

Havant Borough Council

Examination of the Havant Borough Local Plan

Schedule of Matters and Issues for the Examination – Stage 1 Hearings

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Matter 1 – Legal Requirements

Duty to co-operate

- 1.1 Has the Plan been prepared in accordance with the Duty to Co-Operate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended), particularly with regard to (but not limited to) any unmet housing need in the Partnership for South Hampshire area.

Statement of community involvement

- 1.2 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement at the relevant time and met the minimum consultation requirements in the 2012 Regulations?

Sustainability appraisal

- 1.3 Has the Plan's formulation been based on a sound process of SA in accordance with the regulations and relevant guidance, including the testing and/or consideration of reasonable alternatives for all policies in the Plan?

Local development scheme

- 1.4 Has the Plan been prepared in accordance with the Council's Local Development Scheme?

Climate change

- 1.5 Does the Plan include sufficient policies designed to secure the development and use of land that contributes to the mitigation of, and adaptation to, climate change?

Other matters

- 1.6 The Plan does not state which policies of the existing development plan will be replaced. Please can the Council provide this information.

(Please note: the legal compliance of the Habitats Regulation Assessment will be considered under Matter 4 below).

Matter 2 – Housing

Overall spatial strategy

2.1 Is the spatial strategy for housing justified?

Housing requirement (as set out within Policy DR1)

2.2 Is the housing requirement figure of 10,433 dwellings over the Plan period justified and is there any evidence to suggest that the housing requirement should be increased above the standard methodology figure in accordance with Paragraph 010 (Reference ID: 2a-010-20201216) of the PPG?

2.3 The Plan allocates some 149,940 square metres (sqm) of employment floorspace against an identified need of 86,919 sqm. Does this have any implications for housing need having regard for the need to balance jobs and homes?

2.4 The Specialist Housing Topic Paper (Ref EB38) identifies that in July 2019, there were 54 individuals on the Council's self and custom house build register. How will the Plan deliver this need?

Housing trajectory & supply

2.5 The Council has set out that on adoption it is likely to have a 4.2 year housing land supply. Has all been done to try and boost the supply, of housing in the short term?

2.6 The allocations and areas of search (KP Policies) add up to some 5,427 dwellings in total. Is the figure of 4,753 dwellings from the site allocations in Table 2 of the Plan therefore correct?

Policies KP1 and KP2

2.7 The housing trajectory provided in the Strategy Topic Paper (Ref: TP01) estimates completions being delivered for Key Projects 1 and 2 in 2025/26. Are these realistic having regard to any landowner and infrastructure constraints for each project?

2.8 Are each of the Key Projects 1 and 2 deliverable, including the number of dwellings envisaged (750 dwellings for Havant and 600 dwellings for Waterlooville)? What work has been done to estimate the expected number of dwellings from each area?

2.9 Does each key project meet the definition of developable within the NPPF?

- 2.10 Is the identified Havant town centre boundary justified, having particular regard to the exclusion of East Street?
- 2.11 The housing trajectory provided in the Strategy Topic Paper (Ref: TP01) estimates the delivery of 729 dwellings from Policy KP1. Why is this different to the 750 dwellings set out in Policy KP1?
- 2.12 The housing trajectory provided in the Strategy Topic Paper (Ref: TP01) estimates the delivery of 540 dwellings from Policy KP2. Why is this different to the 600 dwellings set out in Policy KP2?
- 2.13 To be effective, should the Policy KP2 say 'In addition to criteria a) to **g**)...'?

Policy KP5

- 2.14 Is there sufficient evidence to suggest that the proposal would not have a severe impact on the strategic road network?
- 2.15 Are the methodologies and modelling assumptions used for the Mainland Transport Assessment Addendum: Southleigh Study (Part 1 and 2) & A27 Junction Feasibility Study robust?
- 2.16 Do the studies, particularly Part 1 of the Southleigh Study provide robust justification for a new junction with the A27?
- 2.17 Would a new spine/link road, particularly the identified preferred option and the safeguarded land in Policy IN2, have any significant impacts on the existing service stations on the A27 and the delivery of site allocation C9?
- 2.18 The housing trajectory provided in the Strategy Topic Paper (Ref: TP01) estimates completions being delivered from Policy KP5 Southleigh from 2025/26. Is this realistic, given that the Council has set out in their response (Ref: CR08) to our initial questions that it is unsure when highway improvements will need to be implemented to allow the delivery of homes on the site?
- 2.19 The Council are seeking to alter (Ref: CD27a) criterion b. v. and Paragraph 3.108 of the supporting text with regard to highway improvements, are these changes justified?
- 2.20 Is the development of best and most versatile agricultural land justified?
- 2.21 Does Policy KP5 conflict with Policy E6 in relation to best and most versatile agricultural land?

- 2.22 To be effective should Policy KP5 refer to sewerage network reinforcements being required?
- 2.23 To be effective should Policy KP5 or its supporting text refer to the site being within the Chichester and Langstone Harbour SSSI impact risk zone?
- 2.24 A proposed change to Policy KP5 has been suggested by the Council (CD27a) with regard to Drainage and Flood Risk Management. Is this justified and necessary for soundness?

Other sites

- 2.25 Are Site Allocations H8 and H34 likely to start delivering completions in 2023/24?
- 2.26 Is Site Allocation H29 likely to start delivering completions in 2021/22?
- 2.27 Are the delivery assumptions for all other sites set out in the housing trajectory provided within the Strategy Topic Paper (Ref: TP01) justified?

Other housing land supply matters

- 2.28 The number of expected completions for some years between 20/21 and 24/25 (the five year period) set out in the housing trajectory (Ref: TP01) and the Five Year Housing Land Supply Update (Ref: EB36) differ. Why is this?
- 2.29 Are the assumptions on windfall development in the trajectory justified and is any reliance on the redevelopment of redundant/commercial/leisure uses appropriate in this regard?
- 2.30 Is the Windfall/Unidentified Housing Development Analysis and Justification Background Paper (Ref: EB45) robust?
- 2.31 For the Plan to be consistent with national policy, does the Plan itself need to include a housing trajectory?

Matter 3 - Hayling Island

Hayling Island transport assessment & addendum

- 3.1 Are the methodologies and modelling assumptions used for the assessments robust?
- 3.2 Is the approach of not having regard to the summer and weekend tourist traffic justified?
- 3.3 The assessments set out that journey times would increase as a result of the proposed package of mitigation, is this justified?
- 3.4 Can the package of highway mitigation be delivered, including having regard to any landowner constraints and how will it be funded?
- 3.5 Can it be reasonably concluded that there would not be any severe impacts on highway safety as a result of the Plan and its allocations?

Flood risk

- 3.6 Strategic Flood Risk Assessment acknowledges that Hayling Island has only one access on and off the island, and the access itself is at risk of flooding. Is the allocation of more housing on Hayling Island therefore justified and can such flood risk to the sole access be appropriately managed in the future?
- 3.7 Is the delivery of any flood related infrastructure required on Hayling Island required to deliver the Plan and if so, how will this be delivered and funded?
- 3.8 Can the site areas identified in Policy KP3 all be developed without unacceptable flood risk?
- 3.9 The Statement of Common Ground with the Environment Agency (EA) states that the remaining flood risk associated with the sites set out within Policy KP3 would be managed by requiring a robust Flood Response Plan. Is this an appropriate means of managing any flood risk and does the EA consider that Policy KP3 remains unsound in this regard?
- 3.10 Is there sufficient evidence to be able to conclude that the proposals at West Beach, Eastoke Corner, Southwood Road and Beachlands meet the flood risk exception test (part b), as set out in Paragraph 160 of the NPPF? Further, does Paragraph 162 of the NPPF allow part b) of the test to be considered at the application stage?

- 3.11 How can the potential for flooding of the access road to Northney Marina be addressed?
- 3.12 A number of proposed changes to Policy KP3 associated with flood risk are suggested by the Council (Ref CD27a). In each case are these justified and necessary for soundness?

Policy KP3

- 3.13 Do the proposals in Policy KP3 represent an appropriate strategy when taking into account reasonable alternatives?
- 3.14 How will the regeneration projects set out in Policy KP3 be delivered and funded?
- 3.15 Is the Hayling Island Seafront Regeneration Analysis and Feasibility Study robust?
- 3.16 Can the site areas identified in Policy KP3 be developed without unacceptable impacts on sites of biodiversity importance?
- 3.17 Is the requirement for public art within criterion g. justified?
- 3.18 To be effective, does Policy KP3 need to refer to linking and enhancing the Hayling Billy Trail?
- 3.19 A number of proposed changes to the supporting text of Policy KP3 associated with the Solent Waders and Brent Goose Strategy are suggested by the Council (Ref CD27a). In each case are these justified and necessary for soundness?

West Beach

- 3.20 Is West Beach subject to coastal erosion and could this affect development at the site?
- 3.21 Can development at West Beach be delivered without unacceptable impacts on the Sinah Common SSSI? Would the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs, in accordance with national policy?

Northney Marina

- 3.22 Are the proposals at Northney Marina, particularly for residential development justified?

- 3.23 Given the location of Northney Marina in the AONB, what confidence can there be that any major development of the site would be justified by exceptional circumstances and that are within the public interest?
- 3.24 Is the statement at Paragraph 3.76 that '*There is high potential for previously unidentified archaeological deposits*' justified?
- 3.25 Is the requirement of rr. justified?
- 3.26 Is the limitation of uses to residential and Class E at Northney Marina justified?

Eastoke Corner

- 3.27 Are the proposals at Eastoke Corner justified?

Southwood Road

- 3.28 Is the proposed development of the Nab car park justified?
- 3.29 To be effective, should Policy KP3 set out that the Nab Car Park is used as plant access for beach management activities and require replacement provision to be made if access would change?

Beachlands

- 3.30 Is the allocation of about 100 dwellings at Beachlands justified and does this figure maximise the potential of the site in accordance with the national policy?
- 3.31 Is the requirement in criterion cc to ensure there is no net loss in the number of jobs when compared to the current or last occupation of Beachlands justified and consistent with national policy?

Matter 4 - Habitat Regulations and Mitigation Strategy

Habitats regulation assessment and legal compliance

- 4.1 Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?

Mitigation strategy

Policy E15 - Protected Species

- 4.2 Does this policy adequately address potential impacts on Bechstein's Bat?
- 4.3 In order to be effective, should the requirements set out in Paragraph 5.200 be incorporated into the policy wording?
- 4.4 Is this policy otherwise justified, effective, and consistent with national policy?

Policy E16 - Recreation impact on the Solent European Sites

- 4.5 In order to be effective, should the requirements set out in Paragraph 5.214 be incorporated into the policy wording?
- 4.6 Is Figure 21 accurate, and if not, does this need to be amended in order to be effective?
- 4.7 Is this policy otherwise justified, effective, and consistent with national policy?

Policy EX1 - Water Quality impact on Solent European Sites

- 4.8 How would this policy operate in the event that Thornham Waste Water Treatment Works reaches capacity during the plan period? What effect would this have on the delivery of proposed housing allocations?
- 4.9 How will the effectiveness of this policy be monitored?
- 4.10 Should this policy include a review mechanism in the event that upgrades are secured to existing waste water infrastructure during the plan period?
- 4.11 The Council's 'Position Statement and Mitigation Plan for Nutrient Neutral Development' (August 2020) states that Natural England's methodology for calculating a nutrient budget shall be used. Is this methodology robust?

Policy E17 - Solent Wader and Brent Goose feeding and roosting sites

- 4.12 Is the survey methodology by which 'Core Areas', 'Primary Support Areas', 'Secondary Support Areas' have been identified robust?
- 4.13 Is Rook Farm's (site H27) function as a 'core area' for Solent Waders / Brent Geese capable of being adequately mitigated?
- 4.14 Is Land North of Sinah Lane's (site H29) function as a 'primary support area' for Solent Waders / Brent Geese capable of being adequately mitigated?
- 4.15 Is Campdown's (site H40) function as a 'primary support area' and 'secondary support area' for Solent Waders / Brent Geese capable of being adequately mitigated?
- 4.16 Is the approach to other proposals on Core Areas, Primary Support Areas, Secondary Support Areas, Low Use areas, and Candidate Sites justified?

Policy EX2 - Warblington Farm

- 4.17 Is the 'Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough' by Ricardo Energy and Environment robust?
- 4.18 Would Warblington Farm be capable of mitigating the amount of development envisaged in the Local Plan, both in relation to water quality and replacement habitat? Is there headroom to mitigate further development beyond this?
- 4.19 Would the proposed developer contributions be sufficient to deliver and manage Warblington Farm?
- 4.20 Is Warblington Farm capable of mitigating development draining to Thornham Waste Water Treatment Works?

Policy E25 - Broadmarsh Brent Goose and Wader Refuge

- 4.21 Which development sites is it envisaged that Broadmarsh Brent Goose and Wader Refuge would provide mitigation for?
- 4.22 Would developer contributions be sufficient to deliver and manage this site?

Matter 5 – Large Site Allocations without Planning Permission

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?
- 5.2 Can the landscape impact of the development be adequately mitigated?
- 5.3 Can the ecological impact of the development be adequately mitigated?
- 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?
- 5.5 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

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?
- 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?
- 5.8 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?
- 5.9 Are the detailed requirements of this policy justified?

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?
- 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?

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

Policy H40 - Campdown

- 5.14 Is the quantum of development envisaged in this policy appropriate given the presence of three Scheduled Monuments?
- 5.15 Have other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?
- 5.16 Are the detailed requirements of this policy justified?

Matter 6 – Mainland Transport Assessment

- 6.1 Is the methodology and its modelling assumptions used for the assessment robust?
- 6.2 The Council has acknowledged (Ref: CD08) in response to our initial questions that the increase in employment floorspace allocation has not been considered in the assessment. Therefore, is it possible to conclude that there would be no severe impacts on the surrounding highway network?
- 6.3 Will the Plan avoid severe impacts on the strategic road network, particularly (but not limited to) the Teardrop and A3(M) junction?
- 6.4 Were there sufficient discussions with neighbouring authorities during the preparation of the assessment and does the assessment sufficiently take into account their development aspirations?
- 6.5 Is sufficient regard had to sustainable modes of transport and the contribution this might have in meeting climate change objectives?

Matter 7 – Viability

- 7.1 Overall, is the methodology and assumptions in the Local Plan CIL Viability Study (Ref EB48) and its update note (Ref EB49) robust?

In answering the above question, the Council should have particular regard to representation number R256 to the 2019 Regulation 19 Consultation.

- 7.2 Have all potential costs been suitably assessed in the viability studies?
- 7.3 Do the viability studies suitably demonstrate that the spatial strategy of the Plan and its policies can be delivered?