

Planning Application Response of Planning Policy

Application No:	APP/21/01351
Address:	Land south of Saltmarsh Lane, Hayling Island
Development:	Outline application for erection of up to 60 dwelling units with access; associated landscape and highway works on land south of Saltmarsh Lane
Case Officer:	AM
Comments by:	JB
Date of Comments:	15 September 2025

Development Plan

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.

Emerging Development Plan and updated Evidence Base

The [Draft Building a Better Future Plan](#) was subject to consultation in the Summer of 2025, supported by a number of [evidence base studies](#) which have updated the position on development requirements, land supply and constraints. Of particular relevance to this application are

- The 5-year housing land supply update
- The development strategy in the Building a Better Future Plan
- The Sustainability Appraisal of the Building a Better Future Plan
- The Council's Strategic Flood Risk Assessment (SFRA)
- The Council's Local Plan Sites SFRA.

The relevance of these documents to this applicant is discussed further in the relevant sections in the remainder of this note.

Principle of development

As the applicant acknowledges, the site lies outside the urban area as defined by policies CS17 and AL2 of the Development Plan. 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.

Five Year Housing Land Supply

The Council's [Five Year Housing Land Supply Update \(December 2024\)](#) indicates the Council has 1.8 years supply with a 20% buffer applied. This is notably below the five year supply threshold. The proposed scheme is not in the five year supply in whole or part. A permission would result in a gain of 60 units or 0.06 years towards the five-year housing supply requirement, as shown below.

Five year requirement with 20% buffer = 5,352 dwellings

Divided by 5 years = 1070.4 dwellings a year

60 dwellings / 1070.4 dwellings = 0.056 years

Paragraph 11 of the National Planning Policy Framework (NPPF) explains that planning applications should be granted in these circumstances, unless

- policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so.

Noting this, 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 points are discussed below, focussing on the areas defined in footnote 7 to paragraph 11 of the NPPF as assets of particular importance.

Flood Risk on the Site

The site lies on Hayling Island, its western edge around 200m from the western coast of the island. The site lies in present day Flood Zone 1 (low risk). However, the National Flood Map for Planning indicates that in the future, with climate change taken into account, the entire site will be at risk. Although the Environment Agency publish the National Flood Map, they have indicated to the Council that [the PfSH 2024 Strategic Flood Risk Assessment \(SFRA\)](#) provides the most accurate picture of future risk. The SFRA also shows a marked increase in risk with climate change, with the vast majority of the site at risk. Whichever data is used, tidal flood risk is a key consideration in determining whether development here is acceptable.

There is also surface water flood risk on the site. This affects a much lesser area than the identified tidal risk.

The NPPF, at paragraph 170 succinctly summarises the position regarding development in areas at risk of flooding: *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

Need for a Site Specific Flood Risk Assessment and Sequential Test

The need for a Flood Risk Assessment is not disputed, and the applicant has submitted an FRA dated July 2025. This is discussed further below under 'Safety of Development'

The applicant's FRA includes a section on the sequential test, which maintains that neither a sequential test, nor an exception test are required to support this application.

At paragraph 6.2.4 of their FRA, they seek to rely on the exceptions contained in paragraph 175 of the NPPF. This paragraph states that *'the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).'* The applicant goes on to explain that their FRA *'has demonstrated that no built development is within the surface water flood risk area including access or escape routes and not be in an area at risk of flooding now and in the future. The report has also demonstrated that the site will not be at risk of sea levels rising if the finished floor levels are fixed at least 300mm above the flood level including climate change allowances'*.

The Council does not consider that the exceptions in paragraph 175 of the NPPF are relevant here, since it is clear that built development within the site boundary, as well as areas of land raising, would indeed be located on an area that would be at risk of flooding in the future. The proposed development is therefore specifically NOT subject to the exceptions provided by this paragraph (i.e. cases where it is

demonstrated that no built development, including land raising is in an area at risk). The recent Ham Farm appeal supports this view¹, with the inspector confirming that *'Paragraph 175 clearly states that land raising...should not be used as a means to avoid the sequential test'*. The consideration of whether development is safe, including through land raising, is a separate consideration from the requirement for or the passing of the sequential test, and is discussed further below.

In any case, although disagreement remains between the Council and the applicant as to whether the sequential test is required, the applicant provided a Sequential Test in January 2025.

Applicant's Flood Risk Sequential Test

Detailed comments on the applicant's Sequential Test were provided in February 2025. They are not rehearsed again here, save to confirm that:

- The documentation demonstrates detailed engagement with the process and indicates a comprehensive review of sites within the parameters set
- There are some inconsistencies within the applicant's report with regard to information on individual sites
- The Council disagrees with the applicant's conclusions on the availability or suitability of some individual sites as alternatives to the proposed development

Even if inconsistencies and disagreements were capable of resolution, it is considered that this would not alter the outcome of the test, the purpose of which is to establish whether there are reasonably available alternative sites at lower risk of flooding.

The applicant's sequential test report summarises that *'there are other similarly [sized] sites and sites with a similar capacity identified in the District. It is recognised that some of those may be at lower risk'* (paragraphs 6.27), and *'it is not disputed that there are other sites identified in this assessment which are at a lower risk of flooding'* (paragraph 6.42).

Therefore, neither from the applicant's own work nor from the council's knowledge of sites in the borough, can the conclusion be drawn that there are no reasonable alternative sites at lower risk of flooding. The sequential test is therefore not passed and the proposal cannot be fully supported in policy terms based on Policy CS15 of the Local Plan, and national policy and guidance on flood risk, in particular paragraph 174 of the NPPF, which states that *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'*

Nevertheless, taking into account recent case law, failure to pass the sequential test is not *per se* a sufficient reason for refusal. The applicant puts forward a similar view at paragraph 6.29 *'In our view, the presence of other reasonably available sites at lower risk of flooding does not indicate that the LPA must refuse the application for planning permission. It is accepted in this case that other sites satisfy the definition of being reasonably available, but this needs to be weighed in the planning balance. So far as the Applicant is concerned, that is an exercise undertaken by others.'*

¹ Paragraphs 17-19 of the Inspector's Report: [Reference: APP/V2255/W/24/3350524](#)

Whether the proposal is considered acceptable overall, then, may and should also take into account other planning considerations as discussed further in this note.

Lack of Exception Test

The applicant has not provided an exception test and does not consider that one is required. The Council disagrees with this view, on the basis that paragraph 177 of the NPPF and the PPG require the test for this type of development in areas at risk. According to Table 2 in the PPG, the exception test is required for 'more vulnerable' development (such as housing) in Flood Zone 3. While the site lies in Flood Zone 1 in the present day, this increases to Flood Zone 2 and 3 in the future.

To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 179 of the NPPF is clear that '*Both elements of the exception test should be satisfied for development to be allocated or permitted*'. While an FRA has been submitted which seeks to demonstrate the safety of the development (see further below), it has not been demonstrated that the sustainability benefits of the proposal outweigh the flood risk. It is considered that the sustainability benefits are limited to the provision of market and affordable housing.

Safety of Development

The applicant's FRA has been updated a number of times. It is understood that in terms of consideration of tidal flood risk, the Council's Coastal Team consider the latest version of the FRA to be unsatisfactory. It is therefore considered that the FRA cannot be relied upon to demonstrate that the site will be safe from tidal flooding for its lifetime.

In terms of the identified surface water risk, it is noted that a drainage strategy has been submitted. As long as the proposed strategy is acceptable to the Lead Local Flood Authority, no policy objection would arise in relation to surface water flood risk.

Off-site flood risk

Both the Council's [Strategic Flood Risk Assessment \(SFRA\)](#) and the National Flood Map for Planning show that the single access road to Hayling Island, the A3023, is at risk of flooding, with significant increases expected in extent, depth and hazard in the future (see Part 4 – Havant Report, paragraphs 3.2.20- 3.2.24, and Appendix B maps). The SFRA (Part 4 – Havant Report, paragraph 6.11.8) recommends that this information should be taken into account in considering the suitability of further development on Hayling Island, with respect to tidal flood risk. It suggests that Havant Borough needs to be satisfied that proposals can be regarded as safe in the event that vehicular access to the mainland is not achievable.

While a Flood and Coastal Erosion Risk Management Strategy for Hayling Island has been developed by the Council's Coastal Partners and has been approved by the Environment Agency, it must be noted that funding for the schemes within it, which may mitigate the risk discussed above, has yet to be identified.

Paragraphs 163 and 164 of the NPPF are clear that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts. New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.

The application site was amongst the sites reviewed in the Council's Strategic Flood Risk Assessment (Local Plan Sites), which was prepared to consider the flood risk to sites being considered for allocation in the emerging Local Plan. For the application site, the Sites SFRA notes that *'Tidal flood risk to the single access onto Hayling Island is significant. This would make voluntary movement of people on or off the island as well as emergency access by road at the time of a flood event impossible. The Council does not consider that this risk can be satisfactorily addressed by the development, or that the risk is outweighed by any notable sustainability benefits to the community, even when taking into account the contribution the site could make to meeting housing need.'*

Under these circumstances, the strategy for the emerging Local Plan is to make no development allocations on Hayling Island. While that plan and the strategy within it hold limited weight in the determination of planning applications at this time and therefore should not be relied upon in the determination of this application, it is considered that the evidence and the recommendations within the evidence base, including the SFRA, are a material consideration. There is no information within the applicant's submission, nor evidence that the Council holds which indicates that the risks identified by the SFRA have been considered or mitigated, and it is considered unlikely that this scheme in isolation could address those risks.

Brent Geese and Waders

The site is identified as a candidate site through the Solent Brent Geese and Waders Strategy making Policy DM23 of the Local Plan and Paragraphs 193 -195 of the NPPF key considerations with regard to impacts on protected species. It is noted that the applicant has prepared a strategy to address this.

So long as Natural England and the Council's ecologist are satisfied with the process undertaken and the mitigation solutions proposed, no policy objection arises and it may be considered that, in relation to this issue, no strong reason for refusing the application would arise in the context of Paragraph 11 of the NPPF relating to this issue.

Concluding Comments

The Council's substantial shortfall in 5-year housing land supply is not disputed and is a significant consideration. Notably, however, the caveats in paragraph 11d i) and ii) of the NPPF must be carefully weighed up in the planning balance.

Footnote 7 of the NPPF specifically identifies categories of development which benefit from the first caveat – areas at risk of flooding and coastal change are one such category. Flood risk therefore represents a special consideration when applying the 'presumption in favour of sustainable development'.

In relation to flood risk it is considered that the proposal runs contrary to relevant NPPF policies in relation to areas at risk of flooding, in summary:

- The sequential test has not been passed (NPPF 174)

- The exception test has not been passed (NPPF 177-179)
- The development has not been demonstrated to be safe from tidal flood risk over its lifetime (NPPF 170)
- The proposal does not take account of the need to mitigate and adapt to the effects of climate change and does not avoid increased vulnerability to the range of impacts arising from climate change [in this case climate change related flood risk to Hayling Island]. (NPPF 163/164).