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Havant Borough Council 'Building a Better Future' Plan – Regulation 19 Consultation

Land South of Havant Road

September 2026

Turley

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Laura Cornborough [redacted]

Tim Burden [redacted]

Client
Ashville

Our reference
ASHR3002

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1. Introduction

1.1 These representations have been prepared on behalf of Markfield Investment Ltd in response to the Regulation 19 consultation on the Havant Borough Council Building a Better Future Plan. They follow the additional information submitted in November 2025 to support the assessment of EM08 Land South of Havant Road, and previous representations made to the Council's Draft Local Plan.

1.2 Our client has a controlling interest in “Land South of Havant Road (Horse's Field)”, which is proposed for allocation under Allocation 3, and welcomes the significant work undertaken by Havant Borough Council in preparing the Local Plan and directing development to sustainable locations within the Borough.

1.3 In particular, our client strongly supports the allocation of Land South of Havant Road for residential development and considers that the site will make an important contribution towards housing delivery over the plan period. The site is both application and delivery ready with no ownership or technical constraints that would prevent development from coming forward with the technical evidence base already well-advanced including winter bird surveys and ecological work.

1.4 Our client's representations are therefore focused on a limited number of matters relating to soundness and effectiveness. The representations are not intended to challenge the overall spatial strategy, the allocation of EM08a, or the principle of the policies concerned. Rather, they seek targeted modifications which would ensure the Local Plan:

- provides sufficient flexibility to respond to site-specific circumstances;
- remains effective throughout the plan period;
- avoids unnecessary constraints on the delivery of allocated sites;
- provides a clear and consistent framework for decision-making; and
- maximises the contribution that allocated sites can make towards addressing the Borough's housing needs.

1.5 In our view, the modifications suggested within these representations would improve the effectiveness of the Plan and assist in ensuring that allocated sites, including Allocation 3, can be delivered efficiently and within the anticipated timescales, when considered against the ‘tests of soundness' in the NPPF (2024).

2. Representations on Allocation 3: Land South of Havant Road (Horse's Field)

2.1 Our client strongly supports Allocation 3 (Land South of Havant Road) and welcomes the allocation of the site for residential development.

2.2 The allocation will make an important contribution towards the Borough's housing supply and represents a sustainable opportunity to deliver new housing adjacent to the existing built-up area of Emsworth.

2.3 The allocation appropriately recognises the opportunities presented by the site whilst identifying the key environmental and technical considerations that will need to be addressed through the planning application process.

2.4 Our client is committed to bringing the site forward and generally supports the allocation requirements.

Capacity and Housing Delivery

2.5 The allocation identifies an indicative yield of approximately 85 dwellings and refers to residential development of "*around 90 dwellings*".

2.6 Furthermore, in order to maximise housing delivery from sustainable allocated sites, the policy should make clear that the stated yield is a minimum and should not be treated as a maximum capacity. The policy should therefore states "*at least 90 dwellings*".

2.7 Detailed masterplanning, technical assessment and design work undertaken through the planning application process may demonstrate that a higher number of dwellings can be accommodated whilst delivering a high-quality development and satisfying all environmental and infrastructure requirements. This would be appropriately dealt with at planning application stage.

2.8 This is particularly important given the substantial housing shortfall acknowledged elsewhere in the Local Plan.

Vehicular Access, Tree Retention and Street Frontage Character

2.9 We support the objective of retaining important landscape features and ensuring that the design of the site access responds sensitively to the character of Havant Road. However, the requirement that vehicular access should *"avoid harm to or loss of protected and important trees"* is overly prescriptive and may not allow for situations where limited impacts can be appropriately mitigated through site design, arboricultural measures or replacement planting.

2.10 The wording also relies upon the term "important trees", which is not clearly defined, and refers to the retention of the "verdant character" of the frontage, which is potentially subjective and open to differing interpretation.

2.11 The policy would be more effective if it focused on minimising and mitigating impacts on trees and maintaining the landscape character of the frontage through an appropriate design response.

Archaeological Mitigation

2.12 The allocation requires:

"archaeological mitigation of any impacts on the Warblington Villa complex."

2.13 Whilst the archaeological sensitivity of the area is acknowledged, the policy should reflect the normal approach of investigation, assessment and mitigation.

2.14 As drafted, the wording could imply that mitigation measures are required irrespective of whether archaeological investigation identifies impacts.

Density and Urban Edge Requirements

2.15 The allocation requires development to:

"*Respect the urban edge location through graded density with looser development and lower height buildings located on the western and southern edges of the site.*"

2.16 Whilst the objective of ensuring an appropriate transition to the surrounding landscape is supported, the wording is overly prescriptive and may unnecessarily restrict the ability to optimise the site or respond to evidence prepared at the planning application stage.

2.17 Matters such as density, scale and building heights should ultimately be informed by detailed landscape, heritage, ecological and design assessments.

2.18 As drafted, the requirement is not fully justified because it assumes a particular design response regardless of the findings of future technical work.

Suggested Modifications to Allocation 3

Site Description
The site comprises fields which are currently in equestrian use, with stables located in the south-west corner. Existing residential development is located adjacent to the site to both the north and east. The A259 runs along the north boundary. The site was previously known as 'EM39 Land west of Emsworth (opp Brookfield Hotel, Havant Road) (part)' in the Council's previous SHLAA.

Key features:

The Council has identified the following key features on and around the site. Others may be present and prospective developers must undertake their own comprehensive site analysis and must satisfactorily address all opportunities and constraints in developing their proposals.

- *Greenfield site*
- *Pockets of flood zones 2 and 3*
- *Risk of surface water flooding*
- *Within Chichester Harbour National Landscape*
- *Solent Wader and Brent Goose Strategy sites adjacent to the site*
- *Brook Farm SINC and Conigar Point Meadows SINC adjacent to the south*
- *Tree Preservation Orders (TPOs) within and near the site*
- *Site boundaries within Estuary (20m) buffer*
- *Listed buildings/scheduled ancient monument/conservation area nearby*
- *High archaeological potential for presence of peripheral elements of the Warblington Villa complex located immediately to the west*
- *Underlain by sand and gravel and in the Minerals Safeguarding Area (MSA) Southern Water sewer lines*

Development Requirements

The site is allocated for residential development including ***at least*** *90 dwellings.*

Planning permission will be granted where proposals:

- *Retain and integrate existing trees and hedgerows* ***where possible****;*
- *Appropriate form of development must include adequate landscape buffer(s) and/or other forms of mitigation in order to conserve and/or enhance the natural beauty of the National Landscape;*
- *"Provide vehicular access onto the site which ~~avoids harm to or loss of~~* ***minimises and mitigates impacts on*** *~~protected and important~~ trees and ~~retains verdant character of the street frontage~~* ***retains trees wherever practicable and responds positively to the landscaped character of the street frontage****."*
- *Provide suitable mitigation for the impacts on the Solent Wader and Brent Goose Strategy sites in accordance with their classification as set out in the Strategy;*
- *Provide an ecological and landscape buffer to mitigate the impact on the Brook Farm SINC adjacent to the site;*
- *Take into consideration the close proximity to Warblington Conservation Area and associated listed buildings and scheduled ancient monuments;*
- *~~Provide~~* ***Undertake appropriate*** *archaeological* ***assessment and, where necessary, provide mitigation for identified*** *~~mitigation of any~~ impacts on the Warblington Villa complex located immediately to the west;*
- *~~Respect~~* ***Respond appropriately*** *to the urban edge location through ~~graded density with looser development and lower height buildings located on the western and southern edges of the site~~* ***a design-led approach that takes account of landscape, heritage, ecological and townscape considerations****;*
- *Avoid areas at risk of flooding and demonstrate that development will be safe for its lifetime without increasing flood risk elsewhere;*
- *Include surface water management systems which restrict runoff to greenfield runoff rates and*
- *Provide a Mineral Resource Assessment to explore the feasibility of prior extraction of minerals and use of the material on site.*

2.19 In the absence of these amends, the policy would not be effective.

3. Representations on Section 4: Delivering Sustainable Development in Havant Borough

3.1 We urge the Council to consider the merit in including such extensive development management policies in light of the position set out in the 2026 NPPF. Annex A, paragraph 2 states:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

3.2 We recognise that this Local Plan will be examined against a previous version of the NPPF but nevertheless note how the national development management policies will apply from the point of adoption. We question the sense in this Local Plan proceeding with any policies which are materially inconsistent with, or duplicate, matters addressed in the NPPF on the basis that they would immediately be afforded very limited weight in terms of decision making.

High Quality Development

Policy 13: High-quality Design

3.3 Our client supports the objective of securing high quality, sustainable and well-designed development and acknowledges the importance of design in creating successful places.

3.4 However, Policy 13 is exceptionally detailed and contains a significant degree of overlap between individual criteria. Furthermore, many matters addressed are already captured by national policy, the National Design Guide and other policies within the Local Plan.

3.5 Whilst comprehensive design policies can be beneficial, excessive prescription can reduce flexibility and create uncertainty regarding how proposals will be assessed where differing design objectives need to be balanced against one another.

3.6 The policy is not fully effective because it does not provide a sufficiently clear framework for decision making.

Policy 14: Housing Density

3.7 Our client supports the objective of Policy 14 and recognises the need to make efficient use of land, particularly given the significant housing shortfall identified within the Local Plan. We also support the Council's intention to optimise development opportunities in highly accessible and sustainable locations.

3.8 Notwithstanding our support for the overall objective of the policy, we are concerned that Policy 14 does not provide sufficient flexibility to account for site-specific circumstances.

3.9 The policy establishes mandatory minimum density requirements for residential development and states that planning permission will be granted where development achieves the identified minimum density thresholds.

3.10 Whilst the policy subsequently states that developments not achieving the minimum density will be required to justify the proposed density, it does not expressly acknowledge circumstances where lower densities may be appropriate or acceptable.

3.11 In contrast, the supporting text to the policy states:

"Although this policy sets out local density standards, site-specific constraints and local character may justify a different approach having regard to the context of the site."

3.12 There is therefore an inconsistency between the policy wording and the supporting text. Whilst the supporting text recognises that site-specific circumstances may justify an alternative density, that flexibility is not clearly reflected within the policy itself. We suggest that that wording should be within the policy itself and not supporting text.

3.13 A wide range of factors may legitimately influence the density that can be achieved on individual sites, including:

- landscape considerations;
- heritage constraints;
- ecological mitigation requirements;
- flood risk mitigation;
- urban design considerations;
- site shape and configuration;
- viability and deliverability considerations; and
- the need to create high-quality places.

3.14 This is particularly relevant in Havant Borough where many allocated sites are subject to significant environmental and design constraints.

3.15 The final sentence of the policy also introduces uncertainty by stating:

"Residential developments providing an artificially lowered density will be refused."

3.16 The policy provides no definition of what constitutes an "artificially lowered density". The absence of a clear definition creates uncertainty for applicants and decision-

makers and increases the potential for inconsistent application of the policy. The NPPF is now clear on expectations regarding making efficient use of land.

3.17 As currently drafted, the policy is not fully effective because:

- it contains insufficient flexibility to respond to site-specific circumstances;
- the policy wording is inconsistent with the supporting text;
- it does not provide a clear framework for determining when lower densities may be acceptable; and
- the phrase "artificially lowered density" is unclear and open to differing interpretation.

3.18 Suggested modification:

Policy 14: Housing Density

Any residential development must seek to maximise its contribution to addressing housing need whilst responding appropriately to the character, context and constraints of the site.

Planning permission for residential development resulting in a net gain of 5 or more dwellings will be granted where:

a) Development within Havant, Waterlooville and Leigh Park Town Centres achieves a minimum of 80 dwellings per hectare (dph) across the net development area (NDA);

b) Development within the defined opportunity areas achieves a minimum of 55 dph net development area; and

c) Development elsewhere in the Borough achieves a minimum of 40 dph net development area.

Residential development resulting in the net gain of 5 or more dwellings ~~that does not achieve the minimum density set out in this policy will be required to justify the proposed density.~~ should achieve the density standards set out below unless it can be demonstrated that an alternative density is justified having regard to site-specific constraints, local character, design quality, environmental considerations or other material planning considerations.

~~Residential developments providing an artificially lowered density will be refused.~~

Site-specific constraints and local character may justify a different approach having regard to the context of the site."

Policy 15: High-quality New Homes

3.19 We support the objective of Policy 15 in seeking to ensure that new homes provide a high standard of accommodation and meet the needs of a wide range of households, including older people and those with mobility requirements.

3.20 We also support the requirement for new homes to meet the Nationally Described Space Standards and the ambition to improve accessibility within the Borough's housing stock.

3.21 Policy 15 requires that, on new build developments of 10 dwellings or more (gross), 25% of all dwellings should meet Building Regulations requirement M4(2) for accessible and adaptable dwellings. In addition, the policy requires that at least 2% of all dwellings on developments of 50 dwellings or more (gross) should meet the M4(3) wheelchair accessible standard and be provided as part of the affordable housing provision.

3.22 Whilst the principle of increasing the supply of accessible housing is supported, the policy as drafted provides insufficient flexibility to take account of site-specific circumstances.

3.23 The requirements for '*accessible and adaptable dwellings*' may make some sites unviable and so an appropriate threshold is essential. The provision of dwellings which meet M4(2) and M4(3) standards has implications which regards to land take/density, layout and viability for new developments and therefore the requirements need to be carefully considered so as not to have an impact on the deliverability of sites. It would also preclude the delivery of certain types of housing including maisonettes. The threshold of sites of 10 or more homes is considered to be onerous and should be higher.

3.24 In these circumstances, it is important that the policy contains sufficient flexibility to recognise that delivery of M4(2) and M4(3) dwellings may not be achievable or appropriate in all cases.

Climate Change and Design

Policy 16: Low Carbon Development

3.25 Our client supports the Council's objective of reducing carbon emissions from new development and recognises the important role that the planning system has in supporting the transition to a low-carbon future.

3.26 We support the broad application of the energy hierarchy and the principle of encouraging energy efficient development through building design, layout, orientation, fabric performance and renewable energy generation.

3.27 Notwithstanding this support, there are concerns regarding the justification and implementation of the residential energy requirements contained within Policy 16 and consequently it is considered that this policy should be deleted or significantly revised.

3.28 Criteria (b) and (c) require residential development to achieve:

- "*a predicted space heating demand of less than 30 kWh/m²/year*"; and
- "*a total energy consumption of less than 40 kWh/m²/year*".

3.29 The Written Ministerial Statement (WMS) from December 2023 on Energy Efficiency Standard stated that while policy going beyond building regulation where permissible where robustly justified, these must be based on percentage reductions to Target Emissions Rate (TER) and assessed using SAP. This same position has now been adopted in policy PM13 of NPPF 2026, which notes at Annex A that the former document has "*either been fully or partially incorporated within the National Planning Policy Framework or no longer represents up-to-date government policy*".

3.30 Therefore, to require a standard that is not based on TER or measured using SAP can only be considered to be unsound and must be deleted or amended to refer to TER and SAP.

3.31 The WMS and Policy PM13 of the NPPF 2026 make clear that where local planning authorities seek standards which exceed current Building Regulations requirements, those standards should be supported by robust evidence and testing to demonstrate that they will not adversely affect development viability or delivery.

3.32 The Viability Assessment indicates that compliance with the proposed standards would result in costs approximately 5% above those associated with Part L 2021. However, it is unclear how this uplift has been derived and whether it is based on a detailed assessment of the construction, material and operational requirements necessary to achieve the standards proposed by the policy.

3.33 In addition, consideration should be given to the relationship between the proposed policy requirements and the forthcoming Future Homes Standard. The evidence should clearly identify the extent to which the policy goes beyond anticipated national requirements and quantify the additional costs arising from those enhanced standards.

3.34 Such costs are unlikely to be limited to materials alone. They may also include increased labour costs, longer construction periods, enhanced quality control processes and the additional measures required to achieve the levels of airtightness and energy performance sought by the policy.

3.35 Furthermore, it is not evident from the supporting evidence that a comprehensive assessment has been undertaken to demonstrate that these requirements can be delivered without adversely affecting housing supply, viability or the timely delivery of allocated sites within the Borough.

3.36 In the absence of more detailed viability and deliverability evidence, it is not considered that the policy is adequately justified. If the Council wishes to retain these requirements, the policy should incorporate an appropriate degree of flexibility to allow alternative standards or a reduced level of compliance where site-specific evidence demonstrates that full compliance would prejudice the viability or deliverability of development.

3.37 Criterion (d) requires all remaining energy demand to be met through on-site renewable energy generation.

3.38 Whilst the objective is understood, this requirement is extremely prescriptive and does not adequately acknowledge that the practicality and efficiency of on-site renewable energy generation will vary considerably depending upon site-specific circumstances, layout constraints, orientation, shading and technological change.

3.39 Furthermore, there may be circumstances where equivalent or superior carbon reduction outcomes could be achieved through alternative low-carbon technologies or future energy infrastructure solutions.

3.40 Greater flexibility should therefore be introduced to ensure that the policy remains effective throughout the plan period.

3.41 As currently drafted, Policy 16 is not fully justified or effective because:

- insufficient evidence has been provided to demonstrate that the proposed energy performance standards can be achieved consistently across all forms of development;
- the policy lacks flexibility to account for site-specific viability and deliverability considerations;
- the requirement for all remaining energy demand to be met through on-site renewable energy generation is overly prescriptive; and
- the policy does not adequately address how compliance with the energy targets will be measured and monitored.

3.42 Suggested modification to Policy 16 if it not deleted:

Policy 16: Low Carbon Development

New residential and non-residential development must embed the energy hierarchy within the design of buildings by prioritising a fabric first approach, layout and landscaping in order to minimise energy demand for heating, lighting and cooling. New residential and non-residential development must take opportunities to reduce the embodied carbon content through the careful choice, use and sourcing of materials. A Sustainability Statement will be required to be submitted which demonstrates how these measures have been incorporated.

Development will be expected to achieve the relevant minimum standards set out below.

Residential development

Planning permission for new dwellings (including replacement dwellings) will be granted where:

a) The principles of Passivhaus design (solar gain, natural ventilation or ventilation with heat recovery) and fabric performance have been incorporated into the layout and design;

b) The predicted space heating demand of the homes is less than 30 kWh/m2/year;

c) The total energy consumption of the building(s) is less than 40 kWh/m2/year; and

d) Remaining energy demand should, where feasible, be ~~is~~ met through on-site renewable ~~energy generation~~ or other low-carbon energy technologies.

e) For developments of 150 or more dwellings (gross), a whole life carbon assessment must be submitted which demonstrates how both operational and embodied emissions have been reduced compared to a 'do nothing' approach.

Commercial and non-residential development

f) Planning permission for new commercial and non-residential development over 1000sqm (gross) will be granted where:

i. BREEAM 'Excellent' standard is achieved.

ii. For developments of 5,000 sqm or more (gross), a whole life carbon assessment must be submitted which demonstrates how both operational and embodied emissions have been reduced.

Where it can be demonstrated through site-specific evidence that full compliance with the standards set out in this policy would adversely affect viability, deliverability or conflict with other development plan objectives, an alternative approach may be considered where equivalent carbon reduction benefits can be demonstrated.

The Natural Environment

Policy 20: Biodiversity Net Gain

3.43 Our client supports the objective of Policy 20 and the statutory requirement to secure biodiversity net gain through development, but this does largely replicate national policy.

3.44 We also support the Council's ambition to ensure that biodiversity enhancements contribute towards wider ecological recovery and habitat connectivity across the Borough.

3.45 Notwithstanding this support, concerns are raised regarding criterion e)ii. of the policy, which states:

"Off-site delivery should prioritise contributing to nearby habitat recovery and creation strategies as identified within the Local Nature Recovery Strategy or other appropriate and agreed strategies."

3.46 Whilst it is recognised that Local Nature Recovery Strategies have an important role in helping to guide the location of biodiversity enhancements, the statutory Biodiversity

Net Gain framework already contains mechanisms for directing off-site provision towards the most appropriate locations.

3.47 The Biodiversity Metric incorporates spatial risk multipliers which are specifically intended to influence the location of off-site biodiversity enhancements and encourage delivery in appropriate locations. As such, matters relating to the location of off-site habitat creation are already addressed through the statutory framework.

3.48 National Planning Practice Guidance is clear that local planning authorities should not introduce policies or guidance that are incompatible with, or seek to apply alternative approaches to, the statutory Biodiversity Net Gain framework. The statutory hierarchy and associated metric already provide a comprehensive framework for determining how biodiversity gain should be delivered.

3.49 Criterion e)ii. risks introducing an additional local requirement which goes beyond the statutory framework and could have the effect of restricting the flexibility available to applicants when identifying appropriate off-site delivery solutions.

3.50 As currently drafted, Policy 20 is not fully consistent with national policy because criterion e)ii. introduces additional requirements relating to the location of off-site biodiversity net gain provision that are already addressed through the statutory Biodiversity Net Gain framework and Biodiversity Metric.

3.51 The policy is also not fully effective because it risks creating uncertainty regarding the relationship between local policy requirements and the statutory Biodiversity Net Gain hierarchy established through legislation and national guidance.

3.52 Suggested modification to delete criterion e)ii. in its entirety, or alternatively amend as follows:

"Where practicable, off-site biodiversity net gain provision should have regard to the priorities identified within the Local Nature Recovery Strategy."

Homes for All

Policy 38: Affordable Housing

3.53 Our client supports the objective of Policy 38 and recognises the important contribution that affordable housing provision makes towards addressing identified housing needs within the Borough.

3.54 Notwithstanding our support for the overall objective of the policy, we have concerns regarding the absence of any explicit flexibility mechanism within the policy itself to address circumstances where full policy compliance would render development unviable.

3.55 Whilst the supporting text accompanying the policy acknowledges that viability considerations may arise and explains how such matters would be considered by the Council, the policy wording itself does not contain any reference to viability.

3.56 Given the cumulative effect of affordable housing, biodiversity, accessibility, low-carbon, infrastructure and other policy requirements, together with the likelihood of changing development economics and regulatory requirements over the plan period, the policy should include flexibility to address circumstances where full policy compliance would affect the viability or deliverability of development.

3.57 The policy should therefore include a clear mechanism allowing site-specific viability considerations to be taken into account where robust evidence demonstrates that full compliance with the affordable housing requirements would undermine the viability or deliverability of a development.

3.58 Criterion (b) establishes a prescribed tenure mix requiring at least:

- 41% social rent;
- 32% affordable rent; and
- the remainder as affordable home ownership products.

3.59 Whilst the objective of securing affordable housing that reflects identified needs is supported, the policy should provide sufficient flexibility to respond to the requirements of Registered Providers, local needs identified at the time of application and site-specific delivery considerations.

3.60 Affordable housing need can change during the lifetime of the Plan and a rigid tenure split may not remain appropriate throughout the plan period.

3.61 A more flexible approach would help ensure that affordable housing continues to be delivered in a manner that responds to local circumstances at the time development comes forward.

3.62 As currently drafted, Policy 38 is not fully effective because it does not contain an explicit mechanism for considering viability evidence where full policy compliance cannot reasonably be achieved. The policy would also be more effective if it provided flexibility in relation to tenure mix where justified by up-to-date evidence and delivery considerations. It is also over prescriptive in setting out a prescribed tenure mix (which should be deleted).

Policy 39: Housing Mix

3.63 We welcome the expectation in this Policy that "*Development proposals of 10 or more new homes (gross) will be expected to provide a range of dwelling types and sizes to meet identified local housing need and to foster balanced, sustainable and integrated communities*".

3.64 We also welcome Footnote 114, which clarifies that the relevant evidence should be based on the latest local housing need evidence available at the time an application is submitted. This provides greater flexibility than reliance upon fixed evidence base prepared at the point of plan adoption.

3.65 Notwithstanding our support for the overall objectives of the policy, additional flexibility is required to ensure the policy remains effective throughout the plan period.

3.66 Whilst local housing need evidence provides an important indication of housing requirements, it should not be assumed that such evidence will always provide the most accurate indication of market demand across all parts of the Borough or for all development sites. Housing market conditions can change rapidly and can vary significantly between locations.

3.67 Furthermore, the appropriate housing mix on individual sites may be influenced by a range of site-specific factors including location, accessibility, character, design considerations, site constraints, viability considerations and the need to optimise delivery from allocated sites.

3.68 In our view, the development industry is often best placed to understand current market demand and absorption rates at the point development comes forward. The policy should therefore allow for an alternative housing mix where it can be supported by robust evidence.

3.69 As currently drafted, the policy is not fully effective as it does not clearly acknowledge circumstances where a departure from the Council's housing mix evidence may be justified by site-specific or market evidence.

3.70 Suggested modification:

Policy 39: Housing Mix

Development proposals of 10 or more new homes (gross) will be expected to provide a range of dwelling types and sizes to meet identified local housing need and to foster balanced, sustainable and integrated communities. The proposed housing mix should have regard to the Council's most recent housing needs evidence, whilst also taking account of site-specific circumstances, local market evidence, viability considerations and the need to deliver high-quality development.

Infrastructure

Policy 53: Accessibility, Transport and Parking

3.71 Our client supports the overall objective of Policy 53 and the Council's ambition to promote sustainable travel choices, improve accessibility and ensure that development is integrated with existing communities and transport networks.

3.72 We particularly support the principle of prioritising walking, cycling and public transport and ensuring that new development is designed to promote sustainable and healthy travel choices.

3.73 Criterion d(v) states that development should:

"contribute to the delivery of identified improvements to the wider pedestrian, cycle, public transport and/or road networks as appropriate".

3.74 As currently drafted, this requirement is potentially wider than the statutory framework governing planning obligations and infrastructure contributions.

3.75 The policy should make clear that any transport-related mitigation measures or contributions will only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the proposed development.

3.76 Without such clarification, there is a risk that the policy could be interpreted as requiring contributions towards wider network improvements regardless of whether they are required to mitigate the impacts of the development concerned.

3.77 As currently drafted, Policy 53 is not fully effective because it does not explicitly recognise the statutory tests that apply to transport-related mitigation and planning obligations.

3.78 Suggested Modification to amend criterion d(v) as follows:

3.79 "The development contributes to the delivery of identified improvements to the wider pedestrian, cycle, public transport and/or road networks ~~as appropriate~~ where such measures are necessary to mitigate the impacts of the development and satisfy the statutory tests for planning obligations."

Policy 60: Community New Development Officers

3.80 It is unclear how the requirement set out in the policy satisfies the statutory tests for planning obligations contained within the Community Infrastructure Levy Regulations and paragraph 58 of the NPPF. In particular, the Council has not demonstrated that the requirement would be necessary to make development acceptable in planning terms, nor that it would be directly related to the development proposed. Therefore, the policy is considered unsound as it is not adequately justified and is not fully consistent with national policy.

3.81 Whilst supporting the successful integration of new communities is an important objective, community engagement, coordination and wider community development activities are generally functions of the local authority rather than matters that should routinely be secured through developer contributions. The supporting evidence does not demonstrate why these activities are necessary to mitigate the impacts of development or how they would satisfy the relevant legal tests for planning obligations.

3.82 In the absence of such justification, the policy should either be deleted or amended to make clear that any obligations will only be sought where they are demonstrated to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the proposal.

Turley Office
Southampton

[redacted]

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