there is no commitment in the LTP at the present time. In the circumstances I agree with the Council that it would be inappropriate to safeguard land for the SHRT in the Local Plan. The situation should however be kept under review although the Council comment that it is expected that the track-based public transport system would be largely within existing rail and highway boundaries.
- 10.3.4 Councillor Samuels consider that safeguarding and road improvements should be made in other parts of the city. The LTP contains details of improvements to Bassett Avenue and The Avenue which I understand are to be carried out as a phased programme over the next few years. I have also dealt with this area under Policy SDP 3. As far as I am aware the LTP does not include proposals to widen the Bullar Road Bridge and there are no plans for the Northern Railway bridge referred to by the Objector. Whether an increase in width will be necessary to accommodate the SHRT is a matter that is unknown at the present time. In the circumstances it would be inappropriate to safeguard land for this purpose.

#### **RECOMMENDATION**

**I recommend that the Plan be modified by listing Town Quay Road and Platform Road as two separate items in Policy TI 2.**

## 10.4 POLICY TI 3: VEHICULAR ACCESS

### *(Proposed Change 84)*

#### **Representations**

GOSE	TI03-172/119-RD-O
GOSE	TI03-172/120-RD-O
The Highways Agency	TI03-1191/8-RD-O

#### **Issues**

- a. Whether the Plan should also address the Strategic Road Network.
- b. Whether the supporting text is overly detailed.

#### **Inspector's Reasoning and Conclusions**

- 10.4.1 Proposed Change 84 removes the word “normally” from the policy. I support this change, which affords greater clarity. The word should also be removed from the supporting text and replaced with the word “usually”. This would meet GOSE’s objection on this point. The Highways Agency would like specific reference in the text to the fact that direct access onto the motorways will not generally be permitted. However, PPG 12 advises against including provisions in the reasoned justification that will be used for taking decisions on planning applications. Anyway, it seems to me unnecessary to do so as Structure Plan Policy T6 addresses accesses onto the Strategic Road Network.
- 10.4.2 I agree with GOSE that some of the text in Paragraph 10.16 is unnecessarily detailed. Whilst ideally vehicles should be able to enter and leave the site in a forward gear there may be times where this will not be possible or necessary. Such situations will need to be considered at planning application stage, taking account of the individual circumstances. I recommend deletion of the second sentence of Paragraph 10.16 accordingly.

#### **RECOMMENDATIONS**

**I recommend that the Plan be modified in accordance with Proposed Change 84 and as follows:**

- ◆ **By replacing the word “*normally*” with “*usually*” in Paragraph 10.16.**
- ◆ **By deleting the second sentence in Paragraph 10.16.**

## 10.5 POLICY TI 4: WATERFRONT RAIL STATION

### Representations

Strategic Rail Authority	<u>TI04-9/3-ID-O</u>
GOSE	TI04-172/61-ID-O
Network Rail	<u>TI04-514/3-ID-O</u>
Associated British Ports	TI04-1113/14-RD-O
Councillor Samuels	TI04-1213/5-ID-O

### Issues

- a. Whether a new station at Canute Road is likely to be implemented within the Local Plan period.

### Inspector's Reasoning and Conclusions

- 10.5.1 In order to improve the connectivity of Ocean Village it is proposed to open up the Docks rail line to regular passenger traffic. The LTP points out that this is already signalled and occasionally used for passenger services to cruise liners. A new station at Canute Road would not only serve Ocean Village but also the new football stadium at Northam. A number of representations have been received in support of the facility. The Strategic Rail Authority have identified the station as being a long term proposal requiring further study so that its economic and operational impact on the network can be evaluated. Railtrack's support is qualified by saying that the scheme must be operationally, technically and commercially viable and have the support of the relevant train operator.
- 10.5.2 It seems to me that there are many unknown variables at the present time and I can appreciate GOSE's concern about the uncertainty of this project. PPG 13 encourages local authorities to identify sites in their development plans for improving rail travel including re-opening rail lines and creating new stations. The benefits of such a project would be considerable. It seems to me that developing the full potential of Ocean Village depends to a large degree on improving accessibility and that the rail link would be important in achieving this objective. PPG 12 cautions that safeguarding schemes need to be realistic with regards to the prospects for implementation during the Plan period and in order to avoid blight. However, in this case I consider that it would be in the public interest to retain the safeguarding.
- 10.5.3 Associated British Ports (ABP) are concerned that the proposal to open up the Eastern Docks branch line to passenger services could unacceptably compromise the movement of freight to and from the port along this route. The Port operator points out that rail is an important means of transport for freight movement and that train movements are expected to grow during the Local Plan period. ABP points out that the rail route between Southampton and the East Midlands is recognised in the Regional Transport

Strategy (RTS)<sup>6</sup> as being of regional importance for freight movement.

- 10.5.4 The Objectors would like text to be included that the station and passenger use of the line must not adversely affect rail access to the Docks or prejudice the regional objective of the Port to continue to increase the movement of cargo by rail. However, the operational needs of the Port would be one factor that would need to be considered in the studies that Railtrack have said will need to be done before this proposal can be implemented. In the circumstances I do not consider it necessary to add further text as suggested by ABP.
- 10.5.5 There seems to me to be a considerable amount of work to be done before it can be determined whether a new station at Canute Road would be feasible. The Council need to be confident that there is a realistic prospect that the project will come on stream during the Local Plan period. Nevertheless, in view of the importance of this project to the City I believe that every effort should be made to move the matter forward quickly. For these reasons I support Policy TI 4.
- 10.5.6 Councillor Samuels has made a number of points about the underuse by commuters of the suburban railway stations and has suggested ways to remedy the situation, including better commuter parking. I agree that there needs to be more encouragement for people to use these facilities in preference to their cars. However, the Council point out that parking facilities already exist but are underused. It seems to me that there are also wider issues regarding transport choice, and that providing more parking at suburban stations is not necessarily the answer. As PPG 13 points out, whilst this can increase the catchment area for rail travel it can also increase congestion in the surrounding area. Proposals for development at Southampton Central Station are dealt with under Policy MSA 2.

## RECOMMENDATION

**I recommend that no modifications be made to the Plan in response to these objections.**

## 10.6 POLICY TI 5: RAIL FREIGHT AND SIDINGS SITE

### Representations

Network Rail	TI05-514/7-RD-O
Eastleigh Borough Council	TI05-1015/5-ID-O
Freightliner Ltd	TI05-1033/3-RD-O
Associated British Ports	TI05-1113/15-RD-O

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<sup>6</sup> Inspector's Note – The Regional Transport Strategy was approved in 2004 and replaces Chapter 9 of RPG 9 (Core Document CD4/2).



## Issues

- a. Whether the Plan provides sufficient support for movement of freight by rail.
- b. Whether the policy should make provision for redevelopment of land surplus to requirements for rail freight use to other purposes.
- c. Whether Southampton Maritime should be safeguarded for rail freight use.

## Inspector's Reasoning and Conclusions

- 10.6.1 The RTS encourages the rail system to carry a greater share of freight movements and the Southampton to West Midlands rail corridor is the highest priority in terms of providing enhanced capacity. Policy T15 in the RTS says that development plans and local transport plans should include policies to safeguard sites that could maximise freight movements by rail, amongst other things. A policy in the Local Plan to this effect therefore seems to me to be appropriate.
- 10.6.2 ABP consider that the policy should be more positive in its support for rail freight. The Objectors reiterate the importance of rail in relation to port traffic and that this is likely to increase over the Local Plan period. I agree with the Objectors that the policy should be more positively worded and that reference to safeguarding of existing facilities would be appropriate. However, the suggestion regarding encouragement of proposals to maintain and expand provision would better be placed in the explanatory text. I recommend accordingly.
- 10.6.3 Eastleigh Borough Council believes that protection should also be afforded to the Southampton Maritime container terminal operated by Freightliner Depot. I appreciate the Council's point that this site is within the operational port area and that development by the Port Authority may not require planning permission. However, it seems to me that it is unnecessary to mention specific sites in the policy anyway as the objective is to offer general protection to land used in connection with the movement of rail freight. Site specific references would thus be better placed in the explanatory text.
- 10.6.4 Network Rail object to Paragraph 10.18 in the Plan in that redundant rail sidings should not be prevented from being redeveloped if there is no prospect of them being used for this purpose. The Objectors point out that such sites could offer opportunities for brownfield regeneration in very sustainable locations. Freightliner Ltd make a similar point. Conversely, Network Rail say that it is not clear whether there is a need or demand for storage of rail infrastructure, repair and maintenance workshops. Network Rail comment that sites in Southampton have not been given any detailed consideration as to their long term future.

- 10.6.5 Freightliner Ltd object to the safeguarding of the Millbrook Container Terminal, which is to the north east of Southampton Maritime and used as an ancillary facility to it. The Objectors comment that the long term plan is to invest in Southampton Maritime, such that it will handle all of the deep sea container freight via Southampton Container Terminal, including that currently going through Millbrook. It is said that this would be far more efficient for the port operation and reduce a large number of lorry movements between the two terminals.
- 10.6.6 Freightliner Ltd consider that in the event that the site becomes surplus to operational requirements it should be permitted to be redeveloped for other uses. It is said that this would contribute to the regeneration of Southampton Maritime although there seems to be no certainty that this would take place during the Local Plan period. The Objectors point out that on other surplus Freightliner sites alternative freight or rail maintenance uses have not proved a viable alternative.
- 10.6.7 As I have already said, it is a national and regional planning objective to encourage more freight movements by rail. I am not convinced from the evidence that I have available that the improvements to Southampton Maritime are necessarily dependant on the redevelopment of Millbrook for other uses. Further, Freightliner Ltd have not disputed the Council's predictions regarding the likely increase in container traffic through the port. It may well be that Southampton Maritime on its own would not have the capacity to cope with these increases. I consider that the primary function of Millbrook as a rail terminal is likely to remain for the movement of deep sea container traffic in conjunction with the Port. It is important that adequate protection be afforded for this purpose.
- 10.6.8 On the other hand if land can be demonstrated to be genuinely surplus to requirements, alternative uses should not be prevented. These sites comprise brownfield land and are often in very sustainable locations. It would be contrary to government and regional guidance to leave them vacant when they could be used for other purposes. It seems to me that there is no evidence that there is a specific need for storage or rail workshop use although in some cases this may be appropriate. I recommend that the final sentence in Paragraph 10.18 should be deleted and that the policy be changed to allow the possibility of alternative development.

## RECOMMENDATIONS

**I recommend that the Plan be modified as follows:**

- ◆ **By deleting Policy TI 5 and replacing it with the following new policy:**

***“Land currently used for the provision of rail freight facilities and sidings will be safeguarded for these purposes. Planning permission will not be granted for development that would result in the loss of rail freight facilities and sidings unless it***

*can be adequately demonstrated they are surplus to operational requirements and will not be needed in the future for purposes related to the movement of freight by rail."*

- ◆ By revising Paragraph 10.18 as follows:
  - ◆ Refer to the individual sites mentioned in Policy TI 5 and also to Southampton Maritime, although making clear that this is within the operational port area.
  - ◆ Replace the second half of the first sentence in with the following words:

*"...and the city council will encourage and support proposals to maintain and expand the provision of rail freight facilities and sidings sites".*
  - ◆ Delete the final sentence.

## 10.7 POLICY TI 6: TELECOMMUNICATIONS

### Representations

Crown Castle International	TI06-565/1-ID-O
Orange Personal Communication Services Ltd	<u>TI06-1197/3-ID-O</u>
T-Mobile Communications Ltd	TI06-1198/1-ID-O
T-Mobile Communications Ltd	TI06-1198/2-ID-O
T-Mobile Communications Ltd	TI06-1198/3-ID-O
T-Mobile Communications Ltd	TI06-1198/5-ID-O
T-Mobile Communications Ltd	TI06-1198/9-RD-O

### Issues

- a. Whether the policy adequately reflects government advice in PPG 8 and the Structure Plan.
- b. Whether the Policy is sufficiently permissive and flexible to accommodated anticipated growth in telecommunications development.
- c. Whether larger installations should be shown on the Proposals Map.
- d. Whether the Plan gives sufficient attention to concerns about health issues.

### Inspector's Reasoning and Conclusions

10.7.1 I have commented elsewhere in my Report<sup>7</sup> about the use of the words "account will be taken of" as an introduction to a criteria based policy. This heralds a checklist of factors rather than giving clear guidance to the decision-maker. Crown Castle International (CCI) has suggested a revised wording which requires the operator to demonstrate conformity with the criteria. I agree that a more positive approach is required although I have recommended a slightly different form of wording. This sets out

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<sup>7</sup> See for example my conclusions on Policy SDP 7.

the circumstances in which planning permission will (or will not) be granted and the criteria that will be used for making that decision.

- 10.7.2 CCI do not consider that the policy is adequate to accommodate the anticipated growth in telecommunications infrastructure. CCI point out that Policy TC1 in the Structure Plan encourages new development to share existing facilities. The Objectors consider that to enable this to occur, larger installations should be shown on the Proposals Map. Planning Policy Guidance Note 8: *Telecommunications* (PPG 8) states that sites may be allocated on Proposals Maps for major telecommunications developments so as to encourage site sharing. However, the Council has responded that there are no specific proposals for major installations. I do not consider that existing sites should be shown on the Proposals Map as the specific purpose is to show *proposals*. On the other hand, I agree that the first criterion should also refer to the use of existing buildings and structures.
- 10.7.3 The supporting text seems to me to include an appropriate balance between the provision of public services and environmental issues. PPG 8 makes clear that providing a base station meets the ICNIRP<sup>8</sup> guidelines for public exposure, local authorities should not need to further consider the health aspects relating to them. I consider that this should be made clearer in Paragraph 10.25 and that if that is done, I agree with CCI that reference to “public safety issues” in Paragraph 10.22 is unnecessary.
- 10.7.4 T-Mobile comment that the policy should operate within a permissive regime to allow the growth of telecommunications systems in line with government advice in PPG 8. As I have said already, I agree that the policy should be positively worded. It seems to me that it needs to address three main areas – environmental considerations, sharing existing facilities and technical matters. I have recommended that the policy be reworded with three criteria to cover these matters, which reflects government guidance in PPG 8 as well as Structure Plan Policy TC1. T-Mobile has not been specific about how they would like the policy to be reworded. However, I consider that my suggested wording offers sufficient flexibility to allow for the efficient development of the network and the demands imposed by the technology.
- 10.7.5 T-Mobile object to the last sentence of Paragraph 10.25 on the basis that it is an unreasonably detailed requirement. However, I do not agree that it is unreasonable to expect this information to be provided in line with recommendations of the Stewart Report. The inclusion of these requirements in the text provides helpful information in support of the policy.
- 10.7.6 T-Mobile consider that the policy should take account of the 1984

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<sup>8</sup> Inspector’s Note – ICNIRP stands for the International Commission on Non-Ionizing Radiation Protection.

Telecommunications Act and the limitations imposed by the Telecommunications Code and Code System Operator licence conditions. The Objectors do not elucidate in what way the policy conflicts with these provisions and, as the Council notes, there has been no objection on this point from GOSE.

- 10.7.7 Paragraph 10.24 refers to homeworking and the need to meet future demands for adequate telecommunications provision in housing developments. This was included in the Revised Deposit version in response to a representation by Orange Personal Communications Services Ltd, which was subsequently withdrawn. However, I note that this Objector has pointed out that telecommunications development can only be provided by Licensed Code System Operators. Housing developers could not therefore deliver the requirement and the text needs to be amended accordingly. As this seeks to encourage home based working as a sustainable development option, I do not agree with T-Mobile that the wording should be changed to relate to development in the generality.

## RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By deleting Policy TI 6 and replacing it with the following new policy:**

*“Proposals for telecommunications equipment and public utility infrastructure will be permitted, subject to the following provisions:*

- i) That the design of the installation, including its height, materials, colour and use of screening respects the character and appearance of the locality.*
- ii) That wherever practicable existing masts and sites or suitable buildings or other structures are utilised.*
- iii) That technical requirements or constraints are demonstrated to outweigh any adverse environmental impact”.*

- ◆ **By deleting reference to “public safety issues” from Paragraph 10.22.**

- ◆ **By deleting the second sentence in Paragraph 10.24 and replacing it with the following new sentences:**

*“It is recognised that homeworking is an important factor in reducing the need to travel. This implies that adequate provision for telecommunications to meet future demands will need to be made by developers of new housing in conjunction with telecommunications operators”.*

- ◆ **By including a new second sentence in Paragraph 10.25 as follows:**

**“Providing these guidelines are satisfactorily met, the Council will not normally need to further consider health aspects and concerns about them”.**