

HAMPSHIRE COUNTY COUNCIL

DELEGATED Decision Report

Decision Maker:	Director of Universal Services
Applicant:	Hampshire County Council
Proposal and location:	Variation of Conditions 3 (CEMP), 4 (DMP), 6 (CTMP), 8 (CLDS & MMP), 10 (EA & RMS), 11 (Fisheries), 12 (Habitats), 15 (Arboriculture), 16 (LMP), 17 (FRA), 20 (Biosecurity), 21 (Bridge), 22 (Drainage), 23 (SDS) and 29 (Plans) of planning permission CS/17/81226 at Land at Woodhouse Lane and to the North and East of Botley Village, Eastleigh (No. CS/25/98843) (EAH002) and Winchester 17/02023/HCS (WRH008)
Received:	7 January 2025
Report by:	Assistant Director of Waste & Environmental Services

The Site

The development is located between the A334 Junction and Woodhouse lane at the Maypole Roundabout in Hedge End. 1.1Km along Woodhouse Lane with a new road constructed in a south-easterly direction to the River Hamble before going the A334 at the A305 junction at Mill Hill (500 m east of Botley).

The nearest residences are all bordering this part of the development. One being 55m away from the Uplands farm, a section of the development backs onto to some residence gardens. While the most southerly area encapsulates the Bottings Industrial estate.

The Bypass will connect to Woodhouse Lane at the western end of the scheme before heading east and crossing Winchester Street west of Holmesland Lane. The scheme then runs towards and in parallel to the Portsmouth-Eastleigh railway line, heading towards and crossing the River Hamble. It then heads south to the west of Bottings light industrial estate, before turning east again to join the A334/A3051 near to Pinkmead Farm.

At the south-western end, adjacent with the junction of A334 and Woodhouse Lane at the Maypole Roundabout, are a small number of houses and a waste depot, then to the northwest is the Botleigh Grange Business Park, and Baden Powell Lodge Community Hall and recreational area. Traveling north-east along Woodhouse Lane Bottom Copse/Bushy Copse Semi-Natural Ancient Woodland lies immediately to the west where the road crosses Woodhouse Gully, beyond which is Hillier Garden Centre located to the east. Woodhouse Lane passes through an area which is predominantly agricultural with some residential properties either side of the lane. The western section of the bypass will

commence from a new connection to Woodhouse Lane approximately 175 metres south-west of its junction with Winchester Street. The closest edge of the new connection will lie approximately 35 metres to the north of residential properties on Woodhouse Lane.

From the new connection with Woodhouse Lane the bypass will cross agricultural land towards Winchester Street where it passes close to residential properties (at its closest the edge of the new highway will be approximately 14 metres from the boundary of the nearest residential property).

The Phase 3 section of the bypass which the subject of this planning application runs from Winchester Road and the A334/A3051 junction. After its junction with Winchester Street, the bypass runs through agricultural fields gently climbing to the north of Uplands Farm before descending towards the River Hamble and crossing Public Right of Way (PRoW) Botley no.3 and a small section of floodplain, deciduous woodland and watercourse. At the Hamble River crossing the scheme passes through the Botley Mill Woodland Site of Importance for Nature Conservation (SINC).

The route then climbs through agricultural land past Bottings light Industrial Estate where it crosses PRoW Curdrige no. 3 and towards the proposed connection with Station Hill, Mill Hill and A3051 intersection to the east of Botley. The farmland along the route is crossed by infrastructure including local roads, public rights of way, the Eastleigh to Portsmouth railway line, power lines, including pylons and a number of major underground service routes, including oil, gas and water pipe lines.

Botley High Street is declared as an Air Quality Management Area (AQMA) by Eastleigh Borough Council due to exceedances of the annual mean NO₂ Air Quality Standard objective. The AQMA encompasses the High Street between the Maypole Roundabout and the junction between the A334 High Street and the B3354 Church Lane, and was declared due to the higher than expected proportion of heavy duty vehicles using the road, combined with a narrow road and queuing traffic leading to poor dispersal of air pollution.

The scheme passes through the Botley & River Hamble Conservation Area at the River Hamble and past Toll Gate (Grade II Listed Building) at its crossing with Winchester Street.

The application site lies within proximity to the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation (SAC) and the Upper Hamble Estuary and Woods Site of Special Scientific Interest (SSSI).

Planning History

The planning history of the site is as follows:

Application no.	Proposal	Decision	Date issued
CS/22/92243	Ancillary Application to replace retaining wall with an Embankment as part of Botley Bypass Phase 2 construction at the Land to East of Woodhouse Gully	Granted	09/05/2022

	Culvert within Bottom Copse (No. CS/22/92243) (EAH006)		
CS/22/93070 (EAH002) & 22/00866/HCS (WRH008)	Variation of condition 29 (to provide for updated lighting plans) of permission CS/21/91199 - Botley Bypass (Woodhouse Lane South Phase) at Botley Bypass, Woodhouse Lane, Botley, SO30 2GD (No. CS/22/93070) (EAH002)	Granted	31/03/2022
CS/21/91199 (EAH002) & 21/02012/HCS (WRH008)	Variation of condition 15 (to provide for revised Arboricultural Impact Assessment and Arboricultural Method Statement) of permission CS/17/81226 (EAH002) and 17/020223/HCS (WRH008)	Granted	26/10/2021
CS/21/89669 (EAH002) & 20/02772/HCS (WRH008)	Minor material amendment of the planning consents CS/17/81226 & 17/02023/HCS for the Botley Bypass scheme, to allow construction of an additional 1 metre high acoustic fence between Holmesland Lane and Winchester Street, Botley	Granted	04/02/2021
CS/20/88993 (EAH002) & 20/02141/HCS (WRH008)	Variation of condition 15 (to provide for revised Arboricultural Impact Assessment and Arboricultural Method Statement) of permission CS/17/81226	Granted	19/11/2017
CS/17/81226 (EAH002) & 17/020223/HCS (WRH008)	Construction of a bypass for Botley, providing a connection from Station Hill (A334/A3051 junction) to Woodhouse Lane together with associated improvements/enabling works to Woodhouse Lane	Granted	22/11/2017
O/18/83634	Hybrid planning application for the proposed development of a residential and education led site with access off Woodhouse Lane. Outline: Up to 605 residential dwellings, a local centre, pedestrian and cycle links, a pedestrian SINC crossing, drainage, public open	Granted by Eastleigh Borough Council	06/09/2019

	space, landscaping, other supporting infrastructure and mitigation measures (including noise attenuation) associated with the development. Full: 7 Form Entry secondary school with the potential to expand to 9 Form Entry and associated sports provision, primary access roads and points of access, pedestrian and cycle links (including the diversion of route number 6c), an underpass, a pedestrian SINC crossing, drainage, landscaping, utilities, other supporting permanent and temporary infrastructure and mitigation measures associated with the development.		
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The Proposal

The application for Botley Bypass is covered by three phases:

- Phase 1: Uplands Development Infrastructure – Woodhouse Lane North (constructed)
- Phase 2: Woodhouse Lane South (partially constructed, some works to be completed at Western Gateway)
- Phase 3: New Bypass and bridge over the River Hamble (construction due to commence Spring 2025).

The development is a Regulation 3 development by Hampshire County Council and as such is being determined by the County Planning Authority. The bypass is within Eastleigh Borough Council (EBC) and Winchester City Council (WCC) and so requires two separate planning applications. However, a single report addresses both applications. Planning consent for the overall Botley Bypass scheme was granted by Hampshire County Council in November 2017 (Ref: CS/17/81226 (EBC) & 17/02023/HCS (WCC)). The scheme is currently under construction with Phases 1 and 2 largely completed. The details of the overall planning permissions are required to be amended for the Phase 3 designs.

This application relates only to Phase 3 of Botley Bypass, which consists of a new 40mph single carriageway including shared footway/cycleway, construction of a new bridge crossing the River Hamble and a four-armed roundabout at the junction of the A334 and A3051.

The subject planning applications address both changes to the design details originally approved and also amends a number of planning conditions which originally required additional details to be submitted. Those planning conditions would ordinarily have been discharged through ‘discharge of condition’ applications to the County Planning Authority but have instead been incorporated into the subject applications. The conditions have previously been previously been partially discharged for the purposes of Phases 1 and 2.

The proposed changes to the originally approved design are detailed in **Chapter 2 of the ES addendum** and are as follows:

- Drainage design
- Vegetation clearance and tree removal
- Landscape design
- Bridge design
- Pinkmead roundabout (A334)
- Additional junction to serve Highwood Commercial Development Area
- Alignment of Uplands Farm PROW
- Fence lines at River Hamble
- Temporary haul road
- Two site compounds (Permitted development)
- Soil storage areas

The application seeks to vary Conditions 3 (Construction Environmental Management Plan (CEMP)), 4 (Dust Management Plan (DMP)), 6 (Construction Traffic Management Plan (CTMP)), 8 (Contaminated Land Discovery Strategy (CLDS) & Materials Management Plan (MMP)), 10 (Ecological Appraisal (EA)) & Reptile Mitigation Strategy (RMS)), 11 (Fisheries), 12 (Habitats), 15 (Arboriculture), 16 (Land Management Plan (LMP)), 17 (Flood Risk Assessment (FRA)), 20 (Biosecurity), 21 (Bridge), 22 (Drainage), 23 (Sustainable Drainage System (SDS)) and 29 (Plans) of planning permission CS/17/81226 & 17/02023/HCS at Land at Woodhouse Lane and to the North and East of Botley Village. Below are what the conditions currently state and what the applicant would like them changed too.

Condition 3 currently states:

'Prior to the commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the outline CEMP (Environment Statement Volume 3 Appendix L dated July 2017) and shall have regard to the protection of existing surface water drains from Botley Rail Depot during construction. The development shall be subsequently implemented in accordance with the approved details'

The applicants would like it to state:

'The development permitted by this permission shall be carried out in accordance with MIL_FORENV_004 Botley Bypass CEMP – Main Works (December 2024)'

Condition 4 currently states:

'Prior to commencement of development a site Dust Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include monitoring as appropriate, as well as mitigation measures, in accordance with IAQM guidance in order to ensure that air quality objectives are not exceeded, particularly in respect of sensitive receptors.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with Botley Phase 3, Dust Management Plan, Milestone Infrastructure (December 2024) – Appendix C to Main Works CEMP'

Condition 6 states:

'A Construction Traffic Management Plan, including lorry routing, the provision for contractor's vehicle parking and turning spaces, measures to prevent mud being deposited on the highway and a programme for the construction shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the development is commenced and maintained for the duration of the development.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with EHS 009-F01 Construction and Traffic Management Plan'

Condition 8 states:

Prior to the commencement of development, the following items shall be submitted in writing to the Local Planning Authority: (ii) Where required, a strategy of Remedial Measures to address the identified risks; (iii) Materials Management Plan for reuse of soil/ materials.

The applicant is proposing to vary this condition to:

The development permitted by this planning permission shall be carried out in accordance with:

- (i) Contaminated Land Discovery Strategy, Botley Bypass Phase 3, SLR, December 2024*
- (ii) Materials Management Plan – Appendix L to Main Works CEMP*

Condition 10 states:

'Prior to the commencement of development, detailed reptile, badger, and otter mitigation strategy, informed by updating survey work as necessary, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with:

- i) Ecological Appraisal of advanced vegetation clearance, Botley Bypass Phase 3 V3. October 2024*
- ii) Reptile Mitigation Strategy, Botley Bypass Phase 3, November 2024'*

Condition 11 states:

No development shall take place until a scheme for the provision and management of fisheries habitat creation has been submitted to and approved in writing by the Local Planning Authority within a Habitat Management Plan and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.

The applicant is proposing to vary this condition to:

The development permitted by this planning permission shall be carried out in accordance with:

- i) Fisheries Habitat Management Creation Plan December 2024*
- ii) Botley Bypass Updated Fisheries Habitat Assessment & Enhancement Report, Carcinus, December 2024*

Condition 12 States:

Prior to commencement of the development, a detailed Habitat Enhancement and Management Scheme, supported by drawings, and stating management aims, objectives and prescriptions as well as a monitoring and review process, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

The applicant is proposing to vary this condition to:

The development permitted by this planning permission shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report (December 2024)

Condition 15 States:

The development shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement Rev:2 (dated November 2017) as submitted with the application.

The applicant is proposing to vary this condition to:

The development shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement Rev:9 (dated November 2024).

Condition 16 states:

'Prior to the commencement of development a Landscape Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall specify the phasing and timescales for carrying out of landscaping works, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of similar size and species. The scheme shall be implemented as approved.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report (December 2024).'

Condition 17 states:

'The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Atkins dated July 2017 Reference 5154211 and the following mitigation measures detailed within the FRA:

- (i) Soffit level of proposed bridge is no lower than 6.44m AOD plus a 600mm freeboard allowance. The 6.44m AOD is the 1 in 100 year modelled flood level including a 105% climate change allowance.*
- (ii) Provision of compensatory flood storage as indicated in Table 4.2 – 4.4 in FRA and as per drawing number EC/RJ567629/01/112 are implemented. The mitigation measures shall be fully implemented prior to completion of the bridge crossing and operation of the bypass and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.'*

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by AtkinsRéalis dated December 2024 and the following mitigation measures detailed within the FRA:

- (i) Soffit level of proposed bridge is no lower than 6.44m AOD plus a 600mm freeboard allowance. The 6.44m AOD is the 1 in 100 year modelled flood level including a 105% climate change allowance.*
- (ii) Provision of compensatory flood storage as indicated in Table 4.3 and 4.4 in FRA and as per drawing number CJ008882-HEH-GEN-44301694-DR-CH-7112 are implemented.*

The mitigation measures shall be fully implemented prior to completion of the bridge crossing and operation of the bypass and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.'

Condition 20 states

'Prior to the commencement of development, a Biosecurity Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- (i) Employ strict biosecurity measures whilst carrying out any work near a river. The contractors must make sure their equipment/PPE etc. is clean and dry and free*

from any Himalayan balsam seeds before coming on site and again coming off-site. This may involve the deployment of a washdown facility.

- (ii) Minimize the risk of spread by planning to carry out the work as early in the year as possible before the plant have time to seed. The plant produces seed around July-Aug time so before then is best. The Plan should include measures that will be used to prevent the spread of Himalayan balsam during any operations e.g. strimming or soil movement. It should also contain measures to ensure that any soils brought to the site are free of the seeds/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.'*

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with Biosecurity Plan – Appendix K to Main Works CEMP (December 2024).'

Condition 21 states:

'No bridge, outfall, culvert construction or any part of the development that may involve an impact upon the watercourses within the site shall take place until a method statement/construction environmental management plan that is in accordance with the approach outlined in the Planning/Environmental Statement has been submitted to and approved in writing by the Environment Agency and Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas and species, detailing how the works will be carried out and how the environment will be protected during the works. Such a scheme shall include details of the following:

- (i) The timing of the works*
- (ii) A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.*
- (iii) Construction methods*
- (iv) Any proposed piling (including size and location of piles and piling method)*
- (v) Any necessary pollution protection methods. In particular, the management of any silt dispersal. The works shall be carried out in accordance with the approved method statement.'*

The applicants would like it to state:

'The development permitted by this planning permission shall be carried out in accordance with Bridge CEMP - MIL_FOR_ENV_004 Botley Bypass CEMP – Bridge, Culvert and Outfalls.'

Condition 22 states:

'Prior to the commencement of development, details of provision for surface water run-off exceeding design criteria shall be submitted to the Local Planning Authority for approval in writing. The details shall include calculations and exceedance flow diagram/plans identifying where surface water flooding might occur and where this would pool and flow.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with:

- i) Botley Bypass, Drainage Impact Assessment (Rev. 5) November 2024*
- ii) Botley Bypass, Drainage Maintenance Plan (Rev. C) November 2024.'*

Condition 23 states:

'Prior to completion of the development, information regarding the management of Sustainable Drainage Systems (SDS) for the duration of the development shall be submitted to the Local Planning Authority for approval in writing. The details shall be implemented as approved.'

The applicant is proposing to vary this condition to:

'The development permitted by this planning permission shall be carried out in accordance with:

- i) Botley Bypass, Drainage Impact Assessment (Rev. 5) November 2024*
- ii) Botley Bypass, Drainage Maintenance Plan (Rev. C) November 2024.'*

Condition 29 states:

'The development hereby permitted shall be carried out in accordance with the following approved plans:

EC/RJ567629/01/101RevA, EC/RJ567629/01/102, EC/RJ567629/01/103, EC/RJ567629/01/104, EC/RJ567629/01/105, EC/RJ567629/01/106, EC/RJ567629/01/107, EC/RJ567629/01/108, EC/RJ567629/01/109, EC/RJ567629/01/111, EC/RJ567629/01/112, EC/RJ567629/01/121, EC/RJ567629/01/122, EC/RJ567629/01/123, EC/RJ567629/01/124, EC/RJ567629/01/125, EC/RJ567629/01/126, EC/RJ567629/01/133, EC/RJ567629/01/134, EC/RJ567629/01/135, EC/RJ567629/01/141, EC/RJ567629/01/142, EC/RJ567629/01/144, EC/RJ567629/01/146, EC/RJ567629/01/145, EC/RJ567629/01/147, EC/RJ567629/01/148, EC/RJ567629/01/149, EC/RJ567629/01/150, EC/RJ567629/01/151, EC/RJ567629/01/161, EC/RJ567629/01/162RevA, EC/RJ567629/01/163, EC/RJ567629/01/174, EC/RJ567629/01/173, EC/RJ567629/01/172, EC/RJ567629/01/171, EC/RJ567629/01/175, L-RJ567629/01.4009, EC/RJ567629/01/203, EC/RJ567629/01/202, EC/RJ567629/01/201, EC/RJ567629/01/179, EC/RJ567629/01/178, EC/RJ567629/01/177, EC/RJ567629/01/176, L-RJ567629/01.4002, EC/RJ567629/01/506, EC/RJ567629/01/505, EC/RJ567629/01/504, EC/RJ567629/01/503, EC/RJ567629/01/206, EC/RJ567629/01/205, L-RJ567629/01.4001, EC/RJ567629/01/1602, EC/RJ567629/01/1601RevA, EC/RJ567629/01/1201, EC/RJ567629/01/511, L-RJ567629/01.4006, L-RJ567629/01.4005, L-RJ567629/01.4004, L-RJ567629/01.4003, L-RJ567629/01.4008, L-RJ567629/01.4007, EC/RJ567629/01/131RevA, EC/RJ567629/01/132RevA, EC/RJ567629/01/157, EC/RJ567629/01/143RevA, EC/RJ567629/01/204RevA, EC/RJ567629/01/501RevA, EC/RJ567629/01/502RevA'

The applicant is proposing to vary this condition to:

'The development hereby permitted shall be carried out in accordance with the following approved plans:

EC/RJ567629/01/101RevA, EC/RJ567629/01/102, CJ008882-ECH-HGN-44301694-DR-HE-7103, CJ008882-ECH-HGN-44301694-DR-HE-7104, CJ008882-ECH-HGN-44301694-DR-HE-7105, CJ008882-ECH-HGN-44301694-DR-HE-7106, CJ008882-ECH-HGN-44301694-DR-HE-7107, CJ008882-ECH-HGN-44301694-DR-HE-7108, EC/RJ567629/01/109, EC/RJ567629/01/111, CJ008882-ECH-HGN-44301694-DR-HE-7112, EC/RJ567629/01/121, EC/RJ567629/01/122, EC/RJ567629/01/123, EC/RJ567629/01/124, EC/RJ567629/01/125, EC/RJ567629/01/126, CJ008882-ECH-HGN-44301694-DR-HE-7133, CJ008882-ECH-HGN-44301694-DR-HE-7134, CJ008882-ECH-HGN-44301694-DR-HE-7135, EC/RJ567629/01/141, EC/RJ567629/01/142, EC/RJ567629/01/144, CJ008882-ECH-HGN-44301694-DR-HE-7146, CJ008882-ECH-HGN-44301694-DR-HE-7145, CJ008882-ECH-HGN-44301694-DR-HE-7147, CJ008882-ECH-HGN-44301694-DR-HE-7148, CJ008882-ECH-HGN-44301694-DR-HE-7149, CJ008882-ECH-HGN-44301694-DR-HE-7150, CJ008882-ECH-HGN-44301694-DR-HE-7151, EC/RJ567629/01/161, EC/RJ567629/01/162RevA, CJ008882-ECH-HGN-44301694-DR-HE-7163, CJ008882-ECH-HGN-44301694-DR-HE-7174, EC/RJ567629/01/173, EC/RJ567629/01/172, EC/RJ567629/01/171, CJ008882-ECH-HGN-44301694-DR-HE-7175, CJ008882-WPE-ELS-44301694-DR-HE-0006, CJ008882-ECH-HSC-44301694-DR-HE-0121, EC/RJ567629/01/202, EC/RJ567629/01/201, EC/RJ567629/01/179, EC/RJ567629/01/178, CJ008882-ECH-HGN-44301694-DR-HE-7177, CJ008882-ECH-HGN-44301694-DR-HE-7176, L-RJ567629/01.4002, CJ008882-ECH-HDG-44301694-DR-D-0004, CJ008882-ECH-HDG-44301694-DR-D-0003, CJ008882-ECH-HDG-44301694-DR-D-0002, CJ008882-ECH-HDG-44301694-DR-D-0001, CJ008882-ECH-HSC-44301694-DR-HE-0124, CJ008882-ECH-HSC-44301694-DR-HE-0123, L-RJ567629/01.4001, EC/RJ567629/01/1602, CJ008882-HES-SBRB2307-DR-CB-1001, CJ008882-ECH-HGN-44301694-DR-HE-71201, CJ008882-ECH-HDG-44301694-DE-D-0013, CJ008882-WPE-ELS-44301694-DR-HE-0003, CJ008882-WPE-ELS-44301694-DR-HE-0002, CJ008882-WPE-ELS-44301694-DR-HE-0001, L-RJ567629/01.4003, CJ008882-WPE-ELS-44301694-DR-HE-0005, CJ008882-WPE-ELS-44301694-DR-HE-0004, EC/RJ567629/01/131RevA, EC/RJ567629/01/132RevA, EC/RJ567629/01/157, EC/RJ567629/01/143RevA, CJ008882-ECH-HSC-44301694-DR-HE-0122, EC/RJ567629/01/501RevA, EC/RJ567629/01/502RevA, CJ008882-ECH-HSC-44301694-DR-HE-0125, CJ008882-ECH-HSC-44301694-DR-HE-0126, CJ008882-ECH-HSC-44301694-DR-HE-0127, CJ008882-ECH-HDG-44301694-DR-D-0005, CJ008882-ECH-HDG-44301694-DR-D-0006, CJ008882-ECH-HDG-44301694-DR-D-0007, CJ008882-ECH-HDG-44301694-DR-D-0008, CJ008882-ECH-HDG-44301694-DR-D-0009, CJ008882-ECH-HDG-44301694-DR-D-0010, CJ008882-HES-SBRB2307-DR-CB-1002, CJ008882-HES-SBRB2307-DR-CB-1003, CJ008882-WPE-ELS-44301694-DR-HE-0007

These amendments are all in line with a number of different changes to the original 2017 permission consisting of a new 40mph single carriageway including shared footway/cycleway, construction of a new bridge crossing the River Hamble, and a four-armed roundabout (Pinkmead roundabout) at the junction of the A334 and A3051.

Although a number of changes have been made, the principles of the Scheme and the Scheme alignment remain the same.'

All documents associated with the planning application can be found on the planning application webpage <https://planning.hants.gov.uk/Planning/Display/HCC/2025/0001>

Development Plan

Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application. For the purposes of this application, the statutory development plan comprises the following.

Local Plan

Eastleigh Borough Local Plan (2016-2036) (EBLP (2022))

The following policies are relevant to the proposal;

- Policy S1: Delivering Sustainable Development;
- Policy S7: Countryside and countryside gaps;
- Policy S11: Transport Infrastructure;
- Policy S12: Strategic footpath, cycleway and bridleway links;
- Policy BO5: Botley bypass; and
- Policy DM1: General criteria for new development;
- Policy DM2: Environmentally sustainable development;
- Policy DM6: Sustainable surface water management and water course management;
- Policy DM11: Nature Conservation; and
- Policy DM13: General development criteria – transport.

Winchester City Council (Local Plan Part 1 – Joint Core Strategy (2013)) (WCCCS (2013))

The following policies are relevant to the proposal:

- Policy DS1: Development Strategy and Principles
- Policy CP10: Transport
- Policy CP13: High Quality Design; and
- Policy CP16: Biodiversity.
- Policy CP17: Flooding, Flood Risk and the Water Environment;
- Policy CP20: Heritage and Landscape Character;

- Policy CP21: Infrastructure and Community Benefit.

Winchester District Local Plan Part 2 – Development Management and Site Allocations (2017)

- Policy SHUA5: Botley Bypass Safeguarding.
- Policy DM15: Local Distinctiveness;
- Policy DM16: Site Design Criteria;
- Policy DM19: Development and Pollution;
- Policy DM20: Development and Noise;
- Policy DM21: Contaminated Land;
- Policy DM23: Rural Character;
- Policy DM24: Trees, Important Hedgerows and Ancient Woodlands; and
- Policy DM26: Archaeology.

Botley Neighbourhood Plan

Botley Neighbourhood Plan is at the draft stage (Regulation 16 consultation) and is not adopted planning guidance and carries no weight at this stage in determining planning applications.

National Planning Policy Framework (2024) (NPPF)

The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 39, 48: Decision making;
- Paragraphs 56 – 57: Planning conditions;
- Paragraph 58: Planning obligations;
- Paragraph 96: Healthy, inclusive and safe places;
- Paragraph 105: Public Rights of Way
- Paragraphs 109, 116-118: Sustainable transport;
- Paragraphs 131-141: Design
- Paragraphs 187: Contributions and enhancement of natural and local environment;
- Paragraphs 193-195: Biodiversity and planning

Consultations

The following responses have been received from consultees. A full record of all consultation responses is available to view on the planning application webpages under 'consultee responses' <https://planning.hants.gov.uk/Planning/Display/HCC/2025/0001>

Winchester City Council Arboriculture – No objections subject to informative regarding mitigation for the proposed tree loss.

Winchester City Council Environmental Health Officer (EHO): Has no objection

Winchester City Council Ecology – No objection

Rights of Way Manager – Notified

Environmental Health Eastleigh - Notified

Curdrige Parish Council - Notified

Botley Parish Council - Notified

Hedge End Town Council – Has no objection

Winchester City Council - Notified

Eastleigh Borough Council - Notified

Councillor Kyrle – Notified

Councillor Wallace – Notified

Natural England: Has no objection

Environment Agency: Has no objection

Hedge End Town Council: No objection

Local Highway Authority: Has no objection

Lead Local Flood Authority (LLFA): Has no objection

Landscape Planning and Heritage (Landscape) (Hampshire County Council): Has no objection although they have provided a recommendation on use of top soil

Landscape Planning and Heritage (Archaeology) (Hampshire County Council): Has no objection

County Ecologist (Hampshire County Council): Has no objection

Southampton Airport Safeguarding – Has no objection

Defence Infrastructure Organisation – Has no objection

Representations

As of the 1 May 2025, no representations have been received on this proposal.

Environmental Impact Assessment (EIA)

The original planning applications for the Botley Bypass were EIA development. As such the subject planning applications have been accompanied by an addendum to the original Environmental Statement which addresses any additional impacts of the proposed changes to the development and assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).

Habitats Regulation Assessment [HRA]

In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
- Special Areas of Conservation [SACs]; and
- RAMSARs.

Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.

It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.

The HRA screening hereby carried out by the County Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due as the proposal does not have any significant increase on any adverse impacts.

Climate Change

Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. This proposed development has been subject to consideration of Paragraphs 163 and 165 of the NPPF (2021) and Policy DM3 (Adaptation to Climate Change) of the Eastleigh Borough Local Plan (2022). The proposed amendments to the design of the scheme are not significant changes to the previously approved scheme.

Commentary

As noted above, the subject planning applications are seeking to change a number of planning conditions to reflect approval schemes submitted. These schemes would normally be approved through discharge of condition applications and include specific details on the implementation of Phase 3 of the approved Botley Bypass development. Ordinarily these conditions would be discharged following consultation with relevant

consultees. No consultees have objected to the schemes submitted and they would otherwise have been discharged. As such, the same approach has been taken with the determination of the subject planning applications. The planning conditions require the development to be implemented in accordance with the approved schemes and plans.

The commentary will focus on the proposed amendments to the approved bypass design.

Principle of the development

As noted planning permission has previously been granted for the creation of a new bypass road for Botley and so the principle of the development is established.

The Botley Bypass scheme is specifically supported by Policy BO5 (Botley bypass) of the EBLP (2022) and Policy SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt2 (2017) both support the principle of the bypass development on the approved alignment. The proposed changes do not impact the previous approval of the principle of the development.

The proposed amendments are considered to be in accordance with Policies BO5 (Botley bypass) of the EBLP (2022) and SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt2 (2017).

Highways impact

Policies S11 (Strategic Transport Infrastructure) Part f and specific BO5 (Botley Bypass) of the EBLP (2022) and SHUA5 of the WDLP (2022) support the provision of the bypass and identify high level design requirements for the bypass.

Policy S11 generally aims to ensuring new developments encourage walking, cycling and the use of public transport; and minimise congestion and support safety on the highway network.

Policy BO5 requires:

- a. improvements to the Maypole roundabout, and to Woodhouse Lane from the Maypole roundabout in Hedge End to a new roundabout with a new road link across to Winchester Street, to be secured in connection with development proposals at Hedge End, Botley, Boorley Green, and Horton Heath;
- b. a new road link between Woodhouse Lane and Winchester Street;
- c. a new road link from Winchester Street to the River Hamble built to distributor road standard through the site allocated for development by policy BO2 above, to form part of the road network serving this development site;

- d. a bridge over the River Hamble, and a road south-eastward to the junction of the A334 with the Curdridge Road in Winchester district, for future implementation (as set out in Winchester City Council's Local Plan Part 2). The design of the bridge over the upper reaches of the Hamble River should minimise damage to the river and to the adjoining Botley Mill Woodland Site of Importance for Nature Conservation; and
- e. a site level Habitats Regulation Assessment is required to demonstrate how this site will be delivered without adverse effect on any European site.

It also states that the new road should include safe and convenient provision for pedestrians, equestrians and cyclists including the ability to access Botley station to the east. An environmental impact assessment will need to be prepared to accompany the planning application for the road and the bridge over the River Hamble. In due course the Borough Council will promote traffic management measures within Botley village in association with the bypass.

Policy SHUA5 requires measures are included to protect the environmental sensitivity of the river Hamble, and adjoining area and that a structural landscaping scheme is prepared and implemented, which effectively mitigates any adverse visual impacts on the surrounding area.

Policy DM13 (General Development Criteria – Transport) of the EBLP (2022) states that all new development must have a safe and convenient access to the highway network and make provision for other transport modes including cycling and pedestrian routes as appropriate.

Policy CP10 (Transport) of the WDLP Pt1 (2013) states that the Local Planning Authority will seek to reduce demands on the transport network, manage existing capacity efficiently and secure investment to make necessary improvements. Development should be located and designed to reduce the need to travel. The use of non-car modes particularly walking and cycling should be encouraged through travel plans, management and improvements to the existing network, and improvements to accommodate additional traffic should be undertaken (or funded) where necessary.

There are two amendments to the design of the travelled way of the highway and one amendment to a PROW crossing the bypass route.

Pinkmead Roundabout - to A334 Station Hill, the drainage proposal changes include movement of balancing pond 6 north, with a reduction in the size of the access track (along the southern edge of the balancing pond). The A334 Station Hill exit from Pinkmead Roundabout has an updated layout and design with the left filter lane/jet lane removed and the number of islands reduced to one. This change has been incorporated following the Road Safety Audit. The roundabout has been moved slightly north and drainage areas

added to the north and south grassed areas. The balancing pond has been removed and two swales removed in favour of an underground piped drainage solution.

Botley Bypass. A grassed drainage area has been added to the southern side of the eastern arm of roundabout. On the A3051 Botley Road roundabout arm, two large islands with grassed areas have been added and five drainage channels added to increase the capacity in this location. The pond layout has also been amended to suit current drainage standard requirements and maintenance vehicle manoeuvre requirements. The drainage design now includes a piped drainage network, swales and basins to meet these requirements. At the A3051 Botley Road roundabout exit, a separate carriageway to the south has been removed, the field access to the north has changed to a diagonal direction, and the turn right space added between islands.

Sherecroft Farm - the proposal changes include reduction of the grassed areas on both sides of the Bypass and removal of the maintenance parking areas. A new junction has been added to service the Highwood Commercial Development Area and the agricultural field accesses have also been removed due to the Commercial Development Area. The fence line has been moved here to accommodate the Sherecroft Farm housing development.

Uplands Farm public footpath - alignment has been modified. The existing Public Rights of Way (PRoW) would cross the route of the Bypass at a slight angle and therefore has been realigned on the immediate approach to the Bypass to enable a straight crossing with a central refuge island to be provided.

The Local Highway Authority have no objection to the proposed changes to the highway design.

The proposed changes are minor do not impact on the ability of the bypass to deliver the requirements of the Policies BO5 and SHUA5.

It is considered to be in accordance with Policies S11(Transport Infrastructure), BO5 (Botley bypass) and DM13(General development criteria – transport) of the EBLP (2022), SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt 2 (2017), and Policy CP10 (Transport) of the WDLP Pt1 (2013).

Visual impact, landscape, and arboriculture

Policy DM1(General criteria for new development) of the EBLP (2022) and Policy CP13 (High Quality Design) of the WDLP Pt1 (2013) expects new development to meet the highest standards of design.

Proposed changes to Woodhouse Lane and Holmesland North include reduction of the angle slope and additional topsoil added to soften the appearance of the slope. All

vegetation that is lost will be replaced and soil generated by final phase will be used in this area for landscaping.

The revised construction scheme requires the building of two temporary bridges and a haul road, in order to facilitate the main bridge construction. This will result in the removal of additional trees which were not included in the original planning permission

The proposals for the noise bunds along the Phase 3 route have been amended:

- A 2m high bund high bund is to be provided along the southern side of the bypass to the north of the Botley Fields development site. A 1m noise fence is to be added to the bund, making the whole assembly 3m high.
- For a short section under some existing 132kV O/H power cables, there is to be a section of 3m high noise fence. The fence is proposed due to difficulties in constructing the bund under the power cable due to clearance requirements. The fences will be joined so as the top levels tie up, with varying height sections to allow for the slopes at the ends of the bunds.

The total and additional tree losses are summarised below:

- 90 individual trees, 2 entire groups, 1 part of a group, 3 sections of hedges and 1 large area of scrub/thicket, 1 moribund Alder next to T85 and 1 dead Oak near to be felled and grubbed out.
- 21 individual trees and 1 large area of scrub/thicket to be coppiced.
- This includes 31 individual trees to be removed or coppiced in excess of those already approved by the conditional grant of permission for Phase 3 of the Bypass Scheme.

The original planning permission included assessment of significant tree loss to the north of the proposed River Hamble bridge to allow for construction, however these trees will now be retained due to construction access being from the south. This is due to restrictions of working within easement for the Portsmouth Water main.

Compensatory tree, hedgerow, scrub and species rich grass land planting has been proposed and other amendments to the previously approved designs are proposed.

The new proposed bridge design has been amended as a result of the discovery of artesian water. This has altered the number and location of piles, as well as a larger central pier in the bridge. Settlement mitigation piles have been added, resulting in a reduction in the cross-sectional area of obstruction in the ground. Piling design changed to reduce the area of piles in the ground, the piles are smaller and closer together than previously proposed.

The HCC Landscape Architect has no objection to the proposed changes when considering the proposed changes in the context of the wider scheme.

The proposed changes to the approved development is considered to be in accordance with Policies DM1(General criteria for new development) of the EBLP (2022) and CP13 (High Quality Design) of the WDLP Pt1 (2013).

Impact on the amenity of neighbouring properties and land uses

Policy DM8 (Pollution) of the EBLP (2022) states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through land contamination, air pollution and noise or vibration.

Policy DM17 (Site Development Principles) of the WDLP Pt2 (2017) states inter alia that development should not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing; and should not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution. Policies DM19 (Development and Pollution), and DM20 (Development and Noise) are all of relevance to the proposal when considering the impact on amenity. In summary these policies state that development which generates pollution in terms of noise, odour, light intrusion, air quality, contaminated land, and/or construction phase pollution will only be permitted where it achieves an acceptable standard of environmental quality and does not have an unacceptable impact on human health or quality of life.

Noise

Due to changes to the construction design of the bridge over the River Hamble and need for temporary bridges additional pilings are required. The bridge piling works are located in the river valley and at some distance from sensitive receptors.

Piling works will be taking place outside the Environment Agency's (EA) recommended window period between November 1st and March 15th to prevent any negative impacts to migratory salmonids.

As a result the applicant will have to condense the time-frame for piling works. The current planning condition allows for out of hours working in exceptional circumstances but limits any out of hours working to Monday to Friday only. It requires the County Planning Authority to approve such working who would consult the relevant EHO. Due to the particular circumstances related to bridge piling, additional allowance has been made for the activity to occur at anytime approved by the County Planning Authority with the EHO approving what is considered acceptable. The piling works and use of out of hours working is considered to be a temporary impact and is acceptable. It will also have the benefit of reducing the number of days that piling will occur during summer months when residents are more likely to be outdoors.

No objections to the revised design and construction approach have been received.

No additional amenity impacts are considered to result from the proposed design changes during the operation element of the bypass development.

The development is considered to be in accordance with Policy DM8 (Pollution) of the EBLP (2022) and DM17 (Site Development Principles DM19 (Development and Pollution), and DM20 (Development and Noise) of the WDLP Pt2 (2017).

Ecology

Policy CP16 (Biodiversity) of the WDLP Pt1 (2013), outlines ecology related requirements and states that development will be supported which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to the following:

- protecting sites of international, European, and national importance, and local nature conservation sites, from inappropriate development.
- supporting habitats that are important to maintain the integrity of European sites.
- new development will be required to show how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering BAP targets and enhancing Biodiversity Opportunity Areas.
- new development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort.
- Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.
- maintaining a District wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, and enable biodiversity to respond and adapt to the impacts of climate change.
- supporting and contributing to the targets set out in the District's Biodiversity Action Plan (BAP) for priority habitats and species.

Policy DM1 (General criteria for new development), of the [EBLP \(2022\)](#) requires that new development does not have an unacceptable impact on biodiversity, avoiding significant adverse impacts, and provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancements. Policy DM11 (Nature Conservation) of the [EBLP \(2022\)](#) sets out its commitment to seek net gain of biodiversity on all development sites.

As noted above, amendments to the construction design will result in the loss of trees beyond those previously considered as part of the original planning permission. Compensatory habitat improvements have been proposed and these will be delivered through the submitted Landscape and Ecology Management Plan. The vegetation clearance proposed includes hedgerows, trees, woodland, scrub and shrubs, including vegetation likely to support nesting birds and bats. The vegetation clearance has previously been approved through partial discharge of conditions of the extant planning permission for Phase 3. Any further vegetation clearance will take place prior to commencement of the bird nesting season (March to September) and a bat licence from Natural England will address impacts to any loss of bat roost trees. A reptile mitigation strategy has also been provided for stripping of the soils from the site.

Based on the discussion with the Environment Agency regarding the Flood Risk Activity Permit (FRAP) and potential impact of the development on salmonoid migration, a restricted window to allow piling outside of the November 1 to March 15 window has been allowed. Appropriate methods in the Construction Environmental Management Plan (CEMP) are in place to ensure the impact of piling is minimised.

A pre-commencement condition was previously in place regarding creation of compensatory fisheries habitat for the development due to the impact of the new bridge. The Environment Agency have agreed to amend this condition to require details of the compensatory habitat to be provided within 9 months with the habitat delivered prior to the opening of Phase 3 of the bypass.

As an amendment to an existing planning permission which was approved before 11 February 2024 the development is exempt from Statutory Biodiversity Net Gain requirements.

The County Ecologist and Winchester City Council Ecologist have no objection to the proposed design modifications.

The amendments to the approved development is considered to be in accordance with Policies DM1 (General criteria for new development) and DM11 (Nature Conservation) of the EBLP (2022) and CP16 (Biodiversity) of the WDLP Pt1 (2013).

Flood risk and drainage

EBLP (2022) policy DM6 'Sustainable Surface Water Management and Watercourse Management' requires new development to incorporate Sustainable Drainage Systems (SuDS). In order to reduce flooding and maintain water quality, these SuDS schemes should manage surface water runoff as close to its source as possible, ensure that discharge rates are reduced as far as possible and include clear arrangements for their whole life management and maintenance.

Policy CP17 (Flooding, Flood Risk and the Water Environment) of the WDLP Pt1 (2013) requires development to make suitable provision for water management and for surface water drainage and sewage disposal.

Amendment to the scheme layout and design have resulted in the need for the drainage strategy to be updated and revised to ensure it meets the current design requirements. Key changes include:

- Increased sizes of drainage ponds and swales near Winchester Road.
- Changes in drainage catchment areas across the Scheme as a result of updates in the highways and embankments design.
- Change of one drainage ditch to a balancing pond near Winchester Road.
- Combining three small balancing ponds into a single balancing pond adjacent to the River Hamble.
- Removal of a balancing pond at Pinkmead roundabout to facilitate new design and drainage.

There will also be an increase in the impermeable area drained.

A detailed drainage assessment and maintenance plan has been submitted with the planning application specific for the Phase 3 element of the wider bypass.

The LLFA has no objection to the proposed changes to scheme drainage designs maintenance scheme.

It is considered that the development is in accordance with EBLP (2022) policies DM6 (Sustainable Surface Water Management and Watercourse) of the EBLP (2022) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the WDLP Pt1 (2013).

Conditions

The following changes have made to the planning conditions of the original planning permissions (CS/17/81226 and 17/020223/HCS) taking into consideration the requirements of the extant planning permissions CS/22/93070 and 22/00866/HCS

References to the Local Planning Authority – these have been amended to the County Planning Authority for clarification in all conditions and reasons.

New Condition 2 - Development permitted – this is a new condition to clarify that the permission being permitted applies to Phase 3 of the wider Botley Bypass planning

permission and is not intended to contradict or supersede specific details and ongoing requirements associated with discharge of conditions for Phases 1 and 2. This condition impacts numbering of subsequent conditions.

Existing condition 2 (now condition 3) – Hours of working - Amended wording to remove 'night works' term to clarify this refers to works outside of the approved hours and also adds allowance for piling works to occur on any day subject to confirmation of the County Planning Authority. This will allow the County Planning Authority to consult the District Environmental Health Officer as to what is reasonable. Additional allowance to allow piling works in exceptional circumstances on days other than Monday to Friday.

Existing Condition 3 (now Condition 4) – CEMP - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the CEMP submitted with the application.

Existing Condition 4 (now Condition 5) – Dust management - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the dust management plan submitted with the application.

Existing Condition 5 (now Condition 6) – Noise management - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the approved Noise Risk Assessment and Management Scheme previously discharged under planning permission CS/17/81226.

Existing Condition 8 (now Condition 9) – Contaminated Land - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the Contaminated Land Discovery Strategy and Materials Management Plan submitted with the application.

Existing Condition 10 (now Condition 11) – Ecology - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the Ecological appraisal of advanced vegetation clearance and Reptile mitigation strategy submitted with the application.

Existing Condition 11 (now Condition 12) – Fisheries – The condition has been amended to reflect updated Environment Agency requirements for future provision of a Fisheries habitat management plan to provide habitat creation prior to opening of the bypass.

Existing Condition 12 (now Condition 13) – Ecological Management Plan – The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the LEMP submitted with the application.

Existing Condition 15 (now Condition 16) – Arboriculture – The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the arboriculture details submitted with the application.

Existing Condition 16 (now Condition 17) – Landscape Management Plan – The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the LEMP submitted with the application.

Existing Condition 17 (now Condition 18) – Flood risk – The condition has been amended to reflect that a new FRA has been submitted to take account of the revised bridge design submitted with the application. Soffit levels required and compensatory flood storage requirements remain the same.

Existing Condition 20 (now Condition 21) – Biosecurity - The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the Biosecurity Plan submitted with the application.

Existing Condition 21 (now Condition 22) – Culvert and outfall construction – The condition has been amended from a condition that required further details to be submitted to one which requires implementation of the Bridge, Culvert and Outfalls CEMP submitted with the application.

Existing Condition 22 and 23 – Drainage – These conditions have been combined and amended from a condition that required further details to be submitted to one which requires implementation of the Drainage Plan and Drainage Management Plan submitted with the application.

Condition 25 – Archaeology - has been removed as requirement has now been discharge under earlier planning application.

Existing Condition 26 (Now Condition 24) - Archaeology – The condition has been amended to reflect that approved programme to report on archaeological investigation results.

Existing Condition 28 (now Condition 27) – mitigation and enhancement measures – adds supplementary information added in the ES Addendum to existing approved table of mitigation and enhancement measures.

Existing Condition 29 (now Condition 28) – Plans – Updated to reflect new plans either submitted as part of new planning application to address changes to the scheme design or reflect those previously approved under discharge of planning conditions under earlier planning permissions for the Botley Bypass scheme.

Conclusions

The subject planning applications are seeking to change a number of planning conditions to reflect approval schemes submitted. These schemes would normally be approved through discharge of condition applications and include specific details on the implementation of Phase 3 of the approved Botley Bypass development. Ordinarily these conditions would be discharged following consultation with relevant consultees. No consultees have objected to the schemes submitted and they would otherwise have been discharged. As such, the same approach has been taken with the determination of the subject planning applications. The planning conditions require the development to be implemented in accordance with the approved schemes and plans.

The proposed amendments are considered to be in accordance with high level requirements for the bypass and more detailed transport policy requirements (Policies BO5 (Botley bypass) and DM13 (General development criteria – transport) of the EBLP (2022), CP10 (Transport) of the WDLP Pt1 (2013) and SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt2 (2017)).

When considering proposed mitigation and enhancement in the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP), the changes to the previously approved design are acceptable (Policies DM1 (General criteria for new development) and Policy DM11 (Nature Conservation) of the EBLP (2022) and Policy CP13 (High Quality Design) and Policy CP16 (Biodiversity) of the WDLP Pt1 (2013)).

The design changes to the bridge have required piling during the period that restricted use of piling. A noise assessment has been undertaken and a short widow for piling in May has been agreed by the Environment Agency with mitigation measures to minimise disturbance to the fishery. This results in extended construction hours outside of those normally allowed but this construction is in the river valley and distant from sensitive human receptors. Under the planning conditions approval will need to be provided by the County Planning Authority for out of hours working who will consult the EHO to ensure any impacts are acceptable and minimised. (Policies DM1 (General criteria for new development) and DM11 (Nature Conservation), and Policy DM8 (Pollution) of the EBLP (2022) of the EBLP (2022), and CP16 (Biodiversity) of the WDLP Pt1 (2013). and DM17 (Site Development Principles DM19 (Development and Pollution), and DM20 (Development and Noise) of the WDLP Pt2 (2017)).

The revised drainage proposals are supported by detailed assessment and management demonstrating they are designed to the appropriate standards including accounting for future climate change events (Policies DM6 (Sustainable Surface Water Management and Watercourse) of the EBLP (2022) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the WDLP Pt1 (2013)).

Recommendation

That permission be granted subject to following reasons for approval and conditions:

Reasons for Approval

It is considered that the proposal would be in accordance with the relevant policies of the Eastleigh Borough Local Plan 2016-2036 (2022) and Winchester District Local Plan Parts 1 (2013) and 2 (2017) and would not materially harm the character of the area or the amenity of local residents and would be acceptable in terms of highway safety and convenience.

The amendments are considered to be in accordance with high level requirements for the bypass and more detailed transport policy requirements (Policies BO5 (Botley bypass) and DM13(General development criteria – transport) of the EBLP (2022), CP10 (Transport) of the WDLP Pt1 (2013) and SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt2 (2017)).

Mitigation and enhancement proposed mean the changes to the previously approved design are acceptable in terms of visual, landscape, arboricultural and ecological impacts (Policies DM1(General criteria for new development) and Policy DM11 (Nature Conservation) of the EBLP (2022) and Policy CP13 (High Quality Design) and Policy CP16 (Biodiversity) of the WDLP Pt1 (2013).

Noise impacts resulting from the design changes can be adequately be controlled and minimised (Policies DM1 (General criteria for new development) and DM11 (Nature Conservation), and Policy DM8 (Pollution) of the EBLP (2022) of the EBLP (2022), and CP16 (Biodiversity) of the WDLP Pt1 (2013). and DM17 (Site Development Principles DM19 (Development and Pollution), and DM20 (Development and Noise) of the WDLP Pt2 (2017).

Revised drainage proposals are supported by detailed assessment and management demonstrating they are designed to the appropriate standards including accounting for future climate change events (Policies DM6 (Sustainable Surface Water Management and Watercourse) of the EBLP (2022) and CP17 (Flooding, Flood Risk and the Water Environment) of the WDLP Pt1 (2013)).

Conditions

Time Limits

1. The development hereby permitted shall be begun before the expiration of five years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Development permitted

2. The development hereby permitted is for Phase 3 of the wider Botley Bypass Road Scheme first permitted under planning permission CS/17/81226 AND 17/02023/HCS. For the avoidance of doubt, the Phase 3 development is that part of the scheme identified on Overview Plan CJ008882-HEH-GEN-44301694-DR-CH-7106 S2-P01.

Reason: For the avoidance of doubt and in the interests of proper planning.

Construction

3. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1800 Monday to Friday and 0800 -1300 Saturday. There shall be no working on Sundays or recognised Public Holidays. Work outside of these hours shall only take place in exceptional circumstances and only Monday-Friday, excepting for works associated with piling which shall be allowed as approved, following the advance written agreement of the County Planning Authority.

For the avoidance of doubt, an HGV for the purposes of this planning permission is defined as any road vehicle over 3.5 tonnes.

Reason: In the interests of public amenity and in accordance with Policies DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

4. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024 including those Appendices and Supporting Documents listed on Pages 2 and 3.'

Reason: To protect the amenity of nearby properties, to avoid impacts to features of ecological interest and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

5. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Botley Phase 3, Dust Management Plan, Milestone Infrastructure (December 2024) Appendix C to Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: In the interest in air quality and public health and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

6. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Operational Noise Risk Assessment and Management Scheme' Dated 7 May 2021 as approved under planning permission CS/17/81226 AND 17/02023/HCS on 22 November 2021.

Reason: In the interest in public amenity and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM20 (Development and Noise) of the Winchester District Local Plan Part 2 (2017).

Construction Traffic Management Plan (CTMP)

7. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Site Logistics and Construction Traffic Management Plan (CTMP) EHS 009-F01 Rev02 Dated 19 December 2024.

Reason: In the interests of highway safety in accordance with Policies S11 (Transport Infrastructure), and DM13 (General Development Criteria – Transport) of the Eastleigh Borough Local Plan (2022) and Policy CP10 (Transport) of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013).

Highways

8. Plans and particulars showing the detailed proposals for the traffic management scheme to be implemented on the A334 through Botley Village (including a programme of works) shall be submitted to and approved by the County Planning Authority in writing prior to the opening of the bypass. The works should be implemented in accordance with the agreed programme.

Reason: To support the operation of the public highway and in accordance with Policies S11 (Transport Infrastructure), and DM13 (General Development Criteria – Transport) of the Eastleigh Borough Local Plan (2022) and Policy CP10 (Transport) of the Winchester District local Plan Part 1 (2013).

Contaminated Land

9. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with:
 - (i) Contaminated Land Discovery Strategy – Botley Bypass Phase 3 Rev 2 Dated 20 December 2024; and

- (ii) Materials Management Plan – Appendix L to Main Works CEMP which is Appendix C to Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: To ensure the remediation of contaminated land encountered during construction of the development and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM21 (Contaminated Land) of the Winchester District Local Plan Part 2 (2017).

10. Prior to completion of the development hereby approved:

- (i) The agreed scheme of Remedial Measures and Material Management Plan shall be implemented as agreed and verified in writing by an independent competent person, the written confirmation shall be provided to the County Planning Authority.
- (ii) Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the County Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the County Planning Authority.

Reason: To ensure the remediation of contaminated land encountered during construction of the development and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM21 (Contaminated Land) of the Winchester District Local Plan Part 2 (2017).

Ecology

11. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with:

- (i) Ecological Appraisal of advanced vegetation clearance, Botley Bypass Phase 3 V3. October 2024 and;
- (ii) Reptile Mitigation Strategy, Botley Bypass Phase 3, Dated November 2024 which is Appendix M of Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: To avoid impacts to protected species and in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

12. Within nine months of the commencement of piling works, including test piling, details of the scheme for the provision and management of fisheries habitat creation within a Fisheries Habitat Management Plan shall be submitted to and approved in writing by the County Planning Authority.

The operator shall inform the County Planning Authority in writing before the commencement date of piling.

The approved Fisheries Habitat Management Plan shall be implemented before completion of the bypass scheme which for the purposes of this condition shall be the date of the opening of the bypass to general traffic.

Reason: To mitigate the impact of the bypass and associated infrastructure has the potential to impact upon the ecological and fisheries value of the river and its corridor in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

13. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report and associated Appendices, dated December 2024.

Reason: To conserve and enhance biodiversity in accordance with in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

14. Prior to the opening of the bypass to general traffic, a 10 year, costed, planting, enhancement and management plan for Bottom Copse Site of Importance for Nature Conservation shall be submitted to the County Planning Authority for approval in writing. The plan shall be implemented as approved.

Reason: To conserve and enhance biodiversity in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

15. The development hereby permitted shall be implemented in accordance with the Himalayan Balsam Management Plan dated 9th October 2017 approved under CS/17/81226 AND 17/02023/HCS.

Reason: To prevent the spread of invasive non-native species in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

Landscaping

16. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement Rev:9, dated November 2024.

Reason: To protect existing trees which are to be retained during construction and in accordance with Policies S9 (Green Infrastructure) and DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022) and Policy DM24 (Trees, Important Hedgerows and Ancient Woodlands) of the Winchester District Local Plan Part 2 (2017).

17. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report and associated Appendices, dated December 2024.

Notwithstanding the above, the handling of top soils shall incorporate those suggestions provided by the County Landscape Architect in the consultation response dated 7 March 2025 which are:

- (i) tree pits (1.2x1.2x0.7m depth) reduce the proposed depth of topsoil to 400mm max in line with current industry good practice.
- (ii) reference be made to “multi-purpose” topsoil (rather than General Purpose) as updated in the British Standard 2013.
- (iii) 150mm topsoil depths for grass seeding be reduced to limit the vigour of grass growth and so ease the amount of ongoing verge maintenance.

Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and landscape character of the area site and in accordance with Policies S9 (Green Infrastructure) and DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022) and Policy DM24 (Trees, Important Hedgerows and Ancient Woodlands) the Winchester District Local Plan Part 2 (2017).

Water Environment

18. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with the Flood Risk Assessment (FRA) by AtkinsRéalis dated December 2024 and the following mitigation measures detailed within the FRA:

- (i) Soffit level of proposed bridge is no lower than 6.44m AOD plus a 600mm freeboard allowance. The 6.44m AOD is the 1 in 100-year modelled flood level including a 105% climate change allowance.
- (ii) Provision of compensatory flood storage as indicated in Table 4.3 and 4.4 in FRA and as per drawing number CJ008882-HEH-GEN-44301694-DR-CH-7112 are implemented.

The mitigation measures shall be fully implemented prior to completion of the bridge crossing and operation of the bypass and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.'

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future users, and to ensure that the development is in accordance with Policies DM3 (Adaptation to Climate Change), DM5 (Managing flood risk) and DM6 (Sustainable surface water management & watercourse management) of the Eastleigh Borough Local Plan (2022), and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester District Local Plan Part 1 (2013).

19. Where possible all works to the main River Hamble which may have an impact upon fish, including any percussive piling works (and soft-start methods) should take place between November 1st and March 15th (inclusive) to prevent any negative impacts to migratory salmonids. If percussive works are to extend outside of the recommended window period (1st November to 15th March), a noise impact risk assessment must be undertaken to provide evidence that the underwater noise disturbance is sufficiently low to avoid harm to migratory fish before the works commence.

Reason: To ensure the protection of migratory fish and fisheries value of the river and its corridor in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

20. All works to the Woodhouse Gully should take place between 15 March – 31 Oct (inclusive) to prevent any negative impacts to migratory and resident salmonids. If percussive works are to extend outside of the recommended window period (1 November to 15 March) a noise impact risk assessment must be undertaken to

provide evidence that the underwater noise disturbance is sufficiently low to avoid harm to migratory fish before the works commence.

Reason: To prevent any negative impacts to migratory salmon in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

21. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with the Biosecurity Plan which is Appendix K of the Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: Under Section 14 of the Wildlife and Countryside Act 1981, it is an offence to plant or otherwise cause Himalayan balsam to grow in the wild.

22. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Bridge Construction Environmental Management Plan Bridge, Culvert and Outfalls (MIL_FOR_ENV_004) and associated Appendices, dated 18 December 2024'

Reason: To protect migratory fish species in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

23. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with:

- (i) Botley Bypass, Drainage Impact Assessment (Rev. 5) Dated November 2024
- (ii) Botley Bypass, Drainage Maintenance Plan (Rev. C) Dated November 2024

The approved drainage shall be maintained as approved for the duration of the bypass development.

Reason: To ensure that flood flows exceeding design criteria have been considered and mitigation or intervention measures identified where necessary and that the sustainable drainage systems function as designed for the duration of the development and to ensure that the development is in accordance with Policies DM3 (Adaptation to Climate Change), DM5 (Managing flood risk) and DM6 (Sustainable surface water management & watercourse management) of the Eastleigh Borough Local Plan (2022), and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester District Local Plan Part 1 (2013).

Archaeology

24. The programme of archaeological assessment in accordance with a Written Scheme of Investigation approved on 7 May 2020 shall be implemented as approved.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and to ensure that the development is in accordance with Policies S8 (Historic Environment) and DM12 (Heritage Assets) of the Eastleigh Borough Local Plan (2022) and Policy DM26 (Archaeology) of the Winchester District Local Plan Part 2 (2017).

25. Following completion of archaeological fieldwork a report shall be produced and submitted to the County Planning Authority in accordance with the programme approved in 'Letter from Wessex Archaeology reference KED/233415/17.11.22 dated 17th November 2022' which shall include where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and in accordance with Policies S8 (Historic Environment) and DM12 (Heritage Assets) of the Eastleigh Borough Local Plan (2022) and Policy DM26 (Archaeology) of the Winchester District Local Plan Part 2 (2017).

26. No builders or contractor vehicles, machinery, equipment, materials or anything associated with the development should be left on or near Public Rights of Way so as to obstruct, hinder or present a hazard to walkers.

Reason: To prevent conflict with existing Public Rights of Way in the vicinity of the development and to ensure the development is in accordance with Policy S12 (Strategic footpath, cycleway and bridleway links) of the Eastleigh Borough Local Plan (2022).

27. Subject to the above conditions, the development hereby permitted shall be implemented in accordance with the mitigation and enhancement measures set out in Table 19.1 of the submitted 'Environmental Statement Volume 1: Main Text' Dated July 2017 except as amended by Table 9.1 of the Botley Bypass Phase 3 - Environmental Statement Addendum dated December 2024.

Reason: In the interests of proper planning and to secure the implementation of mitigation measures forming the assessment of the impact of the development.

Plans

28. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 AND 17/02023/HCS shall be carried out in accordance with the following approved plans:

EC/RJ567629/01/101RevA, EC/RJ567629/01/102, CJ008882-ECH-HGN-44301694-DR-HE-7103, CJ008882-ECH-HGN-44301694-DR-HE-7104, CJ008882-ECH-HGN-44301694-DR-HE-7105, CJ008882-ECH-HGN-44301694-DR-HE-7106, CJ008882-ECH-HGN-44301694-DR-HE-7107, CJ008882-ECH-HGN-44301694-DR-HE-7108, EC/RJ567629/01/109, EC/RJ567629/01/111, CJ008882-ECH-HGN-44301694-DR-HE-7112, EC/RJ567629/01/121, EC/RJ567629/01/122, EC/RJ567629/01/123, EC/RJ567629/01/124, EC/RJ567629/01/125, EC/RJ567629/01/126, CJ008882-ECH-HGN-44301694-DR-HE-7133, CJ008882-ECH-HGN-44301694-DR-HE-7134, CJ008882-ECH-HGN-44301694-DR-HE-7135, EC/RJ567629/01/141, EC/RJ567629/01/142, EC/RJ567629/01/144, CJ008882-ECH-HGN-44301694-DR-HE-7146, CJ008882-ECH-HGN-44301694-DR-HE-7145, CJ008882-ECH-HGN-44301694-DR-HE-7147, CJ008882-ECH-HGN-44301694-DR-HE-7148, CJ008882-ECH-HGN-44301694-DR-HE-7149, CJ008882-ECH-HGN-44301694-DR-HE-7150, CJ008882-ECH-HGN-44301694-DR-HE-7151, EC/RJ567629/01/161, EC/RJ567629/01/162RevA, CJ008882-ECH-HGN-44301694-DR-HE-7163, CJ008882-ECH-HGN-44301694-DR-HE-7174, EC/RJ567629/01/173, EC/RJ567629/01/172, EC/RJ567629/01/171, CJ008882-ECH-HGN-44301694-DR-HE-7175, CJ008882-WPE-ELS-44301694-DR-HE-0006, CJ008882-ECH-HSC-44301694-DR-HE-0121, EC/RJ567629/01/202, EC/RJ567629/01/201, EC/RJ567629/01/179, EC/RJ567629/01/178, CJ008882-ECH-HGN-44301694-DR-HE-7177, CJ008882-ECH-HGN-44301694-DR-HE-7176, L-RJ567629/01.4002, CJ008882-ECH-HDG-44301694-DR-D-0004, CJ008882-ECH-HDG-44301694-DR-D-0003, CJ008882-ECH-HDG-44301694-DR-D-0002, CJ008882-ECH-HDG-44301694-DR-D-0001, CJ008882-ECH-HSC-44301694-DR-HE-0124, CJ008882-ECH-HSC-44301694-DR-HE-0123, L-RJ567629/01.4001, EC/RJ567629/01/1602, CJ008882-HES-SBRB2307-DR-CB-1001, CJ008882-ECH-HGN-44301694-DR-HE-71201, CJ008882-ECH-HDG-44301694-DR-D-0013, CJ008882-WPE-ELS-44301694-DR-HE-0003, CJ008882-WPE-ELS-44301694-DR-HE-0002, CJ008882-WPE-ELS-44301694-DR-HE-0001, L-RJ567629/01.4003, CJ008882-WPE-ELS-44301694-DR-HE-0005, CJ008882-WPE-ELS-44301694-DR-HE-0004, EC/RJ567629/01/131RevA, EC/RJ567629/01/132RevA, EC/RJ567629/01/157, EC/RJ567629/01/143RevA, CJ008882-ECH-HSC-44301694-DR-HE-0122, EC/RJ567629/01/501RevA, EC/RJ567629/01/502RevA, CJ008882-ECH-HSC-44301694-DR-HE-0125, CJ008882-ECH-HSC-44301694-DR-HE-0126, CJ008882-ECH-HSC-44301694-DR-HE-0127, CJ008882-ECH-HDG-44301694-DR-D-0005, CJ008882-ECH-HDG-44301694-DR-D-0006, CJ008882-ECH-HDG-44301694-DR-D-0007, CJ008882-ECH-HDG-44301694-DR-D-0008, CJ008882-ECH-HDG-44301694-DR-D-0009, CJ008882-

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2024), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. There must be no surface alterations to a Public Right of Way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Local Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
4. Hampshire County Council, as Local Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a PROW to a standard commensurate with its expected normal public use.
5. If there is likely to be an effect on the Public Right of Way in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and that if there is deemed to be a risk to users of the network, the applicant should contact Hampshire County Council directly to discuss the Temporary Closure of the effected Footpath/s for the duration of the works.
6. The applicant's attention is drawn to the comments of Network Rail regarding development in the vicinity of its land in order to ensure that the works do not:
 - (i) encroach onto Network Rail land;
 - (ii) affect the safety, operation or integrity of the company's railway and its
 - (iii) infrastructure;
 - (iv) undermine its support zone;
 - (v) damage the company's infrastructure;

- (vi) place additional load on cuttings;
- (vii) adversely affect any railway land or structure;
- (viii) over-sail or encroach upon the air-space of any Network Rail land; or
- (ix) cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- i) a Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hampshire County Council as the County Planning Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply under Regulation 7 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available, **this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun** because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Case Officer

Tim Felstead

Date.....02/05/2025.....

Authorised on behalf of the Director of Universal Services

.....Sam Horne.....

Date...02/05/2025.....