

3. CHAPTER THREE - NATURAL ENVIRONMENT

3.1 POLICY NE 1: INTERNATIONAL SITES

(Proposed Change 3)

Representations

GOSE	NE01-172/51-ID-O
GOSE	NE01-172/54-ID-O
Hampshire & Isle of Wight Wildlife Trust	NE01-341/19-ID-O
RSPB	<u>NE01-363/18-RD-O</u>
Ms O'Dell	NE01-828/2-ID-O
SCAPPS	NE01-846/6-ID-O
SCAPPS	NE01-846/22-RD-O
SCAPPS	NE01-846/23-RD-O
Hampshire County Council	<u>NE01-1025/7-ID-O</u>
Lafarge Aggregates	PC03-1/3-PC-O
Lafarge Aggregates	NE01-1/2-ID-WDC

Issues

- a. Whether the Policy adequately reflects advice in Planning Policy Guidance Note 9: *Nature Conservation* (PPG 9).
- b. Whether development should be allowed in internationally designated sites.

Inspector's Reasoning and Conclusions

3.1.1 PPG 9 makes clear that local planning authorities should have regard to the relative significance of international, national and local designations in considering the weight to be given to nature conservation interests. In the Revised Deposit version there are separate policies for each level. On the strength of this several objections submitted at Initial Deposit stage have been withdrawn or have been satisfied.

3.1.2 PPG 9 advises that policies should include criteria against which development proposals may be judged and that these should have regard to the relative significance of the different designations. In the case of internationally designated sites, the policy must reflect the requirements of the EU Habitats Directive, which is translated into UK law by the Habitats Regulations. I agree with the RSPB that it would be helpful to clarify this in Paragraph 3.4 of the Plan. Although the restrictions in the Habitats Regulations do not

apply to potential Special Protection Areas (SPA), candidate Special Areas of Conservation (SAC) or Ramsar sites, it is government policy that the same considerations should apply¹. I consider that this should be clarified in Paragraph 3.4. Paragraph 3.9 can then be deleted.

- 3.1.3 I agree with GOSE that the policy as it stands does not fully reflect the provisions of Annex C to PPG 9. Firstly, these provisions only apply to those proposals that are not directly connected with, or necessary to, the management of the site for nature conservation. Secondly, the relevant considerations in the second criterion will depend on whether the site hosts a priority habitat or species. Thirdly, the criteria are not mutually exclusive. Fourthly, account must be taken of the effect of development on the integrity of the site – in other words the reasons for designating the site in the first place.
- 3.1.4 An alternative form of policy wording to take account of the above concerns has been suggested by Hampshire County Council (HCC)², although I do not consider that the first concern would be adequately covered. The Council has advanced Proposed Change 3, which deals with the third point by inserting “and” at the end of the first criterion. I note that Lafarge Aggregates object to this proposed change. However, they do not say why, even though it is clearly in line with advice in PPG 9. It seems to me that a more radical policy overhaul is necessary, which is why I do not support Proposed Change 3 on its own. I recommend new wording for the policy that follows the guidance in PPG 9 and therefore satisfies GOSE’s objection.
- 3.1.5 Ms O’Dell and the Southampton Commons and Parks Protection Society (SCAPPS) consider that development should not be permitted within internationally designated sites. Whilst the Habitats Regulations restrict the grant of planning permission for development likely to significantly affect a SPA or SAC they do not ban it altogether. There would though need to be exceptional circumstances of overriding public importance. I do not therefore agree with SCAPPS that Paragraph 3.6 should be amended to replace “strongly resist” with “refuse”.
- 3.1.6 SCAPPS were also concerned that Paragraph 3.8 puts the onus on the developer to assess the impact of the development. The Objectors considered that the developer could be selective and that the Council should commission an independent assessment. Under the Habitats Regulations the Council has a statutory duty to make an appropriate assessment. This would follow consultation with English Nature as the statutory consultee as is made clear in Paragraph 3.10 of the Plan. In any event, development proposals affecting international sites would be likely to be called-in by the Secretary of State for his own determination. Even if they were not, the Council would have to give prior notification if it were minded to approve any scheme that adversely affected an internationally designated site. In the circumstances, I propose no changes in response to SCAPPS’ objections.

¹ See Annex C to PPG 9, Paragraph C7.

² Inspector’s Note – Both the RSPB and English Nature suggested alternative model policy wordings for the sites of conservation importance covered by Policies NE 1, NE 2 and NE 3. These objections appear to have been withdrawn at Revised Deposit stage.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By deleting Policy NE 1 and replacing it with the following new policy:

“Development which may affect a classified or potential Special Protection Area, a designated or candidate Special Area of Conservation or a Ramsar site will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other proposals) and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site, will not be permitted unless:

- (i) There is no alternative solution; and*
- (ii) There are imperative reasons of over-riding public interest for the development.*

Where the site hosts a priority natural habitat type and/ or species, proposals will not be permitted unless it is necessary for imperative reasons of public safety or for benefits of primary importance to the environment.

Where development is permitted, compensatory measures to offset any harm caused and a management agreement will be required.

The sites are (list of sites)”.

- ◆ By adding a new third sentence to Paragraph 3.4:

“The Habitats Directive sets out the requirements for proposed developments that are likely to have a significant effect on a SAC or SPA. These are translated into UK law by the Habitats Regulations (1994). Whilst Ramsar sites, potential SPAs and candidate SACs are not covered by this legislation, it is government policy that they should be subject to the same considerations”.

- ◆ By deleting Paragraph 3.9.

I recommend that no modifications be made to the Plan in respect of Proposed Change 3.

3.2 POLICY NE 2: NATIONAL SITES

Representations

Hampshire County Council	NE01-1025/7-ID-O ³
GOSE	NE02-172/94-RD-O

Issue

- a. Whether the policy reflects government guidance in PPG 9 and PPG 12.

Inspector's Reasoning and Conclusions

3.2.1 The text in Paragraph 3.10 includes reference to conditions, which are not referred to in the policy itself. As GOSE has pointed out this is contrary to advice in PPG 12 as the reasoned justification should not contain policies that may in themselves be used in determining planning applications. I recommend changes to address this matter.

3.2.2 Hampshire County Council has suggested alternative wording and I consider that this conveys better the hierarchical approach set out in PPG 9 to considering proposals relating to sites of international and national importance. This would also satisfy GOSE's objections and I recommend that the wording of the policy be revised accordingly. I have slightly changed the wording of the second part of the policy in order to reflect advice in Circular 11/95: *The Use of Conditions in Planning Permissions* and Circular 1/97: *Planning Obligations*.

RECOMMENDATIONS

I recommend that the Plan be modified by deleting Policy NE 2 and replacing it with the following new policy:

“Development likely to have an adverse effect on a Site of Special Scientific Interest will be subject to special scrutiny. Where such development would have an adverse effect on the site it will not be permitted unless the reasons for development clearly outweigh the harm to the special nature conservation value of the site.

Where development is likely to have an adverse effect, the Council will consider the use of conditions or a planning obligation in order to minimise the damage and to provide compensatory and site management measures where appropriate”.

³ Inspector's Note – This objection related to Policy NE 1 but also contained relevant points relating to Policy NE 2.

3.3 POLICY NE 3: SITES OF LOCAL CONSERVATION IMPORTANCE

(Proposed Changes 4, 18, 19 and 21)

Representations

Test Valley BC	<u>NE03-56/6-ID-O</u>
Sport England	<u>NE03-248/8-ID-O</u>
University Of Southampton	NE03-573/19-RD-O
University Of Southampton	NE03-573/20-RD-O
Trustees of the Barker Mill Estate	NE03-576/6-RD-O
Trustees of the Barker Mill Estate	NE03-576/7-RD-O
Ms O'Dell	NE03-828/3-ID-O
SCAPPS	NE03-846/24-RD-O
SCAPPS	NE03-846/35-RD-O
English Nature	<u>NE03-1031/21-ID-O</u>
Associated British Ports	NE03-1113/10-RD-O
Taunton's College	NE03-1195/3-ID-O
Nursling & Rownhams Parish Council	PC04-817/4-PC-O
SCAPPS	PC19-846/45-PC-O
Associated British Ports	PC19-1113/17-PC-O
Marina Developments Ltd	PC21-420/7-PC-O
Oil Spill Response Ltd	PC21-1547/2-PC-O

Issues

- a. Whether the criteria for designating SINC sites are appropriate.
- b. Whether provision should be made for further SINC designations during the lifetime of the Plan.
- c. Whether the designation of individual SINC sites has been adequately justified in terms of their nature conservation interest.

Inspector's Reasoning and Conclusions

3.3.1 PPG 9 recognises the importance of locally designated sites of nature conservation interest. Provision for *Sites of Importance for Nature Conservation* (SINC) is made in Policy E11 of the Structure Plan where it is noted that appropriate sites will be identified in local plans. The criteria for selecting SINC sites in Hampshire have been jointly agreed by Hampshire County Council, English Nature and the Hampshire Wildlife Trust and have been published within the Structure Plan. However, PPG 9 makes clear that local

designations should only be applied to sites of substantive nature conservation value and should not place unnecessary constraints on development. SINC sites should be identified through proper site assessments and it is important that the data base is kept relevant and up to date in that respect.

- 3.3.2 Policy NE 3 requires an assessment of the reasons for the development proposal against the nature conservation interest of the site. It will be for the decision-maker to attribute the appropriate weight to all material factors. I do not agree with Associated British Ports (ABP) that there is a lack of clarity in the policy wording or that further explanation is needed in the text. It is implicit in the SINC designation itself that any site that has been designated has "substantive nature conservation value".
- 3.3.3 I agree with Sport England that SINC sites should be shown on the Proposals Map and this has been done in the Revised Deposit version of the Plan.

Future SINC Designations

- 3.3.4 Paragraph 3.12 of the Plan makes provision for further designation of sites that meet the relevant criteria through the lifetime of the Plan. Proposed Change 19 adds that this should follow consultation with landowners. I support this change so long as it means that sites are properly surveyed and landowners are fully consulted and involved prior to designation. I note that ABP object to Proposed Change 19 but it seems to me that it would allow the landowner to have access to the relevant information and be satisfied that the designation is justified. Co-operation between the Council and landowners can also have positive benefits in terms of the future management of these sites. I acknowledge the concerns of the Southampton Commons and Parks Protection Society (SCAPPS) that advanced notification may result in the deliberate destruction of habitats. However, I think this is unlikely to be commonplace and any risk is outweighed by the benefits arising from consultation, in my opinion.

Greenways

- 3.3.5 The Council has pointed out that many of the SINC sites, including Greenways, were previously identified and protected in the adopted Local Plan. The Greenways provide a local network of linear public open spaces that follow stream valleys. SCAPPS object to the loss of a policy specifically addressing Greenways and feel that they have been downgraded. I recognise that these are a valued resource to local communities providing green corridors that link urban areas. However, PPG 9 makes clear that local designations should only be applied where there is substantive nature conservation value. I understand that the Greenways are currently being re-surveyed by the Council. In the unlikely event that a Greenway does not meet the designation criteria then its protection from development would be unlikely to be justified on nature conservation grounds.
- 3.3.6 Ms O'Dell and SCAPPS consider that Greenways often suffer from a lack of investment and management. SCAPPS believes that this may leave them vulnerable to development. I do not think that lack of maintenance will necessarily downgrade the nature conservation value of these sites. I note

that SCAPPS and English Nature would like to see no provision for development in Greenways at all⁴. However, this would not accord with PPG 9, which advises that permission should not be refused on nature conservation grounds if damaging impacts can be effectively mitigated. English Nature consider that development of land adjoining Greenways should contribute to their operation through appropriate landscaping. Whilst any development in such a location would be required to heed its surroundings, I consider that it would be unduly onerous to make such a provision a policy requirement.

3.3.7 Many of the Greenways are in Council ownership. In Paragraph 3.12 of the Plan it is said that the Council will seek to improve the Greenway network and strengthen it where opportunities arise. This will obviously depend on resource availability, but the management issues referred to by SCAPPS are not matters that can be addressed through the Local Plan. I do not consider that changes are required in response to these objections.

3.3.8 Taunton's College has objected to its land being shown as a Greenway as it is already within an existing area of public open space. The Council has commented that this objection was made at Initial Deposit stage when Greenways were shown under the same notation as open spaces (Policy CLT 3). In the Revised Deposit version the two have been separated out and Taunton's College is not identified as a Greenway under Policy NE 3. This satisfies the objection.

Individual SINC Designations

Saxon Wharf and Shamrock Quay

3.3.9 Oil Spill Response Ltd and Marina Developments Ltd (MDL) object to the designation of this area of intertidal mudflat through Proposed Change 21, following a suggestion by English Nature. Coastal habitats, including intertidal mudflats, are included within the SINC designation criteria. In my opinion, this does not mean to say that all mudflats are automatically worthy of SINC status and PPG 9 makes clear that in order to justify a local designation a site should have substantive nature conservation value.

3.3.10 The opposite shore of the River Itchen is protected as an SPA and is clearly regularly used and richly populated by wading birds and wildfowl. However, I am not convinced from the available evidence that the mudflats at the objection site are of sufficient importance to resting or foraging birds to justify a special designation. Indeed the main activity seems to be roosting on the pontoons and revetments rather than on the intertidal foreshore. Nor have I found evidence that the habitat is particularly important for fish or crustaceans, for example. The Council see this site as providing the first "cross-bank" area of intertidal mud on the River Itchen. I have no doubt that it plays its part in the overall mudflat resource. However, I do not consider that this in itself provides justification for designation on nature conservation

⁴ Inspector's Note – The Council did not consider that this part of SCAPPS' objection had been duly made.

grounds⁵.

3.3.11 MDL are concerned that a SINC designation on the objection site could unduly constrain future development of the marine leisure industry operating at Saxon Wharf and Shamrock Quay. They point out that it is of importance to the national and local economy. Furthermore, they contend that existing controls arising from the proximity of the internationally important SPA on the opposite side of the river ensures an appropriate level of control from harmful forms of development. Whilst this may be the case, it seems to me that the primary question that needs to be answered is whether the designation is justified in nature conservation terms. I am not satisfied that there is evidence that it is, for the reasons I have given and I therefore do not support Proposed Change 21.

Land in the Vicinity of Brownhill Way

3.3.12 Objections were raised by Test Valley Borough Council and the Trustees of the Barker Mill Estate to SINC designations on two parcels of land south of Bargain Farm and north of Lower Brownhill Road. The Objectors pointed out that this is arable and grazing land with no particular wildlife interest that would merit designation. The Council has agreed that the designation is not justified in terms of nature conservation interest and it has been deleted from the Proposals Map under Proposed Change 4. I note that the Nursling and Rowhams Parish Council object to this change but no reasons have been given. In the absence of any evidence that designation is warranted, I support Proposed Change 4, which satisfies the points made by the two original Objectors.

University Boatyard and Hard at Woodmill

3.3.13 The University of Southampton have objected to the designation on the basis that it may unreasonably restrict the future development of the facility and the site. However, no evidence has been submitted by the Objector to dispute that this area of mudflats along the River Itchen does not warrant designation on nature conservation grounds. The Council says in its response that the designation has taken account of existing waterside activities. The University have not been specific as to what future plans would be likely to be frustrated by the designation. In the circumstances, I do not consider that the designation should be removed in response to this objection.

Grounds of South Stoneham House, Woodmill

3.3.14 The University of Southampton have objected to the designation on the basis that the grounds are maintained as lawns and gardens. The Council has agreed that this was a mapping error and that the land does not warrant SINC status. Proposed Change 18 amends the Proposals Map accordingly and I support this change, which has attracted no objections.

Land at Alder Moor Farm

3.3.15 The Trustees of the Barker Mill Estate consider that this land has limited ecological value and that the SINC designation should be removed. This site

⁵ Inspector's Note – This site is also considered under Policy NE 5 on Intertidal Habitat.

is part of the Lordsdale Greenway, which was identified in the Nature Conservation Strategy for Southampton (1992)⁶ and adopted as supplementary planning guidance to the 1995 Local Plan. A survey was carried out in October 2003 by the Hampshire Biodiversity Information Centre and it was confirmed that there was justification for SINC designation under criteria 2A and 6A⁷. From the evidence, I am satisfied that the designation should be retained at Aldermoor Farm.

The Port at Redbridge

3.3.16 ABP object to these two mudflat areas, which are within the area of the Port, being designated on the grounds that there is no survey evidence to justify a SINC designation. The Objectors point out that there has been no prior consultation even though government policy and RPG 9 requires local authorities to work in partnership with ports. I appreciate that coastal habitats, including mudflats are one of the criteria for SINC designation. However, as I said in relation to Saxon Wharf and Shamrock Quay, substantive nature conservation interest of the particular site needs to be demonstrated in order to justify SINC designation. This is made quite clear in Paragraph 18 to PPG 9.

3.3.17 The Council says that the Redbridge mudflats are biologically productive as is demonstrated by their use by gulls and other waterfowl. They are very close to sites of considerable nature conservation importance, including the Eling and Bury Marshes SPA/ Ramsar site. There are limited areas of mudflat exposed at low tide here, but from the evidence I have been given the objection sites appear to be used by a variety of birds, whether for resting or foraging, including migratory birds and waders. Birds do not respect boundaries and due to the close proximity of the internationally important sites to the north and west it seems to me highly likely that the objection sites provide important support for these more highly designated areas. I acknowledge that the Council's bird survey was conducted after the SINC designation had been made in the Revised Deposit Plan. Nevertheless I consider that these mudflats form an integral part of the Solent intertidal zone and, in the circumstances, I do not consider that the SINC designation should be removed.

Land at the Avenue

3.3.18 SCAPPS have queried the designation of the open land between the Avenue and Inner Avenue south of Asylum Green and also land between Westwood and Winn Roads. There is no evidence that any of this land justifies SINC designation. The land at the Avenue is part of the conservation area. SCAPPS have queried its designation on the Revised Deposit Proposals Map. But as the Council has pointed out this only depicts changes so the designation shown on the Initial Deposit Proposals Map still applies. The land between Westwood and Winn Roads is proposed for protection under Policy CLT 3, and I deal with the matter further under that Policy⁸. The landscape character along the northern approaches to the City (Chilworth Road, Bassett

⁶ See Core Document CD13/1

⁷ The criteria are set out in Appendix 4 to the emerging Local Plan.

⁸ See Paragraph 5.3.10 of my Report.

Avenue and The Avenue) is also protected under Policy NE 7, which is supported by SCAPPS. No changes are thus required in response to this objection.

RECOMMENDATIONS

I recommend that the Plan be modified in accordance with Proposed Changes 4, 18 and 19 and as follows:

I recommend that no modification be made to the Plan in respect of Proposed Change 21.

3.4 POLICY NE 4: PROTECTED SPECIES

Representations

English Nature

NE04-1031/22-ID-O

Issue

- a. Whether additional text is necessary as background to the policy.

Inspector's Reasoning and Conclusions

3.4.1 English Nature has made a number of suggestions for improvements to the supporting text which has mostly been incorporated into the Revised Deposit version. I do not agree with English Nature that it is necessary to explain progress on Southampton's proposed Local Biodiversity Action Plan as the situation is likely to change up to and after adoption of the Local Plan.

RECOMMENDATION

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

3.5 POLICY NE 5: INTERTIDAL HABITAT

(Proposed Change 20)

Representations

Hants & Isle of Wight Wildlife Trust

NE05-341/22-ID-O

RSPB

NE05-363/12-ID-O

Environment Agency

NE05-850/39-ID-O

English Nature	NE05-1031/23-ID-O
John Pattison Associates Ltd	NE05-1035/1-ID-O
Marina Developments Ltd	PC20-420/6-PC-O
Oil Spill Response Ltd	PC20-1547/1-PC-O

Issues

- a. Whether the policy provides adequate protection to intertidal mudflats.
- b. Whether Saxon Wharf and Shamrock Quay should be designated under this policy.

Inspector's Reasoning and Conclusions

- 3.5.1 Intertidal mudflats are important not just in terms of nature conservation but also for purposes of coastal flood defence. Large areas have been lost to reclamation and also through natural encroachment such as rises in sea level. Mudflats are identified as a priority habitat in the UK Biodiversity Action Plan and in the Mudflat Habitat Action Plan, which aims at a minimum to maintain the present extent and distribution of the UK's mudflats. The importance is further recognised at county level and an Action Plan is currently being prepared.
- 3.5.2 The Environment Agency, English Nature, Hampshire and Isle of Wight Wildlife Trust and the RSPB are all concerned that the policy is not wide enough in its scope. The Objectors point out that there are other areas of intertidal mudflat along the River Test and Southampton Water that are not identified on the Proposals Map under Policy NE 5. I consider that the point made by the Objectors is a good one and in view of their national and regional importance the designation should be widened to cover all areas of intertidal mudflat. I support the additional provision suggested by the Environment Agency that there should be no net loss of intertidal mudflat habitat. Furthermore, I agree with English Nature that the explanatory text should refer to the key target of increasing these habitats in the UK Government Biodiversity Action Plan.
- 3.5.3 Policy NE 5 does not seek to extend the same level of protection afforded to SPAs and SSSIs to all intertidal mudflats as suggested by John Pattison Associates Ltd. English Nature propose that there should be an additional reference to the requirement for minimisation of damage, habitat creation, enhancement and compensatory measures. However, it seems to me that an appropriate balance is achieved in the first criterion bearing in mind that the mudflat itself is of nature conservation interest as a priority habitat. Furthermore, many (but not all) mudflat areas are also designated as SINCs.
- 3.5.4 In accordance with PPG 12 I agree with the Council that the boundaries of the Policy NE 5 areas should be shown on the Proposals Map. As for including subtidal habitats, the Council has pointed out that these are outside the remit of the Local Plan as planning control does not extend beyond Mean Low Water.
- 3.5.5 Proposed Change 20 includes Shamrock Quay and Saxon Wharf under Policy NE 5. Marina Development Ltd and Oil Spill Response Ltd have objected to

the designation but I find it justified for the reasons that I have given. However, as I am recommending that the policy should include all intertidal mudflats it is unnecessary for Proposed Change 20 to be advanced.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By adding "*mudflat*" before habitat and "*the River Test and Southampton Water*" to line two of Policy NE 5.
- ◆ By adding a fourth criterion to Policy NE 5 as follows:
"*There is no net loss of intertidal mudflat habitat*".
- ◆ By making appropriate amendments to Paragraph 3.15 to include reference to the importance of intertidal mudflat habitats in the UK Government Biodiversity Action Plan and the key target of increasing these habitats.

I recommend that no modifications be made to the Plan in respect of Proposed Change 20.

3.6 POLICY NE 6: RIVER TEST HERITAGE AREA

Representations

GOSE

NE06-172/57-ID-O

Issue

- a. Whether the designation is necessary.

Inspector's Reasoning and Conclusions

3.6.1 The area designated in the Plan as the River Test Heritage Area is of international nature conservation significance, being part of the Southampton Water Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation. Its ecological importance is therefore highly protected under Policy NE1. It is also within a strategic gap and is thus protected by Policy NE 9. Although neither of these are landscape protection policies it is difficult to envisage a development that would harm the landscape being acceptable. Furthermore, Policy SDP 12 would also be applicable.

3.6.2 I appreciate that there is considerable support for this policy including by Test Valley Borough Council on the grounds that it complements policies in its own emerging Local Plan. However, the area in question is much larger and is not all subject to the same high level of protection as the small area in Southampton. GOSE has questioned the reason for the designation. Planning Policy Statement 7: *Sustainable Development in Rural Areas* advises that local designations should be examined critically to see whether they

really are justified. In this case I agree with GOSE that the River Test Heritage Area designation is unnecessary in Southampton's area, for the reasons I have given.

RECOMMENDATION

I recommend that the Plan be modified by deleting Policy NE 6 and its supporting text.

3.7 POLICY NE 7: PROTECTION / IMPROVEMENT OF CHARACTER

Inspector's Reasoning and Conclusions

3.7.1 As there are no outstanding objections to this policy, I make no further comment or recommendation

3.8 POLICY NE 8: RAIL CORRIDOR

Inspector's Reasoning and Conclusions

3.8.1 As there are no outstanding objections to this policy, I make no further comment or recommendation

3.9 POLICY NE 9: STRATEGIC GAP

Representations

All representations to this policy are listed in Appendix 1D

Issues

- a. Whether the policy criteria are adequate to protect gap function.
- b. Whether the land included within the strategic gap is essential for the purposes of settlement separation.

Inspector's Reasoning and Conclusions

Preamble

3.9.1 A strategic gap is a spatial planning tool where the main function is to ensure the separation of settlements and protect the structure of the settlement pattern. It seeks to keep intervening land free from unwarranted development but, contrary to the belief of some Objectors, it is not concerned with landscape protection. By definition a gap comprises areas of countryside. However, this does not necessarily mean that it is green, totally open or free from development. Gaps will inevitably contain buildings and

uses but it is the overall sense of openness and the generally undeveloped appearance that is important to the separation function. To be fully effective a gap should have both a visual and a physical dimension present. There needs to be sufficient land within the gap to allow the feeling of passing from one place to another. There also needs to be natural features such as woodlands or undulating topography to contain the views out of one settlement and into another. However, only land that is essential to prevent coalescence and maintain settlement identity should be included in order to prevent unwarranted constraints on development.

- 3.9.2 Strategic gaps are identified in Policies G1 and G2 of the Structure Plan. Under Policy G1 a gap is identified between Southampton and Eastleigh. Under Policy G2 gaps are identified between Southampton and Totton and Southampton and Hedge End/ Bursledon/ Netley. Paragraph 94 of the Structure Plan is concerned with the long term importance of the Policy G1 gaps and implies a degree of permanence that perhaps does not apply to Policy G2 gaps. In the Local Plan the Council is proposing changes to gap notation between Nursling and Southampton and between Southampton and Eastleigh. I consider objections to these changes below. It seems to me that in order to justify changing the boundaries established in the adopted Local Plan (1995) there must have been some significant change that affects the separation function of the previously designated land.

Policy Wording

- 3.9.3 Providing the gap has been properly designated, strict control over development needs to be exercised in order to satisfy the objective of urban containment. However I agree with the House Builders Federation and Hawthorne Kamm Planning Consultancy (Hawthorne Kamm) that the policy should concentrate on the purpose of gap policy, which is to ensure that the physical and visual separation of settlements is not materially diminished. I appreciate that Structure Plan Policies G1 and G2 include similar provisions but this is a county-wide designation and unless the Council wishes to delete the policy altogether it is important that the right requirements are included.
- 3.9.4 I do not agree with Hawthorne Kamm that projects of local, regional or national importance should be allowed for within the terms of the policy. It seems to me that if there is an overriding need that cannot be satisfied elsewhere, this should be dealt with on its merits and as an exception to the Plan. A properly applied gap policy can be more restrictive than that applicable to the green belt because there are different purposes and objectives. This is why it is important to ensure that only land that is essential to gap function should be designated.

Proposed Boundary Changes – Southampton and Eastleigh Strategic Gap

Stoneham Playing Fields

- 3.9.5 This land is located between the M27 motorway and the settlement edge and the northern section is within Eastleigh Borough. Some Objectors believe that it is Green Belt but this is incorrect. There are playing fields on both sides of Stoneham Lane, which divides the land in two and runs in a northerly direction. The Southampton part of this area is identified for a park and ride facility under Policy MSA 22. There have been a very large number of objections to the removal of the gap notation and in many cases this has

been linked to the park and ride project. However they are separate issues and I consider the latter under Policy MSA 22.

3.9.6 Objectors consider that the land to the south of the M27 is just as important in providing a physical and visual break as the land to the north. They do not agree that the motorway itself provides a physical break or that circumstances have changed since the football stadium proposals were considered on this land. Objectors point out that the Local Plan already recognises that land is needed for open space and recreation. It is felt that the loss of this part of the gap will put pressure on other open land and also act as a precedent for further development.

3.9.7 I do not agree with the Council that the gap should necessarily be north of the motorway because that is how it is shown on the Structure Plan Key Diagram. This is diagrammatic and is in any event similar to the previous Structure Plan Key Diagram. The swathe of open land between Eastleigh and Southampton is relatively narrow, being less than 2 km in width. I do not consider that the motorway and its junction provide a major barrier or that the open land to the south of it is unimportant. Indeed to the traveller along the M27 it is very important as it contributes to the perception of movement through an undeveloped corridor between the two settlements. From the motorway junction the land on either side is clearly viewed as “holding back” the built development at the edge of each settlement. In view of my conclusions on Policy MSA 22, I do not consider that there is any overriding reason for removing the gap status from the Stoneham land. In the circumstances I conclude that it should remain.

North of Bassett Green Road and Hardmoor Plantation

3.9.8 There were no objections to the removal of the areas of land to the east and west of Stoneham from the strategic gap. However, bearing in mind my recommendation on Stoneham I would suggest that the Council may wish to reconsider whether any or all of these sites contribute to the essential separation function between Southampton and Eastleigh.

Proposed Boundary Changes – Southampton and Nursling Strategic Gap

3.9.9 The Structure Plan Review deleted a number of strategic gaps in the County, including the one between Nursling and Southampton. Accordingly in the Local Plan the designation has been removed and partly replaced by an open space designation under Policy CLT 3. Test Valley Borough Council considers that this land should be allocated as a local gap in accordance with Policy G3 in the Structure Plan. It is said that this would preserve the identity of the two settlements in line with the Test Valley designation on the other side of the boundary. The Objector does not consider that the open space designation would have the same effect

3.9.10 I agree with Test Valley Borough Council that Paragraph 3.23 in the Plan is incorrect in that the land between Nursling and Southampton does not and never has contributed towards the separation of Southampton from Totton. They were identified as separate gaps in the previous Structure Plan and the text needs to be amended accordingly. I also agree with the Objector that Policy CLT 3 does not have the same purpose as either a separation or a landscape protection policy because it is only concerned with open space as a recreational asset. As things stand the Local Plan has no countryside

protection policy but the Objector has not suggested this as an alternative to a gap designation.

3.9.11 It seems to me that Nursling and Southampton no longer have separate identities and that they now merge into each other to a considerable degree. I do not therefore agree that the land to the north east of Hillyfields performs an essential function in terms of preventing coalescence, which to my mind has already occurred. In the circumstances, I can see no justification for including any kind of gap designation to this land.

3.9.12 Test Valley Borough Council referred to an appeal decision at the Holiday Inn Express site close to Junction 1 of the M271⁹. However, this does not make any judgement regarding the intrinsic worth of the gap at this point. It considered a proposal for development and its effect on the countryside within the context of the strategic gap designation as it existed at the time in the Test Valley Borough Plan.

Proposed Boundary Changes – Southampton and Hedge End/ Burlesdon/ Netley Strategic Gap

3.9.13 Persimmon Ltd consider that the area of land south of Botley Road does not contribute to the purpose of the strategic gap. I do not agree with this assessment. Although the site is well contained by a tree screen along its rear boundary it is an integral part of the open area between the edge of Southampton and Netley, in my opinion. The gap is relatively restricted in width and the site contributes to the physical separation of the two settlements in my opinion.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By deleting Policy NE 9 and replacing it with the following new policy:**
“Development will not be permitted within the strategic gaps that would threaten their essential function in the physical and visual separation of settlements that are close together”.
- ◆ **By deleting the first two sentences of Paragraph 3.23 and replacing it with the following new sentences:**
“The strategic gap between Nursling and Southampton has been deleted. This land does not perform the function of separating Southampton from Nursling”.
- ◆ **By deleting reference to the Test Valley Heritage Area from the final sentence in Paragraph 3.23.**
- ◆ **By deleting Paragraphs 3.25 and 3.26.**
- ◆ **By amending the Proposals Map to include the land at Stoneham Lane within the strategic gap and any other areas of nearby land that the Council considers to be appropriate.**

⁹ See The Proof of Evidence by Test Valley Borough Council Ref: TEST56-NE9-P50 (Appendix 6C).