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Havant Borough Local Plan Examination Statement

Matter 5: Large Sites Without Planning Permission



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This statement has been produced as part of the examination of the Havant Borough Local Plan. It answers the Inspectors' questions relating to matter 5.

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Policy H8 – Land north of Long Copse Lane

5.1 Can Hollybank Lane and Long Copse Lane be widened within the boundary of the adopted highway, or within the site itself? What effect would this have on mature and veteran trees?

1. Yes. Hollybank Lane and Long Copse Lane can be satisfactorily widened to provide safe access, largely within the boundary of the adopted highway, but also utilising small parcels of land within, but on the edge of, the site. The site promoters have engaged in pre-application discussions with Hampshire County Council (HCC) as Highway Authority and Council officers have had sight of a 'Position Statement on Highways and Transport Matters' agreed by HCC Highways and Land and Partners. This confirms the two parties have agreed an access strategy which is to the satisfaction of HCC under its Section 278 preliminary design checking process.
2. The Position Statement includes a plan which demonstrates how the highway can be widened and the land that would be used. The plan shows the location of trees. The Position Statement also refers to an Arboriculture Impact Assessment which identifies that one category A tree would be removed, along with two category C trees and four groups of smaller category C trees. The Council is satisfied that such losses are acceptable in principle and are needed to deliver the site. Nonetheless, mitigation would be required as part of the development in line with Policy E18 in the submitted Plan (CD01).

5.2 Can the landscape impact of the development be adequately mitigated?

3. Yes, through the inclusion of specific criteria requiring mitigation in Policy H8. It is acknowledged that the site is divided between land parcels 21.3 and 21.4 in the Landscape Capacity Study (EB26), which have a low and medium/low capacity to accommodate change. The recommendations of the Landscape Capacity Study (p.188 & p.193) are that no part of the land parcels is brought forward for potential growth.
4. The Council has responded to the landscape constraint by including specific criteria requiring mitigation of the constraint within Policy H8. These require that:
 - the development of the site is masterplanned;
 - the proposal considers and positively responds to the special qualities of the South Downs National Park, including consideration of the Dark Sky Night Reserve; and
 - the design and layout:
 - retains and integrates the protected and existing trees and hedgerows found on and surrounding the site and leaves a substantial landscape buffer between the development and the ancient woodland of Southleigh Forest to the west and north; and
 - provides landscaping between the built development and the undeveloped land to the east.

5. It should be noted that there are no objections to the proposed allocation from the South Downs National Park Authority or Chichester District Council.

5.3 Can the ecological impact of the development be adequately mitigated?

6. Yes. The application site comprises a series of permanent pastures and hedgerows situated adjacent to mature woodland. The site itself is of ecological value but the habitats present are generally widespread and not species-rich. The most significant ecological issue is the presence of Bechstein's bat (and other species), with adjacent woodland and trees having supported substantial roosts, including maternity roosts, in recent years.
7. The Council's ecologist has been engaged in detailed pre-application discussions with the applicant. The applicant has commissioned detailed bespoke bat survey work, including for Bechstein's bat, undertaken by a recognised expert on this species. Surveys for other habitats and species have also been carried out. The Council's ecologist has been party to survey methodologies and results and has discussed potential mitigation proposals. It is understood that proposals will avoid direct impacts to woodland and mature trees and will include unlit buffers to all woodland areas. On- and off-site measures will be implemented to enhance habitat connectivity for bat species.
8. As with all planning proposals, the development will need to be accompanied by detailed ecological assessment and a deliverable mitigation, compensation, and enhancement package.

5.4 The policy requires the development to contribute towards identified flood alleviation schemes in the area. Which schemes is it envisaged that this development would contribute towards?

9. The Strategic Flood Risk Assessment (Local Plan sites) (EB33) highlights the known drainage capacity issues in Emsworth. The commentary on page 25 of that report sets out the approach to dealing with this, which includes making reference to contributions towards strategic flood alleviation measures both in Policy E19 and the relevant site allocations. The same policy wording is found in other sites in Emsworth.
10. The Environment Agency is working on a strategic scheme for the River Ems (see EA Advisory Note EB31 and SCG01). The Council has safeguarded land for this through Policy IN1F (criterion o. of Policy IN1). Nevertheless, the reason the scheme is not specified in the site allocation policy is to allow for the requirement to apply to any alternative strategic flood alleviation schemes that may come forward. Which, if any, scheme it would be appropriate for development to contribute to would be confirmed at the application stage, in consultation with the Environment Agency and informed by a site specific Flood Risk Assessment.

5.5 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

11. As with all of the sites subject to allocation, the planning constraints and infrastructure requirements were assessed through the Sustainability Appraisal (CD10), the Site Screening (EB44) and the Infrastructure Delivery Plan (EB50). These inform the list of site

opportunities and constraints in paragraph 8.18 of the submission plan (CD01) alongside the allocation itself.

12. Constraints pertaining to access, landscape and ecology are dealt with in the responses to 5.1, 5.2 and 5.3 respectively. The Council acknowledges that the site is constrained but considers that with appropriate mitigation the site can be brought forward for development.

Policy H27 – Rook Farm

5.6 Is the policy requirement (as it stands) that access be taken from Manor Road justified? How is it envisaged that would this be achieved?

13. An access from Manor Farm to the Rook Farm site would need be achieved through land to the immediate south of Hayling Island Holiday Park which lies to the north of the site. Further analysis has concluded that such an access presents engineering challenges. To introduce a junction onto the highway with the necessary visibility splays would necessitate further land-take, including part of the holiday park. Alternatively, a signalised junction could be introduced which would obviously interrupt the flow of traffic on Manor Road, and necessitate a larger junction (due to the sight lines needed for signals and road bends at that point).
14. As such, the Council considers that, whilst it is possible that such a junction could be achieved from Manor Road, there are engineering challenges and there being a more effective option that being an access from Lulworth Close (see question 5.7).

5.7 The Council has proposed a change to this policy (Ref CD27a) that would require access to instead be taken from Lulworth Close. Why is this necessary, and is it justified?

15. As set out in the response to 5.8, access from Lulworth Close is the preferred option for achieving access to the site. It would represent a simple and effective means of achieving access to a sizeable development site. This justifies the change.
16. It would require the use of third party land. However, this would equally be the case for Manor Road so does not represent an additional constraint. The Council is confident that Lulworth Close could be improved to accommodate the additional traffic within highway land, which is extensive (see figure 1).
17. The Council is aware of the site promoter's desire to achieve access from St Mary's Road through land which they control. The Council has does not consider this to be an appropriate solution to accessing the site. The use of this access presents difficulties that modelling is not able to show. A key issue which faces the island's highway network is 'friction'. St Mary's Road and the surrounding roads represent a constrained section of highway with the following:
 - Access being directly onto a narrower section of carriageway
 - Close proximity to the nearby junction from St Mary's Road onto Church Road with businesses accessed directly off of that junction
 - Close proximity to Mengham Infant School
18. None of the constraints above can be modelled, but are considered pertinent in considering the appropriate access for the development. This informed the Council's previous approach of an access from Manor Road, though the engineering challenges associated with that are acknowledged. Nonetheless, an access from Lulworth Close would not have any of these constraints nor any engineering challenges.

19. Overall, the Manor Road access presents engineering challenges which justifies a requirement to achieve access from an alternative point. An efficient access can be achieved from Lulworth Close which is free of constraints, without the engineering challenges of the former. For these reasons, the Council considers that the change is justified.



Figure 1: Highway land at Lulworth Close.

5.8 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

20. 5.8 and 5.9 are answered together below.

5.9 Are the detailed requirements of this policy justified?

21. As with all of the sites subject to allocation, the planning constraints and infrastructure requirements were assessed through the Sustainability Appraisal (CD10), the Site Screening (EB44) and the Infrastructure Delivery Plan (EB50). These inform the list of site opportunities and constraints in paragraph 8.57 of the Submission Plan (CD01) and the requirements included in the allocation itself.
22. Constraints pertaining to access and Solent Wader and Brent Geese sites are dealt with in the responses to 5.7 and 4.13 respectively.

23. The requirements relating to the need for the design and layout to coordinate with the adjacent Fathoms Reach allocation (H28) relates to the need to provide a high degree of permeability through walking and cycling routes between the two sites (criterion f. iv.). The Council considers this to be justified in the interests of good place-making.

Policy H29 – Land North of Sinah Lane

5.10 The approach to the Site Selection Topic Paper states that a planning application had been submitted and was due to be considered at Development Management Committee on 10 March 2021. Has that application now been determined?

24. The Planning Committee met on 10 March 2021 and resolved to grant planning permission for planning application APP/20/01093. The legal agreement which is required for the scheme is at an advanced stage and awaiting signing. There are a large number of signatories of the legal agreement. As such, planning permission has not yet been granted but is expected to be shortly.

5.11 The Topic Paper also states that a recent planning application at this site for housing development was subject to an appeal against non-determination. Has this appeal been determined?

25. This is appeal reference APP/X1735/W/20/3253633. The Planning Inspectorate has been advised of the resolution by the Planning Committee to grant planning permission on the replacement planning application (APP/20/01093). The Council expects the applicant (Barratt David Wilson Homes) to withdraw this appeal once the replacement scheme (APP/20/01093) is granted planning permission.

5.12 Does this site form part of a mitigation scheme for a previously approved development at the Oysters? If so, would this affect the delivery of this allocation?

26. No. Land North of Sinah (H29) does not form part of a mitigation scheme for the now complete development at the Oysters and as such does not affect the delivery of allocation H29. This is explained in more detail in the Biodiversity Strategy (EB15), specifically table 7 and paragraphs 3.73 to 3.80, which set out in more detail the mitigation package for The Oysters and the assessment of data leading to the approach for Allocation H29. The various Solent Wader and Brent Goose Strategy (SWBGS) sites referred to together with the two sites are shown on figure 2 for ease.
27. The key element of the mitigation package which has caused confusion is the final bullet in paragraph 3.76. This confirms that part of the mitigation package was controlling access from the Billy Trail to SWBGS site H34C through fencing. H34C is the site of Allocation H29. As such, the field itself was not part of the mitigation package for 'The Oysters', merely controlling access over it.

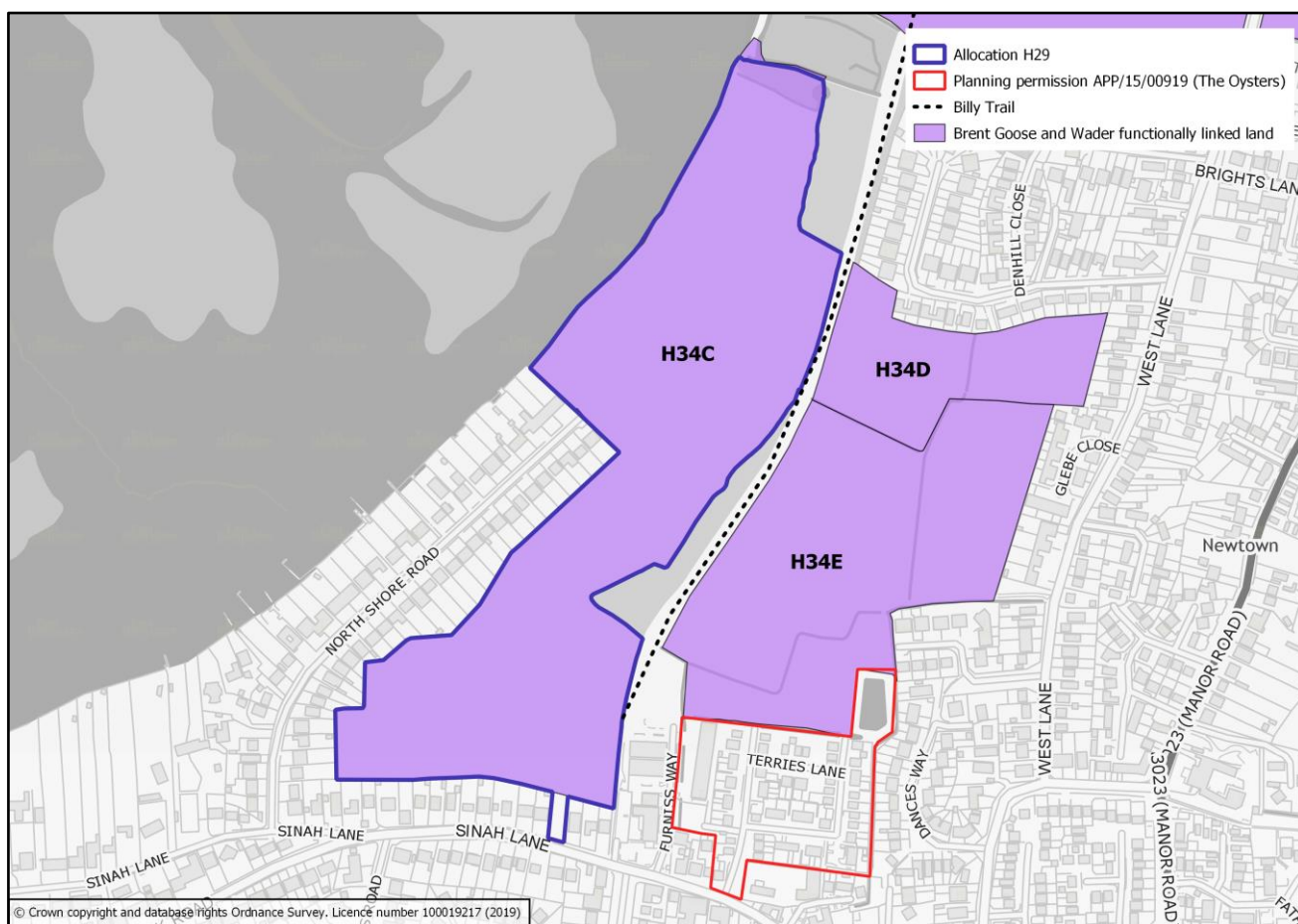


Figure 2: Allocation H29, the 'Oysters' and surrounding SWBGS sites.

5.13 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

28. As with all of the sites subject to allocation, the planning constraints and infrastructure requirements were assessed through the Sustainability Appraisal (CD10), the Site Screening (EB44) and the Infrastructure Delivery Plan (EB50). These inform the list of site opportunities and constraints in paragraph 8.60 of the submission plan (CD01) alongside the allocation itself.
29. These were considered in more detail as part of the determination of the two planning applications on this site (APP/18/00724 & APP/20/01093). In both cases, officers recommended that planning permission be granted. In doing so, the report accompanying those recommendations explored the constraints and infrastructure requirements, having regard to the consultation responses from infrastructure providers. In the conclusions on the more recent application, the case officer notes in paragraph 8.3 in relation to highways infrastructure "following extensive review and consultation to address highways concerns, and having regard to the Hayling Island TA, measures to mitigate the impact of the proposed housing development have been agreed with Hampshire Highways. The proposal would be subject to a legal agreement to provide a contribution to measures to

improve traffic flow and road safety, and would also deliver CIL funding which could be used to support the Hayling Island TA mitigation proposals. Overall, the impacts on the highway network could not be considered to be severely harmful to the safety or free flow of the highway network and as such, and having regard to the NPPF, the development should not be refused on highway grounds". In relation to infrastructure more generally, the case officer the notes in paragraph 8.4 "the proposal provides for contributions to education, health, and a community officer, to accommodate the impacts of the proposed residents".

30. There is nothing to suggest that the means to overcome those constraints threatens the deliverability of the scheme. No objections were raised by the site promoter to the allocation and as noted above, the Council has resolved to grant planning permission for the most recent scheme.

Policy H40 - Campdown

5.14 Is the quantum of development envisaged in this policy appropriate given the presence of three Scheduled Monuments?

31. Yes. The 2020 Pre-Submission Plan (CD08) included a proposed reduction in the net developable site area from 26.6ha to 21.4ha from CD09 to reflect the setting of the buried Roman villa and road (as re-designated) in particular.
32. The site would normally be expected to provide for a minimum of 40 dwellings per hectare (dph) in accordance with Policy H3 in the submitted Local Plan. However, this would imply a much greater site capacity of at least 850 dwellings. In this case, there are clear site-specific constraints by virtue of the three Scheduled Monuments (and levels on the site) which justify a different design approach. The site capacity is therefore intended to provide flexibility for pockets of lower density development, open space, and landscaping in and around the setting of the Scheduled Monuments.
33. Policy H40 and para 8.78 in the submitted Local Plan (CD01), include comprehensive developer requirements to reflect these site-specific constraints, and include appropriate safeguards to ensure the extent and significance of the Scheduled Monuments are appropriately assessed, and conserved and where possible enhanced.

5.15 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

34. 5.15 and 5.16 are answered together below.

5.16 Are the detailed requirements of this policy justified?

35. As with all of the sites subject to allocation, the planning constraints and infrastructure requirements were assessed through the Sustainability Appraisal (CD10), the Site Screening (EB44) and the Infrastructure Delivery Plan (EB50). These inform the list of site opportunities and constraints in paragraph 8.78 of the submission plan (CD01) and the requirements included in the allocation itself. For example, the IDP highlights that Portsmouth Water reviewed the emerging Local Plan and indicated which sites may require offsite water mains reinforcement (page 101). This has been reflected in the site allocations policies.
36. Constraints pertaining to Solent Wader and Brent Geese sites are dealt with in the response to 4.15.
37. The extensive list of developer requirements reflects the scale of development envisaged by the allocation and the constrained nature of the site. The design and layout criteria reflect this (criterion I. i-v.), given the need to respond to the presence of the three Scheduled Monuments and the landscape sensitivity as set out in the SA (CD10, WV6).

38. The requirements relating to the need for the design and layout to coordinate with the adjacent South Downs College car park allocation (KP8) relates to the need to ensure development does not prejudice development of the adjacent site, including potential walking and cycling links with the adjacent South Downs campus. The Council considers this to be justified in the interests of good place-making.

