

**HAVANT BOROUGH COUNCIL**



**SUBMISSION CORE STRATEGY**

**PUBLIC EXAMINATION  
HEARING SESSION 6  
16 SEPTEMBER 2010**

**STATEMENT 6**

- a Development Management Policies**
- b Other Matters**

## **Core Strategy Justification**

### **a Development Management Policies**

#### **Question 25a**

#### **Are the development management policies appropriate?**

1. The Havant Borough Core Strategy (HBCS) provides a plan for the strategic level, while incorporating development management policies to recognise more detailed, locally relevant requirements.
2. The Havant Borough District-Wide Local Plan (HBDWLP) contained over one hundred policies, some of which repeated national (and at the time regional) policy and was adopted on 30 September 2005. As a result of the Planning and Compulsory Purchase Act 2004 certain policies were saved after the three year transitional period. The saved policies now form part of the Havant Borough Local Development Framework (HBLDF). With the adoption of the HBCS a number of the saved policies will be superseded, depending on which policies emerge in the final HBCS.
3. The council has addressed policy repetition by only saving policies or developing new policies which are locally relevant and not covered by existing legislation or national (and at the time regional) policy. The review of saved policy relevance is ongoing and the results are reported in the Annual Monitoring Report (AMR).
4. The policies of the HBDWLP, especially the saved policies, provided a detailed and locally relevant tool for development control officers, developers, residents and local businesses. In drafting the HBCS, many of the issues covered by HBDWLP policies have been reflected in the strategic policies. However, some of the local policy issues were too detailed for strategic policy and the development management (DM) policies were established. This provided an opportunity to update the saved policy detail whilst bridging the gap between strategy and complementary locally relevant detail.
5. An initial review of the HBDWLP policies identified 35 DM policies for the draft HBCS. Draft policies were assessed against national, regional and draft core strategy policies. Extensive consultation with development management officers was also carried out. 35 policies were reduced to 16 detailed and locally relevant DM policies. These do not repeat guidance found nationally or in the more strategic core strategy policies.

#### **Question 25b**

#### **Are the development management policies consistent with government guidance?**

6. The principle of providing development management policies is in accordance with the advice contained in PPS12 (paragraphs 4.14 and 4.32). With the emphasis on delivery and implementation, the inclusion of the DM policies in the Core Strategy is justified. Developers and investors can identify strategic level core strategy requirements and more detailed, locally relevant requirements in one document, together with signposts to national guidance. This makes it easier to assess at an

early stage whether a proposal is viable and deliverable, effectively bridging the gap between the policy requirements and implementation.

7. PPS12 states that DM policies should only be included where there is sound evidence and local justification. The final number of DM policies is significantly reduced from the original version, partly due to the removal of national policy repetition or because an issue was already covered by a HBCS policy. The council is confident that those DM policies which remain avoid repetition and are justified, effective and consistent with national policy.

### **Other development management policies matters**

Representations were received raising concerns over the following issues:

#### **Wildlife issues**

8. Brent geese should be offered a greater level of protection through DM1. Brent geese are already protected under the Wildlife and Countryside Act 1981. Specific sites are also identified in the Hampshire and Isle of Wight Brent Goose Strategy, which is being updated in the Solent Waders and Brent Goose Strategy. This evidence base study is a material consideration when determining planning applications. Brent Geese are locally a very important species and this needs to be recognised. In order to confirm this position an additional criteria is proposed in DM1 to ensure that development will only be permitted if any impacts on Brent geese can be fully mitigated. (See Proposed Pre examination Schedule of Changes)

#### **Community services**

9. There is a lack of definition for community facilities. DM2 refers to community services and signposting links to the Use Classes Order which defines community uses as those falling primarily within Use Class D1 (including libraries and galleries). Effective signposting within the HBCS provides sufficient definition.
10. GOSE states that DM2 should be worded 'either/or'. The council considers that both parts of the policy should be met. Part 1 addresses viability. Part 2 considers demand for the community use. Many community buildings would be more financially viable if put to an alternative use. However, buildings which are used by scout groups or youth clubs play a significant role in the community. It is important to ensure that demand for the building has expired in addition to the non-viability of the building itself.

#### **Employment and tourism**

11. Employment and tourism should not be considered under the same DM policy. It is considered that both contribute towards economic development and in considering them together, the approach is in line with the definition of economic development in PPS4. PPS4 states that community uses also fall under the definition of economic development. In the HBCS community uses have been separated from the primarily commercial tourist and employment uses. The future of community uses is not restricted to financial viability alone; therefore it is appropriate to consider community facilities separately.

#### **Employment**

12. Justification for policy DM3 is covered in Statement 2.

## **Tourism**

13. Much of the borough's tourist accommodation is located on Hayling Island; much of it in static caravan parks. These sites contribute significantly to the island's economy but are often located in environmentally sensitive locations, at risk from flooding and erosion and near to winter feeding and roosting areas for protected birds. Where a new caravan is proposed, it has been practice to limit the period of occupancy to a maximum of 10 months per year. Static holiday caravans are not always suitable for permanent occupation due to their construction and location away from services and facilities. The unoccupied period will typically fall during the winter months to protect overwintering birds and minimise the risk of flooding to occupants. Where there are concerns regarding more sensitive sites, proposals for new caravans will have to be weighed against other relevant policies, CS10 and mitigation measures provided through S106 agreements.

## **The coastal zone and the AONB**

14. The coastal zone is not shown on the proposals map. The omission from earlier versions of the map has been remedied and it is now shown on the Submission HBCS Proposals Map. The coastal zone extends to the mean low water mark while the landward limit is defined by maritime influences, coast-related and human activities, in accordance with PPG20. Previous definitions included all land falling within 100 metres of the high water mark. This is considered inappropriate as it does not necessarily take into account coastal processes and maritime influences.
15. Respondents noted that HBCS policies seek to improve access to coastal footpaths, resulting in increased visitor numbers and putting more pressure on designated areas. Whilst policy DM9 refers to upgrading of footpaths and retention of public access, it caveats, "where appropriate". While there is a presumption in favour of improving access to the coast, it is recognised that this is not always appropriate because of conservation interests. All development proposals requiring planning permission, including new paths will be assessed against all the policies of the HBCS including CS10, which provides a strong policy position, which is of course supported by the legislative protection enjoyed by the Natura 2000 sites.
16. Concerns are raised regarding the improvement of moorings and berths and nature conservation interests. Whilst there are policies which promote certain types of marine development, there are also policies which seek to conserve the natural environment. A proposed rewording of criteria 12 in Policy CS1 (see Proposed Pre examination Schedule of Changes) makes the position clear in terms of no new moorings and berths being permitted which helps in balancing cases where there are conflicting interests.
17. Concern has been received suggesting a lack of evidence and a lack of mitigation measures to demonstrate that policies DM9 and CS10 will not have an adverse effect on wildlife sites. A proposed additional criterion in Policy CS10, which confirms that all proposals must respond to the Solent Disturbance and Mitigation Project recommendations, will address these fears.
18. The East Solent Shoreline Management Plan will be superseded in due course by the North Solent Shoreline Management Plan and it would be appropriate to signpost this. PPS25 should be signposted, as it now refers to Coastal Change Management Areas (CCMA's) which will be identified (in the Development Delivery

(Allocations) Plan) in areas where there is a likelihood of physical change and are an aspect of the Coastal Zone..

19. At DM9, areas are identified by acronym. It is considered appropriate to change the wording to refer to the Solent and Southampton SPA/Ramsar and the Solent Maritime SAC.
20. Concerns that there is insufficient policy protection for the areas of AONB which fall outside the coastal zone is covered by the proposed new AONB policy.

### **Elderly and specialist housing**

21. DM7 does not comply with paragraph 21 of PPS3, which seeks to achieve a good mix of housing. It is particularly important that specialist housing is appropriate to the specific needs of the elderly, of which there is a growing number, and those with specialist needs. DM7 addresses elderly and specialist housing and is intended for use alongside policies promoting other forms of housing.
22. Representations suggest a contradiction between criteria 5 and 6 of DM7. The aim of criteria 5 is to ensure that not all specialist housing concentrates within one of the five areas of the borough or in one part of the five areas. Within each of the five areas, there are some sites which are more accessible to local facilities and it is expected that more accessible sites should be prioritised. Criteria 5 refers to “over concentration” and this will need to be monitored in order to assess the compatibility of proposals on sustaining mixed communities. The point that the 400m threshold in criteria 6 will concentrate the specialist housing in and around town and district centres is accepted. Whilst 400 metres is a suitable distance to walk and therefore represents a more accessible location, it is too prescriptive for a type of housing. Criteria 6 should be deleted and the principle of sustaining mixed communities embodied in criteria 5 will take precedence.

### **Signposting**

23. Signpost boxes are used extensively alongside DM policies to direct readers to evidence base documents and related legislation. Signposting provides an element of supporting text and/or explanation, particularly where DM policies are not included because higher level legislation/policy exists. The council considers that it is helpful for users of the plan to be able to obtain an overview of legislation and policy regarding a particular proposal e.g. users are signposted to relevant information and policy on the historic environment, so that they can fully assess a proposal against all the relevant policies.

## **b Other Matters**

### **Question 26**

**Has the HBCS adequately addressed the borough's infrastructure needs, and how these will be funded and delivered in a co-ordinated manner?**

24. The council funds and delivers very little infrastructure, its role is as an enabler, working with a wide range of providers who deliver the necessary infrastructure. The HBCS plays an important role in identifying infrastructure requirements, proposing policy to seek developer contributions to help pay for infrastructure and the coordination of infrastructure providers and their plans to ensure that the

infrastructure is delivered effectively. The council undertook an infrastructure capacity study (SD09/14) and this has been supplemented by a more recent HCC study (SD02/01). These two studies deal with non transport infrastructure, transport is dealt in the Peter Brett Study (SD09/27) and the associated Mitigation Study (SD09/28). There is a paradoxical issue with the Local Development Framework system in that the Core Strategy is dealing with strategic principles, including allocating strategic sites, at the same time ensuring that the strategic sites are sound may need detailed work that could only be done once the principle is established. PPG12 recognises that when a Core Strategy is being prepared less information may be available than would be ideal and states that the test should be whether there is a reasonable prospect of provision. The council has undertaken proportionate research in respect of the HBCS and believes that the detailed work that will be subsequently done on strategic sites will not undermine their principle soundness.

25. The infrastructure and other evidence base studies have been proportionate and show that there is reasonable prospect of the necessary infrastructure provision. The detail of individual projects is a matter for the commissioning organisation and would be detailed in a lower level plan. For example it is not appropriate for the HBCS to deal with the detail of junction improvements, even at a strategic site, where DM12 requires Transport Assessments for planning applications to address details. The HBCS puts in place the policy framework to address the infrastructure needs of the borough and should not deal with detail.
26. The council believes that it is doing all that it can to ensure that there is a reasonable prospect that the necessary infrastructure to support the proposed new development will be delivered when and where it is required. The council is taking a leading role in its partnership with HCC at the Public Service Village, sharing services with East Hampshire DC, continuing to be at the centre of PUSH and working with the Local Strategic Partnership.
27. Chapter 9 of the HBCS (Table 9.1) defines infrastructure by using the evidence from the SEP, with the additional category of locally important public realm. The definition of infrastructure is linked to policy CS19 which seeks developer contributions for all the types of infrastructure that are appropriately related to particular developments. It is considered useful to link the infrastructure types to CS19 for clarity on the range of contributions that could be sought.
28. The most significant infrastructure requirements that have been identified are set out in Table 9.2 – Strategic Infrastructure Implementation (an updated table is attached at Appendix 1). Recent government cuts have impacted on infrastructure delivery, in particular the Building Schools for the Future programme. The current economic uncertainty is a national issue and not specific to the borough. Even in this context there is reasonable prospect that the main infrastructure projects within the HBCS will be delivered when the market brings forward the development that triggers the infrastructure requirement. This includes the transport improvements that the Highways Agency seeks to ensure that the developments in the borough do not undermine the strategic road network (SRN). The council wants to work with the Highways Agency to ensure that schemes affecting the borough are implemented, such as the Rusty Cutter junction improvements and the Hindhead Tunnel. Transport within the borough is a focus for the council with cycle and walking

improvements being a priority. The HBCS puts the policies in place that will result in the smarter travel planning, new paths, cycle ways, bus provision and where necessary road improvements that are needed to ensure both the safety of the SRN and the accessibility within the borough.

#### **Question 27**

#### **Is CS19 consistent with Circular 05/2005?**

#### **Is there flexibility to deal with any policy changes?**

29. Policy CS19 is in accordance with Circular 05/2005 (annex B.25) because, “in line with previous advice in Circular 1/97, local planning authorities should include in their new style development plan documents general policies about the principles and use of planning obligations and factors to be taken into account when considering the scale and form of contributions”.
30. The policy is consistent with the tests set out in paragraph B.5 of Circular 05/05 in that it seeks contributions directly related to the planning impact of developments. Policy CS19 confirms that a Supplementary Planning Document (SPD) will be produced to set out the necessary detail.
31. Policy CS19 applies to all new development. Paragraph B.4 of Circular 05/05 says that, “Planning obligations are unlikely to be required for all developments but should be used whenever appropriate according to the Secretary of State’s policy set out in this Circular. There are no hard and fast rules about the size or type of development that should attract obligations”.
32. Policy CS19 proposes that, “contributions should be sufficient to support the development, including the mitigation of the impact of cumulative developments on existing community interests”. The intention is to address capacity issues problems caused by the cumulative impact of previous development and exacerbated by new development. Whilst paragraph B.9 of Circular 05/05 says that, “Planning obligations should not be used solely to resolve existing deficiencies”; PPS 17 Para 33 says, “Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision.” Policy CS19 is directly linked the types of infrastructure set out in Table 9.1, which are themselves derived from the significant evidence base work from the revoked South East Plan. It is considered that this link to the evidence base remains sound.
33. In terms of flexibility Policy CS19 uses the phrase, “contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation”. This wording is used in recognition of the difficulties that successive governments have faced implementing the concept of betterment. Section 106 agreements are the current mechanism and significant effort has been put into the Community Infrastructure Levy (CIL). Nevertheless, CIL may not progress under the coalition government. The loss of the CIL pooling arrangements to fund larger regional scale infrastructure would be a loss.
34. It is considered that the wording of policy CS19 does provide flexibility and that the detail implementation mechanisms can be detailed in the SPD which will be subject to public engagement subject to the principle of Policy CS19 being sound.