

APPLICATION CONSULTATION RESPONSE OF PLANNING POLICY

Application No:	APP/22/00001
Site Address:	Land at and to the rear of 49-71, Fathoms Reach, Hayling Island
Development:	Construction of 51 dwellings and associated access
Case Officer:	GC
Comments by:	JB
Date of Comments:	23 March 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 following development plan policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM13 – Car and Cycle Parking in Residential Development (+SPD)
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

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.

Five Year Housing Land Year 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.

This triggers a presumption in favour of sustainable development, in line with paragraph 11d of the NPPF. However, it must also be noted that 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 (see ecology impacts below).

The Housing Delivery Position Statement explains further how the Council intends to apply the presumption, and is referenced in detail throughout these comments.

Principle of Development:

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. None of the exceptions in the policy apply here, the proposal being a housing development on greenfield land.

However, Principle 2 of the Housing Delivery Position Statement also applies to this site. This principle concerns sites which are not in accordance with the Development Plan, but where the Council accepts the principle of development. Given the need to significantly boost housing supply in Havant Borough, the Statement gives support in principle to housing

development on emerging site allocations that were proposed for allocation in the now withdrawn Havant Borough Local Plan. The application site is one such site (formerly subject to draft allocation H28 for 55 dwellings).

While the principle of development on this site is therefore accepted, this is subject to meeting a number of requirements. The development is

- Required to meet the remaining requirements of the Development Plan; and
- Expected to comply with the Decision Making Principles set out in the Housing Delivery Position Statement.

Compliance with the above criteria is considered necessary in order to justify a departure from the Development Plan.

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:

- 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, which touches upon the matter of summertime traffic at paragraphs 5.3.10 and 11 but does not include a full assessment.

In accordance with Decision Making Principle 3, it may be necessary to enter into a planning performance agreement with the applicant to clearly identify the actions and timescales needed in relation to the determination of the planning application.

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 be encouraged to complete this to assist in the assessment of the acceptability of this application.

In addition to these standards, while the Local Plan containing site allocation policy H28 has been withdrawn and therefore has not material weight, it nevertheless provides useful background regarding what might constitute sustainable development on this site, in particular through the list of opportunities and constraints.

Ecology Impacts

The site is located to the west and south of a Core Area for Solent Waders and Brent Geese (SWBG) in the [Solent Waders and Brent Goose 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

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

Waders and Brent Geese, to determine levels of impact, alone and in combination with other plans and projects. It is noted that the applicant has submitted a Shadow HRA, Preliminary Ecological Appraisal, as well as bat and reptile reports. The Council's Ecologist and Natural England should be consulted on the detail.

Again, it should be noted that 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.

Conclusion

The principle of development on this site is accepted, subject to the detailed proposal meeting the requirements of the development plan and the Housing Delivery Position Statement, as well as the particular requirements of the Habitats Regulations.