

Planning Application Response of Planning Policy

Application No:	APP/22/01350
Address:	Land North of Oysters, Station Road, Hayling Island
Development:	Outline application for erection of up to 29 dwelling units and associated highway works with all other matters reserved.
Case Officer:	LO
Comments by:	JB
Date of Comments:	25 April 2022

Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough.

In addition, the Council has adopted a [Housing Delivery Position Statement](#). It does not form part of the development plan but is relevant to this application.

Principle of development

As the applicant acknowledges, the site lies outside of the urban area as defined by policies CS17 and AL2. These policies seek to restrict development in these locations, except in exceptional circumstances. It is not considered that any of the exceptions for housing would apply here.

The Council's [Five Year Housing Land Supply Update \(November 2021\)](#) indicates the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold.

The proposed scheme is not in the five year supply in whole or part. There would be a gain of 29 units to address the five year housing supply requirement.

*Five year requirement with 20% buffer
= 3,629 dwellings / 5 years
= 725.8 dwellings a year*

*29 dwellings / 725.8 dwellings
= 0.04 years*

The lack of five year supply triggers is a presumption in favour of sustainable development (habitats regulations considerations excepted by NPPF para 182 - see further below), in line with paragraph 11d of the NPPF. The scheme's potential contribution to the 5 year supply must be afforded weight in the overall planning balance.

In addition, the Housing Delivery Position Statement explains further how the Council intends to deal with the 5 year supply situation, and how it will apply the presumption in favour of sustainable development. This statement is referenced in detail throughout these comments.

Crucially, the Statement makes a distinction between sites where the principle of development has already been accepted (through the work on the now withdrawn Local Plan and associated evidence base) and those where it is not. The principle of development on the application site has not been supported through that process, and therefore Decision Making Principle 4 applies. Under this principle, it is for the applicant to demonstrate that their proposal constitutes sustainable development in accordance with the NPPF, by demonstrating that:

- The remaining requirements of the Development Plan and decision making principles set out in the Statement are complied with; and
- There will not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s).

In this context, even in the context of the 5 year supply position, a number of matters will have to be carefully addressed to support a departure from the development plan. Key matters are discussed below:

Summertime transport implications of development on Hayling Island

The Council acknowledges concerns raised by the Local Plan Inspector in 2021, which included uncertainty regarding the impact of development on Hayling Island, in particular in the summertime.

Decision Making Principle 3 of the Housing Delivery Position Statement therefore requires a site specific Transport Assessment to demonstrate that:

- There will not be an unacceptable impact on highway safety; and
- The residual cumulative impact on the road network will not be severe, including during tourist periods and at weekends.

The applicant has submitted a transport statement, but there appears to be no specific consideration within it of summertime or weekend traffic conditions, likely because this requirement had not yet been published at the time of the preparation of the TS. To satisfy Decision Making Principle 3, this matters should be addressed. It may be necessary to enter into a planning performance agreement with the applicant to clearly identify the actions and timescales needed in this regard.

Development Quality

Decision Making Principle 5 makes clear that Council expects development of high quality, and in order to be considered sustainable development, the criteria in this principle must be met. A checklist has been provided at <https://www.havant.gov.uk/housing-delivery-position-statement>, and the applicant should complete this to assist in the assessment of the acceptability of this application.

It is acknowledged that some of the matters covered by this principle relate to the reserved elements of this scheme. Nevertheless, the matters it is possible to address at outline stage should be justified, while an indication of the proposed strategy to satisfy any detailed points through the reserved matters is also expected at this stage.

Brent Geese and Waders

The applicant has noted that the land is a secondary support area for Waders and Brent Geese, and acknowledges that mitigation will be required.

Paragraph 182 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. This approach is also confirmed in Decision Making Principle 1 of the Housing Delivery Position Statement.

The applicant proposes to provide mitigation land to the north of the site, and states that a costed habitats management plan will be submitted alongside a shadow HRA. Submission of this information appears to be outstanding, and remains fundamental with regard to the acceptability of this proposal. Until an appropriate assessment concludes that the plan or project will not adversely affect the integrity of the habitats site, the presumption in favour of sustainable development cannot be applied to this site.

As highlighted at the pre-application stage, highly relevant in this regard is that the application site itself is already identified as mitigation land for the 'Oysters' development. This is explained in more detail in the Biodiversity Strategy (<https://cdn.havant.gov.uk/public/documents/EB15%20Havant%20Borough%20Biodiversity%20Strategy.pdf>) (EB15), specifically table 7 and paragraphs 3.73 to 3.80, which set out in more detail the mitigation package for The Oysters. Clearly the site's existing status as a mitigation refuge will need to be factored into the design of any alternative mitigation package for the proposed development.

Conclusions

It is acknowledged that the Council is not currently able to demonstrate an up-to-date five year housing land supply position. The scheme would contribute 0.04 years' supply of housing and would therefore have the potential to increase the Borough's housing land supply to about 3.98 years. This should be afforded weight in the determination of this application.

Nevertheless, the development plan remains the starting point in decision making. There is an 'in principle' policy objection to the proposal in the context of that plan, because the site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply. There are known concerns about highways impacts of development on Hayling Island, and it appears that Habitats Regulations matters are yet to be addressed.

The Housing Supply Position Statement sets out the circumstances under which development may nevertheless be supported. As it stands, it is suggested that further work by the applicant is required to demonstrate that the development represents sustainable development that warrants a departure from the development plan, even in the face of the Council's 5 year supply position.

End Note: Delivery without delay

If all the matters above can be addressed and it is found that the proposal can provide sustainable development without causing adverse impacts that would significantly and demonstrably outweigh the benefits, permission should be granted. In that case, in accordance with Decision Making Principle 4, it is recommended that a condition should be attached requiring a shorter than standard timeframe for the submission of a valid reserved matters application. This is in order to ensure that the planning permission makes a contribution to the five year supply.