



Library Ref: CD31

The Council's response to the Main Issues raised

May 2021



1. Introduction

- 1.1 This report sets out the Council's responses to the main issues identified at Regulation 19 stage in the plan preparation. It draws upon the main issues identified in the CD17 2019 Pre-Submission Consultation Summary for the 2019 Consultation and its associated CD19 Addendum for the 2020 Consultation. For clarity, these are set out under two separate sections.
- 1.2 The Council's commentary on these main issues has been prepared by Council officers and published post submission – though it is acknowledged that a brief response from the local planning authority would normally be published alongside the main issues. Nevertheless, the report is set out in such a way to provide a clear audit trail of how issues have been addressed between the CD09 2019 Regulation 19 Local Plan Consultation and the CD08 2020 Regulation 19 Local Plan Consultation.
- 1.3 The report sets out the main issues in a tabular format with reference to the relevant paragraph number in each report, and where appropriate provides commentary on how the Council has responded, or proposes to address the soundness or legal compliance comments. Any proposed amendments that were outstanding at Submission are set out in the CD27 Changes for the Inspector to consider as part of the Examination. Commentary is also provided where the Council considers no further changes are necessary.

2. 2019 Pre-Submission Consultation

Main issues: legal compliance

Para in CD17	Main Issues raised	Council's Response
Procedural		
1.17	Respondents felt that the Local Plan has been produced in haste and that the pre-submission consultation was premature. Some considered that some evidence base studies / SPDs / required documents were not published in a timely manner.	The Plan was produced swiftly so as to maintain maximum control over development outcomes and in line with Government's desire for up to date local plans to be in place. Any evidence base relied on was published before or at the same time as the plan.
1.18	Local Development Scheme was not always up to date.	It is not unusual for the Local Plan timetable to deviate from the formally approved published LDS over time. In particular, the Council has had to adapt to events outside of its control in the form of the <i>Dutch Case</i> and the pandemic. No-one was disadvantaged, as those who had asked to be notified of future stages of the plan were kept informed at every formal consultation stage, and the Local Plan web page was also updated as soon as timetable information was known.
Duty to cooperate		
1.19	Respondents raised concerns that the Council had yet to publish a Statement of Common Ground or Duty to Cooperate Statement. Some objections highlighted specific cross boundary issues:	Discussions with statutory bodies, neighbouring authorities (both bilaterally and through PfSH) took place throughout the plan's preparation as the now published Duty to Cooperate Statement demonstrates. Following the first Regulation 19 consultation., this was formalised into a series of statements of common ground.

	<ul style="list-style-type: none"> ▪ Unmet housing need - the need to agree a robust up-to-date statement with nearby authorities that explains where any unmet need will be accommodated ▪ Nutrient Action Plan - the need for joint working to develop and agree a Nitrogen Action Plan in partnership with Portsmouth City Council. ▪ Natural environment - there is inadequate evidence to show that the Council has worked with neighbouring authorities including East Hampshire and Chichester District Council to develop policies which protect policies and safeguard wildlife corridors. ▪ Transport - there has been insufficient engagement with Chichester District Council and West Sussex District Council in respect of the Transport Assessment. Responses highlighted the need to assess the impact on the A259, and the traffic impact associated with the Long Copse Lane allocation (H8) on Westbourne. Further main issues are set out in the 'Mainland TA and A27 Junction' section. 	Please see relevant sections for responses to specific cross boundary issues raised.
Habitat Regulations Assessment		
1.20	<p>Natural England commented on the HRA and highlighted the below issues:</p> <ul style="list-style-type: none"> ▪ Changes to the Habitats Regulations Assessment are recommended, particular in relation to policies E17, E14, H15, H27, H40. ▪ Due to the implications of water quality from Budds Farm Wastewater Treatment Works impacting on designated sites, Natural England advises that the Solent and Southampton Water SPA and Ramsar site are screened into the assessment. 	These matters are addressed as part of SCG15.

	<ul style="list-style-type: none"> ▪ Uncertainty with regard to the deliverability and appropriateness of the proposed bird refuges to provide mitigation for sites H27 and H40. This should be addressed in the HRA. Alternative solutions may be necessary to support the allocations. 	
1.21	<p>Chichester District Council - The quantum and proposed distribution of development for both the Chichester plan area and Havant borough have evolved since assessments were made in relation to drainage from planned development. Therefore, Chichester District Council ask for clarification that the modelled impacts of development in relation to waste water have been based on reasonable assumptions of planned development across the Chichester District and Havant Borough boundaries.</p>	These matters have been addressed as part of SCG13.
Consultation and compliance with the Statement of Community Involvement (SCI)		
1.22	<p>The following concerns were raised in relation to how the Regulation 19 consultation was carried out:</p> <ul style="list-style-type: none"> ▪ The complexity and limitations of the regulation 19 response form, and difficult to understand references to legal compliance and soundness; ▪ The form was the only way for stakeholders to submit comments on the Pre-Submission Local Plan; ▪ Lack of access to paper copies of the form - people without internet access have not been able to respond to the consultation; ▪ There were no displays or leaflets in libraries - paper documentation was not provided, only a plan and booklets available on request; ▪ Late publication of evidence or no publication at all; 	<p>HBC is confident that the Regulation 19 Consultation met procedural requirements and was conducted in line with the Statement of Community Involvement. The Pre-Submission Local Plan was subject to consultation from 1613 on Friday 2 February 2019 to 1700 on Monday 18 March 2019. In addition, the Council provided a great deal of assistance to residents wanting to engage at this very formalised stage. This consisted of a leaflet to explain the process and the consultation form together with another leaflet giving an overview of the local plan's approach.</p> <p>The Regulation 19 consultation is more prescribed as it is focussed on legal compliance and soundness exclusively. During the 2019 consultation, a copy of all material was available at the Havant Public Service Plaza, the Council's main office in line with Regulation 35 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Copies were not made available in libraries as it was not possible to guarantee their continued availability which could have risked legal compliance. Nonetheless, all of the documents were also available for inspection at the drop-in sessions that the Council ran across the Borough during the consultation.</p>

	<ul style="list-style-type: none"> ▪ The complexity of the information in the evidence base; ▪ The 6-week consultation period was insufficient time for people to respond; ▪ The Hayling Island Infrastructure Group was not involved sufficiently in the Hayling Island Transport Assessment. 	<p>Further details on the Hayling Island Infrastructure Advisory Committee are contained in paragraphs 4.7-4.9 of the Consultation Statement (CD22). Whilst the Council provided a great deal of detail on the findings of the Hayling Island Transport Assessment (together with its addendum) to the Committee, it ultimately remains the responsibility of the Council to put together the local plan's evidence base.</p>
1.23	<p>Detailed comments were also raised in relation to the compliance with the Council's SCI:</p> <ul style="list-style-type: none"> ▪ The Council did not comply with the SCI; ▪ The 2013 SCI was out of date, as some of the community groups for consultation have been renamed and/or no longer exist; ▪ The Council was premature in consulting on a Pre-Submission Plan before updating the SCI, the Local Plan may need to go back a stage to ensure it is legally compliant; ▪ The new SCI was not published in time to effectively engage with the community (it was published after the Council approved the Pre-Submission Local Plan for consultation); ▪ Quarterly newsletters have not been issued in accordance with the SCI; ▪ The Members' Panel overseeing the plan's preparation did not take place in accordance with the SCI. ▪ The Community and Placeshaping Board did not give sufficient attention to the update of the SCI. 	<p>The Council considers that the Statement of Community Involvement (SCI) has been followed at every stage of the Local Plan's preparation. Paragraph 2.9 of the 2013 SCI sets out that <i>"The <u>main</u> methods the Council will use to involve the community in the planning process are set out in table 1 at the end of this section"</i> (emphasis added). It was not the intention that every one of the methods be used in every consultation.</p> <p>During the two Regulation 18 consultations, substantive efforts were made, over and above the 2013 SCI, to bring stakeholders into a conversation about the content of the new Local Plan – particularly focussed around new consultation techniques not widely used when the SCI was put together. This resulted in measures over and above those set out in the SCI being utilised, including a successful social media promotion effort. This also included packs at all of the Borough's libraries containing the same information as was on display at the exhibitions that the Council ran.</p> <p>The Regulation 19 consultation is more prescribed as it is focussed on legal compliance and soundness exclusively. The Council utilised many of the means of consultation previously employed. This included sending out an extensive email notification. This not only highlighted that the consultation was underway but also contained details of how to respond, links to the material which had been put together and details of the drop-in sessions which were being run. Whilst not titled as a Local Plan Newsletter, this contained the same information. The notification was sent to all those who had previously responded on a local plan consultation.</p>

		<p>Those who did not have an email address were notified by post, with the same information.</p> <p>Turning to the Local Plan Members Panel, the Local Plan Panel operated during the initial phases of the plan's preparation. It should be noted that these were not public meetings. From 22 May 2018, the Council updated the way that formal scrutiny took place and the Operations and Place Shaping Board scrutinised the plan's preparation on 11 December 2018¹. The Board also considered a number of items which are intrinsically linked to the Local Plan including the development of the Regeneration Strategy² and the issue of Nutrient Neutral Development³.</p> <p>Most recently, in line with a new constitution for the Council, a Planning Policy Committee has been specifically set up to scrutinise matters related to planning policy.</p>
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¹ Details of the meeting, including the report the Board considered are at <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=476&MId=10740&Ver=4>.

² Details of the meeting, including the report the Board considered are at <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=476&MId=10811&Ver=4>.

³ See, for example the meetings of 28 October 2019 (<https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=476&MId=11023&Ver=4>) and 30 September 2020 (<https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=476&MId=11207&Ver=4>).

Main issues: soundness

Development strategy – Meeting need

Para in CD17	Main Issues raised	Council's Response
General		
1.26	The plan lacks vision and sensibility.	The Council considers that the Plan sets a clear vision to the end of the plan period, and achieves sustainable development within the parameters set by the NPPF.
1.27	The Council has failed to properly consider some of the statements they make in the plan.	
1.28	The Local Authority should back up their promise of 'Sustainable Development' with firm commitment to deliver and monitor the sustainability of their plans, and correct or otherwise reverse any non-sustainable aspect of the developments made, with compensation to those affected where and until that is done.	
DR1 Delivery of Sustainable Development		
1.29	Portsmouth City Council and Winchester City Council are broadly supportive that the Plan will exceed the housing need arising from the Government's standard housing need methodology. However, Fareham Borough Council object to HBC proceeding with the Plan before work to resolve unmet need in the PUSH area has concluded.	<p>Whilst the Council had previously hoped to contribute towards unmet need, this is now considered unlikely to be possible. This position is set out in Statements with Portsmouth City Council (SCG04) and the PfSH Authorities (SCG05).</p> <p>Fareham Borough Council's position at the time is set out in SCG14. The Council has since signed a SCG05 Statement of Common Ground with the rest of the PfSH authorities (including Fareham) which confirms that unmet need will be considered as part of a new Joint Strategy. This is reflected in SCG14a Fareham Borough Council's letter dated 18 March 2020.</p>

1.30	<p>Historic England comment that the policy only considers housing and economic development and does not accurately reflect the environmental element of Government policy and sustainable development.</p>	<p>The title of the policy has been amended to 'Delivering Sustainable Development in Havant borough'. An amendment to the supporting text has been made to reference to the three pillars of sustainable development: economic, environmental and social.</p>
1.31	<p>Other representations relate to development needs and supply through the plan:</p> <ul style="list-style-type: none"> ▪ support for the use of Government's standard method as the starting point for calculating local housing need; ▪ objections on the basis that the annualised target should be 481 dwellings per annum; ▪ unmet need within neighbouring authorities within PUSH (specifically in Portsmouth) has been not taken into account; ▪ more employment land will be needed if housing need increases; ▪ concern that the Government's standard method will not help improve the affordability of housing or meet the requirements of those in genuine housing need. ▪ policy fails to provide sufficient flexibility over and above objectively assessed need; ▪ detailed comments in relation to the Council's sources of housing land supply and related delivery assumptions in relation to large sites including Southleigh; ▪ further allocations need to be identified (various omission sites suggested – see separate section below) ▪ Havant is overbuilt, fewer larger sites would be more logical; 	<p>The Council considers the Plan represents a robust strategy to meeting development needs in the borough. Both the plan itself (DR1) and the evidence base, chiefly Constraints and Supply Analysis (EB39) and Assessing Housing Need for the Plan Period 2016-2037 (EB46) explain the Council's approach to development needs and supply. This is also drawn together in the Strategy Topic Paper (TP01).</p>

	<ul style="list-style-type: none"> ▪ If the plan provides for more than the requirement, the most sensitive sites could be removed from the Plan. ▪ Many respondents also commented that development on Hayling Island would not meet the NPPF's definition of sustainable development. ▪ The plan underestimates housing delivery from windfall on Hayling Island; comment was also received that windfall is over estimated and that the Council will not achieve its required housing growth. 	
DR2 Regeneration		
1.32	No main issues.	Not applicable.

Land not included in the plan

Para in CD17	Main Issues raised	Council's Response
Sites not allocated in the Pre-Submission Draft Plan		
1.33	<ul style="list-style-type: none"> SHLAA site HB15 (Land known as Southmere Field) should be allocated for development SHLAA site HY11 (Land known as Hayling College playing fields) should be allocated for development and linked to an extended allocation for allocated site H30. SHLAA site reference EM8 (Land rear of 15-27 Horndean Road) should form its own allocation for development separate to that of allocation KP5. SHLAA reference LP127 (Central) (Land known as land east of A3(M)) should be allocated for housing. SHLAA site HY46 (Land known as Selsmore Road) should be allocated for housing. SHLAA site HB63 (Land known as Kingscroft Farm) should be allocated for housing. Phase 8 of the West of Waterloooville Major Development Area should be allocated for housing as development has yet to commence, and as yet no reserved matters application has been approved. SHLAA site HB67 (Land known as South of Wade Lane) should be allocated for development. 	<p>EM8 Land rear of 15-27 Horndean Road was included as a proposed allocation under Policy HX in the 2020 Regulation 19 Local Plan consultation (CD08). This site now benefits from planning permission reference APP/19/00768.</p> <p>An overview of Omission Sites and the Council's reasoning for whether to allocate or note is included in the Sites Topic Paper (TP02).</p>

	<ul style="list-style-type: none"> ▪ SHLAA site HB65 (Land at Portsdown Hill) should be allocated for development. ▪ SHLAA site EM5/5a (Land known as Westwood Close) should be allocated for development. ▪ SHLAA Site WV70 (Land known as Hazleton Wood) should be allocated or development. ▪ SHLAA site EM41 (Land south of Havant Road) should be allocated for development. ▪ Support was expressed by objectors to potential sites, for the exclusion from the HBLP – SHLAA sites EM35, EM39. 	
Proposed changes to sites identified in the Pre-Submission Draft Plan		
1.33	<ul style="list-style-type: none"> ▪ Proposed extension to draft allocation H22 (Land known as Littlepark House) of approximately 5.3ha ▪ Proposed extension to draft allocation H30 (Land north of Tournerbury Lane) promoted by adjacent landowner - Linked to HY11 ▪ Proposed extension to draft allocation H24 (Land known as Palk Road) to increase capacity to 55 	An overview of Omission Sites is included in the Sites Topic Paper (TP02).

Development on Hayling Island

Para in CD17	Main Issues raised	Council's Response
Development capacity of Hayling Island		
1.34	<p>Representations highlighted reasons why there should not be any further development on Hayling Island. Stakeholders highlighted issues relating to:</p> <ul style="list-style-type: none"> ▪ Highway capacity ▪ The single access to the Island ▪ Flood risk ▪ Infrastructure including healthcare, education and utilities 	<p>The Council carefully considered the infrastructure constraints facing Hayling Island throughout the preparation of the CD09 2019 Regulation 19 Local Plan. This included extensive analysis of the island's infrastructure network to identify effective mitigation solutions to overcome constraints. A key focus has been on transport infrastructure given there is only one road connecting the island to the mainland (see also Hayling Island Transport Assessment below).</p> <p>There is extensive discussion of this topic through the Sites Topic Paper (TP02).</p>
1.35	<p>Multiple responses raised the same or very similar points, paraphrased below:</p> <ul style="list-style-type: none"> ▪ A policy or plan for infrastructure on Hayling Island is needed. ▪ Hayling Island should have its own Local Plan and be treated differently from the rest of the Borough. ▪ The amount of development proposed on the island has significantly increased since work on the Local Plan started - the consultation should be repeated. ▪ The Council has underestimated housing delivery from windfall and has not accounted for the increased pressure on infrastructure in the Plan. 	

	<ul style="list-style-type: none"> ▪ The need for housing on Hayling can be met by windfall sites alone - allocations should be removed from the Plan. ▪ There is no sea defence strategy for Hayling Island, and there is unlikely to be funding available to protect assets. ▪ Concerns in relation to discharge of raw sewage into Langstone Harbour. There should be no further development until Southern Water has increased capacity in the waste water network. ▪ Lack of employment on the island means that residents need to commute off the island to work, which exacerbates congestion on the A3023 during peak travelling hours. ▪ The structural integrity of the bridge should be assessed, and its maintenance report should part of the Local Plan evidence base. ▪ Concern that it is extremely difficult for the emergency services to get through heavy traffic on the A3023. Target response times have not been met for a number of years. ▪ Focus should be on improving sustainable transport solutions, including greater walking and cycling provision. ▪ The capacity of doctor's surgeries is already overstretched with difficulty getting appointments - development will add further pressure on these services. ▪ The impact on the natural environment, and in particular wildlife and their habitats as a result of the increased population. 	
Hayling Island Transport Assessment (TA)		
1.36	Highways England submitted a report compiled by WSP on the Paramics modelling underpinning the TA, which highlights a number	The Council committed to doing additional work as an Addendum to the initial HITA. This work was completed and published in

	of areas requiring further clarification including flow calibration for the A27/A3023 junction.	January 2020 (EB04), and the Council considers that it provides robust evidence on the transport implications of the proposed development on Hayling Island.
1.37	<p>Hampshire County Council (Highways) comment that the type and magnitude of development on Hayling Island will lengthen journey time off and onto the island by a significant percentage on a route which suffers from journey time irregularity and unreliability. Significant housing on an Island with limited accessibility by sustainable modes of transport and historically low self-containment levels will most likely result in car dependent development.</p>	<p>The Council acknowledges that residents of Hayling Island have to travel on and off the Island for many day to day purposes including employment and major or specialist shopping, and the majority do so by car. The HITA Addendum (EB04) proposes a range of highway and non-highway mitigation interventions which aim to improve highway flow, but also to improve road safety, and improve conditions for pedestrians, cyclists and bus users. Policies IN2 and IN3 of the Local Plan set out development requirements which seek to promote sustainable travel choices.</p> <p>The Statement of Common Ground with HCC (SCG10) confirms agreement between the two authorities that reducing reliance on the private car has to be a priority at the strategic as well as the site level, and commit to working together on strategies to facilitate a shift to sustainable modes (see paragraph 13, SCG10). As an example, HCC and HBC are jointly funding a study to explore what future role the Hayling Billy Trail can play in contributing to transport provision on the island.</p>
1.38	<p>Other stakeholders highlighted issues relating to:</p> <ul style="list-style-type: none"> ▪ Capacity of the A3023 ▪ Delays to journey times ▪ Modelling and data inputs ▪ Peaks during summer months 	<p>The Council considers that the HITA Addendum (EB04) provides robust evidence on the transport implications of the proposed development on Hayling Island.</p> <p>The Statement of Common Ground with the Local Highway Authority (SCG10) confirms that:</p>

1.39	<p>Multiple responses raised the same or very similar points, paraphrased below:</p> <ul style="list-style-type: none"> ▪ The three mitigation packages have a negative impact and reduce the performance and capacity of the A3023. ▪ The TA does not consider the effects of additional traffic flow on West Lane and through Northney village as a result of the mitigation. ▪ The modelling in the Hayling Island TA cannot be relied upon, due to: use of out of date information; inappropriate bluetooth monitoring sites; trunk road modelling; being informed by the Travel Questionnaire which is inaccurate and uses random sampling. ▪ The microsimulation model should include A3023 flow capacity and loading issues; frequency and duration of congestion periods; should include Highways England growth factors; windfall development; Highways England growth projections and factor in flood risk. ▪ Concerns that 'neutral' month traffic data was used to model the impact on the highway network which did not take into account traffic peaks during summer months. ▪ The Council's seafront regeneration plans will increase visitor traffic, and this is not reflected in the TA. ▪ The A27 junction should be re-modelled with the A3023 to accurately assess highway capacity. ▪ The TA focuses on journeys to and from destinations on the island, and not the single access to and from the mainland. 	<ul style="list-style-type: none"> • The methodology and process for undertaking the transport assessments is sound and has been agreed by the Highway Authority. • There was sufficient engagement and consultation with HCC conducted by HBC throughout the preparation of the Hayling Island Transport Assessment and Addendum. • The use of a microsimulation model in the Hayling Island TA for assessing the impact of the local plan development on Hayling Island was appropriate and sufficient. • HCC and HBC agree the proposed highway mitigation listed in the Hayling Island Transport Assessment Addendum. It is understood that the mitigation schemes presented demonstrate that the level of development is capable of mitigation and does not preclude other schemes, designs and modes being considered.
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	<ul style="list-style-type: none"> ▪ The A3023 capacity is fixed and no assessment of its capacity has been made over the lifetime of Local Plan development. ▪ The TA takes an average of traffic flow over time and does not reflect actual peaks experienced. ▪ The Hayling Island Infrastructure Committee and local residents' associations were excluded from the parameter setting and modelling process for the Hayling Island TA. Local knowledge and experience have not been sufficiently explored. ▪ The microsimulation model for the Hayling Island road network is an expensive exercise which would normally be carried out by developers. 	
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Nutrient Neutral Development

Para in CD17	Main Issues raised	Council's Response
1.40	Natural England recommends that to appropriately address uncertainty of the impact of local plan development on the deterioration of the water environment of the designated sites a policy to commit to a nutrient management plan or similar strategy to offset the delivery of increased nutrients from development should be created. This is to ensure the local plan and on-going planning applications meet legal requirements until a wider Integrated Water Management Strategy can be developed.	HBC has undertaken significant work on this topic since the CD09 2019 Regulation 19 Consultation, together with Natural England and other bodies. Since the 2019 Pre-Submission Consultation, the Council: <ul style="list-style-type: none"> • Included an additional policy in the plan to address this matter (Policy EX Water Quality impact on the Solent European Sites). • Has published a Position Statement on Nutrient Neutral Development. • Has launched its own bespoke solution to addressing nutrients, including its own strategic mitigation solution at Warblington Farm (Policy EX2).
1.41	Natural England advises that larger developments including all EIA development should calculate a nutrient budget and achieve nutrient neutrality. It may be difficult for site smaller than 50 units and non-EIA development of brownfield land to achieve nutrient neutrality. It is recommended that an interim approach is set up for the borough that developments can contribute to, thereby ensuring that this uncertainty is fully addressed by all applications.	
1.42	Natural England and the Environment Agency suggest that implementing the higher standard for water efficiency to 110 litres per person per day would decrease the amount of nitrogen produced by development and decrease the amount of mitigation that may be necessary.	Policy E12 (Low Carbon Design) includes a requirement for proposals resulting in a net gain of overnight accommodation to achieve a maximum water use of 110 litres of water per person, per day, including external water use.

Approach to Solent Waders and Brent Geese

Para in CD17	Main Issues raised	Council's Response
Solent Waders and Brent Geese Strategy		
1.43	The evidence used in the SWBGS does not correlate with actual survey results taken, and is based on inaccurate assumptions.	The sites included in the EB16 Solent Waders and Brent Goose Strategy relate to their network value in terms of their importance for birds moving to and from the intertidal areas to inland sites, and between inland sites. Therefore, the site classification is reflective of a number of issues, not only the number of birds using it.
E17 Solent Wader and Brent Goose sites		
1.44	Natural England have raised concerns in relation to the uncertainty of securing refuges and delivering them. They have suggested that there needs to be a commitment within the policy to secure the early delivery of a strategic bird reserve to address the loss of Secondary and Low Use Sites.	HBC is proposing to allocate Warblington Farm (Policy EX2) – which could provide capacity to accommodate the loss of habitats on Secondary Support Use sites on the mainland early on in the plan period.
1.45	<p>Other objections raised the following issues:</p> <ul style="list-style-type: none"> Development should not take place on sites which support internationally important species. The evidence which supports this policy approach is unfounded and unsound. It is inadequate for a site that has for years hosted over-wintering wildfowl to simply be relocated. There is not sufficient evidence to show that wildfowl would move to a newly sited location. The total area of mitigating land is less than the total area of land lost to development. 	<p>Policy E17 sets out that development proposals on or adjacent to SWBG sites will only be permitted where appropriate mitigation in line with the SWBGS mitigation and offsetting requirements is provided. The SWBGS will be a material consideration for the determination of any planning applications where policy E17 applies.</p> <p>The Local Plan and CIL Viability Study (EB48) recognises Policy E17 will only apply to specific sites in certain areas of the Borough. The Council considers this to be proportionate having regard to the fact that mitigation will be site specific, and viability will be considered at planning application stage. More detail was provided in an annex to the April letter to the inspectors (CR08).</p>

	<ul style="list-style-type: none"> It is unclear how any mitigation will be enforced and managed. Good quality management secured in perpetuity for the proposed refuge cannot be guaranteed. There is no flexibility to mitigate any development impact in exceptional cases. It is an un-robust approach which increases the cost of new homes. Comments in relation to the Local Plan and CIL Viability Study raised concern that developer costs associated with the creation of replacement habitats for Solent Wader and Brent Geese have been excluded from the whole plan viability work. 	
Loss of Core Area at Rook Farm		
1.46	Natural England confirm it may be possible to provide an alternative offsetting site to Rook Farm provided the criteria set out in the SWBGS Offsetting and Mitigation Guidance are met. The location of an offsetting site within the Hayling Island Brent Goose Refuge is acceptable in principle, but there is currently uncertainty about whether this can be delivered.	The matters raised by Natural England have been addressed and this is set out in the statement of common ground (SCG15). The issue of viability has been addressed above. Further comments on Rook Farm and mitigation is provided in the section related to the allocation.
1.47	Other representations include objections to the allocation on the grounds that the site is heavily used by birds; is functionally linked to the SPA; adverse impacts on the integrity of the SPA/SSSIs and their species; no justification for the loss of Core Area for Brent Geese and Waders; high cost of providing a replacement site and the impact on the viability of development.	As outlined in policy E17 of the Local Plan, a development proposal at Rook Farm will only be permitted where suitable replacement habitat is provided in perpetuity, any such mitigation would have to be in line with the criteria outlined in the Solent Waders and Brent Goose Strategy.
1.48	Please see other main issues for the Rook Farm (H27) development allocation.	
Loss of Primary Support Area at Land north of Sinah Lane		

1.49	Natural England welcomes and supports that the allocation will be providing a refuge (Policy E26). It is also noted that mitigation was secured following the grant of planning permission for UE21, The Oysters (Local Plan (Allocations) 2014). Natural England supports the proposal in the Biodiversity Strategy for the local planning authority to monitor the effectiveness of this earlier mitigation and ensure there is no double counting of schemes as new development sites come forward.	The Council have noted Natural England's response.
1.50	Other representations include objections to the allocation on the basis that it is a Primary Support Area for Brent Geese and Waders; the refuge area will be negatively affected due to construction noise and increased human presence; the site lies within existing mitigation area for previous development (the Oysters) and that the reduced area will be less suitable for birds; the SuDS system proposed will reduce the refuge area; fence and borders associated with the refuge need to be properly maintained; concerns over the farmer's use of bird scarers and crop planting which makes the site less suitable for birds; and the soft landscaping proposed not being suitable for Brent Geese.	The development proposal at Land north of Sinah Lane (H29) will only be permitted where a suitable habitat is provided on-site and in perpetuity in line with the requirements set out in the Solent Wader and Brent Goose Strategy. Other criteria which any mitigation would have to achieve is set out in policy E17 of the Local Plan.
1.51	Please see other main issues for the Land north of Sinah Lane (H29) development allocation.	-
E25 Broadmarsh Coastal Park Brent Goose and Wader Refuge		
1.52	Natural England supports the identification of Broadmarsh as a permanent refuge area and acknowledges that its deliverability is more certain than the Hayling Island Brent Goose Refuge, as it is owned by Havant Borough Council. However, it has concerns about the appropriateness of Broadmarsh to fully mitigate the numbers and species at Campdown (H40). They recommend that Broadmarsh Coastal Park refuge is brought forward in a phased manner to allow an appropriate refuge to be available in advance of	Broadmarsh is fully owned by the Council. It should be noted that phase 1 of Warblington Farm (EX2) is also fully owned by the Council. So there is the opportunity for early implementation of either or both sites. The Council's initial focus is on bringing forward phase 1 of Warblington Farm and work regarding its future management is underway. This is partly due to the fact that the only site to so far provide funding for off-site mitigation is more appropriately suited to be mitigated through Warblington Farm.

	the loss of Secondary Support Areas and Low Use sites within the Borough.	
1.53	<p>Other respondents raised the following issues:</p> <ul style="list-style-type: none"> ▪ Deliverability – time and cost involved in creating replacement habitat; development viability implications of mitigation ▪ Suitability and effectiveness of mitigation - the site is unfeasible as mitigation as it is already used by SPA birds; area is popular destination for walkers, cyclists and visitors; disturbance through human activity and surrounding uses including car parks, angling club, boat storage and public slipway; surrounding uses are not compatible with refuge; SPA species will be at risk from oxides of nitrogen; National Grid line crosses the site; and refuge would not include livestock grazing to replace what would be lost at Campdown (H40). Lack of credible evidence / inadequate information as to whether replacement habitats are effective, and the time it can take before a refuge can be considered to be a genuine replacement; a larger more suitable refuge for SPA species should be found. ▪ Loss of amenity / recreation – site is well used by walkers, cyclist and visitors. Any fencing off to protect bird life will reduce amenity and adversely impact health and wellbeing. ▪ Nitrogen Action Plan – The refuge should be excluded from the Plan until the joint Nitrogen Action Plan (for air quality) with Portsmouth City Council has been developed and shown to be working. 	<p>Broadmarsh Coastal Park is owned by Havant Borough Council and so a refuge on the site is considered deliverable.</p> <p>In terms of its suitability, the Council accepts that Broadmarsh would not be suitable to mitigate the Campdown allocation, however it would be suitable for secondary or low use sites. Through management measures, it would be possible to ensure that there is permanently available habitat for SPA species. It is considered that this could take place alongside existing recreational use of the site. A number of existing sites used by SPA species (such as Emsworth promenade) are heavily used by both SPA species and for recreation.</p> <p>The need for a Nitrogen Action Plan is a separate matter which has been addressed by the Air Quality Habitats Regulations Assessment Addendum (CD15) and the latest Statement of Common Ground with Portsmouth City Council (SCG04).</p>
E26 Hayling Island Brent Goose and Wader Refuge		
1.54	Natural England is supportive of the principle of the refuge but acknowledges uncertainty as to whether site can be secured and delivered. The site promoters of Rook Farm (H27) support the	The Council considers that policy H27 is drafted with the necessary flexibility in order that alternative mitigation may be secured. The matter has also been addressed in SCG15.

	delivery of the refuge and welcome the opportunity to work with the Council.	
1.55	<p>Other representations raised the following matters:</p> <ul style="list-style-type: none"> ▪ Deliverability - Delivery of the refuge dependent on funding from other developments (H27 and H29); doubt over Council's ability to secure and ensure management of land in perpetuity given previous issues of compliance. ▪ Effectiveness of mitigation - Concern the refuge is unfeasible as mitigation given the site is already used by birds; it is not a tried and tested means of mitigation; bird counts are based on biased surveys; potential for disturbance with the realignment of the Billy trail. ▪ Flood risk - the refuge is unsustainable due to flood risk and there is insufficient flood risk evidence; sequential test needs to be passed; the coastline is subject to no active intervention. 	<p>Deliverability – It is acknowledged the cost of a land purchase needed to deliver the refuge would not likely be borne by an individual development site. A change to the Plan is made to 'safeguard' the land under Policy IN1 as opposed to an allocation in its own right.</p> <p>The Council will use appropriate use planning conditions and legal agreements to secure any mitigation scheme in perpetuity.</p> <p>Effectiveness of mitigation - A refuge may already be an identified site in the SWBG network provided there is sufficient scope for enhancing and securing its function. Most of the SWBGS sites are in private ownership and so their suitability for SPA species will vary year by year depending on crop selection, disturbance and other factors. As such, simply making an existing site permanently available and suitable for SPA species represents a discernible improvement to the network.</p> <p>The site classification strategy in the SWBGS looks beyond the number of birds and at a site's importance to birds moving to and from intertidal areas to inland sites and between inland sites.</p> <p>The realignment of the Billy trail can be designed with appropriate screening and fencing to avoid disturbance.</p> <p>Flood risk - It is accepted that this part of the coastline is subject to no active intervention, and it is predicted that the coastline will gradually move inland by 50m over the next century. However, this would affect a small part of the refuge which extends to 34 ha in area. The sequential test does not apply.</p>

Key Projects

Para in CD17	Main Issues raised	Council’s Response
KP1 Havant Town Centre		
1.55	The housing number of 750 is not sufficiently ambitious.	HBC is content that the housing figure in KP1 is sufficiently ambitious and considers that East Street no longer merits inclusion in the Town Centre (see EB51 Town Centres Study).
1.57	East Street should be included in the town centre boundary.	
KP2 Waterlooville Town Centre		
1.58	The housing number of 600 is not sufficiently ambitious.	HBC is content that the housing figure in KP2 is sufficiently ambitious and there is no realistic scope to further increase it.
KP3 Hayling Island		
1.59	Natural England and other objectors have concerns about the impact of developments on protected sites, particularly development at Beachlands and Northney Marina.	<p>The Council has duly considered the environmental designations in relation to these sites and has included mitigation requirements within the relevant site allocations accordingly.</p> <p>HBC and Natural England are continuing to discuss the approach to development at Beachlands including a costed Management Plan. See SCG15.</p> <p>The Council is content that there is a solution to the concerns that Natural England raise regarding these sites, which can be fully worked up into a mitigation strategy associated with the planning applications. This is set out in more detail in the Statement of Common Ground (SCG15).</p>

1.60	The Environment Agency has concerns that the policies do not provide sufficient information to support residential development on sites that are at risk of flooding.	Following the 2019 Regulation 19 consultation, the Council agreed wording changes with the Environment Agency to satisfy this concern. These are set out in the Appendix to SCG01. They should have been included in the 2020 consultation but were omitted in error. The Council would like these amendments to be considered as part of the examination and will submit them as an update to CD27.
1.61	Chichester Harbour Conservancy considers that proposed development at Northney Marina does not meet the exceptional circumstances test for major development in an AONB.	The Northney Marina allocation is on previously developed land. The Council considers that the development has the potential to improve the current visual impact on the AONB (see SCG12).
1.62	<p>Issues highlighted in other representations were as follows:</p> <ul style="list-style-type: none"> ▪ Impact on tourism, visitors and resident users of allocated sites - Loss of the 'bucket and spade' character of Hayling Island; The loss of the funfair at Beachlands would affect tourism; The loss of car parking generally, and the loss of a car park providing accessible access to the seafront; The economic impact of the proposed development has not been considered; The loss of public green space; ▪ Coastal matters - Issues relating to coastal erosion generally and at Westbeach particularly; The Nab car park and Creek Road are subject to flooding; Impact on protected sites and species in the harbour ▪ Form of development - The size and scale of the proposed developments; As a lot of the proposed development is on public land more affordable housing should be provided; Retail units as part of the proposed residential development at Eastoke Corner are not needed or financially viable; The anticipated quantum of dwellings at Beachlands is too low for a brownfield site; 	<p>Impact on tourism, visitors and resident users of allocated sites - It is the specific purpose of KP3 to improve the visitor experience of the Hayling Island Seafront. It is accepted that this will change the nature of the current offer. The principal leisure focus is proposed to be relocated from Beachlands to Eastoke. See EB35 Hayling Seafront Regeneration Analysis and Feasibility Study.</p> <p>Coastal matters – see response to 1.59 and 1.60 above.</p> <p>Form of development – Noted. The requirement for 30% affordable housing is based on the EB42 Local Plan and CIL Viability Study. Policy H2 does encourage a greater proportion of affordable homes. The requirement for the provision of retail units at Eastoke Corner reflects the need to provide an active ground floor frontage given its location within the Rails Lane Local Centre. See below for quantum of development at Beachlands.</p>

1.63	The landowner of Funlands (the funfair at Beachlands) has made detailed comments in respect of Beachlands, Hayling Island (KP3). They consider that the Hayling Island Seafront Regeneration Analysis and Feasibility Study underrepresents the site's capacity and does not give due regard to infrastructure and other costs.	Yields for the site allocations were generally calculated using the net developable area considering any high-level mappable constraints including flood risk and then applying 40 dph. In this case the allocation number was based on a higher density resulting from detailed design work. Nonetheless all yields are specifically labelled as 'about' and so if a higher yield can be justified through a specific planning application then the provisions of the local plan do not preclude it being approved.
1.64	A number of concerns were raised relating to island-wide infrastructure and the evidence base that has informed allocations on Hayling Island.	See Development Capacity of Hayling Island and Hayling Island Transport Assessment sections of this report.
KP4 Leigh Park District Centre		
1.65	The housing number of 75 is not sufficiently ambitious.	HBC is content that the housing figure in KP4 is sufficiently ambitious.
KP5 Southleigh		
1.66	Numerous commenters object to the proposed development allocation on basis of: <ul style="list-style-type: none"> ▪ Loss of a greenfield site; ▪ Loss of the Emsworth gap; ▪ Unacceptable impact on wildlife including bats; ▪ Loss of trees and hedgerows; ▪ Loss of agricultural land; ▪ Impact on infrastructure (doctors, schools, drainage etc) / lack of planned improvements to infrastructure; 	All of these matters were also raised at the Regulation 18 stage and duly considered. The Council is content that the proposed strategic site allocation is capable of delivering sustainable development and the development is required in order to meet the need for housing.

	<ul style="list-style-type: none"> ▪ Highways impacts - safety and volume (in particular on Southleigh Road and in combination effects with other sites in HBC and CDC areas); ▪ Remaining uncertainty over need for and deliverability of A27 junction; Development should only go ahead with direct link to A27, and only after this infrastructure is in place; ▪ Potential for increase in crime; loss of property value, loss of privacy, reduced quality of life; ▪ Questioning the need for 2,100 dwellings on this site; 	
1.67	<p>Detailed comments were also made on the Southleigh Masterplan linked to this policy, including concern that the Masterplan was not agreed by the workshop participants and does not reflect the feedback received at consultation events.</p>	<p>The Southleigh Masterplan (EB13) was prepared with community input through a series of design workshops. The Masterplan reflects a combination of design considerations, site constraints and community views. The process is documented in EB13 and EB14. It is inevitable that not all feedback received during the events has been reflected in the Masterplan, as a range of views were represented.</p> <p>Policy KP5 and its supporting text are clear that further masterplanning of the site is expected of the developer before an application is submitted, and that this must include extensive community consultation. It is the Council's intention to feed the comments received during the Local Plan consultations into that process.</p>
KP7 Dunsbury Park		
1.69	<p>Highways England support reference to the A3(M) bridge crossing as an important pedestrian and cycling route but would welcome the opportunity to discuss improvements with the site promoter, HBC and Hampshire County Council to ensure the viability of the proposed development.</p>	<p>Noted. Phase 1 for 61,779 sq m of employment floorspace already benefits from planning permission and a number of plots have already been delivered.</p>
KP8 Havant and South Downs Colleges		

1.70	The landowner supports the policy but considers the allocation at Havant College for “up to 20 dwellings” to be unnecessarily restrictive.	The Council has reviewed the site in light of the comments and further information by the site promoter and proposes to increase the yield in the policy to “about 65 units”.
KP9 Havant Thicket Reservoir		
1.71	Historic England request wording changes to ensure further protection to the historic environment and state that the entirety of the Registered Park should be removed from the allocation.	Planning applications APP/20/00990 and APP/20/00991 for the reservoir and pipeline have been submitted.
1.72	Natural England have concerns over the cumulative impact of allocations, including KP9, on the Forest of Bere landscape. Natural England also have concern over the loss of irreplaceable habitat and impact on protected species as well as the recreational impact caused by the reservoir development on surrounding habitats. Wording changes have been suggested to address the concerns raised.	Changes were made to the policy which seek to address the concerns of these two statutory consultees. However, in response to the CD08 2020 Regulation 19 consultation, the Environment Agency highlights that has resulted in an unbalanced policy (R146 20C01). Also see 3.29 in Section 2 below.

Infrastructure

Para in CD17	Main Issues raised in 2019 consultation	Council's Response
IN1 Effective provision of infrastructure and Infrastructure Delivery Plan		
1.73	The IDP is inadequate because it does not recognise the infrastructure requirements for a 15+% increase in population.	The council prepared the Infrastructure Delivery Plan (EB50) in conjunction with infrastructure providers. These were provided with proposed Local Plan growth to inform the discussions.
1.74	The IDP should recognise the particular issues that Hayling Island faces eg elderly population; single road; It is suggested that a separate policy may be needed for Hayling Island (see also Hayling island section).	The Local Plan is a plan for the whole borough; it would be inappropriate and unnecessary to include a separate policy for Hayling Island.
1.75	Objection to safeguarding of land for a flood alleviation scheme at Westwood Close - IN1 (o)	Given the evidence available to the Council, until it is shown that the land is not needed for the flood alleviation scheme, it is best practice to safeguard it for this purpose.
1.76	Various detailed comments on individual infrastructure items.	Detailed updates have been made to the EB50 Infrastructure Delivery Plan.
IN2 Improving transport infrastructure		
1.77	No main issues raised regarding this particular policy, but a number of main issues raised in relation to transport infrastructure more generally - see also Hayling Island General, Hayling Island Transport Assessment, Mainland Transport Assessment and A27 Junction.	-
Mainland Transport Assessment (TA) and A27 Junction		

1.78	Comments have been received that flag a lack of confidence in the findings of the Mainland TA. Representations have also been made raising concern about uncertainty in relation to A27 Junction.	<p>Since the 2019 Reg19 consultation, the Council has continued to work with partner authorities and organisations. The following documents provide updates related to the comments in this section:</p> <ul style="list-style-type: none">• Mainland TA Addendum Southleigh Study (EB06)• SoCG with Hampshire County Council (SCG10)• SoCG with Chichester District Council (SCG13)• 2020 Reg19 response from West Sussex County Council (R297 20C01) <p>The Council is working on a Statement of Common Ground with Highways England.</p>
1.79	Hampshire County Council (Highways) supports the use of the SRTM in the TA but considers the report to be incomplete; detailed suggestions made.	
1.80	Highways England have submitted a technical review of the TA and would welcome the opportunity to discuss the proposed mitigation measures and the associated modelling results produced for A3(M) and A27, and are keen to continue discussions with Havant Borough Council about the potential siting and layout of a new junction on the A27.	
1.81	Chichester District Council and West Sussex County Council (Highways) seek clarification that the modelled transport impacts of development have been based on reasonable assumptions of planned development across the Chichester District and Havant Borough boundaries. Specific attention is drawn to the potential impact on the A27 Chichester Bypass and the A259, and whether the impact of development in Havant Borough, and the need for mitigation, has been robustly assessed.	
IN3 Transport and parking in new development		
1.82	Both support for and objections to the requirements for electric vehicle charging points have been received; objectors believe that the requirement is premature and over prescriptive.	Given national policy moves towards electric cars, it is not considered premature to bring in these requirements now.
IN4 Access onto classified roads		
1.83	No main issues.	-

IN5 Future management and Management Plans		
1.84	No responses.	-

The Environment

Para in CD17	Main Issues raised	Council's Response
E1 High quality design		
1.85	No main issues.	-
E2 Health and wellbeing		
1.86	No main issues.	-
E3 Landscape and settlement boundaries		
1.87	Following the allocation of Land north of Highbank Avenue (policy H47) it is requested that the settlement boundary of Waterloo is amended to include the allocated land.	This was an oversight. A change to the settlement boundary is made to the Policies Map (CD30).
1.88	Comments were received which support the policy; others seek greater flexibility to adapt to changing circumstances to meet development needs.	The Council considers that the policy strikes an appropriate balance between protection and flexibility.
E4 Development on the coast		
1.89	No main issues.	-
E5 Chichester Harbour AONB		
1.90	Chichester Harbour Conservancy considers that because the policy does not specifically refer to 'natural beauty', this policy is not legally compliant.	HBC has suggested wording changes to add 'natural beauty' (CD27).
E6 Best and most versatile agricultural land		

1.91	The settlement boundary map (Policy E3) follows the Borough’s geographical boundaries and development allocations rely on extensive use of agricultural land. There is hardly any land left outside the settlement boundary and no part of the Borough is deemed rural so unclear how the policy will work or if it serves a useful purpose.	Policy provides additional protection for BMV agricultural land over and above that provided by Policy E3.
1.92	The Local Plan includes not only a loss of BMV agricultural land for housing but also to Brent Goose and wader refuges to deliver the housing.	The Council recognises that current Government policy prioritises the meeting of housing need. The plan explains that it is for this reason that BMV agricultural land had to be allocated through the plan. The policy seeks to give greater protection to the remaining BMV land.
1.93	The Council has not made a case to defend its most valuable agricultural land against housing need.	
1.94	It is also questioned whether the policy wording is compliant with the NPPF which highlights that planning policies should recognise the benefits of BMV agricultural land whereas E6 restricts proposals that would result in the loss of such land.	
E7 Hermitage Stream		
1.95	No main issues.	-
E8 Protection of existing open space		
1.96	No main issues.	-
E9 Provision of public open space in new development		
1.97	No main issues.	-
E10 New and extended Cemeteries		
1.98	No main issues.	-

E11 Sports and recreation		
Missing para ref	No main issues	-
E12 Low carbon design		
1.99	The Environment Agency and Natural England suggest water efficiency should be addressed through broadening this policy or creating a new one. Long term implications for water resources with respect to climate change are uncertain. It is recommended that the enhanced water efficiency standard of 110 litres/person/day is included (see also section on Nutrient Neutral Development).	A change has been made to Policy E12 (Low Carbon Design) (CD27) to require proposals resulting in a net gain of overnight accommodation to achieve a maximum water use of 110 litres of water per person, per day, including external water use.
1.100	Suggestion that development should be carbon neutral or that policy should be redrafted and applications that fail to meet the Council's standards refused. Clear targets are needed and they would need to be amended following forthcoming changes to Part L. The 19% requirement is now a minimum and it is suggested that local authorities are able to seek higher standards.	Government has now enabled Councils to require higher standards. The policy allows for higher standards. The policy strikes the appropriate balance between ambitious standards and development viability.
1.101	It is also questioned whether the 19% CO2 reduction requirement is justified, that it is too onerous that its viability should be tested and that it would be inappropriate to penalise development that cannot achieve this figure.	
1.102	The requirement to meet BREEAM standards should only apply where it is appropriate and feasible to do so. Current wording is too restrictive.	The supporting text includes the following text, providing flexibility but the Council considers that the starting point for applicable new development is that it meets the standards of the policy: 'If the required rating is financially unviable or technically unfeasible, then this will need to be demonstrated with appropriate evidence in support of a planning application. In this instance, the applicant

		will be expected to meet the highest percentage BREEAM score that is viable.'
1.103	Suggestion that Havant's Energy Strategy, on which the policy is partly based, is inadequate.	Noted.
Havant Borough Biodiversity Strategy		
1.106	Natural England welcomes and supports the Biodiversity strategy.	The Council considers the Biodiversity Strategy to be robust and fit for purpose. Natural England supports the Biodiversity Strategy.
1.107	It is advised that consideration is given to an approach which will secure biodiversity offsetting. If offsetting is required, development can pay for conservation projects that deliver biodiversity benefits	The detailed points raised are addressed in the environmental policies within the Local Plan.
1.108	It is recommended that consideration is given to developing a suite of projects that development within the Brough can contribute to thereby ensuring the biodiversity within the Borough is protected and enhanced. This approach can be used by development with limited opportunities for biodiversity net gain on-site.	
1.109	It contains poor information, survey data needs to be kept up to date and it was prepared without cross-boundary partnership.	
1.110	It is a weak Biodiversity Strategy lacking in specific strategies which ensure the avoidance of harm, and lacks a strategic approach to maintaining and enhancing networks of habitats and green infrastructure across local authority boundaries.	
1.111	Does not achieve protection of protected species and protected habitat nor the minimising of impacts, and establishing coherent ecological networks that are more resilient to current and future pressures.	

1.112	Overlooks that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site.	
E14 The Local Ecological Network		
1.113	Natural England have concerns about the uncertainty about the impacts from local plan development on the water quality of designated sites and have suggested further amendments to wording to address the uncertainty. Natural England have also provided recommendations for air quality to ensure it is adaptive in respect to additional growth in the South Hampshire region.	<p>Noted. The Council is proposing an additional policy in the plan to address this matter (Policy EX Water Quality impact on the Solent European Sites). See Nutrient Neutral Development.</p> <p>Changes to Policy E14 are proposed (CD27) to reflect the need for joint working with partner authorities and bodies to develop a strategic approach towards air quality relevant to Havant borough and the wider sub-region.</p>
1.114	Chichester District Council have asked for wording to refer to joint working on air quality impacts and water quality impacts.	Changes proposed to this effect (CD27).
1.115	Westbourne Parish Council have highlighted that the landscape character of the River Ems should be protected and cross border impacts should be considered as well as wildlife corridors and linking them to green infrastructure.	A change is proposed to the policy to acknowledge that the local ecological network crosses administrative boundaries. An additional paragraph is also proposed within the supporting text to acknowledge the strategic wildlife corridor which includes the River Ems on the Havant-Chichester border.
1.116	Concerns over the approach used and lack of detail within the policy towards biodiversity net gain.	Noted. A change is proposed to make reference to DEFRA's Biodiversity Metric in the supporting text, recognising that pre-application discussions will be used to help determine potential methods of biodiversity net gain.
E15 Protected species		
1.117	There is concern that not all protected species are covered within this policy. There is also an over dependence on mitigation rather than an avoidance of harm.	The policy was substantially re-written and consulted on as part of the 2020 Regulation 19 consultation (CD08).

1.118	There is concern over the level of information that would be required to support a planning application.	The Council considers that the level of information is necessary in order to adequately assess the potential impact on protected species.
E16 Solent Special Protection Areas		
1.119	The policy is not as effective as it could be with regards to non-residential development within the policy text itself.	A change is proposed to acknowledge that this could include overnight accommodation.
1.120	There are concerns that the policy only addresses increased recreational disturbances from new developments and other impacts such as water quality, light intrusion and noise are not addressed.	Noted. The purpose of the policy is to address recreation impact on Solent European sites. Separate policies within the Local Plan deal with water quality, light intrusion and noise pollution.
E17 Solent Wader and Brent Goose feeding and roosting sites		
1.121	Please see Solent Waders and Brent Goose section above	-
E18 Trees, hedgerows and woodland		
1.22	No main issues raised.	-
Strategic Flood Risk Assessment		
1.123	The Environment Agency support the flood risk evidence that has been produced to underpin the plan.	Noted. See also SCG01.
1.124	The SFRA has not properly considered the wider context of sites, just the site and its immediate surroundings Local Plan 2036.	The Council considers it appropriate to consider the site and its surroundings in assessing flood risk at potential allocation sites. In addition, the SFRA does acknowledge areas of the borough with a broader context of flood risk – Emsworth for drainage and Hayling Island for tidal flood risk.
1.125	Soundness is questionable: The SFRA does not provide sufficiently detailed information to satisfy all of the requirements of a site-specific FRA as outlined in the National Planning Policy Framework.	The Council considers that the SFRA is sufficiently detailed to consider sites at a plan making level. Further detailed site specific FRAs will be necessary to accompany applications.

1.126	The Council is not looking far enough into the future to ensure that developments are protected for their lifetime (100yrs) from flooding - development cannot be considered where the lifetime of developments is compromised by flooding.	The most up to date information on future flood risk at the time of drafting the plan was the PUSH SFRA. This considers future flood risk to 2115.
1.127	Detailed comments on SFRA findings regarding site with SHLAA reference HY46.	See Land Not Included in The Plan section.
E19 Managing flood risk in new development		
1.128	The policy should not seek to resist development on unallocated sites in Flood Zones 2 & 3.	The policy is in line with the NPPF in seeking to minimise development in Flood Zone 2 and 3. The Council is therefore satisfied with the approach taken, but wording changes have been made to the supporting text to clarify what applicants with sites in flood zones 2 and 3 would need to do.
1.129	Policy (bullet f) contravenes CIL Regulations.	It is assumed that this relates to Regulation 123. This was removed from the CIL regulations in 2019.
1.130	The policy needs greater emphasis on flood protection measures for new builds in vulnerable areas.	The policy requires development to be safe over its lifetime without increasing flood risk elsewhere, and that flood protection, resilience and resistance measures address the specific requirements of the site. This includes flood protection measures.
1.131	There is a need for a better understanding of cumulative flooding from various sources and commitment to more community studies on flooding.	The Council agrees that it is necessary to understand cumulative flood risk from different sources before development takes place. Where relevant, these have been flagged in the SFRA. Site specific FRAs must further address this in detail.
E20 Drainage infrastructure in new development		
1.132	No main issues raised.	-
E21 Aquifer Source Protection Zones		
1.133	No main issues raised.	-

E22 Amenity and Pollution		
1.134	No main issues raised.	-
E23 Air Quality		
1.135	No main issues raised.	-
E24 Contamination		
1.136	No main issues raised.	-

Housing

Para in CD17	Main Issues raised	Council's Response
H1 High quality new homes		
1.137	Hampshire County Council (Adult Services) welcomes policy but suggests policy should require all new affordable homes to be built to Building Regulations M4(2).	HBC and HCC have discussed this matter further. The authorities agree that requirements for M4(2) standards to be met should relate to all tenures, as proposed in the Pre-Submission Plan, rather than affordable housing only, as referred to in HCC's consultation response. The suggested level of 30% was viability tested and the viability report (para 3.9.9) ¹ confirms this to be a suitable level, which if exceeded may have too great an impact on viability. HBC and HCC therefore agree that the requirements set out in the Regulation 19 plans are appropriate (See SCG10).
1.138	Objections were received from housebuilders in relation to the requirements for internal space standards and enhanced accessibility and adaptability standards. Issues were raised around the Council's justification for the introduction of these requirements and impact on affordability.	The Council seeks to introduce these standards to ensure high quality homes are developed. The relevant standards have been included in the Plan's Viability Assessment. This is set out in the annex to the letter to the Inspectors submitted in April 2021 (CR08).
1.139	Comments on the Local Plan and CIL Viability Study raised concern that the viability of space standards has only been tested at a relatively high level and it may compromise the deliverability of allocations.	The Council is satisfied that its plan level Viability Study meets the requirements set out in national guidance. This is set out in the annex to the letter to the Inspectors submitted in April 2021 (CR08).
H2 Affordable Housing		
1.140	The Emsworth Forum object to the policy on the basis there should be a requirement for 40% affordable housing in Emsworth in accordance with the Draft Neighbourhood Plan.	Since consultation on the 2019 Regulation 19 version of the Local Plan, the Emsworth Neighbourhood Plan has successfully passed its examination and is due to be subject to referendum on the 8 July 2021.

		The Examiner recommended detailed modifications to the affordable housing policy in the Neighbourhood Plan to ensure consistency with HBC's standards or any future updates. Policy L1 of the final version of the ENP reflects these changes.
1.141	<p>Other objections relate to:</p> <ul style="list-style-type: none"> ▪ The requirement for affordable home ownership products to be provided as shared ownership products and flexibility of the associated tenure split; and ▪ The plan not adequately addressing the need for affordable rented homes and concern that shared ownership products will not meet housing need. ▪ Affordable housing requirement should be reviewed as a result as a result of density requirement in H3 (see below) 	<p>The Council has based its requirement on local need; the policy allows for exceptions.</p> <p>The Council is aware of the need for affordable rented homes in the borough, and has required the maximum possible whilst maintaining development viability. The 30% overall affordable requirement is based on the EB48 Local Plan and CIL Viability Study, and there is a national requirement for 10% affordable home ownership. The policy also makes clear that a greater proportion of affordable homes is encouraged.</p> <p>See comments on 1.143 below.</p>
H3 Housing density		
1.142	Representations consider the policy should be more flexible to account for local circumstances.	The policy was drafted taking into account built form across the borough (see EB41 Residential Density Evidence Paper). The policy also states that 'Whilst the 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.'
1.143	Density requirements should be tested through the Local Plan and CIL Viability Study – the density thresholds are not reflected. Concerns raised that development will not be viable with increased levels of planning obligations. Suggested the affordable housing requirement should be reviewed as a result.	The EB48 Local Plan and CIL Viability Study took into account both affordable housing and density requirements.
H4 Housing mix		

1.144	The policy should be more flexible to account for local circumstances. Concerns are also raised in relation to the impact on development viability.	Standards are designed to address imbalances in the existing built stock to address local housing need; wording changes have been suggested to allow for circumstances where local housing needs evidence suggests an alternative approach should be taken to address an imbalance of housing sizes in a particular part of the Borough. Housing mix requirements were taken into account in the EB48 Local Plan and CIL Viability Study.
H5 Retirement and specialist housing		
1.145	The need to plan for differing tenures of specialist housing products has not been considered. Sites for specialist housing should be identified.	The Plan does flag within site opportunities and constraints sites which are considered particularly appropriate for specialist accommodation for older people (Policies KP5, H12, H22, H37). However, any site that meets the criteria in Policy H5 is potentially suitable, and the council did not wish to prejudice where private and/or public sector providers may seek to deliver such accommodation.
H6 Residential annexes		
1.146	No main issues raised.	-
H7 Gypsies, travellers and travelling showpeople		
1.147	The requirement in H7b to simply demonstrate that the applicant is a member of the relevant community is against the process set out in the Planning Policy for Traveller Sites. The text should be reverted to what was in the Draft Local Plan which states that the proposal should meet an identified local need, however Winchester City Council supports the proposed approach in the Pre-Submission Plan.	The Council's EB47 Gypsy, Traveller and Showpeople Accommodation Assessment (GTAA) identifies a need for one additional gypsy and traveller pitch which has been met through a grant of planning permission (detail of this is set out in footnote 114, within the H7 policy section). As such, the Council considers it appropriate to refer to the definition of Gypsies, Travellers and Travelling Showpeople in Annex 1 of the Planning Policy for Travelling Sites.
Self and custom build housing		
1.148	Suitable sites and plots for self and custom build housing should be identified in the Local Plan so that not all sites are built out by large	The Council is supportive of self and custom build plots in addressing housing need (see Policy DR2). The EB38 Specialist Housing Analysis suggests there has been a consistent supply of available plots to meet

	<p>developers. The Plan should signal the Council's responsibility under the Right to Build legislation.</p>	<p>the needs of self and custom lots over the plan period. However, if there is a need, there is a clear developer requirement in Policy KP5 (Southleigh) for the provision of self-build plots.</p>
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Commercial Development

Para in CD17	Main Issues raised	Council's Response
C1 Protection of existing employment sites		
1.149	No main issues.	-
C2 Tourism		
1.150	The policy test for the loss of tourism premises should include a criteria-based assessment to consider the suitability of alternative 'non-tourism' uses.	The Council considers the addition of such a criterion would be likely to create an overly burdensome policy for proposals involving the loss of land or premises last used for tourism purposes.
C3 Cowplain District Centre		
1.151	No main issues raised.	-
C4 Emsworth District Centre		
1.152	No main issues raised.	-
C5 Mengham District Centre		
1.153	No main issues raised.	-
C6 Local centres, local shops and services		
1.154	No main issues raised.	-
C7 Protection of existing community facilities and shops		

1.155	The policy should make explicit reference to it being applicable to cultural facilities which may include sui generis uses (for consistency with NPPF paragraph 92).	Wording changes have been proposed to address this point.
C8 Food, drink and entertainment uses		
1.156	Object to the policy on the basis that there have been no assessments of demand or need for hot food takeaways; the impact on jobs, accessibility, choice, vitality and viability; and what concentrations might be acceptable Borough wide having regard to catchments and town centres.	There is no requirement to assess the demand or need for, or to ensure a minimum level of provision of such uses. In any case, evidence shows that Borough has a high proportion of takeaways compared to the rest of Hampshire County. The Council takes its role in supporting health objectives seriously, and the restrictions in the policy are put forward on this basis.
1.157	Support for policy but reference to use of menu sampling conditions would have an unacceptable impact on business and would take an inconsistent approach to different types of food operations.	It is accepted that the wording as drafted is unclear and implies that the council may seek to control different types of food for sale. In fact, menu samples may be requested to assess the types of environmental protection measures (e.g. extraction systems) required. Text changes were made as part of the 2020 Regulation 19 consultation (CD08) to address this.

Development Allocations: Emsworth

Para in CD17	Main Issues raised	Council's Response
H8 Land north of Long Copse Lane		
No para ref	<p>Objection to the allocation, broadly covering:</p> <ul style="list-style-type: none"> ▪ The site is in an isolated, sensitive, unsustainable location; ▪ The site yield is not needed for the Council to meet its housing target; ▪ Development here would be detrimental to the landscape / the rural character of this part of the borough, and would have an impact on the South Downs National Park; ▪ Unacceptable impacts on transport and social infrastructure of surrounding area; as well as road safety; ▪ Unacceptable impact on habitats and biodiversity, in particular the wildlife corridors from the South Downs National Park to Chichester Harbour AONB; ▪ Increased flood risk. 	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and CD10 Sustainability Appraisal.</p> <p>More detail as to the Council's consideration of the site's constraints and why it is necessary to allocate the site are set out in the Sites Topic Paper (TP02).</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints. These are set out in Policy H8 of the submission plan (CD01) as development requirements to be addressed.</p>
1.158	West Sussex County Council considers that the quantum of development should be based on drainage capacity.	The Council does not consider that the site capacity should be limited based on drainage capacity at the plan-making stage. Drainage capacity will be established through the application process, in accordance with Policies E20 (and E19) of the Plan.
1.159	The Landscape Study is inconsistent in its consideration of land parcels at site H8.	The Council accepts in the Sustainability Appraisal (CD10) that there would be a "negative effect" in terms of objective 7 which addresses landscape.

		More detail as to the Council's consideration of the site's constraints and why it is necessary to allocate the site are set out in the Sites Topic Paper (TP02).
H9 Land at Selangor Avenue		
No para ref	No main issues raised.	-
H10 Land west of Coldharbour Farm		
No para ref	No main issues raised.	-
H11 Gas Site, Palmer's Road		
No para ref	No main issues raised.	-
H12 Emsworth Victoria Cottage Hospital		
No para ref	No main issues raised.	-
H13 Fowley Cottage		
1.160	Chichester Harbour Conservancy considers that the proposal constitutes a major development just outside the AONB, which will affect the character and setting of the protected landscape.	Noted. The need to conserve and enhance the AONB to the south is reflected in the policy requirements.
1.161	<p>Other representations also object to the scale of development proposed on the allocation, and the increase from 7 dwellings in the Draft Local Plan to 40 dwellings in the Pre-Submission Local Plan; concerns are related to:</p> <ul style="list-style-type: none"> the developable area likely to be restricted due to flood risk and aquifers which underlie the site; restricted access and highway safety; 	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal.</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints, and set out as development requirements to be addressed.</p> <p>Nevertheless, on this site, objections relate substantially to the quantum of development on the site. This has been reassessed and is proposed to be reduced from 40 dwellings to 20 dwellings.</p>

	<ul style="list-style-type: none"> ▪ significant extra car parking associated with improved/new access to coastal path; ▪ impact on mature and protected trees; ▪ impact on local infrastructure; ▪ the loss of open space / greenfield site. 	
C9 Interbridges West		
1.162	Potential conflict between allocation here and need to safeguard land for A27 junction, calling into question deliverability of one or the other.	See Council's response (CR08) to inspector's questions (CR06)

Development Allocations: Havant & Bedhampton

Para in CD17	Main Issues raised	Council's Response
H14 Forty Acres		
1.163	Highways England acknowledge the current planning application, and discussions between the applicant, Havant Borough Council and Hampshire County Council regarding a suitable potential mitigation package to integrate pedestrian and cycle routes between the development and the Rusty Cutter roundabout and ensure the safe and efficient operation of the strategic and local road networks are maintained for all road users.	Planning permission reference APP/18/00450 has been granted and development has commenced.
1.164	The site promoter is supportive of the policy but does not consider that mitigation for Solent and Waders should be provided pre-development, but the first winter season following commencement of development. They also consider that parts of the policy should be more positively worded. Wording changes proposed.	
1.165	Other main issues raised: <ul style="list-style-type: none"> concerns around further traffic in this area; highway safety and school children having to walk/cycle to school; and highway improvements needed around the Rusty Cutter roundabout; concern about noise and air pollution both to future occupants and caused by development; impact on residents' health and wellbeing. 	

	<ul style="list-style-type: none"> ▪ Impact on wildlife and ecology; site should be designated as a Primary Support Area for Brent Geese and Waders; and loss of protected wildlife including bats. ▪ Loss of high quality agricultural land; brownfield sites should be used first; ignores PUSH statement that gaps will be maintained; and need to maintain identify between Havant and Portsmouth ▪ improvements to education, health facilities and other infrastructure needed; ▪ Concerns in relation to size of pumping station needed in south west of the site, vibration, noise and potential odour associated with the pumping station; impact on residential amenity of Westway residents; what happens in the event of the failure of the pumping station. 	
H15 Land east of Castle Avenue		
1.166	No main issues raised.	-
H16 Land south of Bartons Road		
1.167	No main issues raised.	-
H17 Portsmouth Water Headquarters		
1.168	No main issues raised.	-
H18 Camp Field, Bartons Road		
1.169	It is questionable whether development of the site is feasible without causing irreparable harm to the populations of rare bat species.	Outline planning permission (APP/19/00007) has been granted.
H19 Havant Garden Centre		

1.170	No main issues raised.	-
H20 Land south of Lower Road		
1.171	<p>Historic England notes that development could have some impact on the conservation area, but that the policy includes a number of requirements intended to ensure that the impacts on heritage assets that would arise from the development of this site will be minimised. Historic England considers that, if these requirements are strictly adhered to, the impacts on the special interest, character and appearance of the Conservation Area, as currently designated, arising from the development of this site would be acceptable.</p>	Noted. This is set out in the Council's Statement of Common Ground with Historic England (SCG02).
1.172	<p>Objectors claim that the development cannot be considered sustainable, due to:</p> <ul style="list-style-type: none"> ▪ Cumulative impact and harm to landscapes of archaeological, historical and cultural heritage importance and their settings, in particular Old Bedhampton Conservation Area and loss of historic hedgerow and sunken lanes; ▪ Highways safety and highway capacity impacts; ▪ Likely decrease in walking and cycling and associated health and wellbeing effects; ▪ Loss of BMV agricultural land; ▪ Loss of tranquillity; ▪ Increase in air pollution; ▪ Impact on wildlife, including Bechstein's bat, Brent geese and wading birds; ▪ Loss of potential ecological mitigation land; 	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal. The studies which inform the Local Plan are robust and the allocation policy and its content were informed by them.</p> <p>More detail as to the Council's consideration of the site's constraints and why it is necessary to allocate the site are set out in the Sites Topic Paper (TP02).</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints. These are set out in Policy H20 of the submission plan (CD01) as development requirements to be addressed.</p>

	<ul style="list-style-type: none"> ▪ Sets precedent for further development on adjacent land; ▪ Impact on social infrastructure; ▪ Poor design; ▪ Prematurity; ▪ Remote location for social housing; ▪ Unlikely to fully be in 5 year supply; ▪ Light pollution; ▪ Loss of (rural) character and local distinctiveness; ▪ Conflicts with LTP3 South Hampshire Joint Strategy Policies and Objectives. 	
1.173	The Landscape study has failed to consider a number of relevant factors in relation to the area around site H20. Independent analysis has been submitted to the Council and not considered.	
1.174	It is unclear whether mitigation would be effective and what monitoring and review mechanisms exist. Mitigation must not be seen as a tool to merely advance contentious aspects of a plan with little regard to outcomes.	
1.175	The allocation is based on flawed assessments (Landscape study; Sustainability Appraisal and Integrated Impact Assessment).	
1.176	Key pieces of evidence were not completed in time to inform the allocation (Conservation Area review; Transport Assessment; Bechstein's Bat Protocol; Brent Goose and Wader mitigation	

1.177	The previous inspector rejected an allocation here, and the position has not changed since that report (2014).	
H21 Wessex Site		
1.178	No main issues raised.	-
H22 Littlepark House		
1.179	It is questionable whether development of the site is feasible without causing irreparable harm to the populations of rare bat species.	The policy requires appropriate buffers and bat mitigation.
H23 Southleigh Park House		
1.180	It is questionable whether development of the site is feasible without causing irreparable harm to the populations of rare bat species.	There is outline planning permission (APP/17/00863) on this site. The policy requires appropriate buffers and bat mitigation as part of any reserved matters application.
H24 Land at Palk Road		
1.181	No main issues raised.	-
H25 Helmsley House		
1.182	No main issues raised.	-
H26 9 East Street		
1.183	No main issues raised.	-
C10 Brockhampton West		
1.184	No main issues raised.	-

Development Allocations: Hayling Island

Para in CD17 report	Main Issues raised	Council's Response
H27 Rook Farm		
1.185	Various representations raised issues in relation to the loss of the Core Area for Brent Geese and Waders (these are included in the Brent Goose and Wader section above).	
1.186	<p>Objectors claim that the development cannot be considered sustainable, because:</p> <ul style="list-style-type: none"> ▪ Planning permission for housing development was previously refused; ▪ The allocation is not required for the Plan to meet housing need; ▪ It is unclear how access onto Manor Road will be achieved but access from St Mary's Road is unsuitable; ▪ Highways impact of the development; ▪ Loss of grade 2 agricultural land; ▪ Land used for recreation and dog walking; ▪ Loss of amenity for existing residential properties; ▪ Impact on St Mary's Church; ▪ The site is prone to flooding; ▪ Impact on wildlife. 	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal.</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints, and set out as development requirements to be addressed.</p> <p>Wording changes were made in the CD08 2020 Regulation 19 consultation to state that access from St Mary's Road should be for emergency access only. Subsequent changes (CD27) are recommended to include reference to access from Lulworth Close. Also see 3.82 in Section 2 below.</p>
H28 Fathoms Reach		

1.187	No main issues raised.	-
H29 Land north of Sinah Lane		
1.188	Various representations raised issues in relation to the loss of the Primary Support Area for Brent Geese and Waders (these are included in the Brent Goose and Wader section above)	
1.189	<p>Objectors consider that the development cannot be considered sustainable because:</p> <ul style="list-style-type: none"> ▪ The site is designated as a SINC; ▪ Site has complex drainage system; concerns in relation to raising ground level and the use of the SuDS; ▪ Recent failures in the wastewater network; ▪ Surface water flooding during high tides and storms; and tidal flood risk; ▪ Highway congestion and road safety through West Town; ▪ Need to maintain safe routes through to the Billy trail; ▪ Development viability given the site constraints and loss of greenfield/agricultural land. 	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal.</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints, and set out as development requirements to be addressed.</p> <p>At the time of writing, two planning applications have been lodged for the site, both for 195 dwellings and virtually identical in nature. The first (APP/18/00724) was appealed against non-determination (appeal reference APP/X1735/W/20/3253633).</p> <p>The Council has resolved to grant full planning permission for the second application (APP/20/01093).</p>
H30 Land north of Tournurbury Lane		
1.190	Object to the allocation on the basis there is a restrictive covenant on the land and no development may take place without written agreement of the Tournurbury Woods Estate.	A change was made to delete site allocation in the CD08 2020 Pre-Submission consultation. Discussions between the Council and the site promoter are ongoing regarding the site's availability.
H31 Manor Nurseries		
1.191	No main issues raised.	-

H32 Pullingers		
1.192	No main issues raised.	-
H33 Land rear of 13-21 Mengham Road		
1.193	No main issues raised.	-

Development Allocations: Leigh Park

Para in CD17	Main Issues raised	Council's Response
H34 Cabbagefield Row		
1.194	No main issues raised.	-
H35 Colt Site		
1.195	No main issues raised.	-
H36 Scottish and Southern Energy Offices		
1.196	The site promoter considers an allocation for a mixture of residential and a builder's yard based on an earlier pre-application enquiry to be unsound (included in the Draft version of the Local Plan). The site should be allocated for a range of uses given that a wholly residential scheme has not come forward since the site was allocated in the Allocations Plan (2014).	The Council considers that a wholly residential scheme is the most appropriate scheme for this site.
H37 Land at Dunsbury Way		
1.197	No main issues raised.	-
H38 Land at Riders Lane		
1.198	Concern that the density requirement is not consistent with the findings of the Local Plan and CIL viability study and may make this development unviable. The threshold for affordable housing may therefore need to be reviewed.	See Density Policy H3 above.
H39 Strouden Court		

1.199	Concern that the density requirement is not consistent with the findings of the Local Plan and CIL viability study and may make this development unviable. The threshold for affordable housing may therefore need to be reviewed.	See Density Policy H3 above.
C11 Land at Hulbert Road		
1.200	No main issues raised.	-

Development Allocations: Waterloooville

Para in CD17	Main Issues raised	Council's Response
H40 Campdown		
1.201	Consultees, including Natural England, highlight that the site is a Primary Support Area for Brent Geese, and question whether adequate mitigation is possible. It is Natural England's view that a thorough mitigation strategy will be required and advise that it may be difficult to achieve net biodiversity gain from this development.	Changes are proposed to ensure that development fully complies with the Habitats Regulations, including mitigation of habitat loss. Achieving biodiversity net gain would be necessary to comply with Policy E14 but nonetheless is likely to be required to comply with forthcoming legislation in the form of the Environment Bill. More detail regarding the Council's approach is set out in the Statement of Common Ground with Natural England (SCG15).
1.202	Historic England state that development at Campdown has the potential to affect the significance of three scheduled monuments and requests that further work is undertaken, to fully assess the contribution of the setting of these three scheduled monuments to their significance. An assessment should also be made of the potential archaeological significance of these settings, before Historic England would consider this allocation is sound, and to indicate whether or not development on this site is acceptable in principle and, if so, over what area and of what layout and form.	A wording change has been included in the 2020 Regulation 19 consultation (CD08). The Council considers that detailed assessments should take place at application stage, and the associated requirements are reflected in the site allocation policy. See SCG02 for further details.
H41 Woodcroft Farm		
1.203	No main issues raised.	-
H42 Blue Star		
1.204	No main issues raised.	-
H43 Goodwillies Timber Yard		

1.205	No main issues raised.	-
H44 Padnell Grange		
1.206	No main issues raised.	-
H45 Woodcroft Primary School		
1.207	No main issues raised	-
H46 Land at Waterloooville Golf Club		
1.208	No main issues.	-
H47 Land north of Highbank Avenue		
1.209	Winchester City Council highlights that the site is included in the Winchester SHELAA however that does not give commitment to allocating it. Part (a) should be amended, suggested text is provided.	Text changes were made for the 2020 Regulation 19 Consultation (CD08) which address both of these points. Due to an error, these did not show up as ‘tracked’ but had in fact been made.
1.210	The site promoter supports the allocation though highlights a discrepancy in the suggested yield between the policy and supporting text. Supports a yield of 25 dwellings.	
C12 Former BAE Systems Park		
1.211	No main issues raised.	-

3. 2020 Pre-Submission Consultation

Main issues: legal compliance

Para in CD19	Main Issues raised	Council's Response
Duty to cooperate		
2.2	Portsmouth City Council and Winchester City Council both note the reduction in housing supply compared to housing need and the resultant inability to address Portsmouth City's unmet housing need. Winchester City Council expresses concern that no contribution can be made, although highlights the constraints of Havant Borough. Portsmouth City Council does not object to the revised position and inability to address the city's unmet need. Both highlight the need to work collaboratively through the Partnership for South Hampshire to address this strategically.	Noted. This position is agreed between the respective parties and is set out in Statements of Common Ground with Portsmouth City Council (SCG04a) and Winchester City Council (SCG08, see Appendix 4), and between Havant Borough Council and the rest of the PfSH authorities (SCG05).

Main issues: soundness

New Policies

Para in CD19	Main Issues raised	Council's Response
EX1 Water Quality impact on Solent European Sites		
3.2	Natural England and Chichester District Council support the policy. They and others welcome the Council's efforts to put in place a strategic solution to the nutrient neutrality question to allow development to continue to come forward.	Noted.
3.3	<p>Others question the validity and / or the effectiveness of the policy, for the following reasons:</p> <ul style="list-style-type: none"> • Questions raised on the findings of Ricardo report, which underpins the policy; • Lack of public communication and participation in the Council's proposed solution to the nutrient neutrality question; • Warblington Farm is unsuitable as mitigation (see EX2); • A broader, system wide solution is needed (e.g. Solent wide); questions are raised regarding the suitability of the solution for dealing with increased nutrients from Thornham WwTW; • Flexibility of the policy: notwithstanding support for the solution, a longer term solution is needed, which should be reflected in policy wording; policy needs flexibility to adapt to future judgements and possible alternative solutions; there is no mechanism in place for monitoring and evaluating effectiveness of the policy; • 'Significant effects' are ill defined; 	<p>The Council included the policy in order to ensure all new development can be nutrient neutral, in order to prevent a likely significant effect under the Habitat Regulations – a question of legal compliance. The review of the Budds Farm catchment study (EB10) confirms this.</p> <p>The Council's strategic mitigation scheme at Warblington is just one of the options available to developers. The allocation of the land for this purpose was subject to public consultation as part of the 2020 Regulation 19 Local Plan (CD08). The Review of Warblington Farm Study (EB12) confirms there is a demonstrable scientific link between the mitigation scheme and the increase in nutrient load from new development within Havant Borough.</p> <p>It is acknowledged that the scheme at Warblington has a finite capacity but provides Havant borough with a solution until a sub-regional mitigation strategy is put in place and/or the outcomes of the current Review of Consents by the Environment Agency has concluded. The Council is continuing to work with PfSH through the</p>

	<ul style="list-style-type: none"> Policy relies on Natural England's methodology for calculating nutrients; given that the policy relies on this, this methodology should be examined alongside the plan; and Southern Water's capacity to deal with flows at the present time remains an issue. 	Water Quality Group to coordinate the creation of a sub-regional mitigation scheme.
EX2 Warblington Farm		
3.4	Natural England welcomes the strategic approach to nutrient neutrality but note that until survey work has been completed there is uncertainty as to whether the site can function as an appropriate bird refuge for Campdown (H40).	This uncertainty is acknowledged - changes are proposed (CD27) to the relevant criterion in the Campdown site allocation (Policy H40) to provide flexibility for an alternative off-site mitigation solution. This has also been addressed in SCG15.
3.5	<p>In relation to Water Quality Mitigation:</p> <ul style="list-style-type: none"> Warblington Farm will not be sufficiently effective in mitigating additional nutrient loads created by new development. The current nitrogen load of the land should be measured more accurately and reassessed after any management changes. The nitrates from farming will be replaced by nitrates from sewage, meaning no improvement. The land is not intensively farmed and will not provide enough mitigation to offset nutrient discharge. There is no information about the amount of nitrates available from Council's mitigation scheme. 	<p>See response to EX1 above.</p> <p>The land will be taken out of intensive agricultural use and managed in such a way which does not add nitrogen to the land.</p> <p>The Council has purposefully not confirmed the amount of mitigation available. This is because it may be subject to change as any further phases of the scheme come on stream and equally as the mitigation is used by developments. However, the Council does monitor the capacity of mitigation available at Warblington for developers to use during the planning application process.</p>
3.6	<p>In relation to the Brent Goose and Wader Refuge:</p> <ul style="list-style-type: none"> Warblington Farm will not be an effective replacement habitat for development at Campdown (H40). The farm is already a major refuge for Brent Geese, so it cannot be used as a replacement habitat. 	<p>See response to 3.4.</p> <p>Whilst it is acknowledged that a number of SPA species already use the site, there is a significant opportunity to improve the suitability of land for these species.</p>

	<ul style="list-style-type: none"> Warblington Farm has finite capacity to support over-wintering bird species during high tides. Animal grazing is needed if these fields are to be managed to support additional birds. 	<p>Geese feed from intertidal areas, as well as inland sites and so would not affect the ability of the site to support other over-wintering birds.</p> <p>A management plan will help inform how the land is managed for the suitability of birds. Natural England are supportive of the use of the site as a refuge.</p>
3.7	<p>Other comments included:</p> <ul style="list-style-type: none"> The farm should remain in food production as Best and Most Versatile agricultural land. The site cannot be used for both nutrient mitigation and a Brent Geese and Wader refuge. 	<p>Agricultural practices are a significant contributor to nutrient levels in the Borough – taking this land out of intensive agricultural use means nutrient levels will be reduced.</p> <p>The Council is of the view that the land can be managed in such a way to provide multiple benefits –the creation of a new nature reserve will provide both a suitable replacement habitat for birds and nutrient mitigation (where it can also be managed in a way which does not add a nitrogen load to the land).</p>
HX1 Land rear of 15-27 Horndean Road		
3.8	No comments received.	-

Para in CD19	Main Issues raised	Council's response
Sites not included in the plan		
3.9	<p>Responses were received with regard to sites not included in this version of the plan. All representations were from site promoters, agents or landowners in relation to the following.</p> <ul style="list-style-type: none"> • Land north of Tournurbury and Hayling College - the former was previously included as an allocation (H30 in the 2019 Pre-Submission Plan which is now removed by the 2020 Pre-Submission Plan). • Land at Tournurbury (plan not included in submission). <p>Site plans are provided at Appendix 2.</p>	An overview of Omission Sites is included in the Sites Topic Paper (TPO2).

Other changes

Para in CD19	Main Issues raised	Council's response
DR1 Delivering sustainable development in Havant borough		
3.11	Historic England comment the social and environmental elements of sustainable development are not carried through into the policy.	Noted, this is the nature of the policy which relates to the quantum of development over the plan period. This policy should be read with the Plan as a whole which includes policies which support social and environmental objectives.
3.12	The Plan should make it clear that housing need is a 'minimum' level of housing provision over the Plan period. The Council should consider whether adjustments need to be made to the local housing need figure.	A change is proposed to Table 2 to make clear that housing need is a 'minimum'. The PfSH Economic, Employment and Commercial Needs (EB60) concludes there is no reason to consider more homes above the Standard Method to unlock economic growth.
	The standard method should not act as a ceiling for the ambitions of local authorities.	Noted. The total objectively assessed housing need figure is not presented as a ceiling.
	The housing total of 10,773 homes should be positively expressed as the Plan's housing requirement and the reference to a buffer of 340 homes should be removed.	The figure of 10,773 represents the total housing supply for the plan period (2016-2037). This is intended to address the Borough's objectively assessed housing need with a buffer to respond to rapid change in line with NPPF para 11a.
	The calculation of housing need has not been informed by unmet need across the PfSH area.	The Council has worked extensively with neighbouring authorities, through PfSH since the start of the Local Plan and indeed before then.
	A realistic assessment of unmet need from Portsmouth City is required in order for Havant to develop a sound housing policy.	A Spatial Position Statement between the PfSH authorities was agreed in 2016 which sets out the approach to addressing housing need in the sub-region up to 2034 (EB40). This includes assessment of unmet need across Housing Market Areas, which were in place at the time. Subsequently a strategic statement of common ground has been agreed (SCG09). This in turn will lead to a Joint Strategy between the PfSH authorities. A separate Statement of Common Ground has been agreed with Portsmouth City Council (SCG04a (see paras 8-13)). Together with

Para in CD19	Main Issues raised	Council's response
		the Statement of Common Ground with the PfSH Authorities (SCG05 (see paras 19 & 20)), these confirm that due to the constraints facing the Borough, it is not possible to accommodate any of Portsmouth City's unmet need.
3.13	A 2% buffer of total housing need is not sufficiently flexible to ensure that housing needs are met in full.	It is acknowledged the buffer included in the Submission Local Plan is relatively modest, but reflects the fact there has been a need to extend the plan period to 2037, and there is a need to plan for an additional years' worth of housing need (in 2036/37).
	Further consideration should be given as to whether additional sites should be allocated to meet affordable housing needs and address unmet needs in neighbouring areas.	The Council considers that 'no stone has been left unturned' in finding sustainable housing sites to meet a high level of housing need. Any site which has been deemed suitable for development has been allocated. An overview of Omission Sites has been included in the Sites Topic Paper (TPO2).
3.14	The Plan does not include a trajectory setting out the expected delivery of new homes as required by paragraph 72 of the NPPF.	Noted. The Council did not include a housing trajectory in the 2020 Pre-Submission Local Plan (CD08) because the nature of housing supply fluctuations means that the information would become out of date very quickly. A tabular trajectory of the five year supply and a graphical housing trajectory of the plan period are available as appendices 2 and 3 of the Five Year Supply Update (EB36). A tabular and summary trajectory for the plan period (2016-2037), has also been included in the Topic Paper on the plan's overall strategy (TP01).
	There is no evidence to match housing need with employment provision.	The Employment Land Review Update report (EB54a) considers the impact of the standard method on household formation and labour supply.
3.15	Westbourne Parish Council notes that sustainable homes should not be sacrificed in order to achieve rapid delivery through modern methods of construction.	Noted. It is presumed that this refers to the Council's ability to secure energy efficiency in new homes. Policy E12 (Efficient use of resources

Para in CD19	Main Issues raised	Council's response
		and low carbon homes) sets out the relevant policy requirements in terms of energy efficiency and sustainability in new homes.
KP3 Hayling Island Regeneration		
3.16	Hampshire County Council state there also needs to be specific referencing to linking and enhancing the Hayling Billy trail.	The Billy trail forms part of the mitigation measures in the HITA (EB03), its addendum (EB04) and the IDP (EB50).
3.17	Historic England request specific requirements for archaeological assessment for Beachlands, West Beach and Northney Marina.	A requirement for a Heritage Impact Assessment has been reflected in the relevant allocations. This reflects the need for applicants to undertake archaeological assessments and evaluations to inform the design and layout of a proposal as part of a Heritage Impact Assessment in accordance with paragraph 5.142 of the supporting text.
3.18	A landowner states the plan fails to acknowledge the important economic contribution made by activities and events at Tournerbury to the regeneration of the Hayling Island economy. A site-specific policy would rectify this (also see Sites not included in the Plan).	The Council does not consider a site specific policy is warranted. The Council is currently considering an application for a Certificate of Lawfulness for the existing use of the site.
3.19	North East Hayling Island Residents Association suggest the degeneration of West Beach has not been taken into account and that the Microsimulation report is out of date.	It is unclear what the change to the plan this comment is seeking. If it is considered that the site is degenerated, this would appear to support policy KP3, which seeks the regeneration of the site. For the Council's response to microsimulation comments, see sections in this table relating to Hayling Island TA.
KP3 Northney Marina		
3.20	Chichester Harbour Conservancy consider that the allocation of Northney Marina is not sound and should be removed from the Local Plan. The main issues from their representation can be summarised as follows:	The respective Parties' positions, including the Council's response to these matters are set out in SCG12.

Para in CD19	Main Issues raised	Council's response
	<ul style="list-style-type: none"> • The site is considered to be major development and is entirely within the AONB where development should only occur in exceptional circumstances. • It is stated by the conservancy that Havant Borough Council is permitting more development within the plan than the objectively assessed need requires meaning that the Northney site is not essential for these numbers to be met and should be removed. • Development in the AONB should not be permitted to provide funding for the sea wall at Sparkes Marina - a different site. • The development would breach the policies of the previous AONB Management Plan (2014-2019) (LS1, BD1) and the current Management Plan (2019-2024) (Policy 1, Policy 2, Policy 8). • The Landscape and Visual Impact Appraisal is insufficient to demonstrate that the Council has discharged its duty of regard to the AONB under the Countryside and Rights of Way Act of 2000. 	
KP5 Southleigh		
3.21	Some support is expressed for the allocation.	Noted.
3.22	As in 2019, some highlight the need for the link road, while others, including Hampshire County Council as Local Highway Authority and key landowners question whether it is needed and how it will be delivered.	The Council's evidence base suggests that the link road is needed (Mainland TA Addendum Southleigh Study - EB06). Nevertheless, it is acknowledged, including through Statements of Common Ground with the Local Highway Authority (SCG10) and the majority Landowner (SCG 11) that further work is needed to establish the exact trigger points, and to work on reducing the need to travel and encourage sustainable modes before committing to large scale highways interventions. Modifications to the supporting text of KP5

Para in CD19	Main Issues raised	Council's response
		have been suggested through CD27 to clarify the current position on the need for the road and junction.
3.23	Chichester District Council suggest that KP5 should explicitly recognise limited capacity at Thornham WwTW.	Southern Water is the statutory wastewater undertaker for both Chichester District and Havant. Thornham Wastewater Treatment Works serves relatively small parts of both areas. It is not within either of the Council's control to determine where development wastewater should drain to, that is something which Southern Water determines.
3.24	Suggestion that more homes could be delivered here during the plan period.	The Council's housing trajectory (see Appendix 1 in TP01) assumes that the strategic site would deliver 100 dwellings per annum from 2025/26 onwards based on two outlets building out the site. This is considered reasonable having regard to the fact that one outlet will only typically build out 50 units in any given year.
KP6 Langstone Technology Park		
3.25	The site promoter objects to the change to the policy introducing a quantum of development, suggesting a reversion to the previous wording.	Changes are proposed (CD27) to reflect the site is now likely to come forward for comprehensive redevelopment.
KP7 Dunsbury Park		
3.26	Highways England note the increase in employment development and removal of associated use classes from the policy, and request that developers engage with them prior to an application being submitted to understand the potential development and its impact on the Strategic Road Network.	Applicants are expected to demonstrate that their proposals would not have severe impacts on the transport network, including the local and Strategic Road Network. The Council would expect applicants to engage with both Hampshire County Council as the Local Highway Authority and Highways England accordingly.
KP8 Havant and South Downs College		

Para in CD19	Main Issues raised	Council's response
3.27-3.28	<p>Historic England raise concerns in relation to the allocation at the South Downs campus which lies within the setting of a scheduled monument (which was recently reviewed and resulted in a significant enlargement to the area).</p> <p>Given this has been recognised in the adjacent Campdown (H40) allocation requirements, HE request the setting of the monument is fully considered by ensuring that a Heritage Assessment including Setting Study is submitted as part of any planning application.</p>	A change is proposed (CD27) to require a Setting Study as part of a Heritage Impact Assessment. This is agreed with Historic England and set out in the Statement of Common Ground (SCG03).
KP9 Havant Thicket Reservoir		
3.29	The Environment Agency previously supported the policy, but raise concern that the detailed changes in relation to compensation for the loss of woodland and mitigation for the impact on protected species mean that the policy is unbalanced and places emphasis on these aspects. There are other significant environmental impacts that also need to be mitigated and/or compensated for e.g. deterioration of a waterbody under the Water Framework Directive.	<p>The Council has worked collaboratively with Natural England, Historic England and Environment Agency to develop the policy, which the Council considers to be sound. However, the changes requested by the three statutory consultees do not necessarily align with one another's objectives.</p> <p>Natural England has no objection to the proposed wording within the policy however it remains concerned over the loss of irreplaceable habitats (please see SCG15), and Historic England is also satisfied the policy is sound subject to further minor amendments (SCG2, CD27).</p>
3.30	Hampshire County Council note that the policy refers to a main access with no indication of the possibility of a southern access to the site from Leigh Park. The current planning application proposes a southern access and is therefore contrary to the draft policy.	The policy purposefully does not specify where access should be taken. The access for the development will be assessed in accordance with Policy IN3 (Transport and parking).
3.31	Historic England raise concern that criterion i. of the policy does not deal with the situation where there is 'less than substantial harm'.	Noted. Historic England considers this scenario could be appropriately addressed by Policy E13 (Historic environment and heritage assets).
IN1 Effective provision of infrastructure		

Para in CD19	Main Issues raised	Council's response
3.32	Support for safeguarding of Hayling Island Brent Goose and Wader Refuge (IN1K); others question suitability of IN1K as mitigation (NB issues previously raised under E25 and H27.	See responses to E25 and H27 under section 2.
3.33	Hampshire County Council highlight that the deletion of Policy E26 has resulted in the loss of references to Hayling Billy Trail from the plan.	It is correct that as a result of this deletion, consequent mention of the Hayling Billy Trail has also disappeared from the Plan. However, there is not considered to be a need to reference the Billy Trail specifically. Policy IN2 refers to mitigation schemes identified through the HITA (EB03 & EB04), which includes works to the Billy Trail. The Billy Trail is referred to in the IDP (EB50) and the emerging Local Cycling and Walking Infrastructure Plan (EB08).
IN2 Improving transport infrastructure and Local Plan Transport Assessments		
3.34	Hampshire County Council as Local Highway Authority question whether the local plan goes far enough in supporting Government and HCC policies on climate change.	Noted. The two authorities have signed a Statement of Common Ground covering this point (SCG10).
3.35	Hampshire County Council as Local Highway Authority request that the TAs include further information on the costs and the funding mechanisms of the mitigation packages; the Southleigh link road is highlighted in particular – see also KP5).	Estimated costs are included in the TAs (EB03 – EB06). It is considered that the level of detail provided is suitable at the Plan making level.
3.36	West Sussex County Council are satisfied with the methodology in the strategic transport work. The forecasted changes in flows on the modelled highway network in West Sussex, together with the transport mitigation strategy in Havant, are not likely to result in a severe residual impact as defined in national policy.	Noted.
E8 Protection of Existing Open Space		
3.37	Westbourne Parish Council and other representors highlight that Stoke Common Woodland, Brook Meadow are privately owned and not public open space. Hayling Oyster beds and West Hayling LNR are not accessible other than a path and should not be open space.	Policy E8 covers a large variety of open spaces, which have a number of functions. Assessments of the value of spaces have been made through the Council's Open Space Strategy (EB22) and an assessment of Local Green Spaces and Destination Open Spaces

Para in CD19	Main Issues raised	Council's response
	The area between Westbourne and Emsworth should be designated as an open space.	<p>(EB20). To be designated as LGS, sites have to meet set criteria including public accessibility, but the value of other spaces can be broader; some spaces therefore have value for active public use, others make a visual contribution in breaking up the urban built form, or being natural and semi natural areas which people can experience from designated paths, view- or access points.</p> <p>The latter is true of Hayling Oyster Beds and West Hayling LNR (identified as natural or semi-natural green spaces in EB22, site refs 'North Hayling Open Space' (490) and West Hayling LNR (45)). Stoke Common also forms part of this area, which while not accessible for use, may be enjoyed from the Hayling Billy Trail.</p> <p>Brook Meadow is a Local Nature Reserve. Changes to the extent of the Brook Meadow LGS to exclude private land were agreed as part of the examination into the Emsworth Neighbourhood Plan. The Ems Valley corridor between Westbourne and Emsworth was also accepted as an LGS though examination of Emsworth NP. The correct extent of both spaces is reflected on the Emsworth Policies map (CD02). Changes have been proposed to Figure 19 of the plan through CD27, in order to align with CD02.</p>
E12 Efficient use of resources and low carbon design		
3.38	The Environment Agency supports the changes made to the policy.	Noted.
3.39	Some stakeholders consider the policy does not go far enough – including that there a spatial approach to development promoting sustainable travel should be included alongside a route map to reduce carbon emissions in new buildings. A carbon reduction target is needed for the plan to be in line with the Climate Change Act.	It is considered that the policy strikes the correct balance between ambitious standards and development viability, considering that other policy measures (including affordable housing and provision of infrastructure) also need to be accommodated.

Para in CD19	Main Issues raised	Council's response
3.40	Other stakeholders suggest that the policy is too onerous and would stop otherwise acceptable development, a suggestion that BREEAM standards should only apply when appropriate and feasible.	
E13 Historic environment and heritage assets		
3.41	The policy does not address development proposals that could lead to 'less than substantial harm' and how the Council will consider such proposals.	A change is proposed (CD27) to include the insertion of text to address proposals likely to result in 'less than substantial harm.'
3.42	The policy repeats the position set out by the NPPF.	The policy has been drafted in consultation and agreement with Historic England.
3.43	Additional policy requirements with regards to public benefit should not be achievable by means other than as a consequence of a development. Approach is not in line with the NPPF.	The Council has worked collaboratively with Historic England on the substantial revisions to the policy contained in the 2020 Regulation 19 consultation (CD08) and considers the approach set out to be consistent with national policy.
E14 The Local Ecological Network		
3.44	Natural England welcome the requirement for development to deliver biodiversity net gain and the reference to the DEFRA Biodiversity Metric as a method of calculating biodiversity net gain.	Noted.
3.45	The policy should be more flexible so that the ability to achieve biodiversity net gain will be determined by the size, character, and availability of suitable mitigation for the proposed development instead of a 'one size fits all' approach.	Achieving biodiversity net gain would be necessary to comply with Policy E14 but nonetheless is likely to be required to comply with forthcoming legislation in the form of the Environment Bill. More detail regarding the Council's approach is set out in the Statement of Common Ground with Natural England (SCG15).
3.46	The policy is not effective as it could be with dealing with the importance of networks extending across administrative boundaries therefore the plan needs to be subject to an overall test of environmental sustainability to take account of accumulative species loss.	The Local Plan has been subject to the required assessments with regards to biodiversity and has been underpinned by a robust evidence base. In particular, the Local Ecological Network mapping extends beyond administrative boundaries, across Hampshire.

Para in CD19	Main Issues raised	Council's response
		The Local Plan has been subject to a Habitats Regulations Assessment and the plan is underpinned by a Biodiversity Strategy both which address the loss of protected sites.
E15 Protected species		
3.47	Natural England welcomes the policy.	Noted.
3.48	The mitigation hierarchy within the plan is rigidly prescriptive in nature and the policy should be made more flexible so that the mitigation hierarchy only applies when it is concluded development would cause significant harm.	The Council considers the application of mitigation hierarchy within policy E15 to be sound and provides the correct level of mitigation for protected species in line with the legal protection specific species are given.
3.49	Other objections relate to: <ul style="list-style-type: none"> • The policy is not robust or based on credible evidence • The policy is not deliverable or measurable • Inconsistencies with the NPPF • It lacks coherence with other authorities or strategies • Information within the policy is out of date • Land which has protected species habitat on it should not be allocated or developed on 	The Council considers the approach set out in policy E15 to be robust, sound and consistent with the NPPF. Natural England is supportive of the policy.
E16 Recreation impact on the Solent European Sites		
3.50	The policy is not clear enough about the approach to holiday accommodation.	Due to the varying nature and type of planning application for holiday accommodation the Council does not consider it appropriate to outline a specific approach, however, policy E16 refers to the Solent Recreation Mitigation Strategy to determine the financial contribution

Para in CD19	Main Issues raised	Council's response
		which is required for development which provides overnight accommodation and this would encompass holiday accommodation.
E17 Solent Waders and Brent Geese feeding and roosting sites		
3.51	Objection to the restriction on development proposals that result in the loss of Core and Primary Support Areas unless they relate to an allocated site.	Planning applications should follow the mitigation hierarchy of avoidance of harm before going on to look at mitigation.
3.52	There should be no development or allocations on Core or Primary Support Areas.	<p>The Council has a responsibility to meet housing need therefore, an assessment has been undertaken to assess whether a site can be developed. It was ascertained that mitigation is possible for sites within the local plan which have been allocated on core and primary support areas. In order for the sites to be granted planning permission the sites would have to provide mitigation in line with Policy E17.</p> <p>Policy E17 sets out that development proposals on or adjacent to SWBG sites will only be permitted where appropriate mitigation in line with the SWBGS mitigation and offsetting requirements is provided. The SWBGS will be a material consideration for the determination of any planning applications where policy E17 applies and a habitats regulations assessment is undertaken.</p>
E19 Managing flood risk in new development		
3.53	The Environment Agency is very supportive of the changes made under E19-01 and E19-02, as they ensure that climate change is fully taken into account.	Noted.
3.54	Others disagree with the policy stance on development in Flood Zones 2&3 and seek greater flexibility.	The Council considers that it is important to consider and try to avoid flood risk in the way that has been set out in policy E19, and considers that there is sufficient flexibility in the policy. The Environment Agency is supportive of the Council's approach.

Para in CD19	Main Issues raised	Council's response
E20 Drainage infrastructure in new development		
3.55	Southern Water are satisfied that the changes address their previous comments and have no further comments to make.	Noted.
3.56	Chichester District Council and another representor suggest additional minor wording changes to the wording agreed with Southern Water.	The Council does not consider these necessary and is content with the wording agreed with Southern Water.
H5 Retirement and Specialist Housing		
3.57	The spatial approach and number of site allocations will not meet the Borough's anticipated need. There is a lack of detail with no target figures for this provision and monitoring should be carried out with action plans.	There is a policy in the Local Plan (Policy H5) which specifically addresses retirement and specialist housing. However, it is not considered appropriate to be specific about different types of housing for older people and set targets as nursing homes, care homes and extra care will fall within Use Class C2 and different products can fulfil a very different need. Retirement housing will generally fall within Class C3.
3.58	The Council are failing to proactively plan for the delivery of retirement and specialist housing and that specific sites for such uses should be identified within the plan and that further amendments to the policy are required.	
H7 Gypsy, Travellers and Travelling Showpeople		
3.59	Natural England consider that new pitches should be in line with policy E16 Solent Recreation Impacts and EX1 Solent Water Quality Impacts.	Planning permission for a single pitch was granted in February 2018 which will meet the Borough's need for an additional Gypsy and Traveller pitch over the plan period. Speculative planning applications for new Gypsy and Traveller sites will be considered in the context of the policies in the Plan as a whole, including the policies specifically mentioned.
H8 Land north of Long Copse Lane		
3.60	Objections raised to site H8 on basis of unsuitability of policy approach in EX1. Nutrient neutrality cannot be readily achieved, that site will increase pollution and contamination and that the plan does not	Policy EX1 requires that new development be nutrient neutral. There are no features of the Long Copse Lane site which make it unable to use off-site mitigation in a way that is accepted by Natural England.

Para in CD19	Main Issues raised	Council's response
	propose an increase in Thornham WWTW capacity. Connection to Budds Farm will require the costs of laying pipework alongside mitigation which are not outlined in sites and opportunities. Site should include details on sewage reinforcement.	Nonetheless, as a site currently in agricultural use, the Council would look first and foremost for the applicant to avoid an impact using on-site means.
3.61	Some stakeholders have requested that the site is removed from the plan. Policy fails to mention veteran trees recently recorded. Site is home to Bechstein and Western Barbastelle bats. Development would damage connectivity between landscape, shall impact dark skies status. Landscape buffer is not sufficient. Southleigh Forest and Ancient Forest of Bere will suffer visual and physical intrusion and ancient woodland would be at high threat of deterioration and destruction.	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal.</p> <p>More detail as to the Council's consideration of the site's constraints and why it is necessary to allocate the site are set out in the Sites Topic Paper (TP02).</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints. These are set out in Policy H8 of the submission plan (CD01) as development requirements to be addressed.</p>
3.62	Comments that flood and water issues are now worse at the site. Works at Westbourne Road are creating significant water run-off which this site also would. Havant is not 'joined-up' with Chichester District Council and more should have been done together in planning, infrastructure, environment and transport matters. Concern over what strategic thinking has taken place on existing impact to infrastructure.	The Duty to Cooperate Statement (CD26) sets out how discussions with Chichester District Council West Sussex County Council as the adjacent local highway authority. In addition, please see the Statement of Common Ground with Chichester District Council (SCG13).
3.63	Wildlife corridors should be extended through H8 to connect with Hollybank Woods and Forest of Bere. Surface run-off will have significant impact on River Ems and more mitigation and protection for this river needs to be included.	This is addressed through Policy E14 which addresses the matter of wildlife corridors. Paragraph f of the policy as well as the opportunities and constraints section of Policy H8 highlights that the site is within a Local Ecological Network Opportunity Area and so the Council would expect this to be addressed in the site's development.
H10 Land West of Coldharbour Farm		

Para in CD19	Main Issues raised	Council's response
3.64	APP/14/00360 has now expired and should be updated to APP/19/01226.	Noted. The current planning application APP/19/01226 is not yet determined. Any factual updates can be undertaken post Examination.
H12 Emsworth Victoria Cottage Hospital		
3.65	The site is now being actively developed as the new surgery for Emsworth, and work will probably be completed in early 2021.	Noted. It is proposed to delete the site allocation as construction of the new doctor's surgery is underway.
H20 Land South of Lower Road		
3.66	Historic England support the policy subject to strict policy requirements adherence.	This is reflected in the Statement of Common Ground (SCG03).
3.67	Other representations suggest a substantial re-write of the policy or deletion. Changes are suggested to a TPO plan showing a wrong location for a row of trees, that the conservation area has been extended and now includes Old Manor Farm and that the Elms is Grade II listed. Narrow Marsh Lane is a non-designated heritage asset which hasn't been mentioned but crosses the site.	<p>The Council has set out its reasoning for selecting sites the EB43 Summary of Allocation methodology, with detailed considerations set out in its EB42 SHLAA and its CD10 Sustainability Appraisal.</p> <p>More detail as to the Council's consideration of the site's constraints and why it is necessary to allocate the site are set out in the Sites Topic Paper (TP02).</p> <p>In addition, many of the detailed matters raised are flagged as site opportunities and constraints. These are set out in Policy H20 of the submission plan (CD01) as development requirements to be addressed.</p>
3.68	Resident concern that the site is destructive and will be detrimental to biodiversity whilst compounding significant foul water issues.	The impact on the site's ecology is addressed primarily within Allocation Policy H20. The impact in terms of water quality is addressed through the introduction of new policies in the 2020 Regulation 19 consultation – notably EX1 and EX2.
H29 Land north of Sinah Lane		
3.69	Enhancing biodiversity will not compensate the loss of "best and most versatile" agricultural land.	Planning applications within the Local Plan are required to meet biodiversity net gain. The high need for development in the Borough

Para in CD19	Main Issues raised	Council's response
3.70	Concern that the proposal will not adequately reduce nutrients with the use of fertilisers or if animals are grazed on the refuge land.	<p>has necessitated the consideration of sites identified as best and most versatile agricultural land.</p> <p>With reference to nutrient neutrality, the Council will only grant planning permission if a mitigation package is provided which would remove the likely significant effect of the development. The mitigation package would need to meet the test of the Habitats Regulations.</p>
H30 Land north of Tournurbury Lane		
3.71	The deletion of the site allocation is supported as the site is not deliverable.	See 'Land not included in the Plan' above.
H36 Scottish and Southern Energy Offices		
3.72	Site promoter seeks mixed-use allocation to include appropriate commercial uses and residential properties.	The Council considers that a wholly residential scheme is the most appropriate scheme for this site.
3.73	A comment that there is a conflict in the policy's minimum housing figures. They comment that 80 units are a gross underuse of brownfield land and the policy is contrary to the NPPF and needs to be re-worded.	<p>Paragraph 1.10 of the supporting text is clear that all allocations in the Plan are set as 'about' rather than minimums or maximums. This is because different numbers of homes could be achieved depending on the form of development proposed.</p> <p>It is acknowledged that the development allocation lies within the Leigh Park District Centre Opportunity Area (Figure 25 in CD01). The Council would therefore support a higher quantum of development identified by the policy in accordance with Policy H3.</p>
H40 Campdown		
3.74	Consultees, including Natural England , continue to highlight that the site is a Primary Support Area for Solent Waders and Brent Geese. In	This Council's response to these matters is set out in SCG15.

Para in CD19	Main Issues raised	Council's response
	relation to Warblington Farm (EX2) in place of Broadmarsh (E25) – it is questioned whether it would provide an appropriate mitigation solution and whether the function of the site could be replaced through an appropriate replacement habitat. NE also state that it may be difficult to achieve biodiversity net gain for the site and offsite measures may be required.	
3.75	Historic England comment that further work should be undertaken to fully assess the setting of the three scheduled monuments on site. Without this understanding, they cannot be certain that the quantum of development is appropriate.	Noted. There is a clear requirement for the developer to agree a Setting Study to ensure the development proposals satisfactorily address the impact of development on the significance of the three Scheduled Monuments.
3.76	The policy does not reference the importance of specific natural features such as the 'near Ancient' hedgerows and Veteran trees.	Allocation Policy H40 specifically identifies the need to retain and incorporate the existing hedgerows and trees on the site. It is considered that this adequately addresses the point, alongside Policy E18, which should be read alongside the allocation.
3.77	The site promoter comments that the policy should not make references to infrastructure as it is the responsibility of the developer and is also outside of the planning regulatory system. Proposed wording changes to viii. and ix.	The relevant developer requirements are intended to ensure that a high degree of permeability through this and the neighbouring (HSDC South Downs Site (KP8)) and then on to the South Downs campus which will remain operating as a college. This is considered necessary in the interests of good planning and urban design, and providing active travel links which will support health and wellbeing of the Borough's residents.
E25 Broadmarsh Brent Goose and Wader Refuge		
3.78	This site will be needed to mitigate Campdown as well as development Secondary and Low Use sites.	Noted. As well as Broadmarsh though, the Council has other available options for the mitigation of development on secondary and low use sites, most notably Warblington Farm (EX2).
3.79	It should not be used as mitigation for development in Portsmouth City.	This is for any HRA on a specific proposal to determine.
H13 Fowley Cottage		

Para in CD19	Main Issues raised	Council's response
3.80	The requirement for 20 houses is still too high taking into account the impact on the AONB, sewerage system and narrow access road.	For allocations in the Submission Plan (CD1), yields were calculated using the net developable area considering any high-level mappable constraints including access. Detailed information was submitted with application reference APP/19/00623 which indicates a net developable area of 0.5ha, considering the tree constraints and sewer easement. As such, a change was made (CD09) to reduce the site capacity in the allocation from 'about 40 dwellings' to '20 dwellings'.
3.81	A specialist development for older residents could support a higher density and bring community benefit.	Noted. Paragraph 1.10 of the supporting text is clear that all allocations in the Plan are set as 'about' rather than minimums or maximums. This is because different numbers of homes could be achieved depending on the form of development proposed. The Local Plan would not prevent a development of housing for older people coming forward on the site.
H27 Rook Farm		
3.82	The site promoter objects to the requirement to access the Rook Farm site from Manor Road.	Noted. A change is proposed (CD27) to require access to be achieved from Lulworth Close. This reflects the difficulty in achieving an engineering solution which would be needed for access to be taken from Manor Road.
3.83	RSPB are disappointed in the allocation stating there will be a negative impact on ecological function of adjacent SPA and concern that the refuge would not deliver the enhancement of the Solent Wader and Brent Goose network.	Noted. However, the Council will not permit development unless suitable replacement habitat is provided in in perpetuity in line with the requirements set out in E17 in line with the SWBGS.
C8 Food, Drink and Entertainment Uses		
3.84	The restriction of hot food takeaways outside of centres is contrary to the NPPF and does not take account of the sequential approach. The policy should not apply to drive-through takeaways.	The Council does not consider the policy to be contrary to the NPPF in relation to hot foot takeaways generally or drive through takeaways specifically. The NPPF is supportive of plans and planning decisions

Para in CD19	Main Issues raised	Council's response
3.85	The policy is too restrictive and does not provide for any new hot food takeaways to be approved. The evidence does not support the proposed policy approach.	promoting healthy communities and lifestyles. The reasons for the approach taken are set out the Council's Healthy Borough Assessment (EB25).
3.86	Class E retail outlets and food and drink can sell unhealthy food and are not restricted.	Noted.
C10 Brockhampton West		
3.87	The site promoter has indicated the site capacity should be reinstated to the adopted local plan figure (23,400 sq. m). The policy should be more flexible to allow constraints to be addressed through the planning application process.	A change is proposed (CD27) to paragraph 1.10 of the supporting text to reflect that all allocations in the Plan are set as 'about' rather than minimums or maximums, including employment sites.
3.88	Highways England have commented in relation to the increase in GFA [Gross Floor Area] and lack of transport evidence base which identifies any impacts on the Strategic Road Network to ensure they can be mitigated.	The letter to the Inspectors dated 15 April 2021 (CR08) addresses this question in paragraphs 21-30.
C11 Land at Hulbert Road		
3.89	Notwithstanding the changes resulting from the Use Classes Order, the site promoter considers the allocation wording to be too prescriptive in relation to future acceptable land uses. Retail use is considered to be the only realistic form of employment development that can occur in this location.	Noted. However, it has not been demonstrated that other forms of employment development would not be deliverable on this site.
3.90	A higher value land use (retail) is needed to deliver utility connections when taken with a substantial cut and fill exercise.	Recent advice from Lambert Smith Hampton, advising the Council, indicates that the site is very attractive for employment uses given the site's accessibility to the strategic road network (see Havant Employment Land Review Update report) (EB54a).
3.91	There is more than sufficient employment land to meet the Borough's employment need.	With the Dunsbury Park Freeport 'tax' site being cautiously removed from supply, the 'balance' of employment land supply shows a surplus of only 10,000 sqm (see Havant Employment Land Review Update report) (EB61).

Other issues raised

Para in CD19	Main Issues raised	Council's response
Local Ecological Network Opportunity Areas		
3.92	Clarification on the location of the opportunities areas is needed and the type of enhancements that may be sought by the Council. These areas should be defined within a Glossary or Appendix to the Local Plan.	The mapping is available through a request to the Hampshire Biodiversity Information Centre. Due to potential updates to mapping the Council believe that including a map within the Local Plan means it could quickly become out of date. Therefore, policy E14 provides a link to where the local ecological network mapping is available.
KP1 Havant Town Centre		
3.93	Westbourne Parish Council support the retention of HBC land and that investment is foreseen in projects in town centres and Hayling Island seafront.	Noted.
H2 Affordable Housing		
3.94	Suggestion that 40% affordable housing should be sought in view of the high level of need for affordable housing in the Borough. Affordable housing should be sought from small developments, as well as Housing Associations.	<p>Noted. The affordable housing requirement for 20% in Havant and Waterlooville Town Centres and 30% for the rest of the Borough on developments of 10 dwellings or more is based on the EB48 Local Plan and Viability Study. The policy does, however, encourage a greater proportion of affordable homes.</p> <p>In terms of the Council's ability to secure affordable housing on sites of fewer than 10 dwellings, the Viability Study advises the scope for securing affordable housing within such schemes would be limited.</p> <p>A number of allocations in the submitted Local Plan, namely that of the Colt Site (Policy H35) and Land Rear of 15-27 Horndean Road (Policy HX1) are being built out as 100% affordable housing developments.</p>

Para in CD19	Main Issues raised	Council's response
3.95	The proportion of affordable housing in some developments should be increased.	As above.
H3 Housing Density		
3.96	A suggestion that the density calculation is incorrect and should be 47dph not 55dph and that there is a conflict in policy H3.	This matter relates to Policy H36 (Scottish and Southern Energy Offices). See response to 3.73 above.
3.97	Residents suggests that by increasing densities elsewhere would remove the need for development on greenfield sites within the Borough and protect more countryside.	Noted. The maximisation of housing delivery on brownfield sites is fundamental to the delivery of the Plan's spatial strategy. However, the high level of housing need cannot be met by brownfield sites alone, and it has been necessary to allocate a number of greenfield sites to ensure that the Borough's housing need can be addressed effectively. Further information can be found in the Strategy Topic Paper (TP01).
H4 Housing Mix		
3.98	A suggestion that anecdotal evidence shows demand for 1 bedroom properties for young professionals which is not reflected in the Council's evidence base. SHLAA and policy H4 are not up to date which is in conflict of the NPPF.	Noted. The policy in the Submission Local Plan (CD01) is drafted in such a way to provide flexibility - recognising that the need for different sizes and types of housing may change over time. Paragraph 6.42 of the supporting text indicates that the Council expects the range of housing to have been informed by the latest housing needs information at the time the application is submitted.

