



DRAFT PORTFOLIO HOLDER DECISION NOTICE

PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR THE BUILT ENVIRONMENT

CONSULTATION RESPONSE TO THE EASTLEIGH BOROUGH LOCAL PLAN 2011-2019

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Chief Operating Officer, the Chief Executive and the Chief Finance Officer are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on Thursday 19 December 2013.

Contact Officers: Steve Opacic

Case Officer: Nigel Green Tel 01962 848562, ngreen@winchester.gov.uk

Democratic Services Officer: Nancy Graham, Tel: 01962 848 235, ngraham@winchester.gov.uk

SUMMARY

Eastleigh Borough Council is currently consulting on a revised draft of their Local Plan 2011-2029. Broadly speaking, there are no issues of concern for the Council with the exception of policy BO3 which seeks to allocate land for a Botley bypass, and which relies on a similar allocation in the Winchester District in order to implement the scheme.

However, as the Eastleigh Local Plan itself acknowledges, there is to date no transport justification for the scheme, nor is there any evidence to suggest that such a proposal is likely to be viable and deliverable. This policy therefore fails the tests of soundness and the Council should formally respond accordingly, whilst confirming its potential support for a Botley bypass should a viable case for it be made in the future.

PROPOSED DECISION

1. That Eastleigh Borough Council be advised that this Council is of the opinion that policy BO3 in the Eastleigh Local Plan 2011-2029, in respect of the Botley Bypass has not been positively prepared and is neither justified, or effective. The policy is therefore unsound and should be removed from the Plan until a highways case can be made for the scheme together with evidence that such a proposal is viable and deliverable within the plan period.
2. That the Council reaffirms its commitment to work with Eastleigh Borough Council to determine whether a robust case for a bypass can be developed. Land is reserved in the Winchester District Local Plan Review (2006) for part of the Botley Bypass and this will need to be reviewed through the development of Local Plan Part 2, taking account of whether a robust case is made for such a reservation or allocation.

REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

In October 2012 the Council formally objected to the soundness of Eastleigh Borough Local Plan - Pre-submission draft. In particular, objections were raised to draft policies BO1 in respect of 1,400 dwellings at Boorley Green, and BO3 in respect of the proposed Botley bypass. Since then outline consent has been granted by Eastleigh Borough Council for the development of 1,400 new dwellings at Boorley Green, and draft policy BO1 largely reflects that decision. However, concerns still remain in relation to policy BO3 in respect of the proposed Botley bypass.

Draft policy BO3 provides for a new bypass around Botley, and the proposals map shows an indicative route, which includes land within the Winchester District. Saved policy T12 in the Winchester District Local Plan 2006 safeguards the proposed route, and paragraph 5.5 in the adopted Winchester District Local Plan Part 1 makes reference to the saved policy and states that the status of this policy and future safeguarding will be reviewed in the Local Plan Part 2, taking into account any plans by the highway authority relating to the timing and implementation of the bypass.

The County Council's formal position, as the highway authority, on the Botley bypass was determined by the Executive Member for Environment and Transport in a decision dated 6 March 2012. This states that there is no transport-related justification for a Botley bypass, and no likelihood of a bypass being required, funded, or delivered within the Local Plan period. A safeguarding for a Botley bypass should therefore not be included within either the Eastleigh or Winchester Local Plans. However the formal abandonment of a scheme to bypass Botley village was considered premature at that time, which no doubt gave Eastleigh some comfort to pursue the proposal for a bypass in their current Local Plan.

Since then the County Council Executive Member for Economy, Transport and Environment reconsidered the highway authority position on the 10th December 2013, and reiterated that there is no transport case for a bypass at the present time,

and estimate that the scheme will cost in the region of £20 million for which no funding has been identified to bring forward the scheme, nonetheless both Eastleigh and Winchester councils are advised to safeguard the land in their Local Plans. Given Winchester's concerns about the soundness of this approach this is something that will need careful consideration in the preparation of the LPP2.

Eastleigh has not to date published its transport assessment, and therefore the position remains that there is still no transport case for a bypass. They rely instead on arguments that a bypass will bring economic, environmental and safety benefits. This might well be the case but no evidence is put forward to substantiate these claims. The economic benefits seem to accrue to improving the retail environment along the High Street, but it is often the case that taking away passing trade can actually damage retail spending. Similarly, taking away through traffic will undoubtedly improve air quality in Botley, but this needs to be balanced against the potential environmental impacts of the new road, and whether this would attract more traffic movements in the wider area, with consequent environmental impacts on Curdrige and North Whiteley. In summary, while the City Council might be able to accept that a bypass would bring about tangible economic, environmental, and safety benefits, there is insufficient evidence at the present time to support these claims.

To assess the deliverability of a bypass, Eastleigh commissioned consultants (Waterman) in March 2013 to undertake a Technical Feasibility Study. This concluded that a bypass could be constructed for around £17.5 million, which is substantially less than the circa £30 million estimate by Hampshire County Council. But the Eastleigh figure does not seem to take into account the potential cost of land assembly, and relies heavily on the County Council offering land in their ownership to construct the bypass, at no cost. Even if this were to be the case, there would still be substantial amounts of land in the Winchester District which would need to be acquired.

To accompany their CIL proposals, Eastleigh has published its Infrastructure Delivery Plan. This estimates a total cost of around £225,620,000 for transport interventions in the Borough, out of which only £2,852,000 of potential funding has been identified. In respect of the Botley bypass only £210,000 out of the £17.5 million plus, has actually been identified, the remainder being sought through HCC and developer contributions. Therefore, while there are uncertainties as to the true costs of a bypass, even at the conservative estimate of around £17.5 million there is a significant funding gap which it would appear difficult to fill in the Plan period.

Policy BO3 does not comply with the requirements of the National Planning Policy Framework which requires local plans to plan positively for infrastructure (NPPF paragraph 157). However the NPPF states that plans should be deliverable and sites should not be subjected to infrastructure requirements, the scale of which renders them unviable (NPPF paragraph 173), and there must be a reasonable prospect that planned infrastructure is deliverable in a timely fashion (NPPF paragraph 177).

In the absence of any highways justification supported by a robust evidence base to support the need for a bypass, or any form of effective delivery plan, policy BO3 must be considered unsound as it has not been positively prepared as it does not meet any objectively assessed need. Nor is the policy justified as there is no evidence base to support a bypass, and no reasonable alternatives have been properly tested. In addition, the policy is not effective, as it is clearly not deliverable within the plan period (up to 2019).

For these reasons, the Council should formally raise objections to this policy, and highlight that it may not be able to continue to safeguard the route of the bypass within the Winchester District in the LPP2. However, the Council should reiterate its willingness to continue to work with Eastleigh to determine whether a robust case for the bypass could eventually be made, and whether a viable and deliverable scheme can be developed

Due to the tight timescale for making a response, (the period for making responses expired on 2 December 2013), officers have made a holding objection based on this report, and have notified Eastleigh that the Council might want to add to or amend the comments in the light of this Portfolio Holders decision.

RESOURCE IMPLICATIONS:

None.

CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION

Consultation with the Portfolio Holder for Built Environment and discussion with Eastleigh Borough Council officers.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

none.

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

None.

Approved by: (signature)

Date of Decision

Councillor Victoria Weston – Portfolio Holder for Built Environment