



The Planning Inspectorate

Report to Havant Borough Council

by Sue Turner

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7th July 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO HAVANT BOROUGH
LOCAL PLAN (ALLOCATIONS)

Document submitted for examination on 20 December 2013

Examination hearings held between 29 April and 1 May 2014

File Ref: PINS/X1735/429/6

Abbreviations Used in this Report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
CIL	Community Infrastructure Levy
CS	Core Strategy
EA	Environment Agency
ELR	Employment Land Review
HCC	Hampshire County Council
IDPU	Infrastructure Delivery Plan Update
LCA	Landscape Character Area
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PUSH	Partnership for Urban South Hampshire
SA	Sustainability Appraisal
SAA	Sustainability Appraisal Addendum
SCI	Statement of Community Involvement
SCG	Statement of Common Ground
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SHS	South Hampshire Strategy
SHMA	Strategic Housing Market Assessment
SLG	Formation of Strategic and Local Gaps in Havant
SSDR	Site Specific Development Requirements

Non-Technical Summary

This report concludes that the Havant Local Plan (Allocations) provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the plan. Havant Borough Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering all the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Clarification of the context and criteria for development that may be appropriate in the borough's undeveloped gaps;
- Clarification of the status of the borough's Local Green Spaces;
- Confirmation of the base date for retail information in table 3.3;
- Addition of references to ensure that the Plan provides up to date information on flooding;
- Changes to site profiles to ensure clarity and accuracy on some site allocations;
- Changes to development management Policy DM20: Historic Assets to clarify its reliance on the NPPF.

Introduction

1. This report contains my assessment of the Havant Borough Local Plan (Allocations) (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the Plan has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (December 2013) which is a composite of the document published for consultation in October 2013 and the minor changes made before submission in the Schedule of Minor Changes (SD01/02).
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. I have taken account of all the consultation responses in coming to my conclusions in this report and in this light I have made some minor amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report. Finally, I have omitted the Council's proposed modification 004 as this is not required to make the Plan sound. This change can be made by the Council, along with any other minor editorial changes, as additional modifications outside the examination process.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the preparation of the AP.
6. The Council has undertaken much of the preparatory work for the Plan in co-operation with neighbouring authorities through the Partnership for Urban South Hampshire (PUSH). This partnership has worked to establish the sub regional basis for housing and economic development and in October 2012 produced the South Hampshire Strategy (SHS), a revised spatial strategy for the area. The PUSH authorities, together with Hampshire County Council

(HCC) and the Solent Local Enterprise Partnership, commissioned a Strategic Housing Market Assessment (SHMA) to help assess housing need through to 2036. This was published in March 2014 and will inform a forthcoming review of the PUSH Spatial Strategy.

7. Other work through PUSH has assessed infrastructure needs and the Council has worked with Hampshire County Council (HCC), West Sussex County Council, the Environment Agency (EA), water authorities and neighbouring local authorities on cross boundary infrastructure such as wastewater, transport and education. Matters such as flood risk, coastal change, shoreline management and climate change have been addressed through collaborative working with a range of bodies which includes the EA, HCC, the Solent Coastal Partnership, Southern Water and local interest groups. The Council has worked in collaboration with other Hampshire local authorities to assess the need for Gypsy and Traveller pitches and has co-operated with Natural England, the Isle of Wight Local Nature Partnership and Chichester Harbour Conservancy in work to conserve the landscape and the natural environment.
8. It is clear that the Council has worked collaboratively with neighbouring authorities and with other bodies to ensure that the Plan is effective in addressing cross boundary and strategic matters. On this basis I am satisfied that the Duty to Co-Operate has been met.

Assessment of Soundness

Background

9. The Havant Borough Local Plan (Core Strategy) was adopted in March 2011 and is referred to as the Core Strategy (CS). This Plan, the Local Plan (Allocations) seeks to deliver the vision for growth that is set out in the CS. It does not seek to reassess any strategic issues, such as overall housing or employment needs and the two documents are intended to be read together to form the Havant Borough Local Plan.

Main Issues

10. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

Issue 1 – Is the Plan consistent with national policy in the NPPF and with the overall objectives of the Havant CS?

Overview

11. The Plan sets out eight strategic policies which seek to deliver the CS vision and complement the CS strategic policies. It allocates sites in the five distinct areas of the borough that are identified in the CS and takes forward the spatial distribution of development established in the CS. Finally, it includes nine development management policies, DM17 – DM25, which continue the range of policies (DM1 – DM16) in the CS. It covers the period from 2013 to 2026 and thus aligns with the CS plan period.

Infrastructure Planning

12. The Plan is supported by the 2012 Infrastructure Delivery Plan Update (IDPU). This is based on the implementation framework set out in the CS, which identifies the infrastructure required to support the growth planned in the CS and carried forward through the Plan. The IDPU updates infrastructure planning to inform the Council's CIL. It includes cross boundary work and is consistent with paragraph 162 of the NPPF.

Flood Risk

13. The Level 1 PUSH Strategic Flood Risk Assessment (SFRA) was prepared in 2007 and provided flood risk evidence to support the CS. Further work has been undertaken to prepare a Level 2 SFRA which has informed the selection of sites for allocation in the Plan.
14. HCC is currently preparing a Groundwater Management Plan for the County and a Surface Water Management Plan for the Borough and has indicated that these documents will supplement existing evidence on flood risk from sources other than rivers and the sea. To ensure that the Plan addresses the issue of flood management through reference to the full range of evidence on flood risk the Council proposes the addition of references to these management plans and to HCC's 2013 Local Flood Risk Management Strategy. This change, which will ensure consistency with Paragraph 100 of the NPPF, should be made as set out in **MM09**.

Issue 2 – Are the strategic policies soundly based and effective?

Policy AL1: Presumption in Favour of Sustainable Development

15. The Council has chosen to retain Policy AL1 which re-iterates the NPPF presumption in favour of sustainable development. In response to concerns raised by local residents it has suggested additional wording to clarify the background and status of Policy AL1. These changes, **MM01** and **MM02** should be made to ensure that the policy is clear and effective.

Policy AL2: Undeveloped Gaps

16. The CS sets out the principle of concentrating development in the borough's five urban areas and of maintaining a number of undeveloped gaps between these areas, as well as between them and the boundaries with neighbouring local authority areas. Paragraphs 7.18 and 7.19 of the CS explain the status of the gaps as non urban areas which should be protected against unnecessary development and note that their function can include separating the urban areas and creating a distinction of place. The Inspector's report to the 2010 CS examination recognised the importance of the gaps but drew attention to the need for a thorough review of the detailed boundaries of the gaps.
17. The Council has explained that in preparing the CS it became clear that some urban extensions would be necessary in order to deliver the borough's housing and employment development. This is acknowledged in paragraph 7.17 of the CS. Thus it is appropriate that the gaps and urban area boundaries have been redefined as part of the preparation of this Plan.

18. The Council's review of the undeveloped gaps is based on two documents, The Formation of Strategic and Local Gaps in Havant Borough (2008) (SLG) and the Havant Local Gaps Review (2012) (Gaps Review). These documents together provide an effective analysis and reassessment of the gaps and they form the basis for revised urban area boundaries which are defined on the Policies Map referred to in Policy AL2. The adjusted boundaries introduced through Policy AL2 are soundly based on robust evidence.
19. Local residents have raised a number of concerns about the revised urban area boundaries and the effectiveness of Policy AL2 as a whole. Some of these concerns relate to the public engagement that took place during preparation of the Plan. However having carefully considered the sequence of events and correspondence relating to this matter I am satisfied that public engagement has been consistent with the Council's Statement of Community Involvement.
20. Further concerns have focussed on the risk of the undeveloped gaps being identified as a land resource for meeting unforeseen demands in the future, especially for housing. My attention has been drawn in particular to the fact that the CS housing target was set in 2010. The continued relevance of the CS housing target is addressed in detail later in this report. However the Council has an adopted Local Plan and seeks to maintain a five year supply of housing land (also addressed later in this report), in accordance with NPPF paragraphs 47 and 49. The Council acknowledges that the failure to maintain a 5 year housing land supply would make the undeveloped gaps susceptible to unplanned development. However it correctly points out that this would be the case whatever wording was included in Policy AL2.
21. Policy AL2 sets out three circumstances in which planning permission will be granted for development within the undeveloped gaps. Concerns have been raised that the second of these, development which meets an overriding public need that cannot be accommodated elsewhere in the borough, is unclear because it fails to define what is meant by an overriding public need. In response to these concerns the Council has proposed changes to clarify the type of development which could be allowed under this criterion and to set out the methodology for assessing its potential impact on the undeveloped gap. These changes, **MMO3**, **MMO5** and **MMO6** should be made to ensure that Policy AL2 is clear and effective.
22. I have had regard to the Court Case (Tesco v. Dundee City Council) which has been submitted by local residents, but I have found nothing in this document to change my conclusion that the policy, as amended by the modifications in the preceding paragraph, is sound. I have also carefully considered suggestions that the policy should require any development to retain openness and that reference should be made to the Chichester Harbour Area of Outstanding Natural Beauty. However these matters are dealt with satisfactorily in other parts of the Plan and do not justify any further changes.
23. Policy AL2 strictly controls development in the non urban area of Hayling island which it differentiates from the undeveloped gaps. The Council has made pre submission changes to paragraph 2.09 of the Plan to ensure that it reflects the contribution that established holiday centres make to the local economy. It is argued that the Plan should take a more positive stance. However the added wording to paragraph 2.09 is complemented and supported by CS Policy

CS5: Tourism and the NPPF and there is no need to repeat or cross reference to these other documents.

24. Subject to the changes referred to above I am satisfied that the Policy is clear and effective.

Policy AL3: Town, District and Local Centres

25. Policy AL3 sits alongside Policy CS4 and, through the Policies Map, defines the boundaries of all town district and local centres, superseding the boundaries in saved policy TC1 of the Havant Borough District-Wide Local Plan. In particular it introduces changes to Havant Town Centre Boundary to include Havant Retail Park and the retail expansion north of Solent Road. It is argued that inclusion of these areas will draw the focus away from the historic town centre and that insufficient support is provided to the Meridian centre.
26. The Council acknowledges that the permissions for retail uses at Solent Road have had an impact on the historic core of the town centre. However it draws attention to public realm links that it has put in place to enhance routes between the new retail areas and the historic centre. It also argues that the retail parks draw in more visitors to the area and benefit the whole of the town centre, including the historic core. Furthermore data on vacancy rates in Havant Town Centre in February 2014 show a decrease in vacancy rates compared to those reported in the 2010 Annual Monitoring Review (AMR). Based on the retail and economic development evidence as a whole, the close physical relationship between the historic core and retail parks and the improvements to public realm links I am satisfied that the proposed Havant Town Centre boundary is justified.
27. The Plan's approach to retail development is based on the Town Centres, Retail and Leisure Study which informed preparation of the CS and dates from 2009. However the Council has continued to update this analysis through monitoring national retail trends as well as recording and publishing Borough vacancy rates and market information in a monthly newsletter. Table 3.3 of the Plan sets out retail provision across the borough but does not include the most recent retail scheme north of Solent Road, for which planning permission was granted in June 2013. The table has a base date of April 2013 but this is not stated in the Plan. To ensure accuracy and avoid confusion about retail provision change **MM8** should be made to clarify the base date of Table 3.3.
28. It has been argued that it would be logical to include the former ICTS site on the south of Solent Road within Havant Town Centre boundary. This site has extant planning permission for B class uses and some trade counter uses. It is clear that the decision to retain this area for industrial uses dates from early consultation during preparation of the Plan. The 2011 document "What do you want from your Town, District and Local centres? A Consultation Draft" explains that exclusion of the ICTS site is based on balancing the limited need for new retail floorspace identified in the CS with the risk of extending the town centre boundary too widely. This evidence, together with concerns that extending the Town Centre boundary further west would put further pressure on the historic core, supports the Havant town centre boundary that is defined through Policy AL3.

Policy AL8: Local Green Spaces

29. This policy sets out the local policy for managing development within the Local Green Spaces that have been designated across the Borough in accordance with Paragraphs 76 and 77 of the NPPF. The Policy is clear and consistent with the NPPF. However in order to avoid confusion and ensure that the status and nature of Local Green Space is clearly distinguished from other open areas such as school playing fields, the Council's proposed change **MM07** should be made.

Issue 3 –Does the Plan provide a robust strategy for delivering development across the borough?

Background

30. The CS was adopted in 2011 and therefore pre-dates the NPPF. Its housing target of 6,300 new dwellings in the plan period 2006 to 2026 was consistent with the Regional Strategy at the time, the South East Plan, which was revoked in March 2013. After the publication of the NPPF in March 2012 the PUSH authorities approved the South Hampshire Strategy (SHS), which provides a sub- regional basis for the local authorities housing requirements necessary to deliver the PUSH Economic Growth Strategy. The CS housing target towards which the allocations in this Plan will contribute is consistent with the SHS and remains broadly accurate when tested against the "What Homes Where" toolkit. The PUSH authorities are preparing to undertake a review of the SHS to 2036, anticipating commencement in 2014 with a consultation draft to be available in 2015.

Does the AP provide a robust and effective strategy for delivering new housing?

31. The Plan allocates sites to deliver 2,853 homes which will contribute to an overall supply of 6,773 new homes to be delivered over the Plan period. It is argued that some sites have not delivered at the rate anticipated and that additional sites should be allocated to make up for this slow growth and to boost housing supply. The Council agrees that progress has been slow through the years of the economic downturn and the 2013 AMR illustrates this, identifying a shortfall of 534 dwellings.
32. However the AMR also demonstrates a five year land supply, with identified deliverable housing sites and includes a trajectory which shows a peak in housing completions over the short/ medium term. To support this, the Council has prepared an up to date summary of progression on large housing sites in the borough. This document: Short Term Housing Delivery – Site Progression (April 2014) shows that there is a significant number of large housing sites under construction and several with planning permission in place or with planning applications submitted. Some, but by no means all of these are urban extension sites through this Plan.
33. The Council's evidence supports the expectation that there will be a peak in housing delivery in the short to medium term. The borough has a five year housing supply and there is every reason to expect that the outstanding shortfall will be made up. On this basis there is no justification for allocating additional housing sites in the Plan.

Are the housing allocations consistent with the CS objectives for the distribution of housing across the five areas of the borough?

34. Table 6.1 of the CS indicates how housing development will be distributed across the borough's five areas, giving percentages of the total supply for each area. The Plan carries this forward and continues to use indicative figures to allocate sites, some for a mix of uses, in each of the five areas. The Plan includes a summary for each area to illustrate how the site allocations will contribute to the area total. It is clear that the Plan's approach to allocating sites for housing is consistent with the spatial objectives set out in the CS.
35. It has been argued that the Plan fails to make adequate provision for housing land on Hayling Island. However development on Hayling Island is restricted by accessibility and environmental issues and the allocation of sites in this Plan is consistent with the distribution set out in Table 6.1 of the CS. No evidence has been submitted to justify re-aligning the distribution or increasing the amount of housing allocated on Hayling Island.

Does the Plan address the needs of Gypsies, Travellers and Travelling Showpeople?

36. Policy CS10 of the CS sets out criteria for the location of sites for Gypsies, Travellers and Travelling Showpeople but delegates the allocation of sufficient sites for these groups to the Development Delivery (Allocations) DPD. This is to be based on the findings of the Hampshire Gypsy and Traveller Accommodation Assessment and Government Guidance. It is clear that this Plan, albeit with a different title to that referred to in Policy CS10, is the appropriate place to allocate these sites. However the most up to date study of need, the 2013 Travellers Assessment for Hampshire, concludes that there is no current need for additional permanent pitches in Havant and no projected future need up to 2027.
37. The Plan includes an explanation of this situation. It also states that the Council is working with neighbouring authorities in eastern Hampshire (Fareham, Winchester, Gosport and East Hampshire) to identify appropriate locations for 47 transit pitches and 16 pitches for travelling showpeople. Should any of these pitches need to be accommodated in Havant they will be allocated as part of a review of the Local Plan. It is clear that the eastern Hampshire authorities are continuing to work collaboratively to identify sites and it would be inappropriate for this Plan to make any allocations in advance of the work being brought to a conclusion. In these circumstances the Plan is justified and consistent with the CS.

Does the Plan provide for an appropriate level of employment floorspace based on the CS?

38. Table 3.2 of the Plan sets out how the 73,800 square metres of employment space to be delivered through employment and mixed use allocations will complete the overall CS requirement of 162,000 sq m of employment floorspace. It also shows how the allocations are distributed across the borough (predominantly in Havant and Leigh Park). It is based on Table 3.2 of the CS but also takes into account loss of employment land to housing on some emerging allocation sites.

39. The Council's Employment Land Review (ELR) was carried out in 2010 and updated in 2012. The ELR update reviewed potential employment sites and identified potential risks to delivery. It has been argued that more land should be allocated to allow for sites that do not progress or deliver less employment floorspace than anticipated. However since 2012 the Council has continued to work with potential developers to address barriers to delivery and test the capacity of the site allocations to deliver the CS quantum. Furthermore some sites now have planning permission, notably the CS strategic allocation site at Dunsbury Hill Farm. The Council's up to date evidence therefore demonstrates that the allocations are sufficient to deliver the level of employment floorspace set out in the CS.
40. Further concerns have been raised that the Plan makes inadequate provision for B1 office space. It is argued that there is a 28,000 square metre shortfall of office floorspace against Policy CS2 of the CS which requires 75,000 square metres of B1 offices. However the Plan relies on a flexible approach to delivering employment floorspace and does not, therefore, allocate sites for specific types of employment use. The Council justifies this by reference to the requirement for flexibility set out in NPPF paragraph 21, but also by highlighting the priority it gives to job creation for local people, regardless of use class, in a context of high unemployment.
41. Taking account of local circumstances and the flexible approach advocated in both the NPPF and the CS, the employment allocations are soundly based and sufficient to deliver employment uses in accordance with CS Policy CS2.
42. The low proportion of the borough's employment floorspace that is proposed for Hayling Island is based on the spatial distribution established in the CS. It is justified by environmental constraints and restricted accessibility. The CS proposal to maintain the focus on marine related employment and tourism, together with the regeneration proposed for the south of the island, are all carried forward through the Plan policies and allocations. Nothing has changed to justify a change to the CS objectives.

Issue 4 – are the allocated sites soundly based and are there any barriers to their delivery?

Are the site allocations consistent with the CS objective of protecting open spaces, including playing fields?

43. It is argued that a number of sites are likely to result in the loss of school or college playing fields. However the CS provides a strategic framework for assessing any proposals for the disposal of playing fields, through Policies CS1 and DM1. There is no evidence to indicate that the sites allocated in this Plan conflict with these policies.
44. Questions regarding the justification and deliverability of individual site allocations are addressed in this section.

Emsworth - Site UE13: West of Horndean Road

45. The allocation of this site is informed by analysis of the gap between Emsworth and Havant in the SLG and the Gaps Review and is supported by sustainability appraisal. These studies have identified that subject to a landscape buffer on

the western boundary, the remaining gap would be adequate to maintain separation between settlements. The allocation is clearly based on a robust assessment of its impact on the Emsworth/Havant gap.

46. The site is currently the subject of a Section 106 agreement which prevents development with the agreement of its signatories. However the parties to the agreement are the land owner and the Council and both are willing to enter into a Deed of Variation to allow development to take place. In these circumstances it is clear that the legal agreement does not present a barrier to developing the site.
47. Part of the site lies within Flood Zones 2 and 3 and this area was initially discounted from the developable area. Discussion with the EA has resulted in a proposal to provide flood mitigation on land in the same ownership which lies outside but adjacent to the site. This will allow the entire site to be developed, enabling UE13 to deliver more housing than initially proposed.
48. The Site Specific Development Requirements (SSDRs) together with Policy DM25: Managing Flood Risk in Emsworth will ensure that development on this site reduces the existing runoff rates and volumes. In addition the landowner is working with the Council and the EA to provide additional mitigation. This may include an enlarged flood water storage area adjacent to West Brook. This will reduce the strategic flood risk to Emsworth and is consistent with Policy DM25 which encourages developments to contribute to the Emsworth Flood Alleviation Scheme. The evidence demonstrates that development of this site will not increase flood risk in the surrounding area and that it will help to alleviate flood risk to Emsworth downstream.
49. I have carefully considered all the other concerns that have been raised about this allocation, including its potential impact on the surrounding area, wildlife and highway safety, but I am satisfied that it is based on robust evidence and is deliverable.

Emsworth - Site UE37: West of Coldharbour Farm

50. This allocation, like site UE13, has been selected on the basis of analysis through the SLG, the Gaps Review and sustainability appraisal. The evidence has identified the need for the layout to have regard to the adjacent SINC and to include boundary planting and these requirements are included in the SSDRs. There are no barriers to development and the allocation is soundly based and deliverable.

Emsworth – Site BD39: Interbridges East

51. Planning permission for employment use on this site was granted in 2008 and in 2012 the Council granted an extension to the time limit for implementation. As the site is located between the A27, the railway line and the B2148, with no access permitted from the A27, the question of whether satisfactory access can be secured has been raised as a potential barrier to delivery. The SSDRs for this allocation include access to be provided from the B2148 (referred to in the Plan as North Street) and the Council has submitted details of a Section 278 agreement between the potential developer of the site and the highway authority. This agreement, together with details of ongoing discussions

between the Council and the highway authority, demonstrates that satisfactory highway access can be provided to enable development of the site to proceed.

52. I have taken account of local residents' concerns regarding safe access, as well as the aspirations for this site to become a nature reserve or green space. However the site's allocation is justified by evidence, it is identified in the 2010 ELR and there are no insurmountable barriers to its delivery.

Havant – Site BD14: Solent Road North

53. The deliverability of this site has been questioned in relation to the supply of employment land because the ELR identified that much of it lies in Flood Risk Zones 2 and 3. However the 2013 SFRA supplement addresses this matter and confirms that the site passes the sequential test. On this basis flood risk does not present an insurmountable barrier to delivering development on this site.

Havant – Sites UE3a: Land North of Bartons Road, UE3b: Land South of Bartons Road, UE4: Strides (Manor) Farm and Copseys Nursery, UE33: Eastleigh House, Bartons Road, and UE43: Havant Garden Centre, Bartons Road

54. Most of these sites are clustered around Bartons Road. Sites UE3a, UE3b and UE4, which all border the Emsworth-Havant gap, have been assessed in the Gaps review and are recommended for development. In response to concerns about demand on local infrastructure, the Council has drawn attention to the benefits of creating a comprehensive and co-ordinated development especially in relation to securing infrastructure. Network Rail has confirmed there is no realistic prospect of a new station being built to serve this area, but the allocations present opportunities for improvements to sustainable modes of transport such as bus services and pedestrian and cycle routes. The Council has also submitted evidence to demonstrate that the road network has sufficient capacity for the development proposed on these sites. There is no evidence that the infrastructure needs present a barrier to development and the allocation of these sites is therefore justified.

Havant – BD11: Brockhampton West

55. The Gaps review notes that this site is highly visible and forms an important break between Langstone Harbour and the business area to the east. Only the central part of the site is recommended for development. The Council, as landowner, has undertaken a feasibility study for employment development. This includes a more detailed analysis of the visual impact of development and its effect on the character and function of the undeveloped gap between Havant and Portsmouth. The findings of this study have been translated into the SSDRs to address matters such as biodiversity, loss of green space, flood risk and the impact of the surrounding landscape.
56. A SCG agreed between the Council and the RSPB identifies the requirement for up to date surveys for Brent Geese and waders and the enhancement of their habitat. The Council has suggested further changes to include the requirement to enhance the Hermitage Stream. Subject to these changes, set out in **MM10**, this allocation is justified and capable of being developed without harming the undeveloped gap, biodiversity or established habitats on the site.

Havant – UE5: Land at Portsdown Hill

57. The Gaps review states that this site could be developed with only medium impact on the gap between Havant and Farlington. It is recommended for development, subject to the use of a copse on the western side to define the site. Local residents have raised a number of concerns, including the impact of development on the undeveloped gap. However the SSDRs include the integration of the copse and additional planting on the western boundary to help define the site and the undeveloped gap. Furthermore evidence to show the location of bus stops and shops demonstrates that the site is not in an isolated or unsustainable location. I am therefore satisfied that the allocation is justified by the evidence.

Hayling Island – Site HY45: Beachlands

58. Concerns have been raised about the risk of tidal flooding to any development on this site. However the site has been assessed through the SFRA which identifies flood risk from all sources and it has passed the sequential test. The landowners have confirmed that the effects of climate change up to 2115 will be considered and mitigated against in any scheme design. Finally, the increase in the number of dwellings proposed from 75 in an earlier version of the Plan to 125 in the submitted Plan is the result of more detailed work on site delivery. All of these matters are represented in the SSDRs and on this basis the allocation is soundly based and deliverable.

Leigh Park – Site L145: SSE Offices Site, Bartons Road

59. This site is allocated for 90 dwellings and it is clear that this figure is based on the SHLAA and is consistent with the approach taken to assessing the capacity of other allocations. However the SSE has highlighted its intention to continue to use part of the site for employment purposes in the short term, with the site coming forward for development in the medium term. To reflect this and to clarify the use and availability of the site through the Plan period change **MM11** should be made to the site description.

Waterlooville – BD54: Land at BAE Systems Technology Park

60. The Council and the landowner of this site have worked together to prepare an SCG which addresses concerns relating to appropriate uses on this site, as well as development requirements relating to transport and drainage. As a result a number of changes are proposed to the allocation, as set out in **MM12** and **MM13** and to the Plan's glossary, as set out in **MM17**. All of these changes should be made to ensure that the allocation is effective and deliverable.

Issue 5 – is there a requirement to allocate more sites and/or have any sites been wrongly excluded from the Plan?

61. Section 3 of this report finds no requirement for additional sites to be allocated in order to deliver the vision for growth set out in the CS. However representations have been made to promote a number of alternative or additional sites. Some were put forward at too late a stage in the preparation of the Plan to be considered properly. Others were included in early versions of the Plan but not allocated in the submission version. The Council has made it clear that these sites were assessed against the same criteria as the allocated

sites, with information updated and sustainability appraisal undertaken as the Plan progressed. The justification for non-allocation of some sites was considered in detail through written submissions and at the examination hearings.

Emsworth - UE2(b): Selangor Avenue

62. It is common ground that one of the reasons for discounting this site, relating to the presence of a gas pipeline, can be overcome. It is therefore accepted that the gas pipeline is not a justification for non-allocation of this site. However the site was also assessed in the SLG and the Gaps Review. The former does not refer specifically to site UE2(b). However in assessing site UE2(a), which lies immediately to the north of the A27, the Gaps Review notes that the gap between Havant and Emsworth is already narrow but that the landscape character is open, despite the presence of the A27 running through the gap. This makes it clear that the gap being considered comprised UE2(a) and the open land to the south, which is known as site UE2(b). The SLG is very clear in concluding that both areas of land need to be kept open in order to maintain the Havant-Emsworth gap.
63. This conclusion is reinforced by more recent assessment in the Gaps Review, which states that UE2(b) contributes to the separation between the adjacent urban areas by representing a large proportion of the gap between Emsworth and Havant. It is clear that both the SLG and the Gaps Review have considered the two UE2 sites as one gap which serves to visually separate Havant and Emsworth. Both conclude that the two sites together should remain undeveloped so as not to undermine the function of this gap.
64. I have taken account of all other matters raised in support of site UE2(b), including proposals for flood alleviation, the surface water drainage strategy and concerns regarding the consultation process. However I am satisfied that the non-allocation of the site is supported by robust evidence and that public consultation has been in accordance with the Council's Statement of Community Involvement.

Emsworth - Site UE11: Land West of Emsworth

65. This site was assessed in the Gaps review which found that it was not suitable for development because it has a high landscape value, is situated in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and contributes to the separation of Emsworth and Havant by its open character and location. These findings, together with its poor performance in sustainability appraisal, justify non-allocation of the site.

Emsworth - Site BD38: Interbridges West

66. This site was allocated for employment development in the Havant Borough District Wide Local Plan and remains allocated under saved Policy EMP1.8. However more recent assessment of the site, in the ELR update, concludes that it is highly constrained by road access which is a "showstopper" to employment development. A Statement of Common Ground (SCG), signed by the Council and the landowners, identifies a number of areas of agreement. These include the site's planning history, the approach of the Highways Agency to the use of the site for certain roadside uses and to uses which would generate additional

trips, and the likelihood that the Council would consider favourably an application for a hotel, restaurant and filling station on the site within the Emsworth urban area boundary.

67. However as concluded in section 3 above there is no need for additional employment land to be allocated. Furthermore whilst discussions have commenced, there is no certainty that vehicular access to serve employment use of the site can be secured. On this basis, whilst some employment development may be appropriate, there is no justification for the allocation of this site in the Plan.

Emsworth – Site UE39: Land North of Long Copse Lane

68. This site was identified in the 2012 SHLAA and was considered suitable for housing subject to highway improvements to provide vehicular access. The landowner contends that the necessary improvements can be secured through a section 278 agreement and satisfactory access provided. In addition it is argued that all the potential adverse effects identified in the 2012 Sustainability Appraisal Addendum (SAA), which included appraisal results for this site, can be overcome.
69. I note that the SAA incorrectly identifies the site as being within Landscape Character Area (LCA) 23 rather than LCA21. However it is clear that regardless of this inaccuracy the SAA recognises the open character of the site, its contribution to the landscape and its location within an undeveloped gap. Furthermore whilst planning permission has been granted for housing development to the west and east of the site, the environmental, ecological and archaeological issues raised in the SAA support the Council's conclusion that this site is less sustainable than the allocated sites in Emsworth.

Havant – UE30: Land South of Lower Road, Bedhampton

70. The evidence leading to non-allocation of this site is confused and fragmented. It was identified in the SHLAA as a potential housing site and is recommended for development in the Gaps review. SA identified loss of agricultural land as a strong adverse effect, as well as noting adverse effects on the landscape, biodiversity, the adjacent conservation area and features of archaeological importance. However the site continued to feature in SHLAAs from 2010 to 2013 albeit the 2013 SHLAA, whilst retaining an estimate of 250 dwellings, indicated that access through the conservation area could limit large scale residential development. It was then discounted because the cumulative adverse effects would not be outweighed by a contribution of only 15 dwellings, with no explanation of the reduction to 15 dwellings.
71. The landowners have submitted a winter waterfowl survey undertaken between November 2013 and March 2014 which shows no use of the open fields by waterfowl. In addition they contest the Council's view that the site is grade 1 agricultural land. They argue that the site is capable of accommodating 50 dwellings.
72. Some of the adverse effects identified in SA can be overcome whilst others, such as the site's biodiversity and the grading of the land, remain matters of disagreement between the Council and the landowner. However it is clear that the site's proximity to Old Bedhampton Conservation Area through which it

would be accessed is a strong factor weighing against development. This, together with uncertainty of impact on biodiversity and agricultural land, justify the non-allocation of this site.

Hayling Island – UE47: Tournerbury Farm

73. This site is identified in the SHLAA but has not been allocated as it has a number of uncertainties relating to flood risk, biodiversity and designated sites. The landowner contends that all of these matters can be overcome. However the uncertainty that remains regarding whether or not these sensitive issues can be satisfactorily addressed is sufficient to justify non-allocation.

Hayling Island – UE17: Land at Rook Farm/Hayling Island - UE35: Land North of Rook Farm

74. These sites are adjacent to each other and in the same ownership. The Council acknowledges that it had earlier supported the allocation of UE35, but justifies its omission from the Plan on the grounds it would lead to the delivery of too much housing on Hayling Island as well as their classification as being "uncertain" for Brent Geese and waders through Policy DM23.

75. The landowner has objected to the omission of these sites from the Plan on the grounds that additional housing is needed on Hayling Island and that the classification under Policy DM23 is not supported by robust evidence. However the housing restraint on Hayling Island is justified by evidence and consistent with distribution of housing set out in the CS. The classification of these sites under Policy DM23 is supported by evidence and whilst it does not preclude development, it is a matter that would need to be addressed through further study and potentially through mitigation in any future plans for development.

Sites that have not been subject to sustainability appraisal or consultation

76. Havant Magistrates Court, land at Avenue Road, Hayling Island and Northney Marina have all been promoted as suitable for housing or mixed use development. However the fact that they have been put forward at a late stage in the Plan preparation process means that they have not been taken through the appropriate legal processes that would enable them to be allocated. On this basis their allocation in this Plan would not be sound.

Issue 6 –Are the development management policies soundly based and do they build on the CS policies to complete the suite of policies needed to meet the requirements of the NPPF?

Should Policy DM17 provide for the effect of mitigation costs on viability be taken into account when considering planning applications for development on contaminated land?

77. The representation proposing this change refers to a specific site which is not allocated in the Plan but has a former B2 use and is protected for employment use under CS Policy DM3. It is argued that this Policy should address the issue of viability when decontamination or mitigation is required in order to develop a site. This would be consistent with Paragraph 173 of the NPPF which provides for such matters to be taken into account when considering development requirements. However this objective is reflected in CS Policy CS21 which,

whilst it pre dates the NPPF, provides for negotiated solutions to developer contributions. I am satisfied that the Local Plan as a whole, supported by the NPPF, allows for the development viability of individual sites to be taken into account.

Does Policy DM20, when read with CS Policy CS11, provide a clear strategy for the conservation, enjoyment and enhancement of the historic environment?

78. The CS was adopted before the NPPF was in place and refers to the now superseded PPS5. However it draws attention to the key role that national legislation plays in conserving the borough's statutory and non-statutory heritage designations and there is no inconsistency between the CS objectives and the NPPF. Policy DM20 sets out the requirements for the information to be provided in Heritage Statements. This, together with legislation and policy in the NPPF, provides a coherent framework for decision makers to secure the conservation and enhancement of the borough's heritage assets. There is no need to repeat national policy in this Plan, but the Council has proposed changes to draw attention to the role of national policy and legislation in managing development. These changes, **MM14** and **MM15**, should be made to ensure that the reliance on national policy is made clear.

Does Policy DM23 provide a clear and effective basis for assessing the impact of development on Brent Geese and waders?

79. This policy defines the circumstances where site surveys should be undertaken to determine their importance in relation to Brent Geese and waders and paragraph 9.21 outlines the methodology for such surveys. The Council has suggested a change to clarify the requirements to ensure that a site's suitability for Brent Geese and waders is not reduced during the survey period. Natural England and the RSPB object to this change on the grounds that it could allow a continuation of an existing management regime which has already reduced the site's suitability. I recognise this risk. However I consider that the alternative proposal that has been suggested, to "ensure the site is suitable" is not sufficiently clear or measurable and could result in delays and disputes with landowners. I am satisfied that the Council's proposed change, which in effect requires the status quo to be maintained during the survey, is clear and measurable. Therefore to ensure that Policy DM23 is effective paragraph 9.21 should be amended as set out in **MM16**.

Assessment of Legal Compliance

My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.	
LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Havant Borough Local Plan (Allocations) is identified within the approved LDS April 2013 which sets out an expected adoption date of July 2014. The Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and	The SCI was adopted in December 2013 and consultation has been compliant with the

relevant regulations	requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	AA carried out in September and December 2013 has found that the Local Plan meets the requirements of the habitats regulations.
National Policy	The Local Plan complies with national policy
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Havant Local Plan (Allocations) satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Sue Turner

Inspector

This report is accompanied by the Appendix containing the Main Modifications