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By email to Jonathan Manning BSc (Hons) MA MRTPI and Thomas Hatfield BA (Hons) MA MRTPI through the Programme Officer

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**My reference:** CR10  
**Your reference:**  
**Date:** 11 May 2021

Dear Mr Manning & Mr Hatfield

## **RE: Response to Inspector's fourth letter (ID-04)**

1. Thank you for your recent letter (your reference ID-04). This has been added to the Examination Library with the reference CR09.
2. For absolute transparency, the Council can confirm that the questions in your letter were initially received during the pre-election period for the recent local government elections and the Council considered that it was not possible to publish them or respond during that period in order to comply with regulations and guidance regarding communications during that time. Our thanks for sending through those questions which it was possible to respond to, the answers for which are in my previous letter (CR08). To keep the examination moving swiftly along, we have continued to prepare for the questions below to be asked and hence why it is possible to respond so quickly.
3. For ease and clarity, the questions in your letter have been used as headings with the Council's response below each one.

## **Legal Compliance - Statement of Community Involvement (SCI)**

***The SCI 2013 (Ref CD28) sets out at Table 1 community involvement methods that will be used to engage with the public, this includes a quarterly local plan newsletter and displays and leaflets at libraries. Further, Section 5 identifies that a Local Plan members panel would include the Chairman of the Development Management Committee. Concerns have been raised by representors that these specific matters were not followed when the 2019 Regulation 19 consultation was undertaken. Please could the Council confirm whether these methods were utilised during the 2019 consultation and if not, whether this raises any legal compliance issues.***

4. 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 "***The main 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***" (emphasis added). The intention was never that every one of the methods be used in every consultation and indeed that others could also be used if appropriate.

5. During the two Regulation 18 consultations, substantive efforts were made, over and above the 2013 SCI (CD28) 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. The Council considers Regulation 18 consultations to be the most appropriate point to truly maximise engagement efforts as this is the point where stakeholders can truly *shape* the plan as opposed to commenting specifically on legal compliance and soundness.
6. Both Regulation 18 consultations involved a social media engagement campaign that resulted in a large amount of clicks through to the consultation webpage. Further details of the steps that the Council took to engage stakeholders are paragraphs 2.4 and 3.3 of the Consultation Statement (CD22).
7. 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. That notification was sent to all those who had previously responded to a local plan consultation. Those who did not have an email address were notified by post, with the same information.
8. The Council prepared an overview leaflet setting out why a local plan is being prepared and addressing some of the main points that had been raised during its preparation. An additional leaflet was also prepared taking respondents through how to engage in the consultation and complete the form. The two leaflets together with the banners from the drop-in sessions and the consultation notification email are available at appendix 1 of this letter.
9. 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.
10. Turning to the Local Plan Members Panel, I can confirm that the Local Plan Panel operated during the initial phases of the plan's preparation and a formal scrutiny process has been in place throughout. Local Plan Panel meetings took place frequently during the initial phases of the plan's preparation. It should be noted though that these were never public meetings.
11. 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 2018<sup>1</sup> in the lead up to the first Regulation 19 consultation. The Board also considered

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<sup>1</sup> 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>.

several items which are intrinsically linked to the Local Plan including the development of the Regeneration Strategy<sup>2</sup> and the issue of Nutrient Neutral Development<sup>3</sup>.

12. 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.

***Turning to the 2020 Regulation 19 consultation. We would like to understand if the Covid-19 pandemic affected the ability of the Council to undertake the consultation in accordance with the revised SCI 2019 (Ref CD21), such as making hard copies of the consultation documents available to the public. Again, if so, we would like to get the Council's initial view on whether this raises any legal compliance issues, having regard to the guidance in the Government's Planning Practice Guidance on Plan Making at Paragraphs 076-082.***

13. The Council does not consider that the pandemic impeded the running of an open and transparent consultation and everyone had the ability to contribute, despite the pandemic.
14. Paragraph 2.6 of the 2019 SCI states *"The main 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. The extent of engagement will depend on a number of factors, including the likely level of interest in the consultation. Not all methods will be used on all occasions, and the emphasis on different methods will change over time. For example in the last few years, the use of social media to promote information on the Local Plan has substantially increased, and further such changes are likely to emerge the future."*
15. When planning for the 2020 consultation, consideration was given to the fact that the consultation was focussed on the changes to the plan. As such, a more focussed approach to consultation was considered appropriate. The Council was initially planning for the consultation before the pandemic<sup>4</sup>. Whilst the 2016 and 2018 exhibitions were extremely well attended, the 2019 drop-in sessions were attended by relatively few people. As such, it was not considered necessary to provide the drop-in sessions and instead to simply make sure that officers were always available by telephone and email throughout the consultation.
16. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 were in force during the consultation. As a result, it was not necessary for a hard copy of the consultation document to be available for inspection. Due to the pandemic, the Council directed respondents to the website as much as possible, to avoid the need for travel and contact. In doing this, the Council made sure that extra guidance was available. As well as a leaflet explaining how to fill in the consultation form, this was

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<sup>2</sup> 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>.

<sup>3</sup> 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>).

<sup>4</sup> For clarity, the Cabinet and Full Council intended to consider the changes to the Local Plan at extraordinary meetings which were set up for 25 March 2020 with consultation to take place after the local government elections which were planned at the time. These meetings were cancelled due to the pandemic and instead took place in July and September of 2020.

turned into a video guide. This is still available on the Council's vimeo page at <https://vimeo.com/471369934>.

17. Nonetheless, the Council wanted to be absolutely sure that everybody who wanted to could access the consultation. Havant, Waterlooville and Leigh Park Libraries had paper copies of the local plan consultation document available during the consultation. This was highlighted to all those who received a notification of the consultation by post.
18. Once the national lockdown ended, a copy of the local plan was also made available at the reception of the Havant Public Service Plaza (the Council's main office) by appointment if anyone was not able to access the material by another means.

## **Housing Land Supply - Policies KP1 and KP2**

***The policies relate to regeneration projects that the Council state it will lead. A substantial level of housing (KP1 – 750 dwellings and KP2 - 600 dwellings) is due to be delivered from these two areas of search over the Plan period. The housing trajectory provided within the Strategy Topic Paper (TP01) anticipates these sites both delivering completions by 2025/26. Whilst we note the contents of the Council's Regeneration Strategy (Ref EB34) and the commitment to producing town centre regeneration frameworks, we are keen to understand what work has been done to date to deliver both of these sites. This includes evidence of viable parcels of land for development, landowner constraints, whether developers/delivery partners are engaged, and how delivery will be funded. Further, taking all of this into account, we would welcome the Council's view as to whether the housing numbers assumed for each is realistic and if the delivery of completions by 2025/26 is feasible.***

### *Havant Town Centre*

19. There are some smaller development schemes which will provide completions in the next few monitoring years. These are:
  - Planning permission 18/00530 – North Street Arcade – 21 units. PERM 20/00251 for a revised scheme of 29 units was subsequently granted on 31 March 2021.
  - Planning permission 13/01236 – 44-54 West Street – 14 units. This scheme is substantially complete.
20. The Council owns substantial amounts of land in Havant Town Centre which will be used to deliver the Regeneration Strategy's ambitions. The work towards implementing this strategy started with the purchase of the Meridian Shopping Centre in December 2019. This represented a significant statement of intent by the Council and a sizeable investment in the regeneration of the town centre.
21. Substantive housing completions, associated with the delivery of the Regeneration Strategy, will first take place on land currently used as car parks surrounding the Havant Public Service Plaza, Havant Police Station, Job Centre, Havant Leisure Centre and the nearby Health Centre. This is highlighted in the Regeneration Strategy (EB34).
22. In 2018, the project was awarded a grant of £3.6M from the Homes England Accelerated Construction Fund. The funding included a capital contribution towards infrastructure as well as development funding to enable the Council to undertake site investigations and

procure a development partner. Further funding was also awarded by Homes England later in the scheme's development.

23. Following a successful OJEU procurement being concluded, unfortunately Homes England confirmed that they had to withdraw the offer of additional funding support due to the national pressures to support the recovery effort from the pandemic. Homes England have indicated a willingness to continue to support the project.
24. On 10 February 2021, the Council's Cabinet approved the preparation of a new Civic Plaza Plus Project<sup>5</sup>. In March 2021, the Council applied for Homes England Capacity Funding to help resource the preparation of an updated masterplan, commercial viability assessment and economic impact analysis. On 16 April 2021, Homes England notified the Council that it had been successful in securing £180,000 of Housing Infrastructure Fund Capacity Support Funding for these studies.
25. At the time of writing, a soft market testing exercise has been completed with ten investors / developers to test private sector interest in working with the Council to deliver a new mixed-use regeneration opportunity across four interconnected sites in Havant Town Centre (the car park site, Market Parade, Meridian Centre and Bullbeck Road car park). The aim of the soft market testing has been to assess the interest and value of a development programme across the four sites for:
  - New housing
  - Office and flexible workspace
  - Consolidated retail and commercial space
  - Leisure and wellbeing provision
  - Improved transport infrastructure
  - Public realm improvements
26. The findings of the soft market testing will inform a new Outline Business Case which will be considered in June or July 2021. If approved, the Council will move towards securing new development partners for the agreed sites with a target end date of March 2022. A 9-12-month period is allowed for the preparation and submission of planning applications with a six month determination window. A further three month period to cover the JR period and discharge pre-commencement conditions would lead to a start on site of January 2024.
27. The Council can confirm that this development programme informed the housing trajectory submitted with the Strategy Topic Paper (TP01) and considers this a feasible timeframe for delivery.

#### *Waterlooville Town Centre*

28. The Council owns little land in Waterlooville Town Centre so more reliance is placed on private sector development schemes. There is already interest in development in the town centre, focussed on Wellington Way.

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<sup>5</sup> Please see Cabinet report at <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=11076&Ver=4>.

29. In February 2018 the Council received a planning application (reference APP/18/00234) for *“Demolition of existing shopping parade and redevelopment of the site to provide a nine storey building consisting of 264 No. 1 bed/studio build to rent apartments and associated amenity facilities, an A2 unit (Financial and Professional Services) together with associated parking and landscaping.”* A separate planning application was also submitted to provide car parking for the scheme on an existing surface level car park owned by Havant Borough Council.
30. It is understood that following the pandemic, it is not likely that the submitted scheme would be pursued by the developer and the Council is expecting it to be withdrawn.
31. Nonetheless, there remains clear developer interest in the Wellington Way site. This is a large site and even following re-design would be capable of providing a substantial number of new homes. The Council also remains committed to using its own estate as part of any future development scheme.
32. The delay in the development of the Wellington Way scheme has been factored in and hence its phasing within the housing trajectory submitted as part of the Strategy Topic Paper (TP01) and considers this a feasible timeframe for delivery.

#### **Hayling Island – Flood Risk of Access**

***The Strategic Flood Risk Assessment (SFRA) (Ref EB33) acknowledges that Hayling Island has only one access on and off the island, and the access itself is at risk of flooding. We acknowledge that Council has developed an Emergency Response Plan and Hayling Island Emergency Planning Framework. We would like further clarification on whether this represents an appropriate mechanism for addressing future flood risk of the access and justifying further development on Hayling Island.***

33. The Council worked with the Environment Agency on the Strategic Flood Risk Assessment (SFRA) (EB33). The Environment Agency, in their 2019 Regulation 19 response (R146 C01) expressed support for the flood risk evidence that has been produced to underpin the local plan. The representation confirms the Environment Agency’s view that the SFRA *‘demonstrates that there is a reasonable prospect of development on proposed allocation sites being safe from flooding during their lifetime, along with the identification of mitigation measures that may be required. We are therefore very supportive of this evidence and the way it has been used.’* This support is confirmed in the Statement of Common Ground between the two bodies (SCG01).
34. The Council would like to clarify that the Emergency Response Plan and Hayling Island Emergency Planning Framework are not being relied upon as the solution to flood risk for all sites on Hayling Island. These plans are particularly referenced in relation to sites on Hayling Island that are in Flood Zone 1. These sites are not themselves at risk of flooding, so residents would be safe from flooding in their homes during a flood event. It should be noted that for sites on Hayling Island that are themselves subject to flood risk, a more detailed assessment has been made as part of the Strategic Flood Risk Assessment (SFRA) (EB33) and further site specific assessments will be required at the application stage to demonstrate that development will be safe for its lifetime.

35. In addition, the Council is taking active steps to safeguard the A3023 from flooding through the Langstone Coastal Defence Scheme. Work on the scheme is well advanced, with the options appraisal completed, and the next step being the detailed designs for the leading options. The Council has committed significant funding through the Community Infrastructure Levy (see <https://coastalpartners.org.uk/project/langstone-coastal-defence-scheme/> for full details).
36. Nevertheless, the Council acknowledges that a single road and bridge link serve the island, and it is for this reason that the Emergency Response Plan and Hayling Island Emergency Planning Framework have been prepared. The Council is satisfied that with these plans in place, the risks associated with having just one access from on to the Island can be managed appropriately, both for existing and future development.

### **Hayling Island – Policy KP3**

***The SFRA sets out that more detailed work is needed to determine if the proposed developments at Southwood Road, Eastoke Corner, Beachlands and West Beach will be safe for its lifetime. We would like to seek clarification if any more detailed work has been done for these sites and if not, if it is therefore possible to determine if test b) of the exception test (Paragraph 160 of the NPPF) would be met at each site?***

***On a related matter, we would like to ask the same question for proposed allocation H11 (site EM2 in the SFRA).***

**Turning to Northney Marina, we would like to seek further information from the Council in relation to whether the flood risk to the access of the site can be appropriately addressed by a flood risk management plan.**

37. As confirmed in the answer to the previous question, the Council worked with the Environment Agency on the SFRA (EB33), and the Environment Agency, in their 2019 Regulation 19 response (R146 C01) expressed support for the flood risk evidence that has been produced to underpin the local plan, and the way it has been used to inform the plan. Nevertheless, the Environment Agency did highlight an outstanding concern with a few sites. These are the sites referred to in this question.
38. The Council confirms that no further flood risk work has been undertaken since the publication of the Local Plan sites SFRA (EB33). This is because the Environment Agency's comments did not suggest that further work was required to support the plan, rather that '*outputs from the SFRA need to have more explicit reference in the allocation policies themselves*' (R146 C01).
39. Following the 2019 Regulation 19 consultation, the Council agreed wording changes with the Environment Agency to satisfy concerns regarding the Hayling Island regeneration allocations under KP3. These are set out in the Appendix to the Statement of Common Ground between the two bodies (SCG01). These changes 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 has submitted them as an update to CD27.



The wording agreed with the EA for allocation H11 was included in the 2020 Regulation Consultation.

40. The Council acknowledges that in allocating the sites referred to in this question in particular, it has had particular regard to the sustainability benefits that would come from the regeneration of these sites (part a of the exception test, paragraph 160 of the NPPF). The Council further acknowledges that until a site specific flood risk assessment is prepared for these sites, part b) of the test cannot be fully passed. The Council is, however, satisfied that its SFRA work has shown that there is a reasonable prospect of safe development, and therefore that it is likely that the exception test will be satisfied for these sites. Paragraph 162 of the NPPF allows for the refinement of this assessment at the application stage, stating that 'the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account.'

#### **Hayling Island – Hayling Island Transport Assessment**

***The HITA (Ref: EB03) states at Paragraph 2.7: 'Traffic flows on the A3023 can be particularly heavy, not only during peak hours, but also during the hours in between and at weekends. During all school holiday periods, and particularly in the summer, traffic flows are at their highest and there is often a continuous procession of vehicles present during daylight hours'.***

The methodology of the HITA sets out that modelling reflects a neutral, non-holiday weekday. Further, the HITA at Paragraph 9.12 refers to guidance in Section 3.36 of Unit M1.2: Data sources and surveys, Highway Surveys, of the Government Transport Analysis Guidance (WEBTag) and states: 'it is recommended that traffic counts for modelling purposes should be collected during a 'neutral', or representative month avoiding main and local holiday periods, local school holidays and half terms and other abnormal traffic periods'.

We would like further explanation from the Council to support the approach to the modelling undertaken in the HITA, particularly given that Section 3.36 of Unit M1.2: Data sources and surveys, Highway Surveys, of the Government Transport Analysis Guidance (WEBTag) continues by stating: 'However, there can be instances where a particular period (e.g. weekends or school holidays) is of interest, for example in regions with relatively high levels of seasonal tourism. The period for the surveys should be selected with careful consideration of the purpose of the transport model'.

41. Together with the answer below, please refer to the Transport Note provided by the Council's transport consultant, Campbell Reith. This is provided as Appendix 2 of this letter. This was originally produced as part of the suite of documents which were approved as part of the approval of the Hayling Island Transport Assessment Addendum (HITAA)<sup>6</sup>.

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<sup>6</sup> Please see <https://havant.moderngov.co.uk/ieDecisionDetails.aspx?ID=384>



42. In order to represent the potential benefits and drawbacks of the package of mitigation measures, a Local Transport model was developed to examine and assess the Island in detail. Following discussion with the local highway authority, a Paramics micro-simulation model was used due to the nature of the Island and the level of detail required as well as the various mitigation testing requirements.
43. Robust traffic modelling depends on the capture of reliable traffic data. As part of the model development, a number of different methods were therefore used to obtain a variety of existing traffic data in order to provide an appropriate baseline to understand the potential impact of background traffic growth and the local plan development traffic. These included blue-tooth journey time surveys, junction turning counts, automated traffic counts, traffic signal timings and data from the Sub-Regional Transport Model (SRTM).
44. The approach that the model reflects a neutral, non-holiday weekday is standard practice in the transport planning industry for model network appraisal and development impact appraisal purposes. While increased traffic on Hayling Island on sunny weekends and holiday periods is acknowledged by the Council, this traffic is more likely to arise from visitors than from being significantly affected by development on the Island. This also represents a historic pattern in terms of traffic on the A3023, comparable to other tourist areas. The Local Plan Allocations have greater potential to have an impact on traditional weekday am and pm peak periods than on weekends or holiday periods. Since it is the purpose of the HITA to test the impact of the Local Plan, the neutral weekday approach is considered to be the most appropriate to fulfil the purpose of this particular TA.
45. More detail regarding the development of the microsimulation model is provided at section 2 of the Transport Note.

**Linked to this, we would welcome the Council's initial view as to whether there is sufficient evidence to conclude that the Plan would not have a severe impact on the highway network on Hayling Island.**

46. Together with the answer below, please refer to the Transport Note provided by the Council's transport consultant, Campbell Reith. This is provided as Appendix 2 of this letter. This was originally produced as part of the suite of documents which were approved as part of the approval of the Hayling Island Transport Assessment Addendum (HITAA)<sup>6</sup>.
47. The assessment process has been undertaken based on a robust data collection process which in turn has informed the micro-simulation model. The extensive testing of individual and combinations of appropriate mitigation measures has allowed a refined package to be collated to best mitigate the impact of future Local Plan development traffic and background traffic growth that could occur during the Local Plan period.
48. A summary of the results of the HITAA (EB04) is set out in paragraph 4.2 and 4.3 of the Transport Note. There are a number of benefits which the mitigation package results in which have in turn led to the modelled journey time increases. For instance, safe pedestrian and cycle crossing facilities would be introduced through the new junction layouts. In turn, friction reduction measures (package M1A) along the A3023 have been proposed to ensure a more reliable journey time.

49. It is clear that a number of combinations and iterations have been tested and presented in order to understand what measures have, collectively, the most significant reduction in journey times over the key strategic routes while introducing much needed facilities for pedestrians and cyclists. The suggested increase in journey times on the strategic routes, while inconvenient to road users, is not considered sufficient to trigger the 'severe' test in its own right, particularly when assessed against the wider transport benefits which are consistent with the aspirations set out in the Paragraph 108 of the National Planning Policy Framework.
50. This is a comprehensive approach, and therefore provides sufficient evidence to conclude that the Plan would not have a severe impact on the highway network on Hayling Island at the Local Plan level. Further detail will need to be looked at as part of transport assessments for the site-specific development proposals as they come forward.

#### **Site Allocation H40**

***The Council's Habitats Regulations and Biodiversity Net Gain Topic Paper (Ref TP03) refers to a Counsel opinion regarding allocation H40 Campdown. Is the Council able to provide a copy of the Counsel opinion?***

51. The Council's legal advice was provided by Timothy Leader of St John's Chambers on 22 February 2021. It is attached to this letter as Appendix 3.

#### **Other matters**

52. There are a number of other matters I would like to bring to your attention:
- The Council has published and submits a 'Havant Employment Land Review Update Report'. This updates the evidence related to need and supply of employment land. The study builds on the recently published PfSH Economic, Employment and Commercial Needs Study (EB60) and also addresses the recent announcement of Free Port status for Portsmouth and Southampton. This is being added to the Examination Library with the reference EB54a.
  - The Council has also published and submits 'The Council's Response to the Main Issues Raised'. This sets out the Council's response to each of the main issues which were raised in both the 2019 and 2020 Regulation 19 consultations for your consideration. This is being added to the Examination Library with the reference CD31.
  - The Council has published an identifier key for both Regulation 19 consultations. This enables respondents to be identified and their comments attributed. This follows a mailout that took place to notify respondents that their details would be published. No respondents opted out of this. This has been published within the individual consultation responses (CD18 & CD20) as R000 to make it simple to find.
  - The Council has also prepared an update to the Schedule of Proposed Changes (CD27a) and Schedule of Policies Map Changes (CD30a). This includes proposed changes related to the update to the Solent Waders and Brent Goose Strategy

referred to in our previous letter (CR08) and other matters as detailed next to each proposed change.

- The Council has also refreshed the Habitats Regulations Assessment to incorporate the additional proposed changes. This is being added to the examination library as document CD13a. It is considered that the proposed changes would not affect the conclusions of the Sustainability Appraisal, although the conclusion related to Policy H12 would now not apply as the site has been developed as a new GP surgery. As such, the Sustainability Appraisal has not been updated.

53. I hope that the answers above provide all of the information and clarity that you need. Of course, if you have any follow up questions please feel free to get in touch. It is encouraging that the examination is progressing swiftly and we look forward to the next stage.

Yours sincerely

*David Hayward*

Planning Policy Manager

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**Appendix 1** – material used during the 2019 Regulation 19 consultation, namely local plan update leaflet, guidance leaflet on filling in the response form and drop-in session banners.

**Appendix 2** – Hayling Island Transport Assessment Addendum Transport Note, published as part of the approval of the addendum.

**Appendix 3** – legal advice pertaining to Land at Campdown, Crookhorn and a proposal to provide alternative functionally linked land.