

# M27

## Southampton Junction 8 Improvement Scheme

Proof of Evidence: Clare Williams  
Town Planning

The Highways England (M27 Southampton Junction 8 Improvement Scheme  
– M27 Junction 8 and Windhover Roundabout)  
(Special Road) Compulsory Purchase Order 2021

2021



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# 1. Introduction

## Qualifications and experience.

- 1.1. My name is Clare Williams, Associate Town Planner on the Infrastructure Planning Team at WSP, and the Town Planner for the Highways England (M27 Southampton Junction 8 Improvement Scheme – M27 Junction 8 and Windhover Roundabout) (Special Road) Compulsory Purchase Order 2021.
- 1.2. I gained a master's degree, with distinction, in Town and Country Planning from the University of the West of England in 2010, following a bachelor's degree, with first class honours, in Politics and International Relations in 2005. I have more than a decade of town planning experience and have been a full Chartered member of the Royal Town Planning Institute (RTPI) since 2016.
- 1.3. For the last five years I have worked predominantly on major highway infrastructure projects and regularly advise both National Highways and local authorities on highway related planning matters.
- 1.4. I have secured planning permission for several major highways, including for West Sussex County Council, Kent County Council, Devon County Council and Wokingham Borough Council.
- 1.5. For National Highways I was lead town planner on two A27 improvement schemes requiring Compulsory Purchase and Side Road Orders; and as part of the options processes to find an alternative to Operation Stack in Kent, and for the dualling of a section of the A30 in Cornwall, which later required a Development Consent Order.
- 1.6. In 2020 I was Expert Planning Witness for Transport Scotland for the dualling of a section of the A9 between Dalraddy and Slochd.
- 1.7. Previously, I worked as a Planning Officer as part of the development management team for Torridge District Council in Devon, where I dealt with housing and employment sites, as well as several major renewable infrastructure developments, including onshore wind farms and solar developments; representing the council as required at hearings and the planning committee.
- 1.8. The evidence that I have prepared and provided in this Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the evidence is true, and the opinions expressed are my true and professional opinions.

## Structure of this evidence

- 1.9. The purpose of this evidence is to support the public interest case for the Orders by demonstrating (a) that there is planning policy support for the Scheme and (b) that there is no planning impediment to its implementation.
- 1.10. My evidence is set out as follows:
  - a) Part 2 demonstrates there is planning policy support for the Scheme.
  - b) Part 3 sets out why there is no legal impediment relating to planning to implementing the Scheme. I deal with this briefly as it is in large part a legal issue which will be addressed in submissions.

- c) Part 4 addresses Mr Keeling's objection, which claims there is a legal impediment in relation to consistency of the Scheme with extant planning permissions.
- d) Part 5 discusses implications because of the Scheme for public benefits relating to the planned provision of housing, employment land, and other transport infrastructure, immediately to the north of the Scheme.
- e) Part 6 concludes the evidence in this proof.

## 2. Planning policy support for the scheme

- 2.1. Since the Scheme needs neither express planning permission nor development consent to be constructed (see Part 3 of this evidence), development plan policies are not explicitly engaged and non-compliance with a specific planning policy would not amount to an impediment to the Scheme. This is because, these Orders aside, National Highways has the requisite rights and/ or consents to build the Scheme out.
- 2.2. The Minister will though give due consideration to the requirements of local and national planning before confirming an Order and the extent to which the Scheme is supported by policy is a relevant factor in the overall balance. It is for these reasons that I review relevant policy in this section of my evidence.
- 2.3. I conclude that the Scheme is clearly supported by national and local planning policy, which indicates that it is in the public interest for the Scheme to go ahead.

### National policy

#### *National Policy Statement for National Networks (NPSNN)*

- 2.4. The NPSNN [CD.F.2] sets out the need for, and the Government's policies to deliver development of Nationally Significant Infrastructure Projects (**NSIPs**) on the national road network in England. It provides planning guidance for promoters of NSIPs and is used as the basis for examination and making decisions on whether to grant development consent orders under the Planning Act 2008 (NPSNN Paragraph 1.1).
- 2.5. The Scheme is not an NSIP. The NPSNN is still however material.
- 2.6. The intended improvements to Junction 8 of the M27 are improvements to the Strategic Road Network (**SRN**). The SRN is also referred to as the 'national road network' within the NPSNN text [CD.F.2, Paragraph 1.5]. The NPSNN sets out that a strategic objective for highways forming part of the national road network is to enable reliable, quality journeys in an effective, linked up network [NPSNN, CD.F.2 Section 2, box]; an objective of national importance.
- 2.7. The NPSNN confirms the Government's position that there is a compelling need for the development of the SRN. This is clearly set out in the 'Government's vision and strategic objectives for the national networks' [NPSNN, CD.F.2, Section 2], which states:

*'The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

  - *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
  - *Networks which support and improve journey quality, reliability and safety.*
  - *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
  - *Networks which join up our communities and link effectively to each other'.*
- 2.8. It follows that all parts of the SRN should form a coherent whole in achieving these objectives. Therefore, any improvement to the 'national road network' is strategically

important at a national level; this is even if specific improvement schemes are not defined as NSIPs under the Planning Act 2008.

- 2.9. As such, the NPSNN is relevant national policy to be considered; this is especially in establishing a nationally strategic policy case for the Scheme.
- 2.10. Reflecting this, improvements to junctions on the SRN are specifically mentioned in NPSNN [CD.F.2, Paragraphs 2.22 & 2.23], as being a form of enhancement of the SRN essential to ensuring quality of life by enabling local and national economic development, including employment and housing:

*'Without improving the road network, including its performance, it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people's quality of life. The Government has therefore concluded that at a strategic level there is a compelling need for development of the national road network.'*

*The Government's wider policy is to bring forward improvements and enhancements to the existing Strategic Road Network to address the needs set out earlier. Enhancements to the existing national road network will include [...] junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion.'*

- 2.11. The NPSNN further emphasises, in Paragraphs 2.24 & 2.25 [CD.F.2], that local circumstances must be considered in developing the SRN; this is alongside forming a joined up, coherent national network of strategic roads:

*'The Government's policy on development of the Strategic Road Network is not that of predicting traffic growth and then providing for that growth regardless. Individual schemes will be brought forward to tackle specific issues, including those of safety, rather than to meet unconstrained traffic growth (i.e. 'predict and provide').*

*On the road network different approaches and measures will be appropriate for different places. This reflects differences in local preferences and choices and differing scope for alternatives to road travel. The network must also offer a coherent mode of transport for national journeys and must combine to form a single, usable network.'*

- 2.12. There is therefore clear and specific national policy supporting making improvements to the SRN, including junction improvements, such as with this Scheme.
- 2.13. The detailed need case for this specific improvement Scheme is set out in the evidence of Harriet Massie-Taylor [NH/9/2]. It is based on making local improvements to the SRN and the surrounding road network to ease congestion and improve safety; provide for non-motorised users; and in turn to provide a coherent usable national road network to enable both local and national economic growth.
- 2.14. Locally, improving Junction 8 of the M27 would manage increases in traffic from the significant amount of housing planned for Southampton and surrounding parts of Hampshire, along with predicted substantial growth in trade at the Port of Southampton. Further detail of the economic and housing growth that this Scheme would enable is set out in this section below, under the 'local policy' heading.

- 2.15. Notably, by increasing capacity at M27 Junction 8 and Windhover Roundabout, traffic arriving at the junction from the east would be encouraged to use the shorter signposted route via M27 Junction 8/A3024 as a main route into Southampton city centre. This is as opposed to using the M27 between Junctions 8 and 5 as an alternative route into the city centre via the A335. This would improve the flow of traffic, safety, and reliability of journey times on the north bound stretch of the M27 between Junctions 8 and 5.
- 2.16. The methods and results of the transport and economic modelling that support the need for the Scheme are quantified and described in more detail in the evidence of Alasdair Sim [NH/1/2].

***National Planning Policy Framework 2021 (NPPF)***

- 2.17. The NPPF [CD.F.1] does not contain specific policies relating to the SRN, but rather sets out the Government's planning policies for England and how these should be applied, providing a framework within which locally prepared plans for housing and other development can be produced. It also forms an important material consideration when determining whether a development should be granted planning permission under the Town and Country Planning Act 1990 [NPPF, CD.F.1, Paragraphs 1, 2 & 5].
- 2.18. As set out in Part 3 of this proof, express planning permission is not required to construct the Scheme. The NPPF remains relevant insofar as it contains requirements of national planning policy relevant to the consideration of the public interest case, for example, in respect of housing [NPPF, Section 5], the economy [NPPF, Section 6] and transport [NPPF, Section 9], which all might be duly considered when deciding whether to confirm the Orders.
- 2.19. Paragraph 82 of Section 6 of the NPPF (Building a strong, competitive economy) requires that policies seek to address potential barriers to investment, such as inadequate infrastructure. Reflecting this Paragraph 104 of Section 9 of the NPPF (Promoting sustainable transport), requires that transport issues be considered from the earliest stages of plan-making, so that the potential impacts of development on transport networks can be addressed and opportunities from existing transport infrastructure are realised.
- 2.20. Paragraphs 20-23 of Section 3 of the NPPF (Plan-making) require that local plans include strategic policies identifying provision for amongst other things; housing, employment and transport infrastructure. It says these policies should anticipate and respond to long term requirements and opportunities, including those arising from major improvements to infrastructure. It requires that broad locations for development should be indicated on a key diagram, and land use designations and allocations shown on a policies map.
- 2.21. As set out in more detail below under 'Local Policy', the emerging local development plan [CD.G.2] accordingly contains a strategic policy (Strategic policy S12, Transport infrastructure) that, in part viii, refers to the improvements at Junction 8 of the M27, which is also shown on the emerging key diagram and policies map.
- 2.22. This demonstrates that the local planning authority considers that improvements to the motorway infrastructure at Junction 8 of the M27 are part of the strategic infrastructure requirements necessary to accommodate planned local growth, in accordance with the requirements of the NPPF, most relevantly Sections 3, 5, 6 & 9 [CD.F.1].

## Local policy

- 2.23. The scheme would be entirely located within Hampshire County Council (**HCC**) and Eastleigh Borough Council (**EBC**), for which the adopted local development plan comprises the saved policies of Eastleigh Borough Local Plan Review (2001-2011), “**the Adopted Plan**” [CD.G.1].
- 2.24. The emerging plan is The Eastleigh Borough Council Emerging Local Plan (2016-2036) “**the Emerging Plan 2016-2036**” [CD.G.2]. This is at a late stage of examination. It is my opinion that, when giving due consideration to the requirements of local planning for this Scheme, the most relevant plan is the Emerging Plan, which provides the most up to date and relevant information on the planning situation in the locality of the Scheme, and strategic policy support for the Scheme.
- 2.25. The Scheme is not within the local authority area of Southampton City Council, but the M27 Junction 8 and Windhover Roundabout serve the city of Southampton to the west. Southampton’s Development Plan is a collection of adopted plans primarily comprising: The City Centre Action Plan (adopted 2015); The Core Strategy including the changes from the Core Strategy Partial Review (adopted 2015); and the ‘saved’ policies of the Local Plan Review (amended 2015).
- 2.26. The emerging plan, “Southampton City Vision” is in the early stages of preparation, and so has little relevance to considerations.

### *Eastleigh Borough Local Plan Review (2001-2011) “the Adopted Plan” [CD.G.1]*

- 2.27. In the currently adopted policy map, the plots that are the subject of an objection (11, 11a and 11b, all within the ownership of Mr Keeling) are located in an area subject to policies 1.CO (Criteria for development in the countryside) and 2.CO (Presumption against development in strategic gaps) as set out in the policy map of the currently adopted local plan (Figure 1 and shown on Appendix A [NH/8/3]).

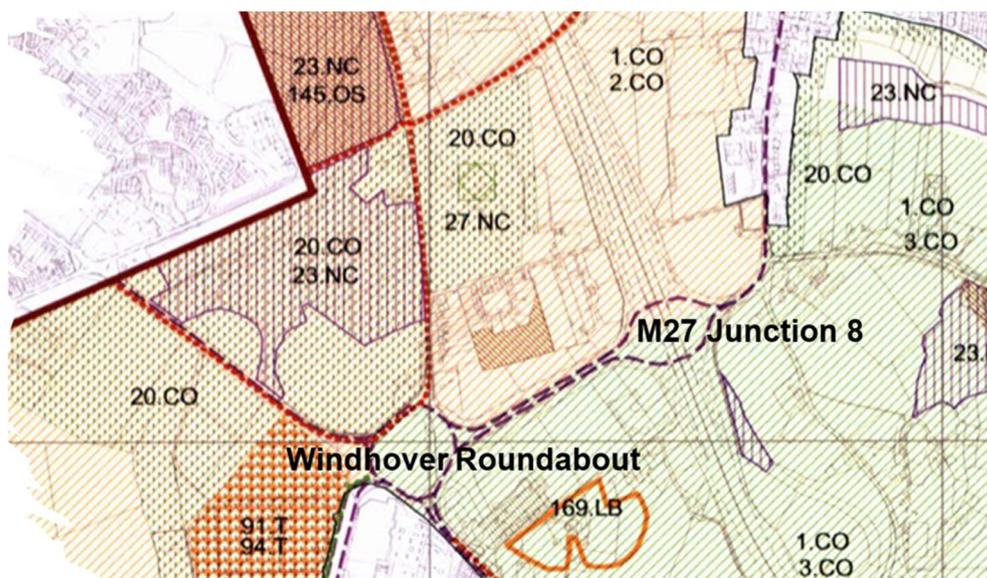


Figure 1: Extract from Eastleigh Borough Council's Adopted Policy Map [CD.G.1] (with added annotation marking the location of Windhover Roundabout and M27 Junction 8).

- 2.28. These types of planning policies are generally intended to protect the openness of the countryside by preventing incremental urban sprawl and sporadic, inappropriate development in the countryside. This is rather than preventing necessary

improvements to existing highways infrastructure that by their nature cannot be provided elsewhere, such as is the case with this Scheme. This is especially when impact of the improvements on the countryside has been minimised with appropriate landscaping, as is also the case with this Scheme, as set out in the evidence of the Phillip Black [NH/4/2].

2.29. As shown in Part 3, the Scheme does not need express planning permission. For developments that do, the adopted development plan would be the starting point when determining its acceptability. Local planning authorities may however make decisions that depart from the development plan, if material considerations indicate otherwise [NPPF, CD.F.1, Paragraph 12]. The policies of an emerging plan can be one such material consideration; the weight of which would depend on the plan's stage of examination.

2.30. Reflecting the above, between 2013 and 2020 two major housing developments and a link road were approved by the local planning authority "LPA", in the areas covered by saved policies CO.1 and CO.2 of the adopted plan; this is even though they conflicted with these policies. Further details of these approvals (planning references: O/13/73700; R/14/75914; F/15/76804; F/17/80651; F/17/81809) are set out in Part 4 of this proof. Their location in relation to the areas covered by the saved policies and to M27 Junction 8 are shown in Figure 2.

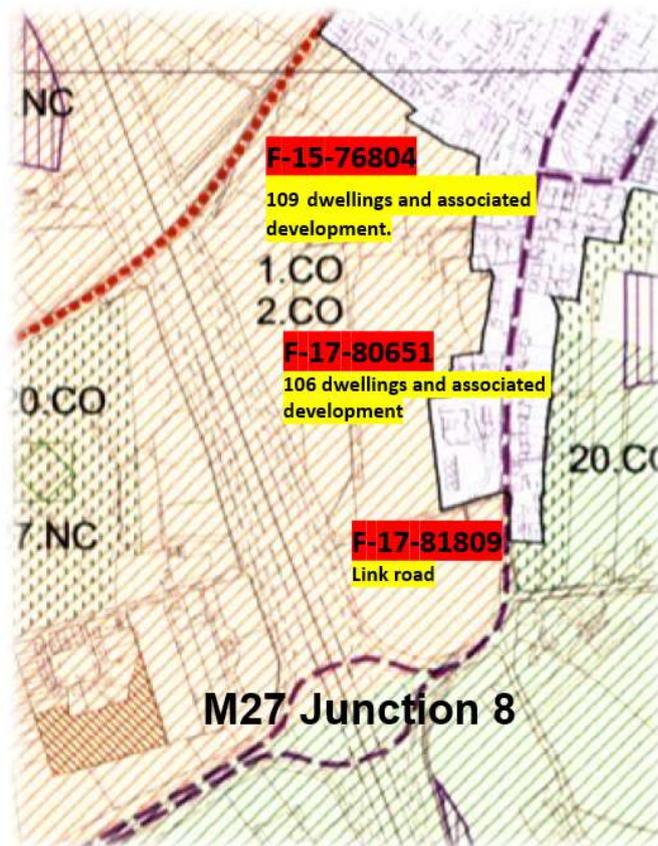


Figure 2: Extract from Eastleigh Borough Council's Adopted Policy Map, with added notation showing the location of M27 Junction 8 and housing and link road sites to the north, approved in 2015 and 2017.

2.31. As can be seen in Figure 2, the area to the north of the Scheme and Mr Keeling's land is being developed in conflict with saved policies 1.CO and 2.CO.

- 2.32. Reflecting this, paragraph 181 of the planning officer's 2017 report to the planning committee [CD.G.17], which recommends approval of a residential development of 106 dwellings with associated development (F/17/80651) states (at Paragraph 181):

*'Whilst the proposed development conflicts with adopted Development Plan Policies 1.CO and 2.CO, the direction of travel for this Phase 2 development site, including its critical section of link road, has been made clear in emerging plans and policies and this is a material consideration'.*

- 2.33. Paragraph 67 of the officer's report, further states:

*'This site is identified for housing in the submission Local Plan and emerging local plan (policy HE2). Further, the need for a strategic transport link from St Johns Road to Sundays Hill was included in the submission local plan (policy HE8) and emerging local plan (policy HE5). Whilst these plans have very little weight they are none the less a material planning consideration and provide an insight into the direction of travel in terms of land allocations and strategic infrastructure needs within the borough. The delivery of a key part of a link road through the site which assists in delivering a wider transport benefit is a particular site-specific material consideration'.*

- 2.34. The officer refers to policies in both 'the submission Local Plan' [CD.G.15], which was unadopted and the Emerging Plan [CD.G.2], recognising the clear direction of travel of policy; to provide housing in this area; as a material consideration that could outweigh the saved policies of the adopted plan.
- 2.35. It is notable that the Unadopted Draft Plan [CD.G.15] referred to in the officer's report was found unsound solely due to a lack of adequate provision for housing. The housing, employment and road infrastructure allocations in this area accordingly remained part of the LPA's housing supply figures and were carried forward into the new Emerging Plan.
- 2.36. It is also notable that the Emerging Plan [CD.G.2], which is at a late stage of examination still allocates these areas for housing and employment; there are existing residential planning permissions already partially constructed on these allocations; and there exists a strategic policy (S12) supporting improvements to the M27 Junction 8 in this location.
- 2.37. Taking all this into account, the intention of Policies CO.1 and CO.2; to maintain a meaningful rural gap and the rural, open quality of countryside in this location; need only be given limited consideration.
- 2.38. It is therefore my opinion that, when giving due consideration to the requirements of local planning for this Scheme, the most relevant plan is the Emerging Plan, which provides the most up to date and relevant information on the planning situation in the locality of the Scheme and provides strategic policy support for the Scheme.
- 2.39. Notwithstanding the above, it is noted the Emerging Plan does contain similar policies pertaining to restricting development in the countryside, which covers a much-reduced area close around the Scheme, within which land required for the improvements to the north side of the M27 Junction 8 would fall (See Figure 3). Due consideration is given to these policies under the Emerging Plan heading.

*The Eastleigh Borough Council Emerging Local Plan (2016-2036) “the Emerging Plan” [CD.G.2]*

- 2.40. At the time of writing, the Emerging Plan is at a late stage of examination with responses to the consultation on main modifications being considered by the Planning Inspector.
- 2.41. As described above, housing due to be allocated with Policy HE2 in the 2011-2029 unadopted draft plan [CD.G.15], south of St John’s Road, has since received planning permission for 109 dwellings (O/13/73700 & R/14/75594 consolidated with F/15/76804), which is now a slightly smaller allocated site to the south of the approved area.
- 2.42. Several housing sites across the borough due to be allocated in the unadopted draft plan [CD.G.15], have been granted planning permission on a similar basis. These approved sites are included in EBC’s forward supply of housing land and represented in the Emerging Plan with Policy DM24 (Housing Sites, and Mixed-use sites including housing with Planning Permission) (See Figures 3 & 4 and Table 1 of this evidence).
- 2.43. Employment uses remains allocated on a site above Mr Keeling’s land, under Policy HE4.
- 2.44. The Sunday’s Hill Bypass proposed as part of the Unadopted Draft Plan Policy BU4, has been constructed between Dodwell Lane and Heath House Lane as part of a wider planning approval for housing in the area covered by Policy BU3 in the unadopted Draft plan; it is now a DM24 site in the Emerging Plan (See Figure 3 of this evidence and Appendix A [NH/8/3]).
- 2.45. The new road continuing the Bypass between Dodwell Lane and St Johns Road is mentioned in Part (v) of Strategic Policy S12 [CD.G.2], represented by a dashed purple line on the Emerging Policy Map.
- 2.46. Significantly, the junction improvements at M27 Junction 8 are also explicitly supported by the Council in Part (viii) of ‘Policy S12: Transport Infrastructure’ in the Emerging Plan, and represented on the Emerging Policy Map (See Figure 3 and Table 1 of this evidence and Appendix A [NH/8/3]):

*‘Strategic policy S12 (Transport infrastructure)*

*In conjunction with new development and having regard to the associated transport assessments the Borough Council will, in consultation with the highway authorities, safeguard routes/ sites, and work with partners to deliver, the following new and improved transport infrastructure:*

...

*viii. improvements to junctions 5, 7 and 8 of the M27 motorway and to other junctions identified as being in need of improvement in the Highways England Roads Investment Strategy, Hampshire County Council Local Transport Plan, the Solent Transport Delivery Plan, the Hampshire County Council/Eastleigh Borough Transport Statement the transport assessment of the Pre-submission Local Plan and other strategy documents, including improvements to the Windhover roundabout in Bursledon and the creation of smart motorways.’*

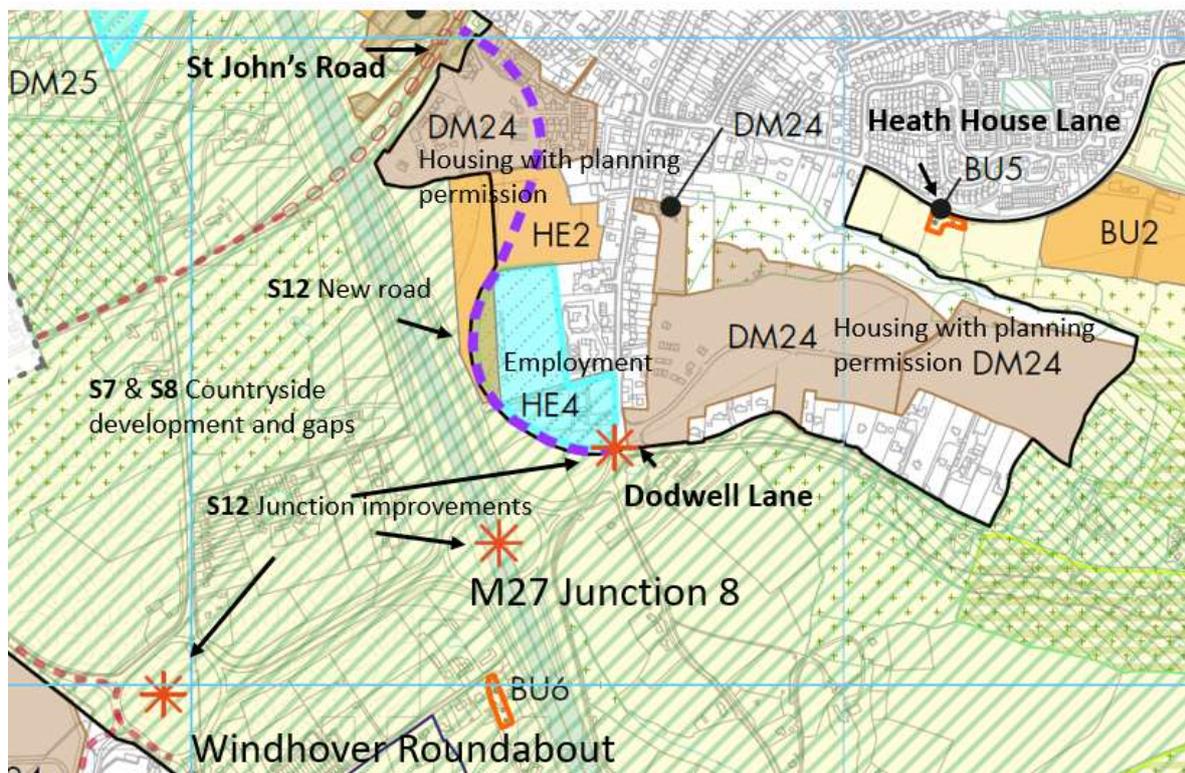


Figure 3: Extract from Eastleigh Borough Council's Emerging Policy Map, with added notation showing: the location of M27 Junction 8 & Windhover Roundabout; St John's Road; Dodwell Lane, Heath House Lane; housing & employment allocations with planning permission; the route of a new road between St John's Road and Dodwell Lane continuing the Sunday's Hill Bypass from Heath House Lane; junction improvements at M27 Junction 8, Windhover Roundabout and Dodwell Lane, and the countryside/gaps policy area.

Table 1: Relevant policies in the Emerging Plan.

<b>The Eastleigh Borough Council Emerging Local Plan (2016-2036)</b>	
<b>Policy</b>	<b>Relevant Detail</b>
<b>Strategic policy S2</b> Approach to new development	<p>The Council will promote the delivery of a minimum of 14,580 new dwellings in the period 2016-2036;</p> <p>The pattern of delivery is expected to involve (approximately):</p> <p>(a) 7,570 dwellings with planning permission or resolution to grant permission</p> <p>(b) 1,210 dwellings on carried forward proposed allocations (from the previously submitted Local Plan)</p> <p>(c) 4,050 dwellings on new sites</p> <p>(d) 1,860 allowance for windfall development</p>
<b>Strategic policy S3</b>	The Council proposes:

Location of new housing	<p>iv. The development of approximately 4,400 dwellings on smaller sites which already have planning permission or will come forward as unidentified windfalls;</p> <p>v. Provision for approximately 610 dwellings on new smaller greenfield sites joining the settlements of Allbrook, Bishopstoke, Bursledon, Fair Oak, Hedge End, Netley and West End.</p>
<b>Strategic policy S4,</b> Employment provision	<p>To contribute towards sustainable economic growth, provision will be made for additional floor space for uses in the B Use Classes (B1, B2 and B815) and other employment-generating uses through:</p> <p>iii. small-scale employment allocations at Botley, Bursledon, Chandler’s Ford, Eastleigh, Fair Oak (Horton Heath), <u>Hedge End</u> and West End.</p>
<b>Strategic policy S7</b> New development in the countryside	<p>There is a presumption against new development in the countryside, subject to other policies of the Local Plan.</p>
<b>Strategic policy S8</b> Protection of countryside gaps	<p>In order to maintain the separate identity of settlements and separation from Southampton, countryside gaps are defined between:</p> <ul style="list-style-type: none"> <li>• Hedge End and Southampton;</li> <li>• Hedge End and Bursledon;</li> </ul> <p>In countryside gaps, development which physically or visually diminishes the gap, or has an urbanising effect detrimental to the openness of the gap, the character of the countryside or the separate identity of the adjoining settlements will not be permitted.</p>
<b>Strategic policy S12</b> Transport Infrastructure	<p>(v) a new road to the south of Hedge End linking the western end of the Sunday’s Hill bypass with St John’s Road (see HE5, Chapter 6, section 6.5);</p> <p>(viii) improvements to junctions 5, 7 and 8 of the M27 motorway and to other junctions identified as being in need of improvement in the Highways England Roads Investment Strategy, Hampshire County Council Local Transport Plan, the Solent Transport Delivery Plan, the Hampshire County Council/Eastleigh Borough Transport Statement the transport assessment of the Pre-submission Local Plan and other strategy documents, including improvements to the Windhover roundabout in Bursledon and the creation of smart motorways.</p>

<p><b>Policy DM24</b> Housing Sites, and Mixed-use sites including housing with Planning Permission</p>	<p>Sites, allocated for residential development as they all benefit from either a valid planning permission or a current Council resolution to permit residential Development including:</p> <p>(13) Land east of Dodwell Lane and north of Pylands Lane (250 dwellings) – including public open space</p> <p>(29) Land south of Foord Road and west of Dodwell Lane (125 dwellings) – including new link road and public open space</p>
<p><b>Policy HE2,</b> Land at Sundays Hill and Land north of Peewit Hill Close</p>	<p>Allocated for development to include approximately 106 dwellings.</p>
<p><b>Policy HE4</b> Land off Peewit Hill Close and Dodwell Lane</p>	<p>Allocated for employment uses in use classes B1b, B1c and B8 subject to the following requirements:</p> <ol style="list-style-type: none"> <li>i. the development provides the remainder of the new road link between the southern boundary of the residential allocation to the north (policy HE2) and Dodwell Lane;</li> <li>ii. access to the site is from the new road link</li> </ol>

2.47. Strategic Policy S12 in the Emerging Plan mentions several sources that identify a need to improve both Junction 8 of the M27 motorway and Windhover Roundabout. These are:

- Highways England Roads Investment Strategy 1 (2015/16-2019/20) and 2 (2020-2025) “**RIS1 & RIS2**” [CD.F.3 and CD.F.4]
- Hampshire County Council Local Transport Plan 2011-2031 [CD.G.3]
- Solent Transport Delivery Plan 2012-2026 [CD.G.18]
- the Hampshire County Council/Eastleigh Borough Transport Statement 2012 [CD.G.19]
- Transport Assessment of the Pre-submission Local Plan 2019 [CD.G.20]

2.48. The Department for Transport’s “**DfT**” RIS2 [CD.F.4] has, of course, committed to including additional capacity at Junction 8 of the M27 and improvements to Windhover Roundabout with this Scheme.

2.49. The Eastleigh Borough Transport Statement (2012) [CD.G.19] in Paragraph 3.9 discusses the congestion issues at the Windhover roundabout and M27 Junction 8, showing this is a longstanding issue that the local authorities wish to resolve:

*‘The borough is served by two motorways with the M3 running north-south connecting the south coast to London and the M27 east-west linking Portsmouth to*

*the New Forest. Congestion during the peak periods is experienced on both motorways, especially in the vicinity of Eastleigh town. Motorway junctions on the M27 (Junctions 5, 7 and 8) and M3 (Junctions 12 and 13) can experience significant delays.'*

- 2.50. The Emerging Plan [CD.G.2] seeks to provide for 14,580 new dwellings in the period 2016-2036 (Strategic policy S2) with a further 16,300 dwellings also planned to be delivered across Southampton in 2006–2026 ('Local Development Framework Core Strategy Development Plan Document' - Amended Version incorporating the Core Strategy Partial Review March 2015 [CD.G.16]) The improvements to the M27 Junction 8 would accommodate this housing growth.
- 2.51. Reflecting this the Transport Assessment of the Pre-submission Local Plan 2019 [CD.G.20], includes the Scheme; described on page 41 as 'M27 Junction 8 /Windhover – Full signalisation of both junctions with widening of circulatory carriageway and approach arms, improvements to pedestrian and cycle lanes and crossing facilities'; in its future baseline scenario when concluding, that growth in the local plan would not adversely affect M27 Junction 8 (pages 50 & 121)
- 2.52. There is clear strategic support for the scheme in the Emerging Local Plan that is based on more than a decade of transport documents that identify a need for the Scheme. Further detail on the need for the Scheme can be found in the evidence of Harriet Massie-Taylor [NH/9/2] and Alasdair Sim [NH/1/2].
- 2.53. As noted previously, the Emerging Plan also contains two strategic policies (S7 and S8) that seek to restrict development in the countryside principally to maintain rural character and limit urbanisation. The land required for the Scheme to the north east of Junction 8 on land within Mr Keeling's ownership is within this area.
- 2.54. As set out below in Part 3, the Scheme does not need planning permission, however due consideration will be given to the requirements of local planning policy.
- 2.55. In this case the local plan must be taken as a whole. There is clear support in the Emerging Plan to improve the M27 Junction 8; the Scheme is explicitly identified in Strategic Policy S12 and on the Emerging Policy Map. The Scheme comprises locational specific improvements and has been designed with a landscape scheme that will minimise the impact of the Scheme on the surrounding countryside, maintaining a similar sense of openness to the existing situation, which already contains highways infrastructure, with more planned to the north.
- 2.56. In this way, any minor tension with these emerging policies can be overcome by the more significant local policy requirement to improve Junction 8 of the M27, to accommodate planned local housing and economic growth.

### 3. No legal planning impediment

- 3.1. A planning impediment is a form of legal impediment that may affect the ability of the acquiring authority to implement the Scheme, thereby undermining the case for interfering with the rights of those with an interest in the land.
- 3.2. What can constitute a physical or legal impediment is set out in paragraph 15 of the Guidance on Compulsory Purchase Process and The Criche Down Rules (Ministry of Housing, Local Government and Communities 2019) (“**the CPO Guidance**”) [CD.F.13]. It provides:

*“The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:*

- *the programming of any infrastructure accommodation works or remedial works that may be required.*
- *any need for planning permission or other consent or licence.*

*Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld.”*

- 3.3. There is no legal impediment, in the form of a planning impediment, to implementing this Scheme.
- 3.4. This is because to implement the Scheme neither planning permission under the Town and Country Planning Act 1990 nor development consent under the Planning Act 2008 is needed.
- 3.5. Neither are there any other planning related consents or licenses needed; relating for example, to listed buildings, scheduled monuments or conservation areas. This is as also set out in Section 12 (Special Considerations) of the Statement of Reasons [CD.A.7].
- 3.6. These points are picked up in National Highways’ legal submissions as they are legal in nature.

## 4. Consistency with planning permissions O/13/73700 & F/17/81809

- 4.1. There are several extant planning permissions north and north east of the M27 Junction 8 improvements and Mr Keeling's land, two of which have been raised (O/13/73700 and F/17/80651) in Mr Keeling's objection to the Orders and response to the Statement of Case [CD.H.1 and CD.H.2].
- 4.2. They are listed below in Table 2; shown in relation to Emerging Plan allocations in Figure 5, and in the plan attached at Appendix A [NH/8/3]:

Table 2. Approved planning permissions north east of M27 Junction 8

Planning Reference	Description	Date approved and applicant	Commentary
<b>O/13/73700 Outline</b>	Construction of up to 94 dwelling units with new link road, new vehicular access to St Johns Road, pedestrian and cycle links through Greenfield Close, drainage, landscaping and public open space (access only to be considered).	Approved July 2014	The Highland Group
<b>R/14/75594 Reserved Matters</b>	Appearance, landscaping, layout and scale pursuant to outline planning permission <b>O/13/73700</b> for the erection of 94 no. dwelling units with access off St Johns Road. Granted March 2015 (Foreman Homes).	Approved March 2015	Foreman Homes
<b>F/15/76804 Full Planning</b>	Construction of 109 dwellings with new link road, new vehicular access off St Johns Road, pedestrian & cycle links through Greenfield close, drainage, landscaping, parking and public open space (consolidation of planning approvals <b>O/13/73700 &amp; R/14/75594</b> with the following amendments: Internal reconfiguration of apartment blocks H, I & F to create additional units, the re-design of apartment block E to create additional units, amendments to the parking areas for the apartment blocks, the repositioning of the parking for Plot 20 to create an access to the rear of Carpenters Close and engineering works to alter levels).	Approved May 2016	Foreman Homes
<b>F/17/80651 Full planning:</b>	Residential development of 106 dwellings, associated landscaping, amenity areas and a means of access from St John's Road (Phase II).	Approved October 2017	Foreman Homes
<b>F/17/81809 Full Planning</b>	Construction of link road between St Johns Road and Dodwell Lane (Phase 3 of planning permission O/13/73700).	Approved March 2020	Foreman Homes

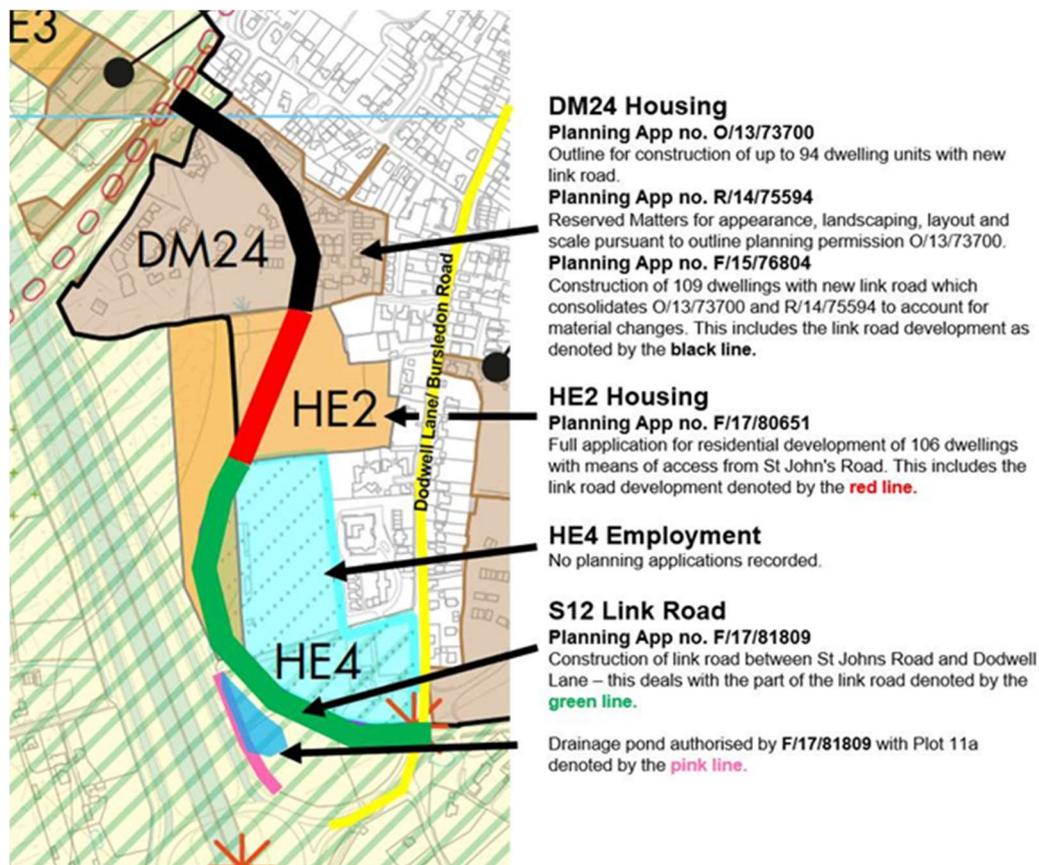


Figure 5: Extract from the Emerging Policy Map, showing allocations and associated approved planning permissions north of M27 Junction 8, on and above land owned by Mr. Keeling.

- 4.3. In the grounds of objection to the CPO submitted by Blake Morgan on behalf of Mr Keeling (“**Mr Keeling’s Objection**”) [CD.H.1], it is claimed (in Paragraphs 8.17-8.21) that National Highways have failed to assess the impact of the Scheme on planning permissions O/13/73700 and F/17/80651.
- 4.4. The area of concern is Plot 11a. The whole extent of Plot 11a is essentially needed in this location as part of the Scheme to provide both landscaping and an area sufficient for the diversion of the local watercourse. It is not possible to provide the landscaping elsewhere due to the policy requirement to incorporate this part of the Scheme into the surrounding landscape, and due to the constraints of diverting the local watercourse.
- 4.5. Plot 11a which includes land that appears on approved plan 17053-2400 Rev P3 (drainage site layout) [CD.G.7], as part of Planning Permission F/17/81809 (Construction of link road between St Johns Road and Dodwell Lane (Phase 3 of planning permission O/13/73700).) (See Figure 6).

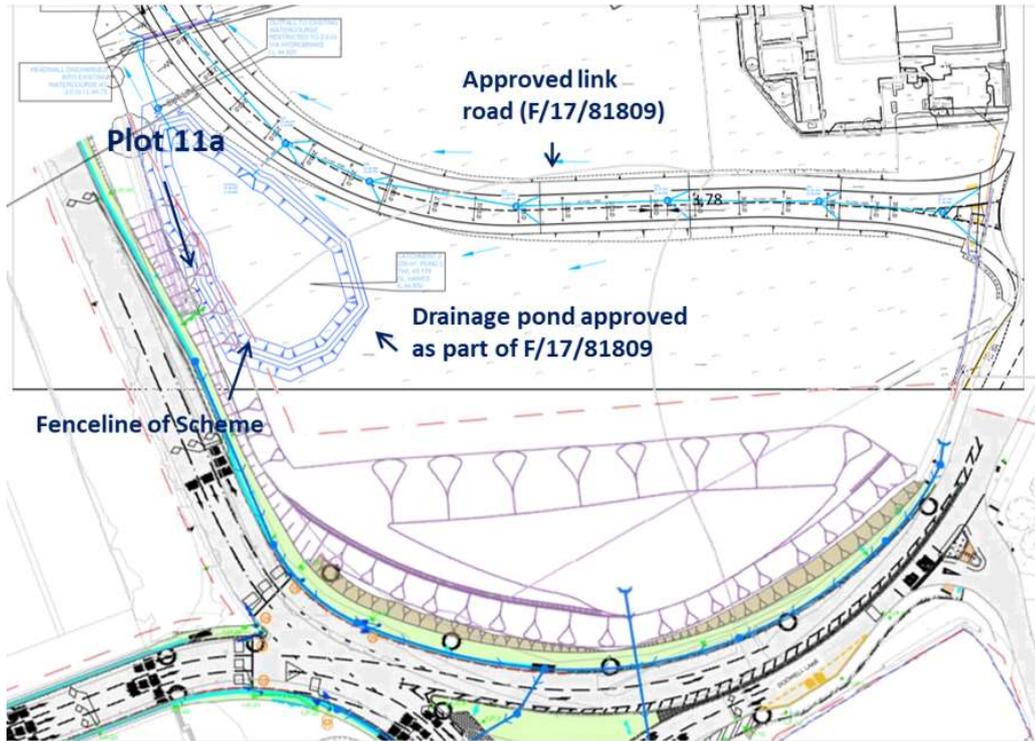


Figure 6: Scheme General Arrangement plan [CD.A.9] overlaid with approved plan 17053-2400 Rev P3 (drainage site layout) [CD.G.7], as part of F/17/81809.

- 4.6. It is also notable that there is currently no drainage consent for the pond as shown on Plan 17053 2400 Rev P3 [CD.G.7]. Failure to obtain this would comprise an impediment to the link road being implemented.
- 4.7. It is not disputed that the compulsory purchase of Plot 11a would require the developer of the link road to either redesign or relocate the drainage pond elsewhere on the land. This can readily be achieved on the remaining land and accounted for in planning, likely with a minor material amendment to F/17/81809, using section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of F/17/81809.
- 4.8. This is a straightforward process that might replace reference to Plan 17053 2400 Rev P3 with a Rev P4 on the schedule of plans listed as part of the decision notice. It would have the effect of approving a revised plan showing a redesign or relocation of the pond, superseding the currently approved Rev P3.
- 4.9. The Emerging Plan does not specify an exact form or location of drainage pond for the link road; a minor amendment to the design could still fulfil policy requirements. There is no reason why any of the benefits of the link road; providing an additional access to the housing proposed and constructed to the north and fulfilling the requirements of policy HE4 in relation to the employment allocation; should be lost because of the Scheme. There is accordingly no demerit in the public interest balance.
- 4.10. Any costs consequent on the compulsory acquisition of land would be a matter for compensation.
- 4.11. As a result, there is no impediment to the Scheme and public interest is not eroded by the Scheme; all local plan development including the link road can be accommodated.

## 5. Implications for wider public benefits relating to provision of housing and employment land

- 5.1. National Highways recognises the extent to which the scheme may prevent or affect other public benefits is a factor that would be weighed in the balance, in considering whether there is a compelling case in the public interest for National Highways to interfere with private rights.
- 5.2. As above there are approved planning permissions for housing to the north of the Scheme, which contribute to the borough's necessary supply of housing land. National Highways recognises these sites would benefit from a convenient access from Dodwell Lane. However, the sites already benefit from an access from St John's Lane and so their delivery does not depend on the link road. However, this benefit does not have to be lost, as both Schemes can be built out together, as described in Part 4.
- 5.3. Policy S12 of the emerging 2016-2036 Local Plan requires improvements to Junction 8 of the M27, as a necessary strategic infrastructure improvement to accommodate housing and employment growth planned for the borough.
- 5.4. The Scheme requires Plot 11a. This is to provide for essential landscaping and a watercourse diversion that can only be provided in this location and cannot be provided elsewhere.
- 5.5. Both Schemes can be delivered alongside each other, both to the public benefit, both in the same location.
- 5.6. In this way there remains a compelling public interest case for the Scheme, which outweighs the loss of rights of those that have an interest in land essentially needed to be acquired to deliver the Scheme.

## 6. Conclusion

- 6.1. The Scheme benefits from clear planning policy support. This is especially in the Emerging Plan [CD.G.2], which includes a strategic policy (S12) specifying improvements to Junction 8 of the M27 and Windhover Roundabout.
- 6.2. The Scheme's inclusion in this policy explicitly draws on a raft of transport and related policy and assessment; all recognising there is a need to improve this junction and roundabout to relieve congestion and accommodate local economic growth, including housing growth.
- 6.3. The NPSNN [CD.F.2] further confirms the Government's position that there is a compelling need for the development of the SRN to form a coherent national road network, of which the Scheme is part.
- 6.4. This support found in both local and national planning policy is a positive factor to go into the overall balance and consideration of the compelling case in the public interest to acquire the land for the Scheme.
- 6.5. There is no legal impediment related to planning, as there is no requirement for the Scheme to obtain planning permission under the Town and Country Planning Act 1990, nor development consent under the Planning Act 2008. Neither are there any other planning related consents or licenses needed; relating for example, to listed buildings, scheduled monuments or conservation areas.
- 6.6. Neither is there an impediment as argued by Mr Keeling. There is nothing legally or physically stopping the implementation of the Scheme, and there is no threat to the delivery of housing. There is therefore no loss of public interest.
- 6.7. In this way there remains a compelling public interest case for the Scheme, which essentially needs the land to be acquired for its delivery.

## 7. Key documents

7.1. A number of key documents are referenced throughout this Proof of Evidence. This table highlights the core documents considered key to this Proof of Evidence.

Core document	Core Document Reference	Section	Comment
National Policy Statement National Networks.	CD.F.2	1 & 2	Confirms Government considers there is a compelling case to develop the Strategic Road Network, including with junction improvements.
National Planning Policy Framework 2021	CD.F.1	1, 3, 5, 6, 9	Contains requirements of national planning policy relevant to the public interest case.
Eastleigh Borough Local Plan Review (2001-2011)	CD.G.1	Policies CO.1 & CO.2	Contains requirements of local planning policy relevant to the public interest case.
Draft Eastleigh Borough Local Plan 2011-2029.	CD.G.15	Strategic Policies S2, S7, S9, Policies BU3, BU4, HE2, HE4, HE8	Plan was found unsound due to insufficient provision of housing land but provides background to the 'direction of travel' of local planning policy in the Scheme area.
The Eastleigh Borough Council Emerging Local Plan (2016-2036)	CD.G.2	Strategic Policies S2, S3, S4, S7, S8, S12, DM24, HE2, HE4.	Contains requirements of local planning policy relevant to the public interest case.  Contains information regarding planned housing growth in Eastleigh Borough Council, which the Scheme would accommodate
Southampton Local Development Framework Core Strategy Development Plan Document' - Amended Version incorporating the Core Strategy Partial Review March 2015	CD.G.16	Paragraph 4.3.1, pages 19-21.	Contains information regarding planned housing growth in Southampton City Council, which the Scheme would accommodate.
Planning officer's 2017 report to the planning committee	CD.G.17	Paragraph 181.	Approved housing development around Scheme in conflict with polices CO.1 and CO.1 using

			'direction of travel' of policy as a material consideration.
Highways England Roads Investment Strategy 2 (2020-2025)	CD.F.4		National support and funding for the Scheme
Solent Transport Delivery Plan 2012-2026	CD.G.18		Strategic transport policy support for the Scheme.
Hampshire County Council/Eastleigh Borough Transport Statement 2012	CD.G.19	Paragraph 3.9.	Strategic and local transport policy support for the Scheme.
Transport Assessment of the Pre-submission Local Plan 2019 Part 2.	CD.G.20	Page 41, 50, & 121	The Scheme is included in the future baseline when assessing the transport impact of local plan growth. It concludes that, with the Scheme, the M27 Junction 8 is able to accommodate local plan growth.

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