

RESPONSE TO EASTLEIGH BOROUGH LOCAL PLAN CONSULTATION (25 JUNE – 6 AUGUST 2018)

1. PURPOSE OF REPORT

- 1.1 To agree the Council's response to Eastleigh Borough Council consultation regarding its emerging Local Plan, closing 6th August 2018.

2. BACKGROUND

- 2.1 Eastleigh Borough Council (EBC) is consulting on an updated Local Plan. The published Local Plan document represents the document that the Council proposes to submit to the Planning Inspectorate along with any changes as a result of the public consultation.
- 2.2 The previous draft Eastleigh Local Plan (2011 – 2029) was found 'unsound' by an independent Planning Inspector in February 2015 because he felt it did not fully meet the need for homes overall, affordable homes or short term delivery. In 2015 EBC commenced work on the new Local Plan (2016-2036). This set out the key strategic Issues and Options to deliver more housing, including a number of options for strategic growth. From that period to the present EBC council has continued to work on a strategy to deliver sustainable development on a strategic scale.

3. PROPOSED RESPONSE

For the most part the approach outlined is appropriate, addressing matters that are rightfully for Eastleigh to decide upon. While the EBC plan area does not immediately adjoin the New Forest District there are issues that have wider implications that could affect the New Forest area and district, described briefly below.

- 3.1 **Housing Need:** It is expected that the government will bring forward the introduction of a standard method for calculating local authorities' housing need. In the event that the new standard method is published along the lines already consulted on by the government, this Council would not be able to meet those needs within its own plan area and would be looking to nearby authorities to address shortfalls in housing provision.
- 3.2 **Impacts on New Forest SPA:** The Eastleigh Local Plan acknowledges the need for recreational mitigation for Natura 2000 sites outside of its boundaries and the EBC Local Plan commits it to joint working on the issue. However Policy DM11 could usefully provide more clarity on these points, alongside the publication of a mitigation strategy which sets out how the planned residential development will proceed so that it is in accordance with the Conservation of Habitats and Species Regulations 2010.
- 3.2 See Appendix 1 for the proposed response in full.

4. ENVIRONMENTAL IMPLICATIONS

- 4.1 The potential environmental impact of the Eastleigh Local Plan, on the internationally designated New Forest sites (SPA and SAC and Ramsar sites), to avoid potential adverse impacts.

5. FINANCIAL, EQUALITY & DIVERSITY and CRIME & DISORDER IMPLICATIONS

- 5.1 None

6. RECOMMENDATIONS

- 6.1 To agree the consultation response attached as Appendix 1.

7. PORTFOLIO HOLDER DECISION

I agree to the recommendations of this report that in relation to the Eastleigh Local Plan, the key issues for New Forest District relate to housing need and the lack of effective mitigation measures for protected sites in the New Forest. In not effectively addressing the issue of recreational mitigation for New Forest protected sites the Eastleigh Local Plan is considered unsound.

Signed: CLLR E J HERON

Date: 20 July 2018

For further information contact:

Name: Andrew Herring
Title: Planning Policy Officer
E-mail: andrew.herring@nfdc.gov.uk
Tel: 023 8028 5588

Background Papers:

Published documents¹

Date on which notice given of this Decision – 20 July 2018

Last date for call-in - 27 July 2018

¹ <https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/emerging-local-plan-2016-2036>

APPENDIX 1

JULY 2018

EASTLEIGH BOROUGH COUNCIL CONSULTATION ON EMERGING LOCAL PLAN CONSULTATION (25 JUNE – 6 AUGUST 2018)

Housing need

In the event that New Forest District Council's Objectively Assessed Need (OAN) exceeds the 10,420 planned for its Local Plan, this council will be looking to other councils in South Hampshire to address any unmet housing need arising within its plan area.

New Forest SPA

Paragraph 5.56 of the Eastleigh Proposed Submission Local Plan makes reference to the impacts of development on areas of particular sensitivity outside but within reach of the Borough including the Solent coastline and the New Forest.

Paragraph 5.57 refers to the New Forest SPA, stating that the Council will continue to work together with partners to assess the impact of development proposals on protected areas and on measures to mitigate any impacts as necessary.

Eastleigh Borough Council (EBC) acknowledges that development in the borough has the potential to affect sites of European and national nature conservation value within and beyond the Borough's boundaries and that the Council will seek to avoid any damage to the integrity of these areas and the species they support (Paragraph 5.62).

The Habitats Regulations Assessment (HRA) has assessed the potential impacts of the Local Plan and its policies on European sites (which include the New Forest SPA). This concludes that "*Taking account of the mitigation strategy, it can be concluded that there will be no adverse effect on the integrity of New Forest SPA as a result of disturbance, either alone or in combination with other plans and projects*". Chapter 8 of the HRA appraises the impacts of development in relation to recreational disturbance on the SPA, and acknowledges that the adverse effects arising from residential development must be mitigated by the Local Plan (which Policy DM11 addresses) and presupposes that a recreation mitigation strategy will also be in place.

Policy DM11 states:

The Council will work with PUSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement a strategic approach to the protection of European sites from the direct and indirect effects of development including recreational disturbance. Within Eastleigh Borough this will include:

a. implementing the Solent Recreation Mitigation Strategy and contributions to recreation mitigation for the New Forest or alternative agreed approaches if required;

The Conservation of Habitats and Species Regulations 2010 require that appropriate mitigation measures are in place to ensure that the proposed development can take place without a harmful impact on the integrity of protected sites.

New Forest District Council welcomes the acknowledgement that the Local Plan gives to the issue of recreational mitigation and the Borough Council's commitment to joint working on the issue.

Notwithstanding the membership of EBC on a number of working groups relating to Natura 2000 mitigation, an Eastleigh Borough mitigation strategy has not yet been published and Policy DM11 is not specific about what form those 'contributions' would be and what they would be used for. In addition the requirement to contribute towards monitoring the condition of European designated habitats and species must also form part of any mitigation strategy.

Policy DM11 should provide more clarity on these points, alongside the publication of a mitigation strategy which sets out how the planned residential development will proceed in accordance with the Conservation of Habitats and Species Regulations 2010.

In summary, the Eastleigh Local Plan is considered unsound in relation to mitigation measures to ensure that the proposed development can take place without a harmful impact on the integrity of protected sites in the New Forest. On this issue it is not judged to be effective due to the lack of a mitigation strategy and insufficient detail in Policy DM11 on what form contributions would take and what outcomes would be delivered.