

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (East) 4 August 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Vacant site west of M271, Test Lane			
<b>Proposed development:</b> Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.			
<b>Application number</b>	14/01911/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	N/A - Planning Performance Agreement	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Request by Ward Member or five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread
<b>Referred by:</b>	All Ward Councillors	<b>Reason:</b>	Traffic, noise, impact on neighbours, ecology.

<b>Applicant:</b> Evander Properties Ltd	<b>Agent:</b> Michael Sparks Associates (Mr Ashley Chambers)
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the

context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Habitats Regulation Assessment

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions and other obligations including Traffic Regulation Orders towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - ii. Provision of an area of public open space and the necessary commuted maintenance sum.
  - iii. Financial contribution as site specific mitigation measures to limit the impact on the adjoining local nature reserve.
  - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

- vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vii. Commuter car parking survey and necessary mitigation post opening should the surveys identify an impact on residential streets.
  - viii. Air Quality Mitigation measures.
  - ix. Provision of public art in accordance with the Council's Public Art Strategy.
  - x. Submission and implementation of a Construction Traffic Management Plan.
  - xi. Submission and implementation of a Lorry Routing Agreement.
  - xii. Submission and implementation of a Travel Plan.
3. In the event that the legal agreement is not completed within two months of the date of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

**1. The site and its context**

- 1.1 The application site is some 6.5 hectares in area and is situated on the eastern side of Test Lane. The site is currently a grassed open area with some tree planting to the boundaries and hedgerows to the Test Lane frontage. The site is allocated in the Local Plan for light industrial and warehousing development (Classes B1(c) and B8) under Policy MSA19 of the Local Plan.
- 1.2 The surroundings are of mixed character with industrial development (including the Daily Echo headquarters) to the north; the M271 motorway to the east; the Lower Test Lane Nature Reserve to the West beyond the Southampton to Romsey railway line; and a residential area to the south comprising bungalows and two-storey houses in Gover Road, Coniston Road, Westover Road and Test Lane. The application site is close to the administrative boundary of the city with Test Valley Borough Council.

**2. Proposal**

- 2.1 The application involves developing this currently open site with three business/storage and distribution buildings to provide a total of 19,132 square metres of floorspace. The largest of the three buildings (Unit 1) would run along the western site boundary and would provide approximately 10,860 square metres of floorspace to be used as a storage and distribution unit (Class B8). Unit 2, in the northern part of the site, would provide approximately 3,630 sq.m. floorspace and would be used for either Business Use - light industrial (Class B1 c) or Storage and Distribution Use (Class B8). Unit 3, in the south-east part of the site, would provide approximately 4,640 sq.m floorspace and would also be used for storage

and distribution purposes (Class B8). The development would potentially operate on a 24 hour basis.

- 2.2 Vehicular access would be from Test Lane, in the north-west corner of the site. A total of 224 car parking spaces would be provided for the three units. 35 lorry delivery dock spaces will be available.
- 2.3 The application also proposes to retain the southern end of the site as an open area which would become public open space. The area in question is some 1.79 hectares in area (4.43 acres)
- 2.4 The proposed external materials will be a mixture of horizontal and vertical cladding panels and buff brickwork with an aluminium curtain wall glazing system. The height of the buildings will be 12 metres to the eaves and 14.3 metres to the top of the roof. Between the two buildings on the southern boundary, an acoustic fence would be built above an earth bund to a total height of approximately 12 metres.
- 2.5 The application has been amended since it was initially submitted. The main changes to the scheme are a reduction in the amount of floorspace from 21,000 square metres to the current proposal of 19,132 sq.m. This has also resulted in changes to the layout on site with the buildings being moved further north on the site by between 10 metres and approximately 35 metres.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development under Policy MSA19 which reads as follows:

**Test Lane South is safeguarded for B1 and B8 uses. Development will be permitted which:**

**(i) provides a buffer of landscaped and planted open space on the southern boundary of the site; refer to CLT 7;**

**(ii) would not adversely affect the residential amenity of the occupiers of nearby properties on Gover Road and Coniston Road.**

**Built development will not be permitted on the southern part of the site.**

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4. Relevant Planning History**

- 4.1 There are no decisions on planning applications which are directly relevant to this proposal. However, in July 2014, a Screening Opinion was issued under the Environmental Impact Assessment Regulations 2011 confirming that this development did not require submission of an Environmental Statement (application reference 14/00712/SCR).
- 4.2 It is understood that the site was originally used for sand and gravel extraction and the land was subsequently infilled following the construction of the M271. The site was used for several years as a temporary park and ride site for the duration of the Southampton Boat Show in September.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (02.01.2015 and on 05.06.2015 for the amended application) and erecting a site notice (12.12.2014 and 15.05.2015 for the amended application). At the time of writing the report a total of **181** representations have been received from surrounding residents. This number includes comments made to the application as originally submitted and as amended. In addition to the individual responses, a petition bearing 188 signatures has been submitted which reads as follows:

**'We, the undersigned, wish to lodge our objection on the proposed development based on the following:**

- 1. The development as proposed is too close to neighbouring residential housing.**
- 2. It will cause excessive traffic problems to the neighbouring rural streets (already used as an M271 avoidance 'rat run').**
- 3. It is not suitable for the environmental conditions of the land, i.e. flood risk.**
- 4. Proposed 24/7 nature of the facility will cause excessive noise and lighting pollution in an area already deemed to have poor air quality.**
- 5. The visual effect on residents will be totally unacceptable and be totally against all residential amenity rights afforded to citizens.**
- 6. The development will have negative effects on local house prices and desirability.'**

The following is a summary of the points in individual correspondence grouped under various headings:

## 5.2 Principle of development/policy position

**Proposal is for a development which is far in excess of the policy allocation for the site which was changed without consultation. An independent inspector recommended light industrial use only. The development should be limited to that use and should not be for Class B8 use. Local residents had previously been informed that the proposal would be for small light industrial and research premises. The proposals violate Policy MSA19 in that development would be on the southern part of the site. The southern part should logically mean the southern half of the site so the proposal is contrary to policy in that building works and the attenuation pond are in the southern half of the site. Local residents do not want a pond, they want a green open space. Any attenuation pond should be sited within the middle of the development.**

### Response

The circumstances surrounding the policy allocation are outlined later in this report. The policy does not define what the 'southern part of the site' means. There is no reference in the policy to 'southern half of the site'.

## 5.3 Traffic/transport

**Up to 100 HGV's starting and running engines will have a significant impact on air quality. 31 HGV loading/unloading bays will cause significant problems for local residents. 750 jobs with only 250 car parking spaces (one space for every three employees) will mean that parking will overflow into surrounding streets. Restriction on vehicles turning left is unlikely to be enforceable and even cars making these movements will lead to noise and disturbance. There will be additional lorry movements rat-running through residential streets. The area will be unable to cope with the increased flow of traffic. Traffic will queue back at the bottom of Gover Road across the roundabout.**

### Response

The reference to up to 750 jobs possibly being accommodated on the site was information provided by the applicant. It is likely to be an over-estimate of the employment density on the site. The design of the site entrance encourages lorries to enter and exit the site from the north, although it cannot be guaranteed that all vehicles will obey this route. The demand for employee car parking will vary over the day as there is likely to be different shifts operating from the site. Comments on the application from the Council's Highways Team are included later in this report.

## 5.4 Impact on amenities of neighbours

**Redbridge is one of the most polluted areas in Southampton, this proposal will significantly add to pollution in this area. A 24 hour operation will be detrimental to the amenities of local people in terms of noise and disturbance. Noise levels will be a problem at night with HGV reversing alarms, fork lifts and pallet trucks being used. The development is too tall and Unit 1 in particular is far too big and will encroach too close to adjacent houses. The height of the buildings is totally out of keeping with the houses around it. The biggest building should be parallel with the M271 not**

**alongside Test Lane. Residents would lose views over the green space. Every aspect of the development would be detrimental to the lives of local residents.**

Response

These are large modern warehousing buildings designed for mechanised storage and servicing. The application is submitted for a 24 hour operation as is the case for many such industrial/warehousing operations. Consideration was given to relocating the largest building alongside the motorway but this would effectively have 'opened the site up' to potentially noisy operations from within the yard to the detriment of the neighbours to the south. Comments on the application from the Council's Environmental Health Team are included elsewhere in this report.

## 5.5 Ecology and environmental issues

**Destruction of the ancient hedgerow along Test Lane is bad for ecology. The night sky would be ruined by light pollution from the external lighting to the yards which will be 15 metres high. The attenuation pond will lead to issues of danger to the public. The pond is on public land which means that the local facility of open space would be degraded and would be maintainable at the public expense. The pond will lead to stagnant water which will attract insects and rodents. Proposal would have an unacceptable impact on the local nature conservation area and wildlife with destruction of important hedgerows which provide a corridor for birds and bats. The potentially harmful seepage of water into the ground could cause problems for the nature reserve. The green space is not large enough. The field has a history of flooding. The pond could overflow and cause flooding at local residents properties. It would take decades for trees and shrubs to screen such large buildings.**

Response

The issues relating to ecology are dealt with later in this report. The attenuation or infiltration pond will be on public land. Further details can be sought through a planning condition and a commuted sum will be sought for the future management and maintenance of the linear park. It is government policy that applications for major development should incorporate Sustainable Urban Drainage Systems. The infiltration pond is one such measure.

## 5.6 Air quality

**Redbridge suffers from very poor air quality as recognised by recent reports and publicity. This proposal would lead to 800 extra traffic movements per day. This development, together with others in the area, would worsen the situation to the detriment of the health and quality of life for local residents. It is the responsibility of the Council to look after the health and wellbeing of its citizens and yet the Council ignore the impact of air pollution which gets continually worse in this area.**

Response

The Council's Environmental Health team are satisfied with the specialist report submitted with the application which states there would be a negligible impact on air quality in and adjoining the Air Quality Management Area.

## 5.7 Other issues

**The changes made to this application are insufficient for objections to be withdrawn. The developer has paid insufficient attention to the comments from local people and has not addressed the issues. The supporting reports submitted by the applicant are not accurate or plausible. There is no need for this development given the number of empty business premises in the area. The drainage system will not be able to cope with this scale of development. The cumulative impact of various developments in this part of the city and adjoining Council areas such as Adanac Park and the Lidl development would be detrimental to local people.**

### Response

Local residents concerns about the overall amount of development within the wider area is perfectly understandable but each planning application has to be considered on its individual merits in the context of national and local planning policies and other material considerations. The site is allocated for this form of development and there is a proven demand for these key economic sectors as set out in Policy CS6 of the Core Strategy. The fact that there may be other vacant business premises in the area would not outweigh the policy presumption in favour of development.

- 5.8 **Redbridge Residents Association** - The amended application was considered at an EGM held in May attended by over 80 residents. The Association object to the development due to its size and proposed activities on the following grounds: air pollution, 6% of the deaths in the city are due to air pollution and this development will worsen the situation; noise pollution, a 24/7 operation would be wholly inappropriate due to its proximity to residents; light pollution will impact on the area; attenuation pond will be built development on the southern part of the site which will be contrary to policy; impact on the adjoining SSSI which will affect wildlife.
- 5.9 **Councillor Pope** - Whilst the developers appear to have listened to a certain extent, they have not addressed the concerns of local residents. Objection to the application on the grounds of ecology, sustainability, air quality and pollution, height and location of buildings and impact on local residents. Any S.106 agreement should encourage local employment, apprenticeships and other positive contributions from developers and businesses. Although the BREEAM excellent rating is supported, local residents should benefit directly from energy generated in a co-operative enterprise supported by the developer and businesses.
- 5.10 **Councillor Whitbread** - Object to the application, previous concerns about impact on local wildlife have not been addressed. Proposal will bring additional traffic into the area which will have a negative impact on air quality in an already congested part of the city. Buildings are too high and not in keeping with the residential feel of the area. The proposed bund of trees will not grow fast enough and should be replaced by Leylandii trees to shield the development and to minimise noise and light pollution. 24 hour operation is likely to have a significant impact on quality of life. If approved, the Panel should consider restricting working hours.



- 5.11 **Councillor McEwing** - Object to the application, there are significant concerns about the difficulties such a development would bring to the local area. These include, but are not limited to: increased traffic pressure on the local highways network; noise and light pollution from 24 hour working; air pollution from the development and traffic; detrimental impact on wildlife being close to a nature reserve; loss of green open space.
- 5.12 **Hampshire and Isle of Wight Trust** (Owners and managers of the adjoining Lower Test Nature Reserve - comments on amended application) -

### **Impacts on Designated Sites and Recreational Pressure**

We note that with this revised application the layout of the site has been changed and the area of the linear park increased. Whilst this is welcomed, we are still concerned that the site will no longer be as desirable for existing users and subsequently there will still be an increase in recreational pressure on our reserve. It is also worth considering that the proposed linear park will be located in the wettest part of the site, and part of it will incorporate the proposed attenuation pond. Therefore it will not be accessible to potential users, who will most likely seek out alternative sites, such as Lower Test Marshes Nature Reserve, for recreation. We note that the applicant is proposing a contribution of £35,000 to the Solent Recreation Mitigation Partnership (SRMP), by way of mitigating the recreational impacts on the Lower Test Marshes. We are pleased to see that this approach has been suggested as a way of addressing recreational impacts should the application be consented, however given that the proposals will directly impact on Lower Test Marshes Nature Reserve, it is important that any proposed mitigation strategy is aimed directly at the site where the impact will occur, rather than at a strategic scheme. This proposal will have a direct impact on the Lower Test Marshes Nature Reserve through the displacement of existing users of a site. Mitigation measures could include increased wardening of the site and/or new fencing to ensure that people and dogs do not deviate from the existing public right of way.

### 5.13 **Non-native tree and shrub species/management of the Linear Park**

We note and acknowledge the additional information with regard to the hedgerows and in particular why hedgerows 1 and 2 have been classified as two different hedgerows, despite them appearing to be one. We accept the justification given, but we are still disappointed that the development proposals involve the loss of a section of hedgerow. As you will be aware, hedgerows act as important breeding, commuting and foraging habitats for a variety of species. The fact that this hedgerow is linked to one that is considered important under the Hedgerow Regulations, will undoubtedly add to its value. It is therefore important that any planting scheme aimed at mitigating the loss of this hedgerow maintains some connectivity with the remaining hedgerows and comprises native tree and shrub planting. In previous responses one of the reasons for objection was the fact that the planting scheme included non-native ornamental species. We note that the revised planting scheme includes more native species present, however there are some species that are ornamental cultivars or that we consider unsuitable for the site. These include *Sorbus aria* 'majestica' and *Carpinus betulus* 'Frans Fontaine', both of which are ornamental cultivars and *Populus alba*, which is a naturalised not native species.

## Response

The mitigation measures are accepted and can be secured through the Section 106 agreement and conditions. It is agreed that the financial contribution is for site specific mitigation measures and should be used on the adjoining nature reserve rather than in the generic SDMP fund. Details of planting species, management plans and replacement hedgerow can be secured through conditions.

## **Consultation Responses**

- 5.14 **SCC Highways** - The site is accessible from Gover Road or Old Redbridge Road via the residential area, or Test Lane to the north. The applicants propose the access for the site to be from Test Lane, and the design is such to prevent vehicles from turning left out of the site, or right into the site. This effectively means that vehicles wishing to enter the site would need to approach from the north, and leave to the north, using Test Lane only. The design is sufficient to ensure that this is the only option for HGV traffic, however, a determined car driver could probably defy the layout and use the residential approaches/departure route via Old Redbridge Road or Gover Road. The workforce for the proposal may come from the surrounding area, meaning that not all drivers would be faced with this dilemma, as it would be more convenient for some to use Test Lane in any event. Also, as residents will know, exiting from Gover Road can be very difficult at busy times, so this does not make itself an attractive route to use. Anyone who tried to go against the no right turn and travel along Old Redbridge Road is most likely to want to travel westwards towards Totton and the New Forest.
- 5.15 There has been debate over the classification of business which can be permitted to operate from the proposed site. In highways terms there is a difference between the number of lorry trips versus car borne trips by workers, as manufacturing and industry tend to have a larger workforce but less HGV movements, and storage and distribution has greater numbers of HGV movements but a smaller workforce. To have a mix of uses on site helps to even up the numbers of movements of both HGVs and cars. Designing the access to permit a left in/right out movement should result in the impact of any increased traffic within the residential area of Gover Road and Old Redbridge Road being kept to a minimum, and any change could only be car traffic, and not HGVs. Both Gover Road and Old Redbridge Road are traffic calmed which means that any cars using this route will have to travel more sedately to avoid damage to their vehicles, and not all workers on the site would benefit from this route, preferring to use the designated right turn only out of the site.
- 5.16 The parking quantum shown has been checked against current Council maximum parking standards. The proposal suggests that units 1 and 3 combined have a floor area of 16,207m<sup>2</sup>, which are to be designated for B8 use, and unit 2 will have a floor area of 4793m<sup>2</sup> designated as B1c or B8 use. 224 car parking spaces are shown in total, the maximum permissible spaces under SCC standards is 287, if all units were to be B8 use, and 234 if unit 2 is B1 use. The parking level as shown therefore accords with Council maximum parking standards. Lorry docking/parking spaces shown total 35, permissible numbers are 28, in addition 27 van docking/parking spaces are included principally for unit 3. It is considered to be beneficial to allow the provision of these extra spaces to avoid risk of overspill parking within the near vicinity of the site.
- 5.17 The development will have an impact on the surrounding highway network at

principal junctions, the main affected junction being junction 1 of the M271, Highways England who are responsible for this junction are satisfied with the impact expected from the proposal. The applicant's highways consultant has used the TRICS data base to identified anticipated traffic to be generated by this development. Cyclists will be able to access the site using all local routes, as can pedestrians. There are a number of bus routes which pass through the Redbridge Roundabout which provides accessibility to public transport within a short walk of the site. Re-opening of the footway over the motorway bridge was considered, as this would greatly assist sustainable transport to the site, but public opposition due to a history of anti-social behaviour associated with the use of the bridge has ruled this out. It is considered that subject to adequate detailed design of the proposed access to the development site, and conditions, supported by a number of off-site measures this proposal is acceptable in highways terms.

- 5.18 **SCC Sustainability Team** – The incorporation of the Linear Park and Attenuation Pond is welcome. The energy strategy adopts a hierarchical approach using passive and low energy design technologies to reduce baseline energy demand and CO2 emissions followed by the application of low and zero carbon technologies, which is supported. CO2 emissions reduction of over 35 % over the Building Regulations 2010 compliant baseline scheme. The renewable energy technologies of solar thermal and PV panels are predicted to achieve a 20 % CO2 reduction. When unregulated uses are taken into account there is a predicted reduction of 27 % in the development's annual CO2 emissions. Energy efficiency measures include: high performance glazing; Improved building fabric; Low building air leakage rate; high efficiency gas fired boilers; variable speed fans and pumps; low energy lighting; automatic lighting control with occupancy and daylight dimming controls; building management system to provide sophisticated energy efficiency controls. The provision of a decentralised energy centre (DEC) for the development incorporating a gas fired CHP to provide the heating and hot water base load for the development and an air cooled chiller to provide chilled water to facilitate the comfort cooling of the development has been reviewed by the applicant and concluded as not viable for the development for various technical and financial reasons.
- 5.19 **SCC Heritage Team** – Previous evaluations in this area revealed that the archaeology has been destroyed by extensive quarrying associated with the construction of the M271. No archaeological conditions are required.

5.20 **SCC Environmental Health (Pollution & Safety) -**

Noise

Guidance in terms of planning applications was revised in 2012 by the use of the National Planning Policy Framework (NPPF), which also makes reference to the Noise Policy statement for England (NPSE) All other current planning policy guidance was withdrawn by the NPPF. British Standard 4142 titled Methods for rating and assessing industrial and commercial sound was revised in 2014.

- 5.21 I have read the amended Resound acoustic report, which was submitted following my assessment of their original report where I felt there was insufficient mitigation to protect all the nearby residential properties. The current report recommends several different levels of mitigation depending upon the use of the site. The worst case scenario is if the site is used by refrigerated trailers, which run at night.

It is assumed within the noise report that the noise generated within the premises will be no louder than 75 dB(A). There will be some maximum noises louder than this, but this seems a reasonable level to assume for a transport distribution centre. I will not be able to condition this noise level at the boundary, as it should be around the background level, and so it will not be measurable and therefore not enforceable. I am not aware of permissions conditioning internal noise levels within buildings. The noise increase from the development will not increase the current noise levels by more than 2dB, which will be almost imperceptible, but will be audible. The report states anything above 3dB will require mitigation. Maximum noise levels measured outside the site will be no more than 60dB, which accords with an internal noise level of less than 45dB internally, so sleep disturbance should not occur. The design level for any building services plant is designed to be inaudible outside the site. As the final use of the site has not been decided, I can only recommend the maximum level of mitigation is applied as recommended in the Resound report RA 00325-Rep1. Two scenarios are calculated for the noise levels, scenario one where there are no refrigerated trailers, scenario two where all the docks to the building are occupied by refrigerated trailer that are plugged into the mains. BS 4142 requires that the specific noise level from the site, has penalties added to calculate the rating level. On this occasion, a penalty has been added for the reversing alarms. Assuming the site is used by refrigerated trailers, the recommendations in Scenario 2 in para 6.4 of the acoustic report requires a bund and fence height of 12 metres, This bund height is required to allow the site to operate at night with the doors open. If the doors are required to be kept shut to allow a less high acoustic barrier, then it is unlikely the site can operate on a 24 hour basis.

#### 5.22 Matters to condition

- Provided the bund of 12 metres is built, then the highest predicted noise levels will be in Gover Road 1 measuring position of +2dB in a worst case scenario. This would be within impact rating of NOEL, no observable effect.
- This design of 12 metre bund will also require the compressors of the refrigerators to be plugged into the mains electrical supply and this should be conditioned.
- Where the dock doors are open at night, a canopy is recommended in the report, and further details of this should be submitted for approval by the LPA.
- The report in para.6.9 recommends a management plan for the site, and I would ask for a management plan be submitted by the site operator once the site is operational
- Noise from construction should be controlled via a construction management plan.

#### 5.23 Air Quality

The Air Quality report recognises that as traffic from this site goes south on the M271 that air quality impacts for NO<sub>2</sub> will be slightly increased around the Coniston Road area. This increase is not sufficient for me to object to this application, but mitigation measures including vehicle charging points within the parking area of the site, and for some contribution to help with our air quality action plan, and low emission strategy would be welcomed..

- 5.24 **SCC Environmental Health (Contaminated Land)** - No objections subject to conditions. Further assessment/investigations are required to provide further reassurances that nearby controlled waters will not be affected by the development. Unless the results of the further assessment can provide reassurance that no gas/vapour risks exist, a detailed scheme of remediation will need to be submitted. The risk assessment to date is largely based on the development including a significant area of hard standing, we will require further details of the landscaping plan as it will essentially form part of the remediation strategy. The report submitted indicates that potential pollutant linkages may be present and that further investigations/assessment is required. Consequently it would seem appropriate that the management of land contamination risks be regulated through the planning process.
- 5.25 **SCC Ecology** – The application site is located on the western side of the M271 motorway on the western edge of Southampton. It lies just under 50m to the east of the Lower Test Valley Nature Reserve although it is separated from this land by the main Southampton to Salisbury railway line. The site comprises a large area of improved grassland with a hedgerow, trees of varying ages, scrub and tall ruderal vegetation around the perimeter. Outside the site, running along the eastern side of Test Lane, there is a substantial hedgerow which is severed by a cycleway. Along the western side of the road there are verges supporting rough grassland with trees and shrubs. The majority of the site is considered to be of relatively low ecological value however, ecological survey information supporting the application indicates that the boundary vegetation provides habitat for breeding birds and foraging bats whilst the verges along Test Lane support reptiles. The proposed development would result in the loss of the majority of the grassland habitat within the site however, a linear park will be created along the southern boundary. This park will encompass the existing hedgerow along the southern boundary and incorporate a six metre planted acoustic bund, wild flower grassland and a new pond. The linear park appears to have good ecological potential however, bearing in mind its role in surface water management and the fact that it could get very wet particularly in the winter, the lack of a footpath could reduce its recreation value. A detailed management plan will be required.
- 5.26 The proposed development is likely to lead to an increase in dog walking activity within the nearby Lower Test Marshes Nature Reserve which has the potential to result in adverse impacts on the Solent and Southampton Water SPA and Ramsar site, Solent Maritime SAC and Lower Test Valley SSSI. The impacts arising from this activity will need to be mitigated before consent can be granted. Impacts from noise, vibration and light, particularly during the construction phase, should be fairly straight forward to manage. Details of appropriate mitigation measures need to be set out in a Construction Environmental Management Plan (CEMP). The loss of part of the existing hedgerow is regrettable. Replacement planting of the same species and density as the existing will be required to mitigate the loss. Mitigation measures designed to minimise adverse effects upon designated sites and other features of biodiversity value will be required. Such

measures will need to be secured through planning conditions or other legally enforceable means.

Response

These comments were prepared in advance of the preparation of the Habitats Regulation Assessment which is in Appendix 2 to this report. The mitigation measures and management arrangements can be secured through Section 106 obligations and conditions.

- 5.27 **Network Rail** - No objection, the construction works would pose low risks to the operation of the railway. Further details should be submitted to Network Rail relating to the means of construction, the type and colour of the cladding material etc.
- 5.28 **Hampshire Constabulary** – state they were consulted by the applicant's agent as described in the Design and Access statement. Several recommendations were made in relation to the layout of the scheme, defensible space, boundary treatments, surveillance and landscaping. I am pleased to see the applicant has indicated a willingness to address all these issues in the revised scheme. Of particular concern was the proposed footpath along the eastern and northern edge which would have created a relatively isolated area lacking surveillance opportunities and escape routes. This in turn could result in the space being used for crime and anti social behaviour and potentially put legitimate users at more risk. The repositioning of the units will create a larger amenity space to the south where activity can be observed more easily and assist in protecting the development perimeter. The applicant is further engaged with the Police regarding necessary security measures to tackle crime and disorder in line with their BREEAM requirements and I am confident they will be able to meet them.
- 5.29 **Southern Water** – No objections subject to imposition of conditions and informatives. There is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. It could increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

Response

The applicant has been in contact with Southern Water and the Drainage Strategy submitted with the application is to address these comments with Sustainable Urban Drainage to deal with surface water drainage issues. Further details can be sought by condition.

- 5.30 **Natural England - No objection.**  
The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as Lower Test Valley Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any

potential impacts that a plan or project may have. Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

**5.31 Internationally designated sites**

**Solent and Southampton Water SPA**

**No objection (subject to conditions under the SSSI section of letter)**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, will need to screen the proposal to check for the likelihood of significant effects. The applicant's ecological assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

The Ecological Assessment states that during the construction phase, noise levels at the edge of the SPA are predicted to be 54 to 70dB, depending on location of plant and phase of works. The ground works, including piling, is likely to be the noisiest phases of work. Therefore the assessment presents a set of avoidance and mitigation measures to reduce noise impacts to the adjacent SPA set out in the Ecological Assessment, and these should be secured by any permission granted.

**5.32 Solent Maritime SAC**

**No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, will need to screen the proposal to check for the likelihood of significant effects. The applicant's ecological assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

**5.33 Nationally designated sites**

**No objection – with conditions**

This application is in close proximity to Lower Test Valley Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. The measures to reduce noise impacts to the adjacent SPA set out in the Ecological Assessment (dated November 2014 by The Ecology Practice) should be secured by any permission granted.

**5.34 Highways England - No objections.**

**5.35 Environment Agency - No objections to the proposed development in terms of flood risk. The site is within Flood Zone 3 and has a high probability of flooding.**

The applicants Flood Risk Assessment states that the finished floor level of the proposed buildings will be no lower than 3.9 metres AOD with a design flood level of 3.6 metres AOD in 2070. It is therefore assumed that these buildings should not be subjected to internal flooding over the lifetime of the development. Following recent changes, the Environment Agency is no longer responsible for surface water drainage.

- 5.36 **City of Southampton Society** - consider the proposed buildings should be sited at the northern end of the plot giving a necessary 'green lung' of protection to the residents of Gover Road. Suitable planting of trees (semi-mature specimens) and shrubs could reduce the noise to these residents. Some consideration should be given to the opening times of the proposed development to limit noise to not before 07.00 or after 18.30 hours. Should the units be used for storage purposes, the materials being stored should not require refrigeration thus avoiding night time noise pollution. The problem of water run-off should not be solved by allowing the adjacent land to absorb the surplus and become a bog. The opportunity should be taken to provide a formal, safe and attractive water feature such as a properly constructed pond.

## 6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:

- The principle of this form of development.
- Traffic and transport issues.
- Impact on the amenities of neighbours including noise.
- Environmental issues including air pollution and impact on ecology.
- Economic development considerations.
- Design.

### 6.2 Principle of Development

The history of this site is that it was originally used for sand and gravel extraction and was subsequently infilled following construction of the M271. The land subsequently became a grassed open area and was used on a temporary basis as a park and ride site for the boat show. Although the site is used by local residents as a dog walking area it is not officially public open space. This development is in accordance with site allocation Policy MSA19 in the Local Plan which has been part of planning policy since 2006. Local residents do not accept the way this policy evolved. A significant number of the objections to this planning application relate to the proposed use for Class B8 purposes and the manner in which the Local Plan site allocation came about. In the draft Local Plan, the site was allocated for either Class B1, B2 or B8 uses. Following the Local Plan inquiry, which took place in 2003 and 2004, the Inspector considered that the B2 and B8 uses would not be acceptable and consequently recommended that the site allocation should be for Class B1(b) and (c) uses only. These uses are light industrial and research and development. However, at that time, the plan making process allowed local authorities to take a different view from the Inspector providing the necessary arrangements on consultation and notification took place. The amendments to the policy were made in the correct way and the policy was formally approved as part of the adopted Local Plan in March 2006. Members are therefore advised that the policy was correctly arrived at and the proposed uses



are compliant with Local Plan Policy MSA19. As originally submitted, the application included one of the Units being used for general industrial purposes (Class B2). Consequently, the application was advertised as a 'departure' as the use was not in accordance with the site allocation. As amended, the proposed uses are policy compliant. A minimum of 80% of the floorspace would be for Class B8 purposes, although it is potentially possible that the whole scheme could be for B8 purposes. The principle of this form of development is therefore acceptable.

### 6.3 Traffic and Transport

Members attention is drawn to the detailed comments of the Highways Team in Paragraphs 5.14 to 5.17 of this report. Traffic conditions in this area have been particularly difficult recently mainly because of the major road works being carried out at the junction of the M271 with the M27. These works are of a temporary nature. The area to the north of the application site is a long established industrial area served by Junction 1 of the M271. The intention of this development is that all large vehicles will enter and exit the site from the north, thereby limiting the impact on the residential area to the south. There are lorry weight restrictions and other traffic calming measures in place, although it is difficult to prevent all rat running traffic through the residential streets. The design of the junction at the entrance to the site is such that heavy goods vehicles would not be able to turn out of the site in a southerly direction. Various measures for regulating the traffic operation of this site can be secured through the Section 106 agreement and by conditions. Government guidance within the NPPF states that decisions should take into account whether safe and suitable access to the site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF concludes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Based on the Transport Assessment and the Highway team's analysis that could not be concluded in this case. Furthermore, the site is allocated for industrial and warehousing development so it is not a case of comparing the proposal against the existing vacant condition of the site.

- 6.4 In terms of car parking numbers, the development is in accordance with the Council's maximum car parking standards. Each of the three buildings would have their own independent servicing and car parking areas. Local residents objections to the car parking arrangements are partly based on the applicants original estimate that the development could accommodate up to 750 employees. However, as mentioned elsewhere in this report, this number of employees is considered to be an over-estimate. As a potentially 24 hour operation, the businesses are likely to operate a shift system with the workforce spread over the day. The buildings have large yard spaces and it seems unlikely that employees would wish to park off site. The Section 106 agreement could include an obligation requiring the developer to carry out survey work of the car parking situation in adjoining residential streets once the development is operational and to investigate parking controls should this prove necessary.

### 6.5 Impact on the amenities of neighbours

It is inevitable that a large commercial development of this nature will result in a significant change to the character and appearance of the area. This is currently a green open space (although not protected as such) which a large number of local residents to the south of the site overlook. However, once the site was allocated in the Local Plan for industrial/warehousing development, it became inevitable that the long established industrial estates to the north would effectively spread on to this site. Local residents are understandably concerned about the impact this development will have on the amenities of the area especially in terms of noise, air quality, additional traffic movements and a general increase in the level of activity on the site. Part of the difficulty in making an assessment of the likely impact is that the proposal is speculative with no known end-user. However, this is quite common with developments of this nature. The supporting information submitted with the application, particularly the acoustic assessment, is based on a worst case scenario, involving refrigerated lorries within the yard serving all three buildings. Whilst it is theoretically possible that each unit could be a food distribution facility this is not likely. Furthermore, although the applicant is seeking unrestricted hours of operation it is not inevitable that all three uses will be as busy at night as during the day. Members attention is drawn to the comments of the Council's Environmental Health Team on noise in paragraphs 5.20 to 5.22 of this report and on air quality in paragraph 5.23. There is likely to be a noise impact resulting from HGV movements on site, including manoeuvring and reversing into loading bays. The local area is characterised by relatively high levels of background noise as a consequence of the M271, although these levels reduce in the most noise sensitive times at night. The conclusion of the noise experts is that with mitigation measures in place, the worst case scenario of operating conditions, would result in a noise level of +2dB when measured in Gover Road. This is within the noise rating of 'No Observed Effect Level' (NOEL) as defined in the Noise Policy Statement for England which is the level at which there is no detectable effect on health and quality of life due to noise. Other issues raised relating to noise can be covered by imposing planning conditions.

## 6.6 The open space

Policy MSA19 states that 'built development will not be permitted on the southern part of the site'. There is no definition in the policy of precisely what this means. It is understood that discussion at the Local Plan inquiry assumed a minimum area of 2 acres (0.8 hectares) would be made available as a local park on the southern part of the site which would act as a landscaped buffer as well as a new area of open space. The area proposed as a local park has been enlarged as a result of amendments to the application from 3 acres (1.22 hectares) as originally proposed to 4.43 acres (1.79 hectares) as now proposed. Although significantly smaller than the existing field (approximately 28% of the existing area), the provision of a permanent area of public open space would be a welcome improvement and would act as a landscaped buffer between the residents and the new development.

- 6.7 The application incorporates elements of Sustainable Urban Drainage Systems (SUDS) as required by national and local planning policies to limit flood risk and the impact on the existing drainage network. These measures include permeable paving within parts of the yards as well as the infiltration pond within the new park. This pond would effectively be a bunded area for retaining surface water during heavy rain rather than a structure as such. Further details can be reserved by condition including measures for dealing with flood risk.

## 6.8 Economic Development Benefits

Turning to the need for new Class B8 warehousing development, various research carried out for PUSH and other organisations in recent years has recognised a shortage of Class B8 floorspace in South Hampshire, and a shortfall of suitable sites for large scale distribution facilities. This has been carried forward by Policy CS 6 of the Core Strategy, which identifies the need for 97,000 sqm of employment floorspace for industry/warehousing over the plan period. The proximity of the site to the motorway network makes this an attractive location for a distribution facility similar to those situated further to the north. The economic development benefits associated with this development are therefore considerable and a large number of new jobs would be created with positions likely to include warehouse operatives, office administrators, transport and logistic positions. For the application as originally submitted, the applicant estimated that up to 750 jobs could be created by this development. It is difficult to accurately estimate the number of jobs which might result given that this is a speculative development, i.e. there is no confirmed end user. However, a more conservative estimate, based on government sponsored research of employment densities would indicate approximately 300 full time equivalent jobs could be provided on this site. This would benefit the adjoining areas, Redbridge and Millbrook, which currently has quite a high level of unemployment. These employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement.

## 6.9 Design

These buildings will be substantial modern warehouse buildings. These large warehouse structures with delivery bay openings will inevitably be somewhat monotonous and it is difficult to include features of interest which would be visible from outside the site; it is important to restrict window openings to limit future noise problems. The choice of external materials is acceptable and further details can be sought through a condition. The acoustic fence and bund between Units 1 and 2 would be a substantial structure, up to 12 metres in height, but this is considered to be necessary to mitigate noise impact. There would be a landscaped screen but this will take some years to establish. Although the buildings and screening would be dominant structures in the landscape, being on the north side of the residential neighbours, there would be no adverse impact in terms of sunlight and daylight.

## 6.10 Ecology Issues

Members attention is drawn to the comments of the Council's Planning Ecologist in paragraphs 5.25 and 5.26 of this report. In particular Appendix 2 of this report is the Habitats Regulation Assessment necessary as part of this development. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. The Habitats Regulation Assessment concludes that a number of avoidance and mitigation measures have been examined to remove any risk of a significant effect on the identified European sites. On this basis, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome. Members are recommended to endorse this conclusion to allow the planning application to be decided.

- 6.11 Although the site is not itself of significant ecological value, the application will result in the loss of 8 trees, 3 on the eastern boundary and 5 from the hedgerows on the Test Lane frontage. The loss of part of the hedgerow on the Test Lane frontage is regrettable as it is of importance due to its age and quality. The amount of hedgerow to be removed will depend on highway alterations to be carried out in Test Lane, in particular the proposed reduction in traffic speeds along this stretch of the road. If the traffic speed were to be reduced to 30 miles per hour, the amount of hedgerow needed to be removed would be only about 42 metres (needed for traffic visibility). It is regrettable that an area of mature hedgerow is to be removed but this would be needed for any form of development to be carried out in accordance with the policy. Significant new tree planting will be possible in the new park, meeting the Council's normal requirement of tree replacement on a 2:1 basis. A landscape scheme and mitigation package can be secured by conditions.
- 6.12 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per dwelling has been adopted for residential development. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Although this application is not for residential development there is considered to be an impact resulting from the loss of the existing field which has clearly been used informally as an area for dog walking. The applicants Ecological Assessment considers that the proposed linear park will provide better quality and lawful recreation opportunities. However, the loss of an area previously used for dog walking could place additional pressure on the adjoining Lower Test Nature Reserve where the potential exists for disturbance of over wintering birds. The applicant has agreed an appropriate compensation payment to fund a warden scheme aimed at controlling the effects of such recreational pressure on the protected areas. This can be secured through the Section 106 agreement. On this basis the application will have complied with the requirements of the SDMP and meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7. Summary**

- 7.1 These are substantial new buildings, on a previously open site, which will significantly change the character and appearance of this part of the city. The land is identified in the Council's Local Plan for development of the type proposed in this application. The economic development and employment opportunities weigh in support of the proposal. It is inevitable that there will be an impact on local residents in terms of noise and additional traffic. On balance, and subject to

safeguards in the Section 106 agreement and conditions, it is considered that the issues of transport, neighbour impact and environmental issues have been satisfactorily addressed.

**8. Conclusion**

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(f), 4(b), 4(g), 4(m), 4(vv), 6(a) and 6(b).

**RP2 for 04/08/2015 PROW Panel**

**PLANNING CONDITIONS**

**01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

**02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

**03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking

- layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
  - iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
  - iv. details of any proposed boundary treatment, including retaining walls; and
  - v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### 04. APPROVAL CONDITION - Land Contamination investigation [Pre-Commencement]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated

and assessed with respect to human health and the wider environment.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

06. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

07. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday            08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                      09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

08. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and to safeguard the special ecological value of the adjoining nature reserve.

#### 09. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

#### 10. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

#### 11. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.



Reason

To protect the amenities of the occupiers of existing nearby residential properties.

12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses at any one time.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

15. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

16. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local

Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

17. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and serviceing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

REASON

To ensure adequate on-site parking and serviceing facilities and to avoid congestion in the adjoining highway.

18. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

19. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

20. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Statement with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason:

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

#### 21. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

#### 22. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

#### 23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

#### 24. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

To protect the amenities of the occupiers of existing nearby residential properties.

#### 25. APPROVAL CONDITION - Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied until electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

#### 26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason:

To protect the amenities of neighbouring residents.

#### 27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

#### 28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

#### 29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

31. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
NE7	Rail Corridor
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
MSA19	Test Lane South

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

## Habitats Regulations Assessment (HRA)

Application reference:	14/01911/FUL
Application address:	Land At Test Lane Southampton
Application description:	Redevelopment of the site to provide 19,132 square metres of employment floor space in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane (amended description following alterations to the planning application).
HRA completion date:	14/07/15

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed would lead to the development of three buildings providing approximately 20,000 square metres of industrial and/or storage and distribution space in close proximity to a section of the Solent Maritime SAC and Solent and Southampton SPA/Ramsar site.</p> <p>The site is currently a field which, although fenced off, is used by dog walkers. The development during its construction phase is likely to result in higher levels of noise, dust generation and lighting. There is also a low risk of contaminants being mobilised. During the operational phase elevated light levels will remain however, levels of noise and dust generation should diminish. The development will also result in the permanent displacement of dog walking activity which is likely to lead to increased recreational disturbance with the nearby Lower Test Marshes Nature Reserve.</p> <p>The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects which are likely in association with the proposed development can be overcome.</b></p>

<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website.</p>	<ul style="list-style-type: none"> <li>▪ Solent Maritime Special Area of Conservation (SAC)</li> <li>▪ Solent and Southampton Water Special Protection Area (SPA)</li> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of an increase in employment floor space and open storage which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> <li>• Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a> )</li> <li>• City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a> )</li> <li>• South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> <li>• Lidl Distribution Centre, Brownhill Way Construction is due to start shortly on a new Regional Distribution Centre (42,820 square metres gross floor space - Class B8) with 186 associated car parking spaces and HGV hardstanding.</li> </ul> <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m<sup>2</sup> of office development and 550,000m<sup>2</sup> of manufacturing or distribution floor space across the South Hampshire area between 2011 and 2026.</p> <p>Southampton Core Strategy (amended 2015) aims to provide additional office space of at least 110,000 sq. m., 97,000 sq. m of industrial and warehouse uses plus about 90,000 sq. m new comparison shopping. This is in addition to a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>The site at Test Lane is identified as a Major</p>



Employment Area within the Core Strategy and the proposed development complies with Policy CS 6 – Economic Growth. The site is also allocated for Class B1(c) and B8 uses under Policy MSA 19 of the Local Plan as amended).

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

#### Test 1: the likelihood of a significant effect

This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 40m to the west of a unit of the Solent and Southampton Water SPA, Ramsar site and the Solent Maritime SAC. The designated land also forms part of the Lower Test Valley Site of Special Scientific Interest (SSSI) and lies within the Lower Test Marshes Nature Reserve which is owned and managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT)

The Solent Maritime SAC is designated for a range of habitats including tidal rivers, estuaries, mud flats, and salt marshes. The Solent and Southampton Water SPA and Ramsar site are designated for a range of breeding and over-wintering wetland bird species and for a significant assemblage of over-wintering wetland birds. A full list of the qualifying features for each site is provided at the end of this report.

The development could have implications for these sites which could be both temporary, arising from construction activity, or permanent arising from the on-going impact of the development when built.

The site is not immediately adjacent to the designated sites nor does it support any regular foraging or roosting activity by species for which the Solent and Southampton Water SPA and Ramsar site are designated. Direct impacts are therefore unlikely.

Reports submitted in support of the planning application identified the following indirect effects:

- Noise;
- Light;
- Air quality;
- Mobilisation of contaminants.

The Hampshire and Isle of Wight Wildlife Trust in their comments to the Local Planning Authority, dated 5th and 13th January 2015, identified the following additional indirect effects:

- Increase in recreational disturbance on the nature reserve;
- Habitat loss or degradation (of the designated site itself or associated habitats such as foraging or roosting areas used by interest species).

A number of avoidance and mitigation measures have been proposed which are summarised as follows:

- A Construction Environment Management Plan (CEMP) covering:
  - Piling methodologies
  - Timing of works
  - Noise levels
  - Control of surface water runoff
  - Dust suppression
  - Control of light levels
- A financial contribution of £35,000 to the Hampshire and Isle of Wight Wildlife Trust
- Provision of a linear park incorporating a balancing pond
- A detailed lighting plan

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the development of three buildings providing approximately 20,000 square metres of industrial and/or storage and distribution space in close proximity to a section of the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The site is currently a field which, although fenced off, is used for dog walking. The development during its construction phase is likely to result in higher levels of noise, dust generation and lighting. There is also a low risk of contaminants being mobilised. During the operational phase elevated light levels will remain however, levels of noise and dust generation should diminish. The development will also result in permanent displacement of dog walking activity which is likely to lead to increased recreational disturbance with the nearby Lower Test Marshes Nature Reserve

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they would not result in a significant effect on the identified European sites. Overall, there is the potential presence of both temporary and permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment, it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive." Whilst the conservation objective for the Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

## **TEMPORARY, CONSTRUCTION BASED EFFECTS**

### *Noise disturbance*

#### **Solent and Southampton Water SPA/Ramsar Site**

The SPA and Ramsar site are designated primarily for supporting a significant assemblage of over-wintering birds. Wintering birds are known to be susceptible to noise disturbance, particularly sudden loud noise associated with activities such as piling, which can cause birds to cease feeding or take flight. This in turn leads to a reduction in the birds' energy intake and an increase in expenditure of energy which can affect their survival.

Studies of birds' response to noise associated with other developments have established that below 50decibels (dB) there is little effect, between 50dB and 70dB there is moderate to high effect (head turning, scanning, reduced feeding) and above 85dB there is the maximum response of flying away. It has also been established that where sound is regular, birds will become habituated to it even if it is significantly higher than 85dB.

A noise study undertaken in support of the development modelled noise levels on the edge of the designated site. During the construction phase noise levels on the boundary of the designated site were found to be in the range of 54dB to 70dB, dependent upon the position of piling rigs. At the higher end of this noise range birds' response could be expected to include head-turning and scanning behaviour, but is unlikely to involve leaving the site.

Ground works, including piling, are likely to be the noisiest part of the construction phase.

Measures such as commencing noisy activities gradually so that the noise level builds up to the maximum over several minutes, locating noisy activities on the eastern side of the site first to allow birds to become habituated, avoiding noisy activities during very cold weather and use of appropriate screening around the site can all help to ensure that the 70dB level is not exceeded. These measures would need to be detailed in the CEMP.

#### *Light disturbance*

#### **Solent and Southampton Water SPA/Ramsar Site**

Lighting associated with the construction phase of the development has the potential to affect wetland birds feeding and roosting within the nature reserve. Measures to control site lighting will be included within the CEMP.

#### *Air quality;*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The most significant air quality risk from the construction phase is the generation of dust which can smother habitats. The air quality assessment assessed the designated sites as being of high sensitivity to dust emissions however, as they are located over 20 m from the site boundary, the overall sensitivity was reduced to 'medium' in relation to earthworks and construction but high in relation to 'track-out'. A number of mitigation measures including site screening, locating machinery and dust causing activities as far away from the designated sites as is practical, damping down dusty surfaces and covering piles of construction materials are detailed in Section 8 of the Air Quality Assessment. Incorporation of these into the CEMP would enable significant effects to be avoided.

An assessment of NO<sub>x</sub> emissions along Test Lane found that the increase would be insignificant and therefore no impacts can be expected on the designated sites.

#### *Mobilisation of contaminants.*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The contamination report identifies marginally raised levels of metal contaminants present across the site and raised levels of ammoniacal nitrogen in the northern section. Elevated concentrations of magnesium, potassium and sodium were also identified in groundwater samples.

Groundwater monitoring established that ground water is present between 1.06m below ground level (BGL) and 2.44m bgl. The monitoring also established that the groundwater is not influenced by tidal movements in the Test estuary. The groundwater is assumed to flow in a south-westerly direction toward the River Test. In addition, based on the current land use, there is the potential for contaminants to be carried into the River Test via soil water infiltration and groundwater migration.

A potential pathway has been identified between contaminants present on the site and the River Test. Should this pathway occur, it would be possible for contaminants to

enter designated habitats, including salt marsh and mudflat, and the food chain of wetland birds.

During the construction phase piling has been identified as an activity that could facilitate movement of contaminants. Although the risk is considered to be low, the Contamination Report recommends agreeing a specific piling methodology with the Environment Agency. This mitigation measure is considered to be appropriate.

#### *Displacement of recreational activity and trampling of habitats*

### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The application site currently comprises an open field which, although fenced, has been used regularly for dog walking. No formal visitor survey data has been provided however, the ecologists undertaking the ecological appraisal noted dog walkers using the site. This is supported by comments from HIWWT indicating that they have spoken with local people and established that the site has been used regularly for over 30 years. Redevelopment of the site will therefore result in displacement of dog walking activity.

A linear park has been included in the design of the development however, this is substantially smaller than the current site and will not provide a secure space to allow dogs to be exercised off leads as is currently the case. The likely consequence is that dog walkers will seek alternative sites.

The Lower Test Marshes Nature Reserve, which contains section of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, is likely to prove a suitable alternative. Access can be gained via a public footpath, approximately 250m to the north of the proposed development site, and once on site there is an extensive area of saltmarsh/grassland which are likely to prove attractive to dog owners seeking to exercise their dogs off the lead.

Potential impacts arising from increased recreational disturbance are likely to include trampling of saltmarsh vegetation and disturbance to migratory and wintering bird species, both of which are features of the SAC and SPA/Ramsar site. In addition, the Wildlife Trust has stated in its comments to the Local Planning Authority that survey data they have collected over a number of years indicates that, “the area in the vicinity of the public access onto the site, and most likely to be impacted if the proposals go ahead, is regularly used by wintering wildfowl, such as wigeon *Anas penelope*, teal *A. crecca* and mallard *A. platyrhynchos* and also by the common snipe *Gallinago gallinago* and jack snipe *Lymnocyptes minimus*. The area also supports important saltmarsh communities, and these are particularly susceptible to trampling.”

Research undertaken into the effects of recreational activity at SPA locations has shown that some forms of recreation, including dog walking, have the potential to result in mortality in the SPA bird populations. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (SDMP)

([http://www.solentforum.org/forum/sub\\_groups/Natural\\_Environment\\_Group/Disturbance\\_and\\_Mitigation\\_Project/](http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/) ). An increase in recreational activity on the nature reserve, without a consequent increase in site management, has the potential to lead to significant adverse effects.

Restricting access from Test Lane is likely to prove difficult due to the presence of a public footpath. The Wildlife Trust has indicated that they believe a combination of increased reserve officer presence and/or the erection of a new stock proof fence along the footpath are likely to be required to ensure that there are no adverse impacts on the designated habitats or species.

Although this development is not a residential scheme, and therefore falls outside the remit of the Solent Recreation Mitigation Partnership, the applicant has indicated that they are willing to provide a sum of £35,000 (equivalent to a theoretical 200 house development) to be used to fund mitigation measures within the Lower Test Marshes Nature Reserve. This sum of money, to be secured via a legal agreement, would be provided to the Hampshire and Isle of Wight Wildlife Trust to be spent on mitigation measures to be agreed with the Local Planning Authority.

The provision of this sum of money will enable management of increased recreational activity within the nature reserve and thus avoid adverse impacts on designated habitats and species.

## **PERMANENT, OPERATIONAL PHASE IMPACTS**

### *Noise*

#### **Solent and Southampton Water SPA/Ramsar Site**

Noise levels on the edge of the designated site were assessed as being around an average of 40dB with peaks up to 58dB. This falls within the Low to Moderate range and is only likely to lead to minor response from the birds. Bearing in mind that the birds are already likely to be exposed to regular high levels of noise from trains using the adjacent railway line it is unlikely that the noise emanating from the development will lead to adverse impacts.

### *Light disturbance*

#### **Solent and Southampton Water SPA/Ramsar Site**

Once complete, the development will result in a higher level of lighting on the site. This lighting is likely to be in operation throughout the night.

A lighting assessment based upon the ILP 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' has been carried out. This assessment used the more conservative category of E1 – Natural, Intrinsically dark (National Parks, Areas of Outstanding Natural Beauty etc.), due to the close proximity of the dark nature reserve, rather than the E2, Rural, low district brightness (e.g. village or relatively dark outer

suburban locations) that would have been dictated by the presence of housing. This more stringent criteria provides a margin of safety.

The assessment indicated that the development will produce no direct upward light. In addition, there will be no adverse impacts from light trespass, due to the distance between the site and the designated site, or light presence which is negligible due to the screening effect of buildings and vegetation. A slight increase in glare, is likely to occur although this still complies with the criteria for limiting obtrusive light in an E1 environmental zone.

The assessment was undertaken on a theoretical design for the external lighting rather than a confirmed design therefore, to ensure that these standards are carried through to the final design, a detailed lighting scheme will be secured through a planning condition.

#### *Air quality*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The assessment predicted a negligible increase in both NO<sub>x</sub> and N-deposition within the designated sites and therefore no adverse effects are likely.

#### *Mobilisation of contaminants*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

A Flooding Report undertaken by Capita Symonds notes that in localities where the water table is able to infiltrate into the made ground there is potential for leaching of contaminants into the groundwater. Therefore, large areas of the site cannot be used for surface water infiltration as this would cause mobilisation of contaminants. As an alternative, it is proposed that a balancing pond is incorporated into the design of the new linear park. In addition, once the development is complete the higher level of sealed surfaces will reduce the opportunity for water infiltration and thus reduce the risk of transport of contaminants in groundwater. It is considered that these measures will provide an improvement on the current situation.

#### *Displacement of recreational activity and trampling of habitats*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The issues in the operational phase are identical to those of the construction phase and the same mitigation measures apply.

#### **Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives**

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed

avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome.** The mitigation measures which are detailed below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
  - Piling methodologies
  - Timing of works
  - Noise levels
  - Control of surface water runoff
  - Dust suppression
  - Control of light levels
- A financial contribution of £35,000 to the Hampshire and Isle of Wight Wildlife Trust
- Provision of a linear park
- A detailed lighting plan

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."



## European Site Qualifying Features

### Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

### Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline

lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

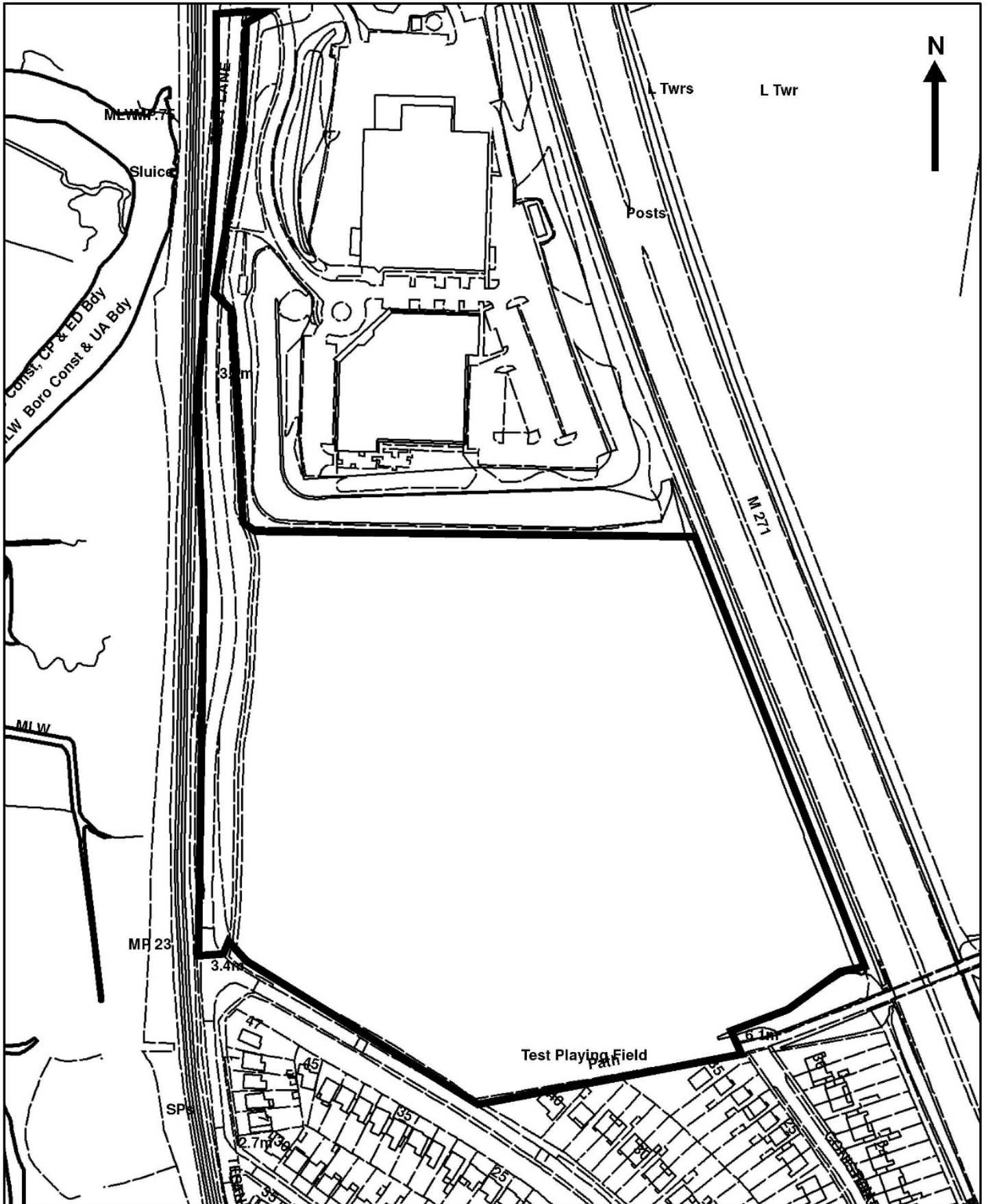
### **Solent Maritime SAC**

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- Spartina swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*



Scale: 1:2,500

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