

Gosport Borough Council: Reg 18 Draft Local Plan Consultation (December 2021)

Hampshire County Council offers the following comments, in the spirit of its duty to cooperate, in line with the Town Planning (Local Plan) Regulations and to ensure future Gosport Borough Council's development plan documents would be positively prepared, justified, and consistent with national policy.

Policy	Comment
Policy LE1: Open Spaces <p>1. Planning permission will not be granted for development proposals on existing open space identified on the Policies Map, except where:</p> <p>a) The redevelopment of a part of the site for recreation and/or community facilities would retain and enhance the existing facilities; or</p> <p>b) Alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility and that the proposed site cannot be used for an alternative form of open space for which there is an identified need.</p>	Object <p>Hampshire County Council in its role, as both a public landowner and service provider, supports the aims of this policy and that of the Open Spaces policy, provided it is in accordance with Planning Practice Guidance and case law.</p> <p>Notwithstanding support for the overall approach, the County Council, in its capacity as landowner, is concerned that the emerging Local Plan Update may not meet the tests of soundness, as it could be overly restrictive and not a fully justified strategy which risks not being effective. The County Council therefore recommends the following addition/ changes to Policy LE1 to overcome its objection (see below).</p> <p>The emerging Local Plan Update needs to allow sufficient flexibility to secure future improvements to education facilities during the plan period. This requirement is in compliance with paragraph 93 of the NPPF (July 2021), which requires the LPA to “plan positively” to “provide social, recreational and cultural facilities and services the community needs” and paragraph 95 which states that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.”</p> <p>Where central government funding is not available, the only way that education improvements can be funded is through developer contributions and through the disposal of surplus land within school sites. As the LPA will be aware, the operational needs of a state provided school and its playing field are already protected by the following layers of planning policy and legislation:</p> <ul style="list-style-type: none"> • Paragraph 99 of the National Planning Policy Framework (NPPF). This states that existing open space including playing fields should not be built on unless an assessment has been undertaken which clearly shows: <ul style="list-style-type: none"> ▪ the space to be surplus to requirements; ▪ that the loss from the proposed development would be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location; and ▪ the development is for alternative sports and recreational provision, the needs for

- which clearly outweigh the loss.
- Sport England's Playing Fields and Policy Guidance: Sport England's policy and associated guidance on planning applications affecting playing fields (March 2018);
- The Department for Education: Submit a school land transaction proposal (September 2021) This restricts any form of development that would result in the loss of playing field land unless specific criteria are met including:
 - the school's needs,
 - curriculum needs,
 - reinvestment in sport and education facilities; and
 - Section 77 of the School Standards and Framework Act 1998 (as amended).

In light of the above existing legislation, the County Council would request that the open space policy acknowledges Section 77(1) of the School Standards and Framework Act 1998. This is considered a sound approach to justify the loss of school playing fields when it's part of Hampshire County Council's operational plans for funding education improvements as a public service provider during the Plan period (justified, effective and consistent with national policy).

Suggested supporting text

As part of its representation, the County Council wishes to offer the following policy supporting text for the Borough Council's consideration in the emerging Local Plan:

'There is strict criteria to control the release of school playing fields for development, including requirements that the proceeds are used to enhance sports and/or education provision. Hampshire County Council may seek the development of school playing fields to rationalise its land holdings as a means of financing recreational and educational improvements.'

Para 5.27.14 '***Exceptional circumstances for development may also include Hampshire County Council seeking the development of playing fields to fund recreational and education improvements in accordance with the requirements of Section 77 of the School Standards and Framework Act 1998 and Part 1 of Schedule 1 to the Academies Act 2010.***'

Suggested amendment:

Planning permission will not be granted for development proposals on existing open space identified on the Policies Map, except

	<p><i>where:</i></p> <ul style="list-style-type: none"> a) <i>The redevelopment of a part of the site for recreation and/or community facilities would retain and enhance the existing facilities; or</i> b) <i>Alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility and that the proposed site cannot be used for an alternative form of open space for which there is an identified need; or</i> c) <i>It conforms with the requirements of section 77 of the School Standards and Framework Act (1998) and Part 1 of Schedule 1 to the Academies Act 2010.</i>
<p>Policy C6: Community, Cultural And Built Leisure Facilities:</p> <p>...5. Planning permission will not be granted for development which would result in the loss of the existing community, cultural, sports recreation and built leisure facilities unless it can be demonstrated that:</p> <p>b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and</p>	<p>Object</p> <p>The County Council as a public service provider has an on-going need to review and, if necessary, rationalise surplus facilities as part of wider County Council strategies to improve local services in the community. Such County Council services include 'Children's Services' (pre-school through to the 14-19 year age group), 'Adult Services' (catering for those with learning disabilities, mental health, older people, and persons with physical disabilities), and 'Community and Cultural Services' (libraries, museums, sports, recreation, tourism).</p> <p>The County Council would like to emphasise its statutory function to provide public services. To remain effective in meeting this commitment, the County Council will be implementing a series of service-driven improvements, covering both frontline and support services. This may sometimes result in the 'necessary loss' of particular community buildings and land in County Council ownership, in order to reinvest proceeds of sale in local service improvements. The County Council request that the policy should have increased flexibility to accommodate the unique role and function of public service providers. This approach is supported by paragraph 93 of the NPPF (July 2021), which requires the LPA to "plan positively" to "provide social, recreational and cultural facilities and services the community needs".</p> <p>The County Council therefore recommends the following addition/ changes to Policy C6 to overcome its objection (see below). This draws on the wording of Basingstoke & Deane Borough Council's Adopted Local Plan 2011 – 2029, Policy CN8 – Community, Leisure and Cultural Facilities, part h, and South Downs Local Plan 2014– 2033, Development Management Policy SD43- New and Existing Community Facilities and is therefore a material consideration in Plan making.</p>

	<p>The County Council's proposed amendment would reinforce the unique role and function of public service providers and their need for managed change to deliver operational service improvements over the Plan period (be justified and effective).</p> <p><u>Suggested amendment:</u></p> <p>'5.</p> <p><i>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and</i></p> <p><i>c) it can be demonstrated that there are no other viable community, cultural, sports, recreation or built leisure uses for the premises or site and that there have been reasonable attempts to sell/let them for these purposes, unless it is part of a public service provider's plans to re-provide or enhance local services and the proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.</i></p>
Policy D5 The Local Ecological Network And Internationally And Nationally Important Sites (Brent Goose and Wader Core Area)	<p>Support</p> <p>Hampshire County Council as landowner supports the policy to protect designated sites from adverse impacts as these provide a network of locations for protected Brent Goose and Wading Bird species.</p>
Policy LE13: Water Resources: ...2. Development proposals will be permitted provided that the necessary water resources are available. New residential development proposals should include measures that will reduce the consumption of water to 100 litres per person per day (including external water use)...	<p>Support</p> <p>Hampshire County Council in its role, as both a public landowner and service provider, supports the principle of Policy LE13. This is a measure currently advised by Natural England (Para 4.25, Advice On Achieving Nutrient Neutrality For New Development In The Solent Region) in regard to nutrient neutrality mitigation and this approach would be consistent with national policy.</p>
Policy DE1: Sustainable Construction 3. Planning permission will be granted for non-residential and multi-residential developments over 500 sq.m. that achieve a BREEAM standard of at least 'Very Good', or equivalent. If the required BREEAM rating is considered to be financially unviable or technically unfeasible, this will need to be demonstrated with	<p>Support</p> <p>Hampshire County Council, in its role as a public landowner and service provider, supports the policy aspiration to achieve energy efficiencies in new non-residential development. In particular the County Council notes that Paragraph 3 of Policy DE1 considers how the BREEAM assessment process can influence viability of a proposal and it makes allowances for this, to ensure the plan will remain effective over the plan period.</p>

<p>appropriate evidence in support of a planning application. In this instance, the applicant will be expected to meet the highest BREEAM score that is viable. An alternative certification process may also be acceptable, where it can be shown to be approximately equivalent in outcomes.</p>	<p>In response to the alternative certification reference in the draft policy, the County Council as landowner, recommends that the Borough Council may wish to includes alternative equivalent standards such as those based on an embodied carbon (CO2 / Kg / sqm) metric as advocated by the RIBA 2030 Climate Challenge: https://www.architecture.com-/media/files/Climate-action/RIBA-2030-ClimateChallenge.pdf</p>
<p>Policy A2, 1c, 4 Housing Allocation Policy: Addenbrooke House (SHLAA Ref: TN027)</p> <p>... 1. In order to assist the delivery of new housing the following strategic sites outside the Regeneration Areas, as shown on the Policies Map, are allocated for residential development:</p> <ul style="list-style-type: none">a) Land at Heritage Way and Frater Lane, Elsonb) Land at Gasworks Site, Mariners Wayc) Land at Addenbrooke House, Willis Roadd) Anglesey Lodge, Alverstoke <p>... 4. Development at Land at Addenbrooke House, Willis Road should address the following design objectives: a) Provision of up to 60 affordable extra care units to meet the needs of an ageing population; b) suitably designed vehicular access from the Anchorage; c) parking provision to be provided wholly within the site in line with the Council's adopted parking standards...</p>	<p>Support</p> <p>Hampshire County Council, as landowner and service provider, supports Policy A2, with specific reference to the inclusion Addenbrooke House as a draft allocation.</p> <p>The County Council wishes to confirm that the site had achieved planning permission (19/00166/FULL) and is under development for the new Extra Care Scheme (C3 dwellinghouses), demonstrating deliverability within the Plan period.</p>