

Dear Mr Hayward,

## **EXAMINATION OF THE HAVANT BOROUGH LOCAL PLAN**

1. Thank you for your replies ([CR19](#) and [CR20](#) (and supporting documents)) to our post hearing interim findings letter ([CR18](#)). This letter provides our response to the issues raised.
2. It is clear the Council wish to adopt a sound local plan in the shortest time possible to ensure plan-led development occurs in the borough and we fully support this objective. In our previous letter, we set out that we believed withdrawing the Plan, undertaking the additional work, re-consulting and then re-submitting the Plan for examination would prove a more expedient route to adopting a sound plan than continuing with this examination. We remain firmly of that view.
3. We note the Council's reply on the legal compliance of the Plan, particularly in relation to the interpretation of the Statement of Community Involvement (SCI), 2013. However, our view on this has not changed and for the reasons previously explained ([CR18](#)) we consider that consultation was not undertaken in accordance with the SCI, 2013. Although, it should be noted, that we are not suggesting that the legal non-compliance issue raised requires the Council to withdraw the Plan. However, the Council appear to accept that it would need to undertake a full public consultation in accordance with the SCI, 2019 to try and reduce any potential risk of a legal challenge and we note the legal opinion of your Counsel that sets out that the chances of a successful challenge might be low.
4. An additional full consultation as part of this examination would create a further set of representations and likely mean that all aspects of the Plan would need to be revisited and all hearing sessions repeated. We believe it would be akin to re-starting the examination.
5. The additional work (transport modelling for Hayling Island, further consideration of housing delivery, co-operation with neighbours on any unmet need, consideration and justification for reducing the housing requirement in line with Paragraph 11 b) of the National Planning Policy Framework (NPPF) (if relevant) and further SA work) is substantial and will take time, whether as part of this examination or through revisiting the Regulation 19 stage of the Plan's preparation. But if undertaken through this examination it will inevitably lead to proposed changes to the Plan that are likely to be significant in both number and substance. There are already a significant number of proposed changes to the Plan that the Council has put forward. To add substantially to these would add a significant amount of complexity that we believe would be very difficult for interested parties to follow, could create procedural difficulties and would lead to a complex and potentially lengthy examination. This is particularly the case given the uncertain outcomes of the additional work that is required.

6. By withdrawing the Plan, the Council would be able to incorporate the current proposed changes into a revised Regulation 19 version of the Plan, include any necessary changes as a result of the additional work, consult fully, in accordance with the SCI, 2019 on a comprehensive Plan and re-submit for examination with one set of representations. This will inevitably lead to a much more efficient and straight forward examination for all involved.
7. We firmly believe that this would be the most efficient, cost effective and likely quickest route to the adoption of a sound and legally compliant plan for the borough, in accordance with the Council's clear objectives.

### **Other matters**

8. The Council has sought a number of other clarifications on our interim findings, which are considered in turn below.

#### *Paragraph 11 b) of the NPPF*

9. In Paragraph 17 of the Council's reply ([CR19](#)), it is requested that we clarify whether Havant could be an authority that cannot sustainably meet its housing needs in accordance with Paragraph 11 b) of the NPPF. We consider it would be premature to reach a view on this in the absence of the further work, including any discussions on unmet need with neighbouring authorities. The Council would need to demonstrate that all avenues for housing delivery had been exhausted as part of the additional work if it sought to demonstrate it could not sustainably (and realistically) meet its housing needs.

#### *Policy KP3 – Hayling Island*

10. It is noted that the Beachlands site allocated as part of Policy KP3, currently forms part of the development plan (Policy HY45 of the Havant Borough Local Plan Allocations, 2014). The Council has suggested that flood risk policy has not changed substantively for many years, through evolution of the NPPF. However, the NPPF, 2021 states that '*Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*' (our emphasis). The NPPF now requires it to be demonstrated that developments will be safe for their lifetime, which was not the case in the NPPF, 2012 that the allocation would have been previously considered against. Further, we are unclear what level of detail had been provided when the allocation was previously found to be sound. Given these matters, we remain of the view that further work would be required to demonstrate that development at the Beachlands site allocation can be made safe for its lifetime.
11. The section of our letter ([CR18](#)) that refers to Policy KP3 is principally concerned with housing delivery, hence the conclusions at Paragraph 25 of our letter focus on Southwood Road, Eastoke Corner and Beachlands. However, given the above guidance in the NPPF applies to all development, we can confirm that the conclusions that we reach do also apply to West Beach.

12. The Council has queried what level of work would be needed to demonstrate that the above allocations can be made safe for their lifetimes. We are not suggesting that a full flood risk assessment on a potential scheme design is necessary, but a more proportionate approach. This could include examining options for safe design and evacuation procedures within the specific context of each site.

*Hayling Island – Transport*

13. We note the Council's position in its letter ([CR20](#)). We would like to emphasise the need to provide suitable modelling to robustly demonstrate that there would be no severe impacts on the highway network, including the deliverability of any potential mitigation during tourist periods and weekends.

*Sustainability Appraisal (SA)*

14. The [appendix](#) to your letter ([CR20](#)) includes a scope of work to address our concerns in relation to the SA. We consider that the production of an addendum would be an appropriate approach. We have considered the scope of works proposed and also consider this to be appropriate with the exception of the approach to thematic policies. We are of the view that a full appraisal against the objectives for such policies should be undertaken to ensure consistency across the SA documents and allow readers to fully understand the appraisal differences between the alternatives. This can then be supplemented by commentary on the differences between the assessments of each alternative and their sustainability effects.
15. We would be grateful if the Council could confirm how it wishes to proceed as soon as it is able to do so. Please note, as previously, we are not seeking the views of any other party in relation to the above matters at this stage. However, we will of course assist the Council further with any queries it may have.

Yours sincerely,

*Jonathan Manning & Thomas Hatfield*

INSPECTORS