

**IN THE MATTER OF
THE TOWN AND COUNTRY PLANNING ACT 1990**

**AND IN THE MATTER OF
BLUE STAR LAND,
BEREWOOD, HAMPSHIRE**

**OPINION
IN RESPECT OF
OUTSTANDING COMMENTS BY
HAMPSHIRE COUNTY COUNCIL**

1. I am asked to advise Grainger plc ['Grainger'] in respect of an outline application for up to 69 dwellings on a site known as 'Blue Star Land' ['the site'] immediately adjacent to the Berewood Major Development Area in the adopted Havant Borough Local Plan (Allocations) 2014. A small part of the site overlaps with Winchester City Council's area, but the majority lies within Havant Borough. It was allocated in the Havant allocations plan and the principle of development is accepted. The site will take its access through the adjacent Berewood development, which is under the control of Bloor Homes ['the Bloor land']. The estate roads are expected to be adopted as public highway, but they are not yet adopted and Grainger cannot compel them to be adopted. I am advised that Grainger has retained rights of access across and connection to the estate roads on the Bloor Land, exercisable pending any adoption. Hampshire County Council ['HCC'] is the local Highways Authority. HCC has raised a number of outstanding highways matters, which I list under six headings, in order to inform the approach which Havant BC/Winchester CC may legitimately take in granting approval and/or the approach Grainger may pursue if

the matter were to go to appeal. I am instructed that Havant BC currently have under 2 years' Housing Land Supply.

Issue 1: Implementation of a 'modal filter':

2. The principal access for the site is proposed to be taken off Laxton Leaze, close to its junction with Peasgood Lane. Both Laxton Leaze and Peasgood Lane are estate roads within the Bloor Land which are not yet adopted. Citing safety reasons, HCC have sought a 'modal filter' (ie bollards or other structure which allow pedestrians and cyclists but prevent vehicles) at the end of Peasgood Lane where it meets Laxton Leaze. I am advised that Grainger's transfer contract does not enable Grainger to install such a feature on the Bloor Land.
3. The alleged safety issue appears to arise out of the interplay of a segregated cycleway from the site entering the Bloor Land at that point, and the potential for conflict with vehicles turning from Laxton Leaze onto Peasgood Lane and vice versa, as well as vehicles travelling to or from the site via Peasgood Lane and turning across the path of the cyclists.
4. Ironically, it is HCC who have requested the segregated cycleway which has led to them then identifying this safety issue in the absence of the introduction of bollards closing Peasgood Lane to vehicular traffic at that junction.
5. I have been provided with a Technical Note from Mayer Brown on this issue, which includes swept path analysis, which HCC had sought. In the light of which, there appear to be two current options to overcome the point raised.
6. The first option is to continue to promote the access with the segregated facility on site (as requested) but without providing a modal filter, such a feature being neither achievable nor necessary.
7. The Technical Note explains that the nature of the flows, the configuration of the junction and the user preference for Laxton Leaze over Peasgood Lane/Ellisons

Crescent all mean that HCC's concern is misplaced. The swept path drawings show safe manoeuvres at the junction, and Fig 1.6 in the Technical Note demonstrates adequate visibility splays for both vehicles and cyclists at the point of HCC's concern. The Technical Note should be submitted to the local planning authorities to allow planning officers to make a planning judgement in favour of the current proposals notwithstanding HCC's objection; if that is unsuccessful, the matter may be evidenced at appeal.

8. The second option is to omit the segregated facility (its inclusion being the only reason for this alleged safety issue having arisen). The Technical Note goes on to establish that the non-provision of a segregated cycleway facility is policy-compliant and, indeed, consistent with the adjacent Berewood development (having the advantage of thereby removing issue identified in the Stage 1 RSA). Again, the Technical Note would allow officers to make a planning judgement; alternatively, this be considered at appeal.
9. I have been provided with a revised highways access drawing which shows the on-site segregated facility deleted; as this overcomes the 'safety' objection in relation to the absence of bollards on Peasgood Lane, it could be substituted for the current drawing and resolve the issue.

Issue 2: Contributions to off-site Infrastructure:

10. HCC has listed a series of measures to which it would like the site to contribute. However, HCC has not provided costings for the works it lists, nor the fair and reasonable share the 69 dwelling application site would contribute. HCC has informed Grainger that it will not provide costings until Grainer has identified which of the works it is willing to fund (HCC's current position being that it should be all of them).
11. In my opinion, HCC's position is unreasonable and would not withstand the scrutiny of an inspector on appeal, viewing this matter through the lens of Reg 122 of the CIL Regulations. The inspector would need to know what the works were,

why they were considered necessary to make this scheme acceptable, how they were costed and how a proportionate contribution was arrived at.

12. Mayer Brown has set out the up to date position, summarised as follows:

- Widening/kerbing of Laxton Leaze/Plant Farm Crescent junction – agreed;
- Contribution to Southern Brambles link – shortfall figure has not been provided; ‘minimal’ use by site residents;
- Contribution to parallel crossing along Houghton Road – shortfall figure has not been provided;
- Contribution to pedestrian/cycle improvements at Forest End Roundabout – shortfall figure has not been provided;
- Wayfinding strategy – agreed;
- RTI at Victoria Road bus stops – disproportionate request.

13. The next step, in my opinion, is to set out Heads of Terms on highways contribution based on the above, requesting that HCC provide the relevant figures and the necessary justification (including the site’s proportionate share, given the number of trips anticipated) that would comply with Reg 122. In the absence of meaningful engagement by HCC, the local planning authorities would have no evidential basis for seeking a different (or higher figure).

14. If the matter were to go to appeal without agreement, the issue of what level of contributions is appropriate would be left to the appeal inspector and a ‘blue pencil’ clause. Again, HCC would need to evidence its demands, in the absence of which, the inspector could not impose them.

Issue 3: Occupancy condition ahead of implementation of ‘the Southern Access Junction’:

15. My understanding is that significant works are proposed as part of the Berewood MDA to Ladybridge Roundabout, also known as ‘the Southern Access’. HCC wish to see occupation of dwellings on the application site prevented until these works have been done, secured by a Grampian condition.

16. Mayer Brown have considered the impact of traffic on the existing roundabout with and without the proposed site development flows. The contribution is less than 1%

(indeed less than 0.5%) and ‘within daily fluctuations’; the results of the modelling which nonetheless has been done are no material increases in RFC or Queue values, let alone a ‘severe’ impact on junction capacity.

17. Consequently, there is, in my opinion, no justification for imposing a Grampian condition, as requested by HCC.

Issue 4: TRO to control parking at the proposed emergency access:

18. The proposed scheme is for up to 69 dwellings. The principal vehicular access is taken off Laxton Leaze. In addition, an emergency-only access is currently proposed where Peasgood Lane and Ellisons Crescent meet. HCC has raised the issue of cars from residents on those roads parking within the visibility splays and, potentially, the access itself. HCC consider a TRO is necessary if there is to be an emergency access or cycle connection in this location.
19. It should be noted that until the estate roads are adopted, it is not possible to impose a TRO. However, Mayer Brown point out that while it may be good practice for developments over 50 dwellings to have a secondary access, there is no actual requirement to have an emergency access if there is only a single access. The opportunity has been taken to provide one, but it is not necessary to do so. The same may be said for the proposed cycle connection.
20. I have been provided with a drawing which ‘reserves’ the access corridor for a future emergency and cycle access, and the s.106 obligation can be framed so as to prohibit implementation of that access until such time as a TRO has been put in place (necessarily following adoption of the estate roads). Grainger would offer the appropriate contribution to the TRO process.

Issue 5: Requirement of sustainable travel trip rates to be 30-40%:

21. HCC requested that the target modal share for sustainable transport modes should be 30%-40%. Mayer Brown have identified that there is no current guidance or policy that establishes that target, including the LTP4 of February 2024.

22. Notwithstanding the above, having reviewed the existing and targeted modal share at Berewood MDA, Mayer Brown have offered a target of 31% for sustainable transport modes, which would appear to meet HCC's target range. Mayer Brown have provided a Technical Note which discusses how this 31% target can be delivered.
23. As such, therefore, the local planning authorities may reasonably conclude that this issue has been resolved.

Issue 6: Access dimensions and swept path analysis:

24. HCC observed that the access road narrows to 4.88m from the 5.0m which accords with guidance. Mayer Brown have provided a Technical Note which identifies a drafting error on the drawing. The proposed access road is 5.0m and an updated drawing with the correct notation has been produced. In addition, swept path drawings have been provided which show the safe manoeuvres at that location.
25. I consider, therefore, that this issue has been resolved.

Conclusion:

26. For the above reasons, I conclude that each of the outstanding highways issues has been or can be overcome by reference to the Mayer Brown Technical Notes and/or drawings. The one imponderable is the demanded sustainability contributions, but in the absence of HCC engaging in establishing a CIL-compliant figure, Havant has no evidential basis for seeking contributions other than those offered by Grainger.
27. In the light of the above, it is my opinion that the local planning authorities can proceed to a positive determination, notwithstanding HCC's outstanding concerns. Should Grainger be obliged to take the matter to appeal, I would advise it seriously to consider an application for an award of costs against the local planning authorities

and/or HCC as highways authority for its unreasonable continuation of these remaining unwarranted and/or resolvable objections.

CHRISTOPHER BOYLE KC

9th February 2026

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