

EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 (As Amended by the Planning and Compensation Act 1991) – Section 78

LOCAL PLANNING AUTHORITY'S STATEMENT OF CASE

Planning appeal against the refusal of outline planning permission for up to 150 dwellings including 40% affordable housing, with vehicle and cycle accesses from Snakemoor Lane, pedestrian/cycle access from Botley Road, sustainable transport hub, public open space and play area, and associated infrastructure and landscaping (all matters reserved except for access).

**Land at Denham's Corner, Snakemoor Lane, Horton Heath,
Eastleigh, Hampshire, SO32 2BW**

Appeal by: Twenty5 on behalf of Southern Strategic Land Two LLP; John Denham; Shirley George & Heather Baston

Planning Inspectorate Reference: 6005642

Eastleigh Borough Council Reference: O/25/94108

May 2026

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1.0 Introduction

- 1.1 The following statement sets out the Local Planning Authority's (LPA) reasons for refusal of outline planning application O/25/99534 for up to 150 dwellings on land at Denham's Corner, Snakemoor Lane, Horton Heath, with all matters reserved except for access. This statement provides more detailed justification for those reasons and should be read in conjunction with the delegated officer report. Where relevant to the reasons for refusal, responses to any matters raised within the Appellant's statement of case are also provided.

2.0 Description of Appeal Application

- 2.1 The appeal application was received and made valid on 10th June 2025. It was given a reference number of O/25/99534 and the following description: "*Outline application for up to 150 dwellings including 40% affordable housing, with vehicle and cycle accesses from Snakemoor Lane, pedestrian/cycle access from Botley Road, sustainable transport hub, public open space and play area, and associated infrastructure and landscaping (all matters reserved except for access)*".
- 2.2 The application was supported by the reports and technical assessments listed in the Council's delegated officer report.
- 2.3 The application was publicised in the form of neighbour notification letters, site notices and newspaper advertisement. The publicity made it clear that the application constituted a major application. All the necessary statutory and non-statutory consultations were carried out.
- 2.4 The application was determined under delegated powers, and the formal decision notice was issued on 24th December 2025. The reasons for refusal were as follows:
- 1) *The site is outside of the urban edge and is not allocated for residential development. The proposal represents an inappropriate and unjustified form of development, which would have an unacceptably urbanising and visually*

intrusive impact upon the designated countryside to the detriment of the character and visual amenity of the local area. These adverse impacts cannot be appropriately mitigated and therefore the application is contrary to Policies S1, S5 & DM1 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).

- 2) The site is considered to be poorly connected by sustainable transport modes to local facilities in Horton Heath, Fair Oak and the surrounding area. The measures included within the proposed development would not result in a genuine choice of transport modes and as such the proposals would result in a car dependant development increasing congestion on the highway network. The application is therefore contrary to Policies S1, S11, DM1 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).*
- 3) It has not been demonstrated that the proposed site access or the alterations required to local highway infrastructure to serve the development can be undertaken in a manner which will meet the necessary Highway Authority standards and not impact upon traffic flow and movements in the locality. The application is therefore considered to be contrary to Policies S11 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).*
- 4) The application fails to secure provision for developer contributions for the on and off-site provision of facilities and infrastructure made necessary by the development or to mitigate against any increased need or pressure on existing facilities. The application is therefore contrary to the requirements of Policies S10, DM13, DM28, DM33, DM36 and DM38 of the Eastleigh Borough Local Plan (2016-2036), the Eastleigh Borough Council's Planning Obligations Supplementary Planning Document and provisions within the National Planning Policy Framework (December 2024).*
- 5) The application fails to secure mitigation to offset the impacts of the development on the European protected sites (i.e. River Itchen Special Area*

of Conservation SAC) from the effects of nutrient loading. The application is therefore contrary to Policies S1, DM10 and DM11 of the Eastleigh Borough Local Plan (2016-2036), provisions within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

- 2.5 A copy of the LPA's decision notice was sent to the Planning Inspectorate with the LPA's Appeal Questionnaire.

3.0 Site & Surroundings

- 3.1 The appeal site comprises an arable field of approximately 9.05ha, located on the north side of Snakemoor Lane and to the east of Botley Road (B3354). The site is bordered by Scorey's Copse to the north, which is a designated Site of Importance for Nature Conservation (SINC) and Ancient Woodland. The trees in Scorey's Copse and to the west are all covered by an area Tree Preservation Order (TPO), part of which is included within the application redline boundary. There is a watercourse to the east of the site, which is a tributary of the River Hamble, and the land adjacent to this is also a SINC (Scorey's Copse Rush Pasture SINC). A public right of way (footpath 719) runs through Scorey's Copse and to the east of the watercourse. Botley Road lies beyond the woodland to the west and there are two residential properties – 'Lane End House' and 'Lane End Stables' – located between the site and on the junction of Snakemoor Lane and Botley Road. To the south is Snakemoor Lane with fields and scattered housing and farms beyond.
- 3.2 In terms of topography the top (western) half of the site is relatively level, beginning to gently slope down in an easterly direction at approximately the halfway point, and then steeper approximately three-quarters of the way from the western boundary down to the watercourse with a total drop of ten metres from the highest to lowest point of the site. The majority of the northern and western boundaries are marked by a post and wire fence onto Scorey's Copse; the eastern boundary being marked by a line of trees running parallel to the

watercourse; and the southern boundary being marked by a 2.0 metre hedge along Snakemoor Lane. The very eastern side of the site, at the bottom of the slope, is very wet and is not used to grow crops. This would correlate with the land immediately to the east being within Flood Zones 2 & 3.

- 3.3 Whilst there are a number of individual residential properties in the vicinity, the site and area around, particularly to the south and east has a clear rural character with fields being used for crops and pasture. The application site itself is classified as ranging between Grade 2 (Very Good) and 3b (Moderate) in terms of agricultural land quality. Further to the north and west, this rural character changes to low density residential development within Horton Heath to the north, Boorley Green to the south and Hedge End to the south-east, albeit these settlements are separated by areas of field and woodland and retain their individual identities.

4.0 Relevant Planning History

Appeal Site:

- 4.1 Other than an EIA Screening Opinion (LPA Ref: V/25/99246) and a pre-application for the scheme now at appeal (LPA Ref: Q/24/98539), there is no other record of any previous planning history directly related to the appeal site.

Other Sites:

- 4.2 The Appellant's statement of case makes reference to a number of other planning applications which they consider relevant to the current appeal. The relevance of these applications will be discussed in the LPA's Proof of Evidence.

5.0 Development Plan & Legislative Background

- 5.1 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. The Development Plan comprises the policies of the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

- 5.2 The policies of the Eastleigh Borough Local Plan 2016-2036 which apply to the appeal development are:

Strategic Policies:

- S1 – Delivering sustainable development
- S2 – Approach to new development
- S3 – Location of new housing
- S5 – New development in the countryside
- S9 – Green infrastructure
- S11 – Transport infrastructure

Development Management Policies:

- DM1 – General criteria for new development
- DM2 – Environmentally sustainable development
- DM3 – Adaptation to climate change
- DM5 – Managing flood risk
- DM6 – Sustainable surface water management and watercourse management
- DM8 – Pollution
- DM10 – Water and wastewater
- DM11 – Nature conservation
- DM13 – General development criteria – transport
- DM14 – Parking
- DM24 – Creating a mix of housing
- DM28 – Delivering affordable housing
- DM29 – Dwellings with higher access standards
- DM30 – Internal space standards for new residential development

- DM33 – Provision of recreation and open space facilities with new development
- DM36 – Community, leisure and cultural facilities
- DM38 – Funding infrastructure

5.3 For the purposes of this appeal, the most relevant policies are considered to be: S1; S5; S11; DM1; DM10; DM11; DM13; DM28; DM33; DM36; and DM38.

5.4 The relevant Supplementary Planning Documents are:

- Affordable Housing (December 2023)
- Biodiversity (December 2009)
- Environmentally Sustainable Development (March 2009)
- Planning Obligations (July 2008)
- Quality Places (November 2011)
- Parking Standards (September 2025)
- Trees and Development (April 2022)

5.5 The Council undertook the first stage of its local plan review, with the issues and options consultation being held over December 2024 and January 2025. The results of this consultation are still being analysed and potential future housing sites being assessed.

6.0 National Policy

6.1 At national level, the National Planning Policy Framework (NPPF) is a material consideration of significant weight in the determination of planning applications. It states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

6.2 Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing,

creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

- 6.3 The NPPF also states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words, the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.
- 6.4 Additionally, the NPPF requires a deliverable five-year supply of housing within each local authority area. If this is not demonstrated a tilted balance in favour of sustainable development applies.

7.0 Housing Land Supply

- 7.1 Eastleigh Borough Council's most recent housing land supply position is set out in 'Calculation of Five-Year Housing Land Supply', which was published in January this year (see Appendix A). It sets out the five-year housing land supply position as of 1st April 2025 and comprises this main document and appendices detailing the housing sites involved. This updates and replaces the previous report covering the period 1 April 2024 to 31 March 2029.
- 7.2 The information as presented in Appendix A concludes that Eastleigh Borough Council cannot currently demonstrate a five-year supply of housing, with 4.2

years' worth of deliverable housing land shown against the housing requirement figure.

- 7.3 Notwithstanding the relatively recent publication date of the land supply figure, the LPA are intending to review the supply position following the approval of a number of larger sites, including at the One Horton Heath development. As soon as an updated figure is calculated, it will be made available to the Inspector and Appellant to review.

8.0 Reasons for Refusal

- 8.1 Below is a more detailed justification for the reasons for refusal and where relevant, comments on the Appellant's Statement of Case.

8.2 Reason 1: - Landscape Impact

The site is outside of the urban edge and is not allocated for residential development. The proposal represents an inappropriate and unjustified form of development, which would have an unacceptably urbanising and visually intrusive impact upon the designated countryside to the detriment of the character and visual amenity of the local area. These adverse impacts cannot be appropriately mitigated and therefore the application is contrary to Policies S1, S5 & DM1 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).

- 8.3 The Eastleigh Borough Local Plan sets out the approach to sustainable development and its location, which aims for as much development as possible to be located in existing urban areas. Policy S5 relates to sites outside the urban edge, the 'countryside', and sets out the type of development that would be supported in principle, including development through the re-use and replacement of existing buildings. The policy does not support new build residential development in the countryside, other than in specific circumstances (e.g. for Gypsies, Travellers and Travelling Showpeople), or on allocated sites.

The proposal would therefore be in direct conflict with Policy S5, being for the construction of up to 150 dwellings outside the urban edge which are not related to any of the types of residential development deemed appropriate by the policy. As such, the application is not supported by the Local Plan. However, it is accepted that the Council cannot currently demonstrate a five-year land supply as required by the NPPF. In that instance a presumption in favour of sustainable development applies as set out by paragraph 11d) of the NPPF. This involves granting permission unless any adverse impacts 'would significantly and demonstrably outweigh the benefits' when taken as a whole, or there is a strong reason for refusing the development due to policies 'that protect areas or assets of particular importance' (as listed in NPPF footnote 7). As such the tilted balance applies.

- 8.4 Notwithstanding the need to apply the tilted balance, this does not mean that the requirements of Policy S5 do not need to be met or that the policy as a whole does not carry any weight. The NPPF also requires planning decisions to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to local character. Policy S5 as well as being locational is also concerned with the impact of proposals on the character of the area. There is, therefore, consistency between the NPPF and Policy S5 in respect of the importance of the character and appearance of the area and countryside.
- 8.5 When considering the landscape impact of the proposed built form, as opposed to landscape and green infrastructure proposals within the site, it is acknowledged that the site is relatively well screened and not easily visible from longer range views due to a combination of topography and existing woodland. However, simply because it is not easily visible from more distant vantage points does not mean that development of the site in the manner proposed will not result in harm to the character and visual amenity of the locality, something which is acknowledged in the Appellant's original LVIA and their statement of case in paragraphs 7.1.6 to 7.1.8. Developing a currently open agricultural field into a housing estate laid out in a typical fashion will introduce an urbanised form of development which will sit in stark contrast to the site's current character

and that of its immediate surroundings. This dramatic change in character will be clearly experienced from Snakemoor Lane, particularly when travelling west where the upward slope of the application site is clearly presented in front of you. No level of additional tree or landscape planting will be sufficient to hide the built form of dwellings siting at the top of the slope, even with the backdrop of the neighbouring woodland. Views into the development will be clearer still at the position of the site access which would not benefit from the current boundary hedge which runs along the lane.

8.6 Whilst relatively close to Horton Heath and the urban edge, the application site itself is visually divorced from existing development in Horton Heath due to the intervening woodland. Equally, the site is also not obviously connected to Durley either physically or visually. As such, that proposed would appear as a separate standalone development of a form and scale which is entirely out of context with the prevailing character of the immediate surrounding area. Such a dramatic change from attractive rural landscape to urban housing estate would have a detrimental effect on the visual amenity and character of the locality contrary to Policies S5 and DM1 which requires new development to take appropriate account of the context of the area, minimise or suitably mitigate harm and ensure that development in the countryside avoids adverse impacts on the rural character of the landscape. This, together with new residential development outside the urban edge not being supported by Policy S5 means that the development should not be approved.

8.7 The Appellant's statement of case also discusses matters of urban design and internal landscaping of the development. As was set out in the delegated officer report, putting aside the concerns regarding the suitability of the site and its impact upon the character of the locality, the LPA had no particular objection to the indicative layout put forward. Whilst some aspects of the proposed layout would have benefitted from further design development, which would be required as part of any future reserved matters or full planning application, the LPA had no concerns with regards to overdevelopment of the site or the general urban design concepts put forward. However, the LPA would contend that no

level of additional plant screening or other mitigation measures can overcome the harm which would result to the attractive character of the locality.

8.9 Reason 2: - Sustainable Transport and Accessibility

The site is considered to be poorly connected by sustainable transport modes to local facilities in Horton Heath, Fair Oak and the surrounding area. The measures included within the proposed development would not result in a genuine choice of transport modes and as such the proposals would result in a car dependant development increasing congestion on the highway network. The application is therefore contrary to Policies S1, S11, DM1 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).

8.10 Following refusal of the application, discussions have continued between the Highway Authority and the Appellant's transport consultant. Whilst progress has been made in some respects (see reason for refusal 3 below), serious concerns remain with regards to the true accessibility of the site to local facilities and services.

8.11 The Appellant's statement of case pays particular attention to the proximity of the appeal site to local facilities and services, setting out distances and walking and cycling times, which will need to be tested. However, it does not consider whether these destinations are where future residents of the appeal development will want or need to travel to, and there are questions as to whether Botley Road and Bubb Lane can be considered conducive for encouraging walking and cycling trips. Neither does it assess the suitability of the routes to these destinations for those who would choose not to use or not have access to a private vehicle. The statement also references as yet unbuilt facilities at the One Horton Heath development which lies to the west of Horton Heath. Whilst it is acknowledged that it is planned for this development to provide a new primary school and a local centre, these are still some years

away from being built and cannot therefore be relied upon to provide for future residents of the appeal development. Neither is it acknowledged within the statement of case that residents will still need to use the same routes to these destinations which in the LPA's opinion are not suitable or safe for pedestrians and cyclists to use.

8.12 Reference is also made to public transport in the locality. Whilst it is acknowledged that the site is adjacent to bus stops on Botley Road, the number and frequency of the services available is not discussed. Presently, other than the early morning and mid-afternoon service to and from Swanmore Technology College, there is only one main route (Bluestar Route 3) which is an hourly service in each direction between Eastleigh and Southampton. This service takes 20 minutes to reach Eastleigh; 30-35 minutes to Hedge End; and over an hour to the centre of Southampton. Given these destinations can be reached by car in less time than it takes via the bus (15 minutes to Eastleigh; 5-8 minutes to Hedge End; and 25 minutes to the centre of Southampton), it does not appear realistic to assume or expect that future residents of the development will take the bus as an alternative.

8.13 The appeal scheme proposes the provision of a 'community transport hub' which could provide access to a car club and a cycle/scooter hire scheme, which in principle the LPA has no objection to. However, no specific details of exactly what services would be available has been provided, or who would manage them. This lack of clarity raises significant concerns as to whether such a facility will or can be provided as part of the development. There are further concerns as to the viability of providing such a service and its ongoing availability for future residents of the development given the relatively small population who would wish to use it from a development of just 150 dwellings.

8.14 Whilst the site is relatively close to the urban edge and existing residential development, it is not considered to be in a truly accessible location. This is principally due to the most realistic options in terms of the type of local facilities residents would want or need to use being at a distance which is beyond that which most would find convenient to choose to walk to. This, together with the

poor cycle and local public transport provision, is very likely to mean that future residents of the development would be left with little option but to use their car for reasons of safety as well as convenience. Given the level of affordable housing proposed for the development, of which residents are less likely to have access to a private vehicle, this is a further concern.

8.15 NPPF paragraph 110 states that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.” However, the very limited existing provision in the locality; the level of new infrastructure required for what is a relatively modest residential development; and the uncertainty in providing and maintaining facilities such as the community transport hub, on which it appears significant reliance is being placed by the Appellant, raises serious concerns as to the suitability of the appeal site for residential development.

8.16 Given the limited facilities available within Horton Heath and the associated walking and cycling distances and infrastructure, it is evident that, even with the proposed mitigation measures, the site would remain predominantly car dependent. As such, this would be contrary to paragraph 110 of the NPPF. On this basis, the LPA and Highway Authority considers that the second reason for refusal cannot realistically be overcome.

8.17 Reason 3: - Site Access & Highway Infrastructure

It has not been demonstrated that the proposed site access or the alterations required to local highway infrastructure to serve the development can be undertaken in a manner which will meet the necessary Highway Authority standards and not impact upon traffic flow and movements in the locality. The application is therefore considered to be contrary to Policies S11 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework (December 2024).

8.18 At the time of determination, it had not been demonstrated that the design of the proposals for the physical works required in order to provide pedestrian, cycle and vehicular access to the site, which was the only detailed matter for consideration at the outline stage, could be provided to the necessary highway standards. These concerns related to the main vehicular access onto Snakemoor Lane, where it had not been demonstrated that larger vehicles could use the access without encroaching into the opposite carriageway. Equally, questions remained as to the various alterations which would be required to the Denham's Corner roundabout as a result of providing a signalised crossing point over Botley Road and dedicated cycle provision towards Bubb Lane, as well as north into Horton Heath. It had not been demonstrated that these alterations would meet the necessary standards for the provision of acceptable shared pedestrian and cycle routes, a safe cycle crossing point and that the works could be undertaken without effecting traffic flows around the roundabout. As such, it had not been demonstrated that the proposed development would accord with the requirements of Policy DM13 which states that "Access arrangements to the highway network must: meet national and local guidance and standards with all highway improvements meeting the standard required to be adopted by the Highway Authority; not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network; and be provided without unacceptable environmental impact."

8.19 The continued discussions between the Highway Authority and the Appellant have resulted in further revisions to the design of the Snakemoor Lane access being undertaken, as well as additional details regarding amendments to the design of the proposed crossing point, Denham's Corner roundabout, Botley Road and Bubb Lane to improved pedestrian and cycle provision. Whilst a number of issues remain to be resolved in relation to these physical works, that currently being proposed by the Appellant has broadly addressed the concerns of the Highway Authority and it is expected that the remaining issues can be resolved to the point where this reason for refusal can be withdrawn prior to the submission of proofs of evidence.

8.20 Reason 4: - Planning Obligations

The application fails to secure provision for developer contributions for the on and off-site provision of facilities and infrastructure made necessary by the development or to mitigate against any increased need or pressure on existing facilities. The application is therefore contrary to the requirements of Policies S10, DM13, DM28, DM33, DM36 and DM38 of the Eastleigh Borough Local Plan (2016-2036), the Eastleigh Borough Council's Planning Obligations Supplementary Planning Document and provisions within the National Planning Policy Framework (December 2024).

8.21 In accordance with the guidance contained within the NPPF, Policies DM13, DM28, DM33, DM38 and E5 of the adopted Eastleigh Borough Local Plan 2011-2036, the Council's 'Planning Obligations' SPD and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for developers' contributions to ensure on and off-site provision for facilities and infrastructure made necessary by the development, or to mitigate against any increased need/pressure on existing facilities. This is in addition to the requisite on-site provision of affordable housing.

8.22 Contributions / obligations towards the provision of the following infrastructure, community and environmental facilities or mitigation measures have been identified as being required if permission were to be granted:

- Policy compliant 35% Affordable Housing, plus an additional 5% to total 40%;
- Community Infrastructure;
- On and off site Public Open Space and Play Provision;
- Sustainable Transport;
- Off-site highway works
- Travel Plan;

- Provision of mobility hub;
- Public Art;
- Education;
- Health Provision;
- Public Right of Way improvements;
- Biodiversity Net Gain monitoring;
- Nitrates and/or phosphate mitigation; and
- S106 monitoring fees

8.23 No specific projects or the final figures required have been identified, however, it will be ensured that projects identified for contribution expenditure will comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards the projects which are directly related to the development and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

8.24 The above list of obligations accords with the details set out in the officer's delegated report, and the Council is willing to work with the Appellant to agree the detailed heads of terms for a S106 agreement. It is noted that Hampshire County Council, as Highway and Education Authority would need to be party to the agreement, as would the NHS Hampshire & Isle of Wight Integrated Care Board. Should a S106 agreement be completed in accordance with the required timescales, then this would address reason for refusal 4.

8.25 Reason 5: - European Protected Sites

The application fails to secure mitigation to offset the impacts of the development on the European protected sites (i.e. River Itchen Special

Area of Conservation SAC) from the effects of nutrient loading. The application is therefore contrary to Policies S1, DM10 and DM11 of the Eastleigh Borough Local Plan (2016-2036), provisions within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

- 8.26 This reason for refusal refers to two main issues: the impact of additional wastewater from new residential development upon the water quality of the Solent catchment area through eutrophication; and recreational disturbance upon the designated Solent and New Forest sites as a result of increased use of these areas by residents of new residential development.

Nutrient Neutrality

- 8.27 Natural England has advised that the increase in wastewater from new housing developments within the Borough is having a detrimental effect on the quality of water entering the Solent catchment area through eutrophication. As such, all development for additional housing is required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The appeal site currently has no foul drainage connection and is located between the catchment areas for two different wastewater treatment works – Chickenhall Lane or Peel Common. Depending on which of these treatment works would be used to serve the development will affect the level of mitigation required to achieve nutrient neutrality for nitrates and potentially phosphates.
- 8.28 At this stage no indication has been provided by the appellant as to what new foul drainage infrastructure will be required to serve the development. However, they have indicated via their statement of case that they are intending to use Eastleigh Borough Council's nitrate and phosphate credit schemes to mitigate the impact of the development and achieve nutrient neutrality. This would be acceptable to the LPA, and provided this mitigation is secured prior to

occupation of the development, ideally through an agreed S106 agreement, the LPA would be willing to withdraw this element of the reason for refusal.

Recreational impacts on the Solent SPA and New Forest SAC, SPA and Ramsar sites

- 8.29 The site is located within the 5.6km Solent Mitigation Disturbance Zone associated with the Solent and Southampton Water Special Protection Area (SPA) and the 13.8km catchment zone for the New Forest SPA, SAC and Ramsar site in relation to recreational disturbance. In accordance with advice from Natural England, a net increase in housing development within these catchment areas is likely to result in impacts to the integrity of these sites through an increase in recreational pressure / disturbance.
- 8.30 Whilst Natural England were satisfied that recreational disturbance upon the Solent SPAs could be addressed through contributions to the Solent Recreation Mitigation Strategy, they objected to the application on the grounds that they considered the proposed development would have an adverse effect on the integrity of the New Forest SAC, SPA and Ramsar site from increased recreational disturbance; and that the impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations.
- 8.31 Eastleigh Borough Council has set up an interim New Forest Mitigation Strategy which looks to address the issue of recreational disturbance through the provision of Suitable Alternative Natural Greenspace (SANG), which includes improvements to existing facilities and the provision of new greenspace facilities which can be used as an alternative to the New Forest. Whilst Natural England are supportive of the strategy in principle, disagreement remains as to the level of SANG provision required to mitigate the impact of new residential development.
- 8.32 As with nutrient mitigation, the Council's New Forest strategy would be available to the Appellant and provided the required New Forest and Solent mitigation is

secured through an agreed S106 agreement, the LPA would be willing to withdraw this element of the reason for refusal.

Habitats Regulations Assessment (HRA)

- 8.33 Notwithstanding the LPA's willingness to withdraw this reason for refusal provided suitable mitigation is secured, it is acknowledged that the appointed Planning Inspector has a duty under the Habitat Regulations as the competent authority to make their own assessment which may differ from that of the LPA.

9.0 Planning Balance & Conclusion

- 9.1 The planning balance exercise set out in the conclusion of the delegated officer's report provides more detail as to the LPA's view on the appeal scheme. As is set out, it is acknowledged that the development would bring with it a number of benefits, such as contributing to the Council's housing requirements, noting the present deficit, and including affordable housing, as well as local employment during construction of the development.
- 9.2 The habitat and local infrastructure improvements which would be secured through the development are primarily to serve the development itself and address national requirements in terms of biodiversity net gain. As such, they are considered to carry neutral to minimal weight in the overall planning balance.
- 9.3 However, whilst these benefits are noted, it is not considered that they would outweigh the disbenefits of the scheme which comprise the impact upon the character of the site and the surrounding area, together with the site's poor accessibility. For these purposes the Council has assumed that an appropriate s.106 obligation will be delivered which fully mitigates the identified impacts, and so no harm from RfR 4 or 5 is included. Clearly if that is not the case, further harm will arise and the conclusion strengthened further.
- 9.4 For the reasons set out above, which will be addressed in more detail within the proofs of evidence to be submitted, the LPA would respectfully request that the

Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to allow the appeal, the LPA would request that the conditions set out in Appendix B be considered.