



Havant
BOROUGH COUNCIL

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Local Plan Self Assessment: Legal Compliance

February 2021

Havant Borough Local Plan



Legal Compliance Checklist

Purpose of this paper	To show that the Havant Borough Local Plan (HBLP) has been prepared in accordance with legal requirements before it is submitted for Examination by an independent Inspector.
Why?	Local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements.
Objectives	<p>To demonstrate that:</p> <ul style="list-style-type: none">▪ The Council has duly engaged and cooperated with neighbouring authorities and other relevant bodies to address strategic issues.▪ Consultation has been carried out in accordance with the Council's Statement of Community Involvement.▪ The Sustainability Appraisal has been carried out correctly, including an assessment of reasonable alternatives which has sufficiently informed the HBLP

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1. Introduction

- 1.1 The matters which are tested at examination are whether a Local Plan is legally compliant and 'sound'. The Planning Inspectorate strongly urges councils to conduct a self-assessment before submitting a plan for examination.
- 1.2 This document provides the evidence to support Havant Borough Council's assertion that the plan should be found 'legally compliant'. A separate self-assessment demonstrates soundness.

The Checklist

- 1.3 Following the publication of the National Planning Policy Framework in 2012, the Planning Advisory Service (PAS) prepared a toolkit to help councils check local plans for legal compliance and soundness. That toolkit has not been updated for the 2018/2019 NPPF¹. The checklist in this document has therefore been prepared by Havant Borough Council, though is based on the previous PAS checklist, updated as necessary.
- 1.4 The Secretary of State (in practice the Planning Inspectorate) must be satisfied that the relevant regulations have been complied with before a development plan can proceed to Examination. This legal compliance checklist shows how the legislative and procedural requirements have been met.
- 1.5 It is set out in the following sections:
 - Stage one: the beginning
 - Stage two: plan preparation
 - Stage three: plan preparation
 - Stage four: publication (pre-submission)
- 1.6 Overall, this statement provides a transparent audit trail of how the Havant Borough Local Plan has complied with the Planning and Compulsory Purchase Act (as amended) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

¹ National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2. Legal Compliance Checklist

Stage 1: the beginning	
Question	Evidence provided
1.1. Is the development plan document identified in the adopted local development scheme and have you recorded the timetable for its production?	The HBLP has been identified in the Local Development Scheme (LDS) which has been updated throughout the plan's production.
1.2. Have you considered how community engagement will be programmed into the preparation of the development plan document?	<p>The stages at which community engagement should take place, together with the suggested methods for doing so are set out in the Council's Statement of Community Involvement which was adopted in 2013 and updated in 2019.</p> <p>Further details about how the community has been engaged during the preparation of the HBLP can be found in the Consultation Statement.</p>
1.3. Have you considered the appropriate bodies you should consult?	<p>Yes. How and when the Council will consult different bodies is set out in the Statement of Community Involvement.</p> <p>Further details about how these bodies have been engaged during the preparation of the HBLP can be found in the Consultation Statement.</p>
1.5. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The SA Scoping Report was updated in 2016 which sets out the main sustainability issues affecting Havant Borough. Further information can be found in Table 2.2 of the Sustainability Appraisal of the Pre-Submission HBLP .
1.6. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Yes. Statutory consultation on the SA Scoping Report took place between 22 April and Friday 27 May 2016. Three statutory bodies were consulted, these were: Environment Agency (EA), Historic England and Natural England (NE). The comments received from all three bodies were incorporated into the final version of the SA Scoping Report.

Stage 2: plan preparation	
Question	Evidence provided
<p>2.1. Have you notified:</p> <ul style="list-style-type: none"> the specific consultation bodies? the general consultation bodies that you consider have an interest in the subject of the development plan document and invited them to make representations about its contents 	<p>All specific consultation bodies have been engaged with during the plan's preparation. A list of specific consultation bodies can be found in the Statement of Community Involvement. This has since been added to as bodies are added to the database at each stage of the plan's preparation.</p> <p>The Consultation Statement describes how specific and general consultation bodies were consulted at each stage of the plan's preparation.</p>
<p>2.2. Are you inviting representations from people resident or carrying out business in your area about the content of the development plan document?</p>	<p>Yes. The Statement of Community Involvement sets out how residents and businesses in the borough will be consulted. The Council maintains a database of individuals, businesses and community groups who wish to be kept informed about the Local Plan.</p> <p>The Consultation Statement describes how residents and businesses were consulted at each stage of the plan's preparation.</p>
<p>2.3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Yes. Many of the stakeholders responsible for the delivery of the strategy are consultation bodies (see responses to questions 2.1 and 2.2 above).</p> <p>In addition, extensive consultation has taken place in the preparation of the Infrastructure Delivery Plan (IDP). Infrastructure providers fed details into the first draft of the study about what would be provided, when and how. They were also given the opportunity to review the full draft IDP and make comments on it as part of the Regulation 18 consultation on the Draft HBLP . Relevant subsequent factual updates have been incorporated within the final IDP.</p> <p>Additionally, the sites which are allocated in the plan have been promoted to the Council. Two Calls for Sites took place where the Council specifically wrote to planning agents, site promoters and housebuilders to ask for any land which they wished to be considered for allocation.</p>

<p>2.4. Are you taking into account representations made?</p>	<p>Yes. Consultation responses have been taken into account at each stage of the plan's preparation. Further details of how issues have been taken into account can be found in the Consultation Statement.</p> <p>Specifically, for the draft HBLP consultation, the Consultation Statement highlights how the Council summarised the main issues raised for each policy and each part of the plan, and how the Council proposed to take them forward in the production of the Pre-Submission HBLP .</p>
<p>2.5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>Each consultation phase has included consultation on the Sustainability Appraisal. At each stage of the plan's preparation, the Sustainability Appraisal Report has set out how alternatives have been considered.</p>
<p>2.6. Is the participation:</p> <ul style="list-style-type: none"> ▪ following the principles set out in your statement of community involvement ▪ integrating involvement with the sustainable community strategy ▪ proportionate to the scale of issues involved in the development plan document? 	<p>Yes. Further details can be found in the Consultation Statement.</p> <p>There is no longer a statutory duty placed on local authorities to prepare a sustainable community strategy for their areas. Nonetheless, the HBLP sets out a vision for the future, together with six overlapping strategic priorities which set out how success for Havant will be achieved.</p> <p>Yes. Given the broad scope of the Local Plan, the Council sought to engage as a widely as possible, including seeking to involve individuals and organisations who had not been previously been involved in local plan consultations (e.g. through social media campaigns).</p>
<p>2.7. Are you keeping a record of:</p> <ul style="list-style-type: none"> ▪ the individuals or bodies invited to make representations ▪ how this was done ▪ the main issues raised? 	<p>The Council maintains a mailing list of bodies identified by the Statement of Community Involvement, as well as organisations and individuals who specifically asked to be updated about the Local Plan.</p> <p>The Consultation Statement describes who was consulted and how at each of the plan's preparation. This includes methods of consultation which were used to promote the consultation, including details of the public exhibitions and social media campaigns.</p> <p>The Consultation Statement provides an overview of the main issues raised with reference to the reports on consultation responses at each stage of the plan's preparation and sets out how these issues have been taken into account.</p>
<p>2.8 Are you inviting representations on cross boundary issues and strategic priorities from a</p>	<p>The Council has successfully worked with its neighbouring authorities for many years to address development needs over the wider sub-region. This takes place principally through the</p>

<p>local enterprise partnership or a local nature partnership?</p>	<p>Partnership for Urban South Hampshire (PfSH) (www.push.gov.uk). PfSH is a voluntary partnership of all the local authorities in South Hampshire together with Hampshire County Council and has a strong track record of working across boundaries to address development needs.</p> <p>The Solent Local Enterprise Partnership (LEP) also plays a key partnership role in addressing cross border issues and strategic barriers to economic growth.</p> <p>The Hampshire and Isle of Wight Local Nature Partnership promote the concept of a Local Ecological Network (LEN) and this has been embedded both within the Council's Biodiversity Strategy and a Local Ecological Network policy in the Pre-Submission HBLP.</p>
<p>2.9 Are you developing a framework for monitoring the effects of the development plan document?</p>	<p>The SA Scoping Report was updated in 2016 which sets out the main sustainability issues affecting Havant Borough. Further information can be found in Table 2.2 of the Sustainability Appraisal of the Pre-Submission HBLP.</p> <p>An Annual Monitoring Report will be used to assess on an annual basis whether the Local Plan remains up to date or whether a review is necessary. This will take into account the performance of the HBLP.</p>

Stage 3: plan preparation	
Question	Evidence provided
3.1 Are you preparing reasonable alternatives for evaluation during the preparation of the development plan document?	The Sustainability Appraisal Report has set out how alternatives have been considered.
3.2 Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in force? 	Yes, as above. The Sustainability Appraisal Report also considers NPPF requirements. The Regional Spatial Strategy is no longer in force.
3.3 Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	Yes. As set out at 2.8, the Council has successfully worked with its neighbouring authorities through PfSH for many years to address development needs over the wider sub-region as set out. The PUSH Spatial Position Statement was adopted in 2016 in response to the NPPF requirement to address the need for new housing across local authority boundaries ² . A Statement of Common Ground for the Partnership for South Hampshire ³ has been agreed which sets out the strategic matters to be addressed through the review of the Position Statement, and the production of a new Joint Strategy to bring it into line with updated development needs.
3.4 Are you having regard to: <ul style="list-style-type: none"> your sustainable community strategy or of other authorities whose area comprises part of the area of the council? 	There is no longer a statutory duty placed on local authorities to prepare a sustainable community strategy for their areas. Nonetheless, the HBLP sets out a vision for the future, together with six overlapping strategic priorities which set out how success for Havant will be achieved. Yes. Where relevant policies within the Pre-Submission HBLP crossover with supplementary planning documents (SPD), this is explained within the 'How this policy works' section.

² Havant is part of the PUSH East Housing Market Area along with Portsmouth and Gosport together with parts of Fareham, Winchester and East Hampshire districts.

³ [Report to the Partnership for South Hampshire Joint Committee – 30th September 2020](#)

<ul style="list-style-type: none"> any other local development documents adopted by the council 	
<p>3.6 Do you have regard to other matters and strategies relating to:</p> <ul style="list-style-type: none"> resources waste strategies the local transport plan and transport facilities and services hazardous substances and accidents? 	<p>The Council has had regard to a number of other plans and strategies when putting together the proposals in the HBLP including:</p> <ul style="list-style-type: none"> The Hampshire Minerals and Waste Plan (2013) – Minerals Safeguarding Areas as defined by the Hampshire Minerals and Waste Plan are clearly referenced in the individual opportunities and constraints for each site allocation. Hampshire Local Transport Plan 2011-2031, Havant Borough Transport Statement 2011-2031, Solent Public Transport Delivery Plan and Hampshire County Council's walking and cycling strategies – the improving transport infrastructure policy (IN2) in the Pre-Submission HBLP sets out the Council will work with its partners including Hampshire County Council and other stakeholders to support the delivery of schemes. <p>A full review and screening of all the sites for hazardous substances and accidents formed part of Site Screening for environmental health. Constraints and other issues have been referenced appropriately within the individual site opportunities and constraints for each site allocation.</p> <p>The Pre-Submission HBLP also has regard to a number of strategies including the Council's Regeneration Strategy for Havant Borough 2018-36, Havant Borough Indoor Built Leisure Strategy, Playing Pitch and Open Space Strategies, the Council's Energy Strategy, the Havant Borough Biodiversity Strategy, the Solent Recreation Mitigation Strategy – Bird Aware Solent, and the Solent Waders and Brent Goose Strategy. Where a policy is supported by a specific strategy this is highlighted in the plan.</p>
<p>3.7 Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>Yes. The HBLP contains a policy on low carbon design and efficient use of resources (E12). In addition, policies on transport (IN2 and IN3); open space and trees (E8, E9 and E18); biodiversity (E14, E15, E16 and E17); and air quality (E24) also indirectly relate to either mitigating against or adapting to climate change.</p>
<p>3.8 Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Sustainability Appraisal of the Draft HBLP sets out how alternatives have been considered. It was subject to consultation alongside the Draft HBLP at the beginning of 2018.</p>

3.9 Are you setting out clear reasons for any preferences between alternatives?	Yes. Section 3 of the Sustainability Appraisal of the Draft HBLP provides commentary on how alternatives have been considered.
3.10 Have you taken into account any representations made on the content of the development plan document and the sustainability appraisal? Are you keeping a record?	Representations on the Draft HBLP , including the Sustainability Appraisal of the Draft HBLP in some cases led to heavily revised policies, and in some cases, the inclusion of new policies in the 2019 Pre-Submission Havant Borough Local Plan . The Consultation Statement provides further information about how these issues were taken into account.
3.11 Where sites are to be identified or areas for the application of policy in the development plan document, are you preparing sufficient illustrative material to: <ul style="list-style-type: none">▪ enable you to amend the currently adopted proposals map▪ inform the community about the location of proposals?	Where thematic policies, key sites and site allocations have a spatial element, this is clearly highlighted in the HBLP. Where appropriate, this is supplemented by figures and site maps in the Plan where there is a specific area that needed to be identified to help the reader understand how the policy should be applied. In the Draft HBLP consultation document, a site plan was also included alongside every site allocation policy. Whilst it is not the Council's intention to include site plans for every site allocation in the adopted plan, it will include area plans showing development allocations in each part of the borough. A comprehensive Policies Map will help residents understand and interpret the policies and proposals included in the Plan. For the Draft HBLP consultation, allocations for the five areas of the borough were also shown on maps on the exhibition banners and the 'Where Next' booklets for housing and commerce and town centres for each part of the borough.
3.12 Were the participation arrangements compliant with the statement of community involvement?	Yes. Further information can be found in the Consultation Statement .

Stage 4: publication	
Question	Evidence provided
4.1 Have you prepared the sustainability appraisal report?	Yes. The Sustainability Appraisal of the Pre-Submission HBLP and its addendums can be found at: http://www.havant.gov.uk/localplan/regulatory-requirements
4.2 Have you made clear where and within what period representations must be made?	<p>Yes. This was clearly set out in the Council's Statement of Representations Procedure for both of the Regulation 19 consultations which took place in 2019 and 2020 respectively (see Appendix 1 in the respective Reg 19 Consultation Summary reports).</p> <p>The period within which representations should be made was also provided on the Pre-Submission Consultation forms for both consultations and the accompanying guidance notes.</p>
<p>4.3 Have you published on your website the following:</p> <ul style="list-style-type: none"> ▪ the proposed submission documents? ▪ the statement of the representations procedure? ▪ statement and details of where and when documents can be inspected? 	<p>Yes. Copies of the following proposed submission (pre-submission) and proposed changes to the pre-submission plan were published on the Council's website:</p> <ul style="list-style-type: none"> ▪ Pre-Submission HBLP ▪ Policies Maps ▪ Sustainability Appraisal of the Pre-Submission HBLP ▪ Consultation Statement <p>In addition, a Statement of Fact setting out where and when documents could be inspected was included within the Statement of Representations Procedure was published on the Council's website for both consultations. (see Appendix 1 in the respective Reg 19 Consultation Summary reports).</p> <p>The full evidence base (including the Policies Map and Consultation Statement) supporting the Havant Borough Local Plan is also available on the Council's website, clearly linked from the main Local Plan page. The regulatory assessments (including the Sustainability Appraisal) are also available from the Council's website, clearly linked from the main Local Plan page.</p>

<p>4.4 Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> ▪ a copy of each of the proposed submission documents ▪ the statement of the representations procedure? 	<p>For both Regulation 19 consultations, the Statement of the Representations Procedure detailed where the documents were available to view (including the Council's website) (see Appendix 1 in the respective Reg 19 Consultation Summary reports) and was sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18 (1). This was sent as a link to the Local Plan section of the website where all documents are available to view.</p>
<p>4.6 Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> ▪ the statement of the representations procedure? ▪ where and when the documents can be inspected? 	<p>Yes. See 4.6 above.</p>

