

Planning Application Response of Planning Policy

Application No:	APP/21/01434
Site Address:	Land off, St Marys Road, Hayling Island
Development:	Outline application for development of up to 300 dwellings (including affordable housing)
Case Officer:	David Eaves
Comments by:	Jade Ellis
Date of Comments:	22 nd February 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. The Havant Borough Local Plan (HBLP) was submitted for Examination on the 12th February 2021 and must be afforded limited weight.

The following policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS21 – Developer Requirements
- DM1 – Recreation and Open Space
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- DM23 – Sites for Brent Geese and Waders
- DM24 – Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
- AL1 – Presumption in Favour of Sustainable Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Submission Plan the following policies are of particular relevance:

- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- IN4 | Future management and Management Plans
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- H5 | Retirement and specialised housing
- E1 | High quality design
- E2 | Health and wellbeing
- E3 | Landscape and settlement boundaries
- E9 | Provision of open space in new development
- E11 | Sports and recreation
- E12 | Low carbon design
- E13 | Historic environment and heritage asset
- E16 | Recreational impact on Solent European Sites
- EX1 | Water Quality impact on Solent European sites

- E17 | Solent Wader and Brent Goose feeding and roosting sites
- E22 | Amenity and pollution
- E26 | Hayling Island Brent Goose and Wader Refuge
- H27 | Rook Farm

Principle of Development:

In the adopted local plan, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development in these locations, except in exceptional circumstances. I do not consider that any of the exceptions in the policy apply here, the proposal being a major residential development on greenfield land.

The site is however, identified as a proposed allocation in the Submission Local Plan under Policy H27 which can only be afforded limited weight at this stage.

Significantly Stage 1 Hearings into the Examination of the Havant Borough Local Plan took place in July 2021, and the Inspectors' Interim Findings report was subsequently received in November 2021.

Of particular relevance to the planning application proposals, the Inspectors highlight concerns in relation to the potential impacts from the proposed development on Hayling Island in the Plan during tourist periods and weekends. Significantly, they are unable to conclude that as a result of the Plan, there would no unacceptable impacts on highways safety or that the residual cumulative impacts on the road network would not be severe.

Paragraphs 34 and 35 of the Interim Findings report also specifically comment on the proposed allocation (H27) in the Submitted Local Plan:

"The site is identified as a 'core area' and it comprises 'Functionally Linked Land'. In order to mitigate for the loss of the...site, it is likely that any replacement site would need to be on Hayling Island. At the time of the hearings, no such replacement site had been secured, despite the scheme first being proposed for development in an outline application that was refused planning permission in 2017 (Ref APP/17/00007).

Whilst the site promoter stated at the hearings that they were at an advanced stage in securing a replacement mitigation site, that site is not currently in the public domain, not have Natural England or the Council's ecologist had a chance to review it and any supporting justification. In these circumstances, it is unclear whether an appropriate mitigation site can be secured, and there are consequently, in our view, significant uncertainties over the site's delivery."

Quantum of development

The site is allocated for about 390 dwellings under Policy H27 in the Submission Local Plan. The application description is, however, outline planning permission for up to 300 dwellings, a significantly reduced quantum of development than envisaged by the emerging allocation. Density standards are considered necessary in the context of the emerging Local Plan, to make sure that new development maximises the finite amount of land in a full and sustainable manner. Paragraph 6.35 of the supporting text recognises that site-specific constraints and local character may justify a different approach having regard to the context of the site.

According to the submitted Planning and Affordable Housing Statement this reflects "a detailed appraisal of site constraints" at a density of 40 dph, which principally takes account

of the requirement to retain view corridors to St Mary's Church, as well as retaining/delivering other necessary landscaping, green infrastructure and site drainage features" (see paragraph 4.29). In contrast, the Evaluation & Evolution section of the Design & Access Statement suggests the site "has very few physical constraints to development of the type proposed". In this case, Figure 12 in the submitted Design and Access Statement provides an overview of Site Constraints and Analysis but does not provide an indication of the net developable area.

For the purposes of Policy H3 (Housing Density) in the emerging Local Plan residential density is taken as dwellings per hectare across the net developable area. Figure 1 of the [Residential Density Evidence Paper](#) indicates the development elements should be included for gross and net area calculations. In the case of the latter "any significant buffer areas required for landscape, ecological or infrastructure such as underground pipes" should be excluded. It is recommended the applicant submit a plan which confirms the extent of the net developable area.

Nevertheless, it should be noted that the application (as currently proposed) would deliver a significantly reduced quantum of development than envisaged by the allocation in the submitted Local Plan.

Five year housing land supply

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, and as such there is normally a presumption in favour of sustainable development (para 11d of the NPPF). The tilted balance means that permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, it should be noted there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects). This is considered in detail under the Brent Geese and Waders section below.

Furthermore, following the receipt of the Inspector's Interim Findings which raise concerns about the uncertainty of the site's delivery, the proposed scheme is not included in the Council's five year housing land supply either in whole or part. Whilst the proposed development has the potential to increase housing supply in the short term, this is subject to details of an appropriate replacement mitigation site being provided. Given the larger nature of the site, it would be extremely unlikely to be delivered in its entirety within the first five years. Though it is acknowledged that it would be possible for completions to begin within this period.

Development Requirements:

A full set of developer considerations is set out in the emerging allocation policy; please see Policy H27 in the Submission Local Plan.

As the principle of development relies on the emerging Local Plan, development proposals should be designed to meet the requirements of this Plan which can be afforded limited weight (e.g., EV Charging points under Policy IN3, 19% Dwelling Emission Reduction under Policy E12 and Nationally Described Space Standards under Policy H1).

It is therefore recommended that a Compliance Checklist is submitted to enable an assessment with the requirements in the emerging Local Plan. A template Conformity Checklist is appended.

Summertime transport implications of development on Hayling Island

The Inspectors' Interim Findings following the Examination on the HBLP identify that further work and assessment is required of the impact of development on the A3023 corridor in transport terms. The A3023 corridor is considered to constitute Hayling Island and north into Langstone up to and including the A27 roundabout.

The Council is progressing this workstream as a matter of priority. In the meantime, the applicant is advised to address the impacts of their proposals on summer traffic through discussions with Hampshire County Council and Havant Borough Council. This analysis should form part of the site specific Transport Assessment, showing how a severe impact during summer and weekend periods would be avoided. In this case, it whilst speed surveys were undertaken as part of the submitted Transport Assessment during the summer period, the report has not addressed the residual cumulative impacts on the road network during the tourist periods and weekends as a result of development proposed in the Plan.

Brent Geese and Waders:

As you are aware, the site is identified as a Core Area for Solent Waders and Brent Geese (SWBG) under policy E17 in the Submission HBLP, and within the [Brent Goose and Wader Strategy \(October 2018\)](#) (SWBGS).

The Solent's Special Protection Areas are designated¹ in part due to the assemblages of Brent Geese. As such, a project level Habitat Regulations Assessment (HRA) will need to be carried out² and inform any package of avoidance and mitigation measures for Solent Waders and Brent Geese, to determine levels of impact, alone and in combination with other plans and projects.

Policy E17 (Solent Wader and Brent Goose feeding and roosting sites) in the submitted HBLP indicates that development proposals at Rook Farm, which is located on a Core Area will only be permitted where suitable replacement habitat is provided (E26), which:

- d. *Contributes to a biodiversity net gain to the SWBG network;*
- e. *Is of an equal or, where possible, greater size and quality to the Core Area being lost and damaged; and*
- f. *Is secured through a costed Habitat Management and Monitoring Plan.*

The submitted Habitat Regulations Assessment and Appendix 7.2 to the Environmental Statement states:

"At its closest the proposed mitigation land exists within <2km of Rook Farm. For reasons of commercial confidentiality, the precise location of the off-site mitigation land has been redacted."

The replacement habitat site is a key concern raised by the Inspectors' in their Interim Findings report. In the absence of any information regarding the location of the replacement site, it is not possible to conclude whether the application proposal would secure an appropriate replacement mitigation site. As such, it would not be possible to rule out a likely significant effect and as a result it would be unlawful to grant planning permission based on the information currently available. Furthermore, there is no presumption in favour of sustainable development in accordance with paragraph 182 of the NPPF.

¹ Protected under Directive 2009/147/EC of the Conservation of Wild Birds

² Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017

Conclusion

The principle of the development of this site is supported by the emerging policy position in the Submission HBLP. However, at this stage, the deliverability and acceptability of development on this site hinges on whether a suitable replacement habitat can be provided in line with Policy E17 and SWBGS to offset the loss of the Core Area for Solent Waders and Brent Geese. At this stage, no details of the replacement habitat mitigation site have been provided and as such there is not any certainty that the mitigation measures would remove the likely significant effect on the Solent European sites. As such, there is no presumption in favour of sustainable development in accordance with paragraph 182 of the NPPF.

There is also concern the application proposal would result in a significantly reduced quantum of development than envisaged by the allocation in the submitted Local Plan. As such, clarification is needed from the applicant on the extent of the developable area.

Furthermore, the Hayling TA finds that development on Hayling (including the application site) would not lead to a cumulative severe impact on the transport network, there is still further evidence work on version two of the Hayling Island TA to be undertaken. As such, it is recommended that further engagement takes place with the local planning authority and Hampshire County Council with regard to any mitigation measures.