

Local Planning Authority planning application reference: APP/21/01434

Site: Rook Farm, land off St Marys Road, Hayling Island

Proposals: Outline application for development of up to 300 dwellings (including affordable housing). The proposal includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works. All matters reserved except for means of vehicular access. Accompanied by an Environmental Statement.



Recommendation – Objection: With no managed replacement refuge site identified the proposals are considered contrary to Policy DM23 of the Development Plan and so likely to harm the integrity of the European sites (including Chichester Harbour). The proposals are also considered to be premature to the consideration of whether this site becomes allocated for housing in the Development Plan.

However, Should the local planning authority be minded to approve the application, this should be subject to a S.106 at least covering-

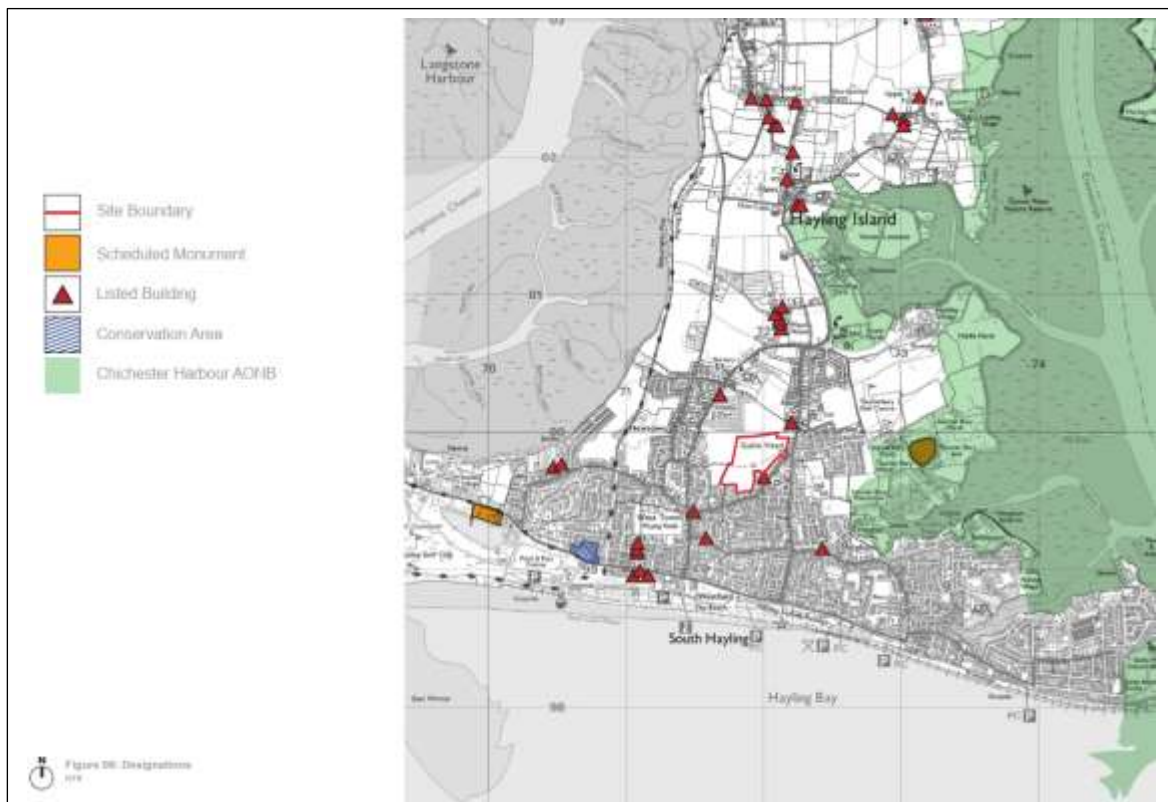
- (i) delivery of a minimum of 4.24 hectares of public open space as part of the development to accord with Policies CS1 (3) & CS13 of the Development Plan, with provision for its future maintenance and subsequent retention;
- (ii) recreational disturbance payment under Local Plan Policies CS11, CS12 & CS21 for the net gain of dwellings on the site, as the site is within 5.6km of the Chichester Harbour AONB; and,
- (iii) any ecological mitigation measures as a material planning consideration under Policies CS11 and DM23 of the Development Plan, including any approved nitrates strategy.

Officer reasoned justification

Conservancy Officers' comments and reasoned justification

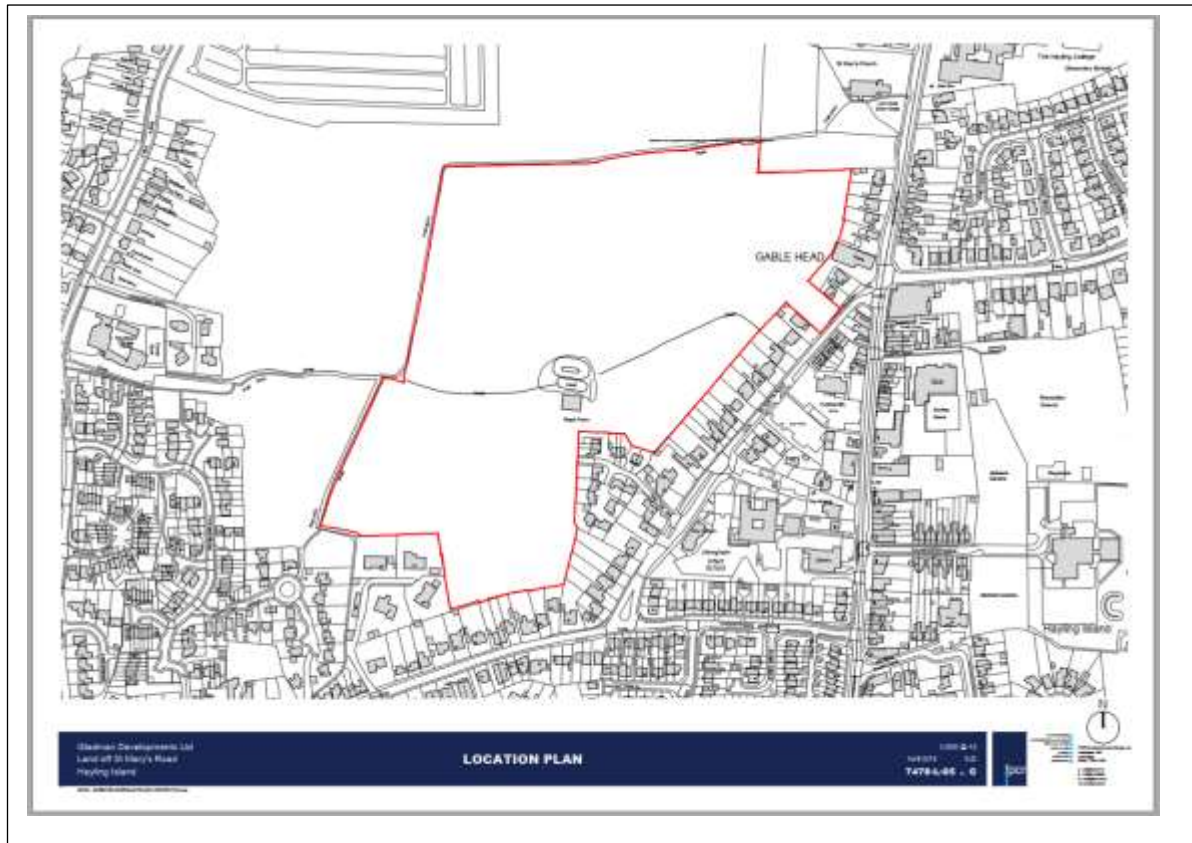
1.0 Site and its context

- 1.1 Located 0.6km outside of the Chichester AONB boundary (see below) and 6.2km south of Havant Town Centre, this 11.77 ha, irregularly shaped site, formed of two arable fields – (7.2ha of grade 2 land and 4.3ha of subgrade 3a agricultural land) - edged red below, is located outside of but adjoining the 'urban area' shown in the Development Plan (policies CS17 and AL2 refer). The land slopes gently north-south and site levels vary between 8.3m to 6.5 AOD, within easy walking distance of local shopping facilities in Elm Grove to the east. Surrounding nearby built form is generally two or single storeys high.



- 1.2 The site has no intervisibility with the AONB and the site is well defined by a strong framework of hedgerows and mature trees.
- 1.3 The site is bisected by an east-west drainage ditch with a pond mid-way along that. Trees at the site are mostly confined to site boundaries and around the pond. Those features contain the biodiversity value of the site which is otherwise zoned as an 'uncertain site for Brent Geese and Waders - (specifically Eurasian curlew) - under local plan Policy DM23. The assessment of habitat value is shown below.

- 1.4 The site is bordered to the north and west by public footpaths, offering limited views back towards the AONB, but as the land is flat and the immediate context is existing built form, no harm to the setting of the AONB would result. Two listed buildings are relatively close to the site (ST.Mary's Church, Farm Cottage and Rook Farmhouse and , but no harm to their setting is predicted.



2.0 Planning History

- 2.1 A previous outline application for up to 210 residential dwellings (including affordable housing) and 0.6ha for apartments with care (C2), structural planting and landscaping, informal public open space, children's play areas, sustainable drainage system (SuDS) vehicular access from St Mary's Road and associated ancillary works, under APP/17/00007, was refused on 13.4.2017 for the following 12 reasons –

"1 The proposal represents the unsustainable addition of residential development in a non-urban area for which there is no overriding justification. It is therefore contrary to policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014 Guiding Principle 2 of the Local Plan Housing Statement and the National Planning Policy Framework.

2 The proposed development has failed to demonstrate that it would constitute sustainable development as it does not adequately address the infrastructure requirements for the development by itself and in combination with other sites on Hayling Island. The suitability of the site for residential development has been assessed under the Local Plan Housing Statement and at this stage the site is classified as having uncertain potential for development due to sustainability concerns in particular in relation to Highway Capacity and the single access onto the Island, Flooding, Healthcare, Education and provision of Utilities. The consultation on the Draft Local Plan Housing Statement highlighted specific infrastructure issues on Hayling Island which will require further investigation before future development can be considered sustainable under the National Planning Policy Framework. The proposal therefore fails to meet the three dimensions of Sustainable Development: economic, social and environmental as set out in the National Planning Policy Framework and policies CS1, CS7, CS15, CS19, CS20, CS21, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL1 of the Havant Borough Local Plan (Allocations) 2014 together with the Local Plan Housing Statement Guiding Principle 4 and the National Planning Policy Framework.

3 The proposal, without completion of the appropriate binding arrangements in relation to the Solent Recreation Mitigation Project, is contrary to the Council's Policy on securing the necessary measures required and adopted by the Local Planning Authority. These measures seek to ensure that the provision is made from new development to counteract increasing recreational pressure on the Chichester & Langstone Harbours Special Protection Area. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

4 The development would result in a direct loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. A likely significant effect on the Chichester & Langstone Harbours SPA cannot be ruled out, insufficient information has been provided to determine the extent to which the proposals will adversely affect the integrity of the SPA and it cannot therefore be

ruled out that this proposal would not have an adverse effect on site integrity. No measures have been proposed or approved that would counteract or avoid a likely significant effect, or to otherwise address any adverse impacts on site integrity. The proposed development is therefore contrary to Policies CS11 and CS21 of the Local Plan (Core Strategy) 2011 and DM23 of the Local Plan (Allocations) 2014, section 118 of the National Planning Policy Framework and the provisions of the Conservation of Habitats and Species Regulations (2010) (as amended).

5 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant movements generated could not be accommodated adequately on the existing transport network. This would result in a severe impact on road safety and the operation of the local transport network contrary to the NPPF and policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011.

6 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the proposed access is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway contrary to the NPPF and of the Havant Borough Local Plan (Core Strategy) 2011 policies CS20 and DM11.

7 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that there is insufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and environment contrary to the NPPF and policies DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2014.

8 Insufficient information has been submitted to demonstrate that the proposals would not be likely to result in harm to protected species and their habitat, specifically in this instance, bats, reptiles and Great Crested Newts. As a result, there is insufficient information to either confirm absence, or if present, determine the extent that species would be affected taking into account appropriate and proportionate avoidance, mitigation and compensation measures. The proposed development is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework along with Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

9 The development in the absence of an associated S106 Agreement fails to address financial and other requirements necessary to secure a sustainable development. In particular the following matters have not been suitably addressed at this stage: · Affordable Housing · Highway Works · Sustainable Transport Requirements including footpath/cycle routes · Travel Plan requirements · SUDs provision, management and maintenance including SUDs bond · Education Contribution · Traffic Regulation Order · Apartments with care requirements · Design, Management and Maintenance of Common Parts · Management Plan Common Parts · Employment and Skills Plan · Ecological requirements · Appropriate legal fees and monitoring fees Together with any further infrastructure requirements established through the Infrastructure Delivery Plan and emerging Havant Borough Local Plan 2036. In the absence of

such provisions the proposed development would be contrary to policies of the Havant Borough Local Plan (Core Strategy) 2011 policies CS1, CS3, CS7, CS11, CS13, CS16, CS19, CS20, CS21, DM7, DM8, DM11 and DM12 Havant Borough (Allocations) Plan 2014 policy DM23 and the National Planning Policy Framework.

10 Notwithstanding reasons for refusal Nos 1 and 2, the proposed development would not represent an efficient use of greenfield land. This would fail to make the best use of a finite land resource and constitute an unsustainable form of development failing to address housing need in an efficient manner. The development would therefore be contrary to policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

11 The proposal would result in a less than substantial harm to the setting of St Marys Church a Grade II listed building. In particular, in relation to the appreciation of the building in its rural setting and in terms of views across the wider landscape including from parts of the footpath network. The impact on an historic asset is irreversible. Whilst the impact on the setting of St Mary's Church is considered to represent less than substantial harm this should be weighed against the public benefits of the proposal. Given that the development is not considered to meet the requirements of sustainable development it is not considered that the benefits of the proposal would outweigh the impact to the setting of St Marys Church. The proposal therefore contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.*

12 The application site constitutes primarily Grade 2 and 3a land which is classed as best and most versatile agricultural land. Such land represents a valuable resource for local food production with associated economic benefits. The proposed development would result in the loss of a significant area of such land. Given that the development is not considered to meet the requirements of sustainable development the loss of this land to agriculture is not justified. The development is therefore contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and in coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012."

- no Appeal was lodged. The Conservancy objected to that application in the following terms –

"...contrary to Policy DM23 of the Development Plan, being premature to the consideration of whether this site becomes allocated for housing in the Development Plan and with insufficient/poor information provided on bird counts.

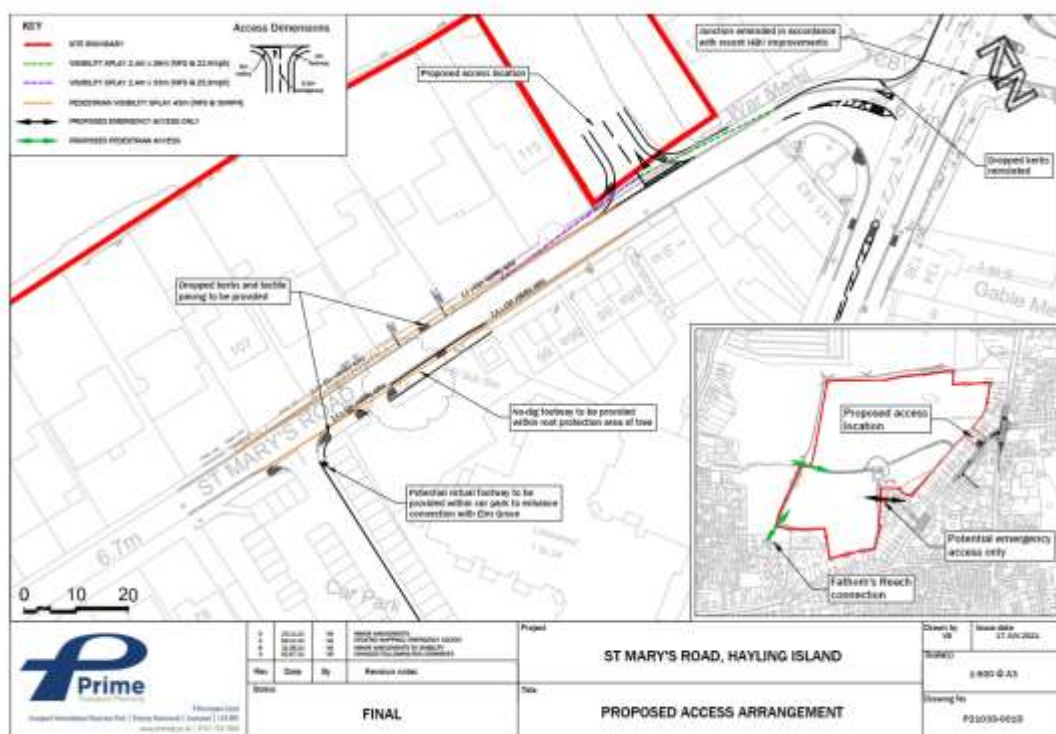
- 2.2 Under GEN/21/00922 the applicant made a request for a scoping opinion. That was issued 29.9.2021 - (**Appendix 'A'** to this report) - and has informed the submitted Environmental Statement.
- 2.3 In a Housing Statement issued December 2016 by Havant Borough Council - (since superseded) - the site was given the identifier code UE77 (Land at Rook

2.5 The Council is currently said to only have a 3.9 years housing land supply. The Inspectors had queried the ability of the A3023 to cope with a further 900 dwellings being built on Hayling Island, particularly in the summer when tourist traffic was most prevalent. Other housing sites on Hayling Island under Policy KP3 were also considered to be in areas of considerable flood risk and their allocation unsound, with the Inspectors concluding - "*Further work would be required to demonstrate that these allocations can be made safe for their lifetime.*"

3.1 The application is made in outline for the construction of 300 dwellings (30% as affordable housing), informal public open space, children's play areas and sustainable drainage system (SuDS), with all matters reserved except access. An illustrative 'development framework' has been submitted along with a more detailed plan showing the intended single point of access to the site. Both are seen below.



- 3.2 The conceptual layout does however show retention of the only two short stretches of native (species poor) hedgerows, and on-site pond and the majority of existing trees, most of which are confined to boundaries. Bat activity surveys recorded moderate levels of foraging and dispersal, however this was heavily dominated by common and widespread species and restricted to boundaries with structural vegetation, with an additional hotspot around the existing pond.



3.3 The application is supported by an Environmental Statement (ES) with chapters related to –

- Methodology for the construction and operational phase assessments
- Background pollutant concentrations
- Traffic data used in air quality assessment
- Existing and proposed sensitive receptor locations
- Ecological impact assessment including biodiversity metric
- Information to inform a Habitats Regulations Assessment
- Transport assessment and link sensitivity classification
- Travel plan
- Soils and agricultural land classification
- Relevant correspondence with statutory consultees and utility providers
- List of relevant legislation and guidance
- Methodology for assessing significance of impacts
- Flood risk assessment
- Assessment of impacts to water quality
- Rights of way
- Risk table
- Heritage statement
- Affordable housing statement

- As well as other reports related to –

- Trees
- Floodwater management
- Foul sewage and utilities assessment
- Heritage and archaeological assessment
- Landscape and visual impact assessment (LVIA), concluding the site to have medium landscape value given its edge of settlement location
- Noise assessment
- Site investigation report
- Planning and affordable housing statement
- Heads of terms to S.06 items
- Statement of community involvement, including dedicated website and postcard drop to 460 surrounding properties alerting the public to that as a means of leaving comments before this outline application has been made
- Socio-economic Recovery Following Covid-19

3.4 Highlighted conclusions on matters related to impact to the AONB and the promotion of nature conservation/enhancement in general include –

3.4.1 The ES properly references nearby heritage assets and the European sites of which Chichester and Langstone Harbours SPA is one and that nitrates are an issue to be considered. If consented, the intention is to start construction in 2023, possibly not being fully built out until 2030. The ES has worked from a baseline situation to then consider effects of the development to see how the baseline would change and the magnitude of that change, where change could be concluded to be either adverse or beneficial. No adverse effect on the European sites from increased vehicle emissions owing to the distance separation from the site. The applicant has concluded that there would not be 'a severe cumulative

impact' to highway users, after a package of works to 44 identified highway links were completed. Sensitive receptors that are at potential risk from the Proposed Development, including the Sinah Common SSSI, a Public Surface Water Sewer, the Solent, an aquifer which the Site overlays and groundwater, and surface water, but the applicant considers the drainage strategy put forward would avoid such risks. Adverse effects recorded include –

- Air quality effects during construction
- Recreational disturbance and displacement of Brent geese and waders using the site
- Displacement of slow worms
- Loss of grade 2 agricultural soil

- for which mitigation would need to be put forward in the form of –

- a best practice dust mitigation plan
- establishment of a permanent off-site brent goose refuge and financial contributions toward the Solent Recreation Mitigation Strategy
- a reptile Mitigation Strategy
- Depth and method of topsoil stripping and stockpiling
- Identification of landscaping soil requirements and assessment of suitability and availability of on-site resources
- Means of subsoil protection from compaction damage and remedial measures (such as ripping/subsoiling) to remove damage

The potential impacts of the proposals are reassessed with the mitigation measures in place and the resulting effect is referred to as the 'residual effect'. It is the purpose of the mitigation measures to have reduced any potential adverse effects to the lowest level possible. Cumulative effects are also considered and the applicant has researched other nearby developments, whether already applied for or set out in the emerging local plan, referred to on page 7 of the ES non-technical summary. Improvements to greenspace and public access/connectivity are seen as beneficial impacts. In conclusion the applicant states –

"In summary with the embedded design measures and additional mitigation, and assuming standard practice and regulatory compliance if followed, it is not anticipated that the Proposed Development will cause, make worse, or be affected by, a major accident and/or disaster that will result in significant effects on the natural environment or human health".

- 3.4.2 Great crested newts were absent from the site the breeding bird assemblage modest, but a moderate population of slow worms was recorded with high concentrations along the northern boundary and within a parcel of grassland to the east. Much of the slow worm habitat is due to be lost, but the applicant says this will be compensated by the creation of new greenspace (albeit no minimum hectareage is specified). The applicant intends to retain nearly all the trees, except where the access is to be formed onto ST Mary's Road, but there would be additional areas of grassland, SuDS, tree and woodland planting to connect and extend the existing habitats on the site.
- 3.4.3 The layout would connect to the adjoining public footpath network and new greenspace at the site would provide alternative dog walking opportunities to visiting the AONB shoreline.
- 3.4.4 Structural landscape planting to provide a buffer to open countryside beyond and the retention and positive management of key landscape features. To protect

and extend the site's existing environmental assets and use them as a framework for the creation of 4.24 ha of new green infrastructure (seen below) respecting the landscape and promoting biodiversity (where the applicant states only 1.87 ha needs to be provided under policy). This represents almost 36% of the site area and will include recreational space, equipped playspace (exceeding 0.03 ha) and teenage space (exceeding 0.02 ha), footpaths, attenuation basins and structural planting.



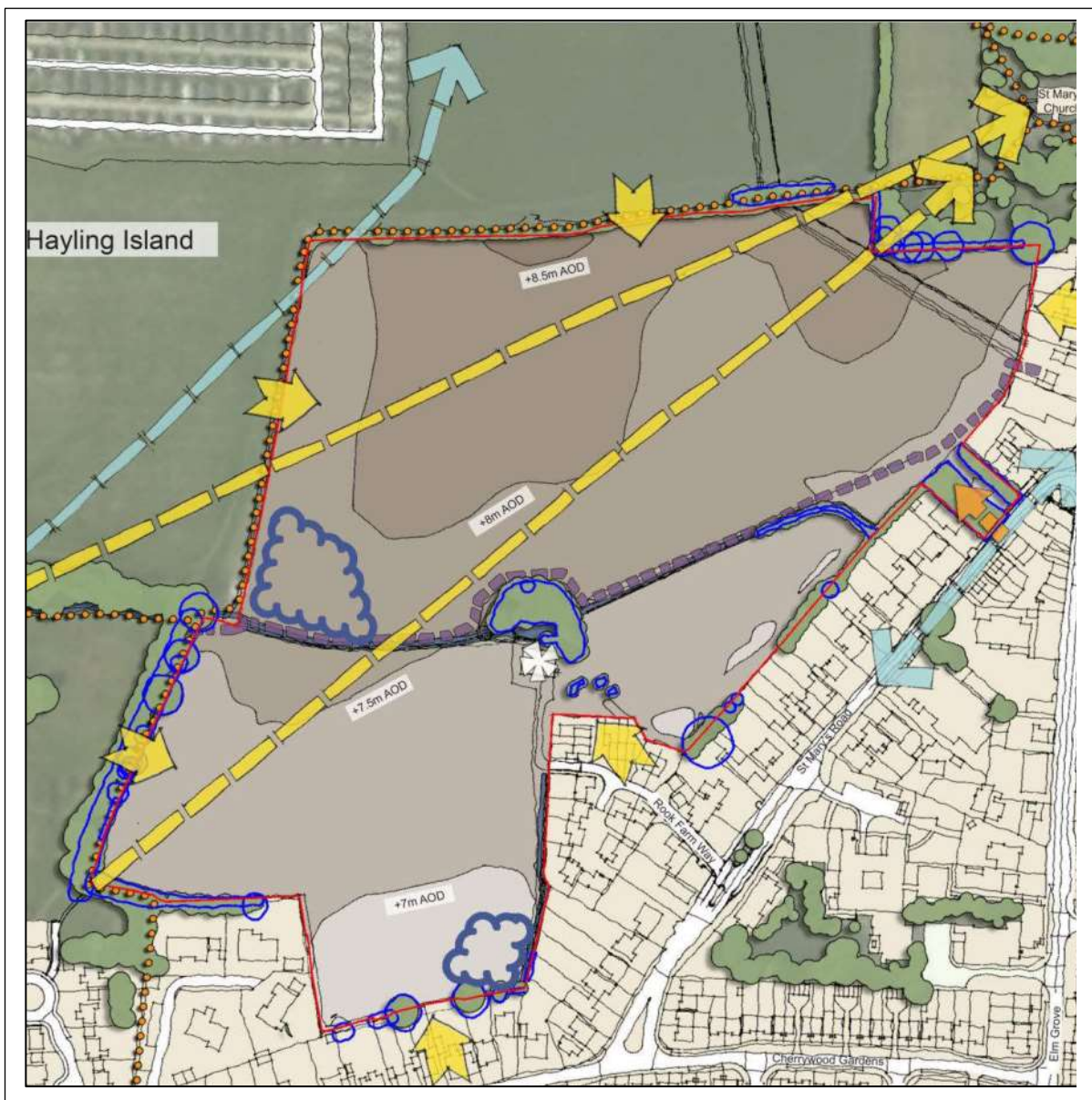
- 3.4.5 The scale of built form intended is predominantly two storeys with the occasional 2.5 storeys with all dwellings to take vehicular access from a single point off ST Marys Road. There would be pedestrian/cycle linkage to the surrounding area at a number of points. A central tree lined avenue is indicated offering a s-w to n-e vista through to ST Marys Church. A set of typical urban design principles closely following the Borough Design Guide has informed the illustrative masterplan to create a safe and legible layout.
- 3.4.6 It is expected that the design will explore the following in order to promote reduction in carbon emissions;
- Flexible building and house design, allowing for the expansion of living areas and storage needs, and where practicable making better use of roof spaces.

- Ensuring that buildings can be easily adapted to suit different occupiers' needs, through the use non structural internal walling and easily extended services;
- The use of locally sourced or recycled construction, building materials and aggregates;
- The preference for using environmentally friendly and more sustainable materials and products, such as recycled timber;
- The use of porous/concrete block permeable paving and surfaces for some streets, driveways and spaces;
- Low flow showers, smaller baths and dual low flush toilets as part of controlled water demand and use;
- Low carbon lighting, energy controls and management;
- Double and triple glazing, and improved insulation;
- Wherever possible using an optimum plot orientation for solar gain with south facing windows; and the use of solar thermal panels to collect solar energy to heat water and to reduce carbon emissions;
- Conservation of the natural resource such as the site's hedgerows and trees;
- Ground level 'urban greening' with the use of street trees, parks, linear parkland, open space, private spaces and gardens; and,
- The planting and setting out of grassland, native trees, shrub and hedgerow species that will encourage wildlife, and sustainable drainage.

3.4.7 The proposed drainage strategy for the development will be to introduce two drainage basins. Together these basins will reduce the risk of flooding both on and off site and will be used to manage the surface water run off from the northern and southern parcels of the proposed development. The line of drainage will follow the natural fall of the land with a positive connection to the nearby public surface water sewer network and run-off maintained at pre-development rates. Careful integration of these features into the site will create potential habitats for wildlife and promote biodiversity, providing valuable open space and amenity value.



- 3.4.8 The concept for the layout is built around 3 distinct character areas (seen above), namely the main street, secondary roads and green lanes, reducing in density down this hierarchy, identifying the situations where focal buildings may be used to close a vista or turn a corner etc. Each area has subtle differences in the road width, planting, offset to road, building orientation and density. These variations provide each street with its own character.
- 3.4.9 Residential land use would represent 7.53ha of the 11.77 ha site, building at a density of 40 dwellings/ha (albeit the Council's Planning Policy Team has an expectation of 390 dwellings at the site). The applicant states district wide benefits, in terms of making a strategically important contribution to the supply of market and affordable housing and supporting economic objectives would be delivered.
- 3.4.10 The applicant's illustration as to the site's main opportunities and constraints is shown below



Key	
	Site Boundary
	Topography
	Existing Settlement
	Potential for Green Corridors
	Consider Short Range Views
	Existing Public Rights of Way
	Proposed Vehicular Access
	Existing Trees and Hedgerows
	Root Protection Area
	Existing Waterbody/Watercourse
	Existing Farm Building
	Overhead Cables
	Potential SuDs
	Foul Rising Main
	Underground Electric Cable

*Policy framework

NPPF paragraphs - 1-3, 6-12, 15-21, 23, 28, 34, 38-43, 47-50, 55-57, 60-65, 68, 71, 73-77, 92-93, 98, 100, 104-105, 107-108, 110-114, 119-120, 124-126, 130-134, 152-155, 157, 159-162, 167, 169, 174-176, 179-180, 182-183, 185-186, 218-219 and 222; **NPPG ID's** - 2a, 3, 6, 8-9, 12, 15, 18a, 20, 21b, 23b, 26-27, 30, 34, 37, 42, 53, 56; **HBDP** - CS1, CS7-CS9, CS11-CS17, CS19-CS21, DM1, DM8, DM10-DM13, AL1-AL2, DM18, DM20, DM23-DM24; **SVHBLP#** - DR1, IN1-IN4, E1-E3,E5,-E6, E9, , E11-E16, EX1, E17-E20, E22-E24, H1-H4, H27; **CHMP** - 1-2, 15; **SPG/SPD**.

4.0 Key issues and related Policy framework*

4.1 Matters of principle and the emerging local plan status

- 4.1.1 The applicant's ES concludes the highways impact would not be significant, but the Inspectors who recommended that the submitted local plan be withdrawn clearly had a different opinion as to whether such impacts would be acceptable for Hayling Island as a whole and users of the A3023 moving on and off the island. National Highways has lodged a request for further information, but this relates to impacts on where the A3023 connects to the A27.
- 4.1.2 The submitted local plan is now withdrawn, so Policy H27 relating to the site no longer is a material planning consideration, until re-stated in a new local plan. The applicant submitted this outline planning application before the EIP Inspectors made their recommendation to withdraw the submitted local plan. As such, the applicant has relied heavily on (now withdrawn) Policy H27 and not really made their submission to address the 12 reasons for refusal to APP/17/00007. However, because the Council cannot currently demonstrate a 5 year housing land supply, Policies CS17 and AL2 are considered to be out of date

and the 'tilted balance of NPPF paragraph 11d therefore applies, unless "*material considerations indicate otherwise*".

- 4.1.3 The HIWWT has commented – "...document CR18 of the Havant Borough Emerging Local Plan Examination concluded that Policy H27 (Rook Farm) should be removed from the Council's supply as the Inspector is 'unable to find that the site currently meets the definition of 'deliverable' or 'developable' as set out at Annex 2 of the NPPF' due to the lack of clarity on if an appropriate mitigation site can be secured and significant uncertainties over the site's delivery.". The RSPB has made similar observations.

4.2 **Safeguarding intrinsic setting, character and beauty of AONB/biodiversity from inappropriate development and promoting nature conservation** –

- 4.2.1 It is noted from HIWWT comments that a peak count of 1100 individuals feeding during the winter of 2017 and, more recently, records of over 1000 individual darkbellied brent geese during the Winter of 2021 have been recorded at the site. It concludes – "*The unmitigated loss of these sites would impact on the integrity of the SPA over the long term.*" And "*While the shadow HRA alludes to a mitigation site, the developer has not disclosed details on the location, current habitat quality or management of any proposed off-site refuge, making it impossible to assess this requirement to mitigate for a "Core Area"*". Natural England has also requested further information to assess impact to the European sites, including the replacement Brent geese/Waders refuge site to be provided.
- 4.2.2 Proposed tree planting would take some time to establish so the housing here would be particularly noticeable in the otherwise open landscape at this point, seen from public vantage points. However, given distance from the AONB boundary and intervening built form, no adverse impact to the setting of the AONB landscape is foreseen.
- 4.2.3 It is acknowledged that the new greenspace and SUDs could enhance biodiversity at the site.

4.3 **Flood risk and foul/surface water drainage** –

- 4.3.1 Being in flood zone 1, no risk is predicted, and the applicant has a clear surface water drainage strategy in mind including two attenuation basins.
- 4.3.2 Southern Water has not raised any concerns regarding connection to the foul water sewer system, which would drain to Budds Farm and has not identified any capacity issues at the WWtW. Suitable management arrangements would need to be in place to manage the proposed SUDs and to protect the foul sewer crossing the site during construction. The Environment Agency has raised no objections to the proposals.

4.4 **Economic and social needs and the 'tilted balance'** –

- 4.4.1 Leaving aside ecological issues, from a pure planning perspective it is somewhat surprising that a mixed use development has not been promoted with some employment land perhaps being more sustainable in terms of the potential for trips off the island to reach employment to be reduced in the long term.

- 4.4.2 A mix of housing is proposed - up to 300 dwellings - offering 1-5 bedroom properties, comprising a range of house types from linked townhouses to detached properties and apartments.
- 4.4.3 The applicant makes great emphasis on the national housing shortfall and the Council's inability to deliver the forecast amount of new housing in recent years. With the local plan out of date in terms of Policies HCS17 and AL2, the applicant considers the NPPF's tilted balance should apply. However, significant material considerations as to a replacement refuge for Brent Geese and Waders, leading to long term uncertainty over impact to the Chichester Harbour SPA still would not deliver sustainable development.
- 4.4.4 The Government's key imperative for the town and country planning system is sustainable economic growth to provide for housing needs and it is acknowledged that construction jobs would be created, having the potential to create short term local employment opportunities. Furthermore, those who would come to live at the site could help sustain local businesses on Hayling Island.
- 4.4.5 Whilst recognising the significant boost to housing and more particularly affordable housing, the proposals could provide to the Council's housing land supply for the Borough, the proposals are premature following withdrawal of the submitted local plan.

4.5 **Heritage** –

- 4.5.1 The County Archaeologist has concluded - *"Whilst there is the potential for early - medieval/medieval remains, this is likely a lower potential with lower potential significance. Although not assessed, the potential impact of residential development of this scale is such that any in situ archaeological remains would either be partially or totally destroyed by the development"*.
- 4.5.2 If the Council is minded to permit, suitable conditions could be applied to record finds.
- 4.5.3 Historic England consider the development would have some impact to the rural setting of ST Mays Church which is Grade II* Listed, but conclude it is for the Council to assess this impact to significance against the public benefits that may arise from the development.

4.6 **Urban design and high quality, low carbon design** –

- 4.6.1 A considered approach, having regard to the Council's Borough Design Guide has produced a development framework and illustrative masterplan which would be sympathetic to existing site features, the local footpath network, the setting of Listed Buildings and surrounding built form.
- 4.6.2 It is clear that the applicant is committed to incorporating sustainable measures/lifetime homes standards as part of the build, but such matters – which every developer should be implementing in any case - are secondary to the main principle as to whether greenfield land/open countryside, contributing positively to rural character should be entertained, now that the replacement local plan must be remade.

- 4.6.3 Whether it is appropriate that the site takes all vehicular access off a single point is a matter for the Highways Authority to comment upon.

5.0 Conclusions

- 5.1 The development is outside a defined urban area although 'contiguous' with the existing settlement edge. No harm would result to the setting of the Chichester Harbour AONB. The Council cannot demonstrate a 5 year housing land supply, so the applicant is arguing the 'tilted balance' must be applied, although with the withdrawal of the submitted local plan including Policy H27, the applicant ought to have focused on addressing the 12 reasons for refusal to APP/17/00007.
- 5.2 There are still unanswered questions about highways impact to Hayling Island generally and a lack of certainty to the location of a replacement Brent Geese and Wader refuge. One cannot conclude that no significant adverse affect to the European sites, including the Chichester Harbour SPA would result. It is accepted that on-site enhancements to biodiversity could be delivered.

SRL – for 11.4.21 Planning Committee

Comments requested by: 18 March 2022: application undetermined at the time of writing this report. It is not clear if the application would be considered at the 14 April 2022 meeting of the Borough Council's Planning Committee, as that agenda has not been published at the time of writing this report.

***Abbreviations used:**

DAS – Design and access statement

LVIA – Landscape visual impact assessment

SUDs – Sustainable urban drainage systems

NPPF - National Planning Policy Framework (July 2021)

NPPG - National Planning Practice Guidance (March 2014 onwards)

HBDP – Havant Borough Development Plan: Core Strategy (2011) and Site Allocations DPD (2015)

SVHBLP – Submission version Local Plan (23-6-21 update, but # withdrawn 16—3-22)

CHMP - Chichester Harbour AONB Management Plan (2019-2024)

SPD/SPG relating to:-

Borough Design Guide (2011)

Housing (2011)

Parking (2016)

CHAONB (2017)

Position Statement and Mitigation Plan for Nutrient Neutral Development (August 2020)

Housing Position Delivery Statement – (March 2022)

Developer contributions guide (April 2022)



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ST1 5BD

Our Ref: GEN/21/00922
Direct Line: (023) 023 9244 6549
Ask For: Mr D Eaves
Email: planning.development@havant.gov.uk
29 September 2021

Dear Mr Hackett

Site Address: Land off, St Marys Road, Hayling Island

Proposed Development: Request for formal Scoping Opinion under the Town and Country Planning (EIA) Regulations 2017, Regulation 15, regarding the proposed residential development at Land off St Mary's Road, Hayling Island.

I am writing to you further to your Scoping enquiry received on the 25th August 2021 and the submission of the following document:

Land off St Marys Road (Rook Farm), Hayling Island Scoping Report August 2021.

Proposal

The submitted report sets out the following development proposals:

It is proposed to submit an outline planning application for the erection of up to 390 dwellings in accordance with emerging Local Plan requirements (final figure to be determined by site constraints analysis) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point off St Mary's Road. All matters are reserved except for means of access.

The Site is approximately 11.81 ha and is currently in agricultural use.

It is proposed that the scheme will comprise:

- *The demolition of existing farm buildings;*
- *up to 390 dwellings in accordance with emerging Local Plan requirements (final figure to be determined by site constraints analysis);*
- *Public open space;*
- *Landscaping and Sustainable Drainage Systems (SuDS); and*
- *A vehicular access point off St Mary's Road.*

Location of development:

The environmental sensitivity of the site has been recognised by its identification as a Core Area for Brent Geese and Waders under the Solent Waders and Brent Goose Strategy.

The site is in close proximity to the Chichester and Langstone Harbour Ramsar and Special Protection Areas (SPA) approximately 0.85km and 1km from the site respectively and Solent Maritime Special Area of Conservation (SAC).

The site is therefore considered to be an important habitat for the Waders and Brent Geese of Chichester and Langstone Harbour SPA.

The purpose of the requested scoping opinion is to achieve a consensus over potentially significant environmental impacts and the content of the Environmental Statement which should accompany a future planning application. A scoping opinion has previously been issued by Havant Borough Council in relation to a 210 dwelling proposal on the land dated 15th November 2017 (a copy of this opinion can be viewed on the Council's website at the following address <https://cdn.havant.gov.uk/public/documents/Scoping%20Rook%20Farm.pdf>).

The submitted Scoping Report states:

The Applicant is now proceeding with the preparation of a new application. Therefore this Scoping Report has been prepared to support a request for a new Scoping Opinion, ensuring that the scope of the ES is up to date.

The following sections expand upon some of the areas set out in your report and adding other areas regarding the impacts that Havant Borough Council as the Local Planning Authority in consultation with relevant statutory bodies and others considers should be covered in the Environmental Statement (ES).

Screening

During the course of the associated planning application reference APP/07/00007 a letter was sent to the applicants agent setting out the Councils opinion that the development would constitute EIA development (a copy of the letter is attached at Annex B). It is understood that the need for an Environmental Statement is accepted.

Scoping

The proposed development falls within the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

In summary your Scoping Report dated August 2021 identifies a range of topics that are suggested to be 'Scoped -Out' of the EIA and others that are 'Scoped In'. Other potential areas have also been identified through the scoping process. The considerations and suggestions in relation to your identified topic areas are responded to in part 1 with the additional topic areas identified in part 2 below. The comments result largely from consultations within the EIA consultees and a range of other consultees who would also be consulted at the planning application stage. **As you are aware from my email of the 23rd September 2021 requesting an extension of time for the scoping agreement (not agreed) a number of important consultation responses remain outstanding at the time of this response. A precautionary approach therefore needs to be taken in this case to seek to ensure that matters are covered in the Scoping.**

The Non Technical chapters proposed would appear to be appropriately set out to provide context to the Environmental Statement.

Paragraph 3.3.1 of the submitted Scoping Report anticipates the following issues will need to be addressed as part of the Environmental Impact Assessment:

Ecology
Air Quality
Transport
Soils and Agricultural Land

These are set out below in PART 1

Part 1:

1. Ecology

The submitted Scoping Report notes the site is identified as a Core Area used by Solent waders and Brent Geese as defined by Policy E17 in the submitted Local Plan. In such cases, it should be noted that development will only be permitted where a suitable replacement habitat is provided in perpetuity in consultation with the competent authority which:

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

It is noted that consultation is presently ongoing to ascertain the suitability of potential off-site land to be secured as mitigation for impacts on Solent Waders and Brent Geese (SWBG) associated with the Chichester & Langstone Harbours SPA/Ramsar. This will be of particular pertinence in assessing whether there is a likely significant effect to nearby European designated sites and their supporting habitat. In particular, site-specific mitigation measures will need to be deliverable, in order to avoid significant adverse effects.

The Council's Summary of Site Screening Work (EB44) also notes that there is a moderate level of bat activity at the site's boundaries and potential for common reptiles at field margins. As such Phase 2 ecological surveys for bats and common reptiles will be required in addition to the Phase 1 ecological assessment.

The Council's Environmental Control Officer provides the following comments relating to Ecology (linked to Transport Assessment and Air Quality):

The scoping report acknowledges that nitrogen-deposition & nitrogen-derived acid deposition could increase as a result of (primarily-) transport-related emissions associated with the development.

It is not clear from the report whether domestic sources are to be included (i.e. emissions from combustion within dwellings, for space / water heating & cooking), but I would assume that it is envisaged to limit the assessment to the transport model.

Paragraph 4.4.10 refers to a screening level derived from the environmental permitting regime, considering effects to be insignificant where the development contribution is <1% of the long-term critical load for the habitat. This benchmark is typically applied irrespective of the baseline conditions, and in this way is a benchmark capable of representing 'acceptable adverse impact'. Local policy aims to achieve 'no net deterioration (i.e. 'hold the line' rather than a 'managed rate of decline'-), and in this way, there could potentially be a conflict. The outcome of this assessment could also be material to ecological policies, seeking ecological net-gain (i.e. additional mitigation may be required to account for a net negative air-quality impact at sensitive & protected habitats).

The above matters need to be assessed in the Ecology Section.

We also strongly encourage the applicant to engage with the Council's Ecologist and Natural England, potentially through their Development Advice Service, in the preparation of the Ecology chapter, the scope of any Wintering Bird Surveys and the information to inform the Council's (as competent authority) Habitats Regulation Assessment (HRA). This is particularly important given that consultation responses have not been received in relation to the current scoping process at the time of this response.

Natural England and the County Ecologist provided comments in relation to the previous Scoping Opinion dated 15th November which need to be taken into account in the Ecology section (**please note that the site is now a identified as a Core Area and further comments on cumulative impacts are provided in the 'Cumulative Impacts' section of this letter**). The previous Scoping Opinion set out the following comments from Natural England and the County Ecologist:

Natural England:

Case law and guidance has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England has serious concerns that the proposals will result in the direct loss of supporting habitat for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. The site is considered essential to the continued function of the Solent wader and brent goose ecological network and is functionally-linked to the designated Solent SPAs. The loss of this site would impact on the integrity of the SPA and this issue will need to be thoroughly examined within the Environmental Impact Assessment and Appropriate Assessment.

The recommended details to be included in the scope of the EIA are set out in Annex A and include an assessment of the proposals on:

- the designated sites, protected species, habitats and species of principal importance and wider biodiversity*
- the water environment and the need to achieve a nutrient neutral scheme*
- soil and agricultural land quality*
- rights of way, access and recreation*
- climate change and in-combination and cumulative impacts*

We strongly recommend that the developer seeks Natural England's advice through our Discretionary Advice Service to ensure the sensitivities of the site are appropriately addressed within the EIA, Appropriate Assessment and the subsequent planning application. The first step is to fill out a simple 'Request Form' and email it to consultations@naturalengland.org.uk.

Further detailed comments were previously provided in Annex A of the Consultation Response with regard to (amongst other matters):

- Ecology
- Designated nature Conservation Sites
- Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010
- Habitats and Species of Principal Importance
- Biodiversity Mitigation and Enhancement Plan (BMEP)
- Climate Change Adaptation

The Information in relation to these headings are provided below:

Annex A Advice related to EIA Scoping Requirements

Ecology

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

Designated nature conservation sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposal would result in the loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. The site is considered essential to the continued function of the Solent wader and brent goose ecological network and is functionally-linked to the designated Solent SPAs. The site has recorded a maximum count of over a 1000 Brent Geese. The loss of this site would impact on the integrity of the SPA and this site would be extremely difficult to replace. Any potential damage to the integrity of the site will be subject to a Habitats Regulations Assessment and the associated requirements to meet the statutory tests. The EIA will need to include a thorough assessment of the baseline environment and assessment of the significant environmental effects arising from the development proposals. Detailed information will need to be provided to determine the extent to which the proposals will adversely affect the integrity of the SPA and measures that would counteract or avoid a likely significant effect or to otherwise address any adverse impacts on site integrity. This assessment will need to meet the statutory tests of the Habitats Regulations Assessment and the EIA Regulations.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here

<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek to avoid an adverse impact on sensitive areas for wildlife within the site, and provide opportunities for overall wildlife gain. The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

Biodiversity Mitigation and Enhancement Plan (BMEP)

Natural England recommends that the proposal is accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist. The BMEP should set out all the mitigation measures proposed within the Environmental Statement. It should also ensure the scheme meets the requirements of the standing advice and the additional requirements for biodiversity enhancement, and net gain, as set out in National Planning Policy Framework paragraphs 7, 109 and 118.

Whilst the applicant has identified that Ecology and Wildlife should be scoped in, they are strongly encouraged to engage with the Council's Ecologist and Natural England in the preparation of the Wildlife and Ecology Chapter, the scope of any Wintering Bird Surveys and the information to support the HRA.

Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.

Detailed consideration should be given to Solent Wader and Brent Goose ecological network and how the loss of the site could impact on the resilience of the future network with regard to climate change and sea level rise.

The County Ecologist provided the following comments in relation to the previous scoping and should be taken into account in the ES:

As detailed within the previous application-stage discussions, the key issue at this site is the potential loss of supporting habitat for Chichester & Langstone Harbours SPA and Ramsar. This site has been shown to support significant numbers of dark-bellied brent geese, a key qualifying species for both SPA and Ramsar, and is one of the most important sites for this species within Havant Borough. The proposed development would, unmitigated, result in an unacceptable significant loss of supporting habitat and would affect the integrity of the SPA/Ramsar.

Any future ES will need to include a comprehensive review of all existing data pertaining to the use of the site, and other nearby sites, by SPA/Ramsar species. The source of this information is the Solent Waders & Brent Goose Strategy. The SWBGS is currently undergoing a refresh and so I would strongly advise that the applicant's ecological advisors ensure that they obtain the latest data and are fully aware of its use in assessing site status: any assessment must not rely solely on the applicant's own collected data. A new framework for mitigation is being developed and so again I would strongly recommend that the applicant engages with Natural England (via the DAS service) when attempting to develop any mitigation/compensation strategy.

A key reason for refusal in relation to planning application APP/07/00007 related to the direct loss of supporting habitat for the SPA, and in particular dark-bellied Brent geese. Specifically reason for refusal 4 states:

"The development would result in a direct loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. A likely significant effect on the Chichester & Langstone Harbours SPA cannot therefore be ruled out that this proposal would not have an adverse effect on site integrity. No measures have been proposed or appropriate that would counteract or avoid a likely significant effect, to otherwise address any adverse impacts on site integrity. The proposed development is therefore contrary to Policies CS11 and CS21 of the Local Plan (Core Strategy) 2011 and DM23 of the Local Plan (Allocations) 2014, section 118 of the National Planning Policy Framework and the provision of the Conservation of Habitats and Species Regulations (2010) as amended)."

As stated above we strongly encourage the applicant to engage with the Council's Ecologist and Natural England potentially through their Development Advice Service, in the preparation of the Ecology Chapter, the scope of any Wintering Bird Surveys and the information to inform the Council's (as competent authority) Habitats Regulation Assessment (HRA). The latter will be of particular pertinence in examining the likely significant effect to nearby European designated sites and their supporting habitat. In particular, site-specific mitigation measures will need be shown to be deliverable, in order to avoid significant adverse effects.

Please ensure that the ES addresses the matters set out above in relation to Ecology and Wildlife. These matters are therefore Scoped In.

2. Air Quality

The submitted Scoping Report indicates that both a construction phase and operation phase assessment will be undertaken for air quality. In this respect, it should be noted that Policy E23 in the submitted Local Plan sets out the following:

"Offsetting emissions

- d. Major development proposals will be expected to provide mitigation measures which offset emissions and are proportionate to the scale and nature of the development.*

Threshold based assessment

In addition to a., development proposals of 150 or more (gross) residential units, 1,000 sqm or more of commercial floorspace, or which are likely to materially alter the traffic flow on the local highway network will be permitted where:

- e. Projected levels of air pollution or emissions associated with the development would not result in a significant deterioration of current air quality at a location where national air quality objectives or limit values apply; or*
- f. Measures are provided which demonstrably mitigate the impact on air quality to an acceptable level."*

Whilst it is noted that the Scoping Report identifies various site specific mitigation for the construction phase, it is recommended that the applicant engage with the Council's Environmental Health Team in respect of mitigation measures to offset the emissions which would occur as a result of the development.

At this stage Environmental Health have provided the following comments in relation to Air Quality (in addition to those highlighted under Ecology above:

Transport Assessment, Air Quality; Human Health

I would agree that both the Transport Assessment & Air Quality should be scoped-in to the Environmental Statement. I note that the envisaged transport assessment would cover a study area to include the A3023 up to the A27 junction, and associated links and junctions.

It is considered potentially appropriate for the Air Quality assessment to cover the same study area, subject to screening of the magnitude of traffic impact indicated by the agreed development net-transport-demand (against an agreed baseline). The most sensitive receptors from an air quality perspective are located on the local strategic route (A3023) with some receptors being located within 2m of the kerbside (e.g. no. 68 & 85 Havant Road, Hayling Island).

The transport assessment is to consider 'in combination' effects, to include the land at Sinah Lane. Concerns have been raised about the volume of traffic from the Sinah Lane development routing via West Lane, to avoid congestion on the A3023 route. As a result, turning movements at the Havant Road / West Lane junction (associated with the Sinah development) could cause disproportionate impacts on the principal route. No. 80 Havant Rd is opposite the West Lane junction at 3m from the kerbside, and could be affected by any disproportionate impacts on the free flow of traffic on the A3023 by turning movements to / from West Ln.

Concerns have also previously been raised about the potential for disproportionate impact on traffic flows arising from turning movements at the Tournembury Lane Junction (described in EH comments to APP/17/00007, CONS/17/00125, 14/02/17).

Both the transport assessment, and air quality assessment should ideally consider these issues specifically, as it is possible that the transport model may not adequately capture these factors (West Lane arising from traffic not yet on the road network, but associated with 'committed' development, and Tournerbury only being captured by surveys post-dating the opening-date for the local food retail outlet identified as a significant contributor to driver-delay). Sensitive receptors are located at this junction within 3m of the kerbside (141-143 Elm Grove).

Transport Assessment, Air Quality; Ecology

The scoping report acknowledges that nitrogen-deposition & nitrogen-derived acid deposition could increase as a result of (primarily-) transport-related emissions associated with the development.

It is not clear from the report whether domestic sources are to be included (i.e. emissions from combustion within dwellings, for space / water heating & cooking), but I would assume that it is envisaged to limit the assessment to the transport model.

Paragraph 4.4.10 refers to a screening level derived from the environmental permitting regime, considering effects to be insignificant where the development contribution is <1% of the long-term critical load for the habitat. This benchmark is typically applied irrespective of the baseline conditions, and in this way is a benchmark capable of representing 'acceptable adverse impact'. Local policy aims to achieve 'no net deterioration' (i.e. 'hold the line' rather than a 'managed rate of decline'-), and in this way, there could potentially be a conflict. The outcome of this assessment could also be material to ecological policies, seeking ecological net-gain (i.e. additional mitigation may be required to account for a net negative air-quality impact at sensitive & protected habitats).

Air Quality, Offsetting Emissions

The scoping report references air quality mitigation (at section 4.5) only in the context of construction phase dust.

I would highlight that in addition to the management of construction impacts, there may be a need to proportionately mitigate or offset any specific air quality impacts identified within the transport-emission air quality assessment.

Emerging policy E23 also seeks an automatic offsetting of development-related (operational phase) emissions, encompassing those associated with both the development transport demand, and emissions from buildings.

Given the scope of this application (i.e. EIA scoping only, not development pre-app for an outline-, reserved matters- or detailed- application), it is appropriate only to highlight that the policy requires mitigation / offsetting to be 'designed in' to the scheme. I would encourage the applicant to consider the benefits of considering health, pollution/air quality, high-quality design, climate, ecology, energy & sustainable transport (policies) holistically as a core element of scheme design.

Insofar as relevance to the Environmental Statement; I highlight the above policy context to encourage authors to consider mitigation more broadly & holistically (than is implied by the scoping report), especially given the expectation that ecological air-quality benchmarks may be subject to a net negative long-term impact where baseline conditions are already approaching (and may already exceed-) critical load benchmarks at relevant locations.

Please ensure that the ES addresses the matters set out above in relation to Air Quality. These matters are therefore Scoped In.

3. Transport

It is noted that the transport input covered through the Environmental Statement will be supported by an appended Transport Assessment and Travel Plan – this is welcomed. In addition, it is noted that the applicant has used the microsimulation model to assess the transport impacts of development. Significantly, however, the run of this model assumes access from St Mary's Road. It should be noted that the Council has proposed a change to the Inspectors (CD27) with access from Lulworth Close which was discussed at the Stage 1 Examination Hearings which took place in July 2021.

It is noted that the environmental impacts to be assessed include:

- Impacts on driver delay;
- Impacts on pedestrian delay and amenity;
- Impacts on fear and intimidation;
- Impacts on severance;
- Impacts on collisions and road safety; and
- Impacts on public transport users.

This is supported. In addition, the identification of Mengham Infant School and Hayling College as local sensitive receptors is welcomed. In addition, to confirming the scope of the TA with Hampshire County Council, the applicant is encouraged to engage with the local highways authority in respect of the scope of the Transport chapter.

The comments of Environmental Health in relation to Transport impacts also need to be incorporated in the Transport Section.

The reasons for refusal in relation to Planning Application APP/07/00007 in relation to transport matters can be summarised in terms of the impact of development on the existing transport network (5); the proposed access is inadequate to accommodate the development safely (6); and the severe impact on the local transport network as a result of a greater number of trips by private car (7). Reason for refusal no. 2 also relates to the infrastructure requirements of the development in itself, and in combination with other sites on Hayling Island.

Given the strategic infrastructure constraints facing this part of the Borough, it is considered appropriate to Scope In the likely significant environmental effects associated with transport and travel demand.

Please ensure that the ES addresses the matters set out above in relation to Transport. These matters are therefore Scoped In.

4. Soils and Agricultural Land

The submitted Scoping Report indicates that a detailed survey showed agricultural land classification grading across the site range from Grade 2 (very good) to subgrade 3a, with the main limitation to agricultural land quality being stoniness. It is noted that the Scoping Report suggests that there is no mitigation for the loss of best and most versatile agricultural land, but site specific measures will be recommended during the construction phase.

In terms of the operation phase, it should be noted that the site allocation (H27) in the submitted Plan includes a developer requirement to provide community food growing provisions in line with Policy E9. The Council's Sustainability Appraisal of the Pre-Submission Havant Borough Local Plan (CD10) acknowledges that the requirement of Policy E9 would not entirely offset the loss of BMV agricultural land, but would help conserve and utilise soil quality and resource.

The comments of Environmental Health in relation to Soils / Ground Contamination are as follows:

The scoping report notes at 3.5.42 that a Phase 1 Site Investigation will be submitted in support of the application. I would highlight that a Phase 1 Environmental Desk Study was submitted with the APP/17/00007 application, concluding that precautions would be needed to manage an elevated risk of encountering unexploded ordnance, and additionally that a Phase 2 intrusive investigation was considered necessary.

It would appear that the applicant intends to defer the submission of a Phase 2 investigation to the reserved matters stage, however I note that section 7.2.1 of the scoping report refers to a 2018 'site investigation' (soils). It is unclear whether this assessment represents a specific agricultural soils classification assessment, or a combined geo-environmental + agricultural soils report. If the latter, it may constitute the expected Phase 2 report, and I would recommend that it be submitted with the application for outline consent. This may avoid a suite of conditions being applied to the outline consent to secure appropriate assessment / remedial proposals (where necessary).

The report does not state explicitly that Contamination has been scoped out of the Environmental Statement, but it similarly doesn't state explicitly that the Soils & Agricultural Land section would not include consideration of contamination.

Generally, I would agree the report's implicit condition that the predominantly greenfield site is unlikely to be so contaminated that it could be considered that a 'significant environmental impact' would arise as a result of development that could not be effectively mitigated. This is especially so given that only limited (brownfield) areas of the site would be expected to be affected by contamination. I would on this basis be content to manage contamination risk via the usual planning controls.

In the event that a phase 2 assessment is not submitted with the Outline application, Environmental Health would likely seek a suite of conditions as it did under the APP/17/00007 consent, for the same reasons. It is likely that the primary condition would be of Grampian style.

The ES will need to include consideration of the matters raised above.

Please ensure that the ES addresses the matters set out above in relation to Soils and Agricultural Land. These matters are therefore Scoped In.

Contamination issues can be scoped out and managed through the Planning Application process.

5. Cumulative Impacts

Table 3.1 identifies the following schemes which will be included within the assessment of cumulative effects:

- APP/20/01093 – Land at Sinah Lane, Hayling Island – planning permission for 195 dwellings
- APP/17/00529 – 380 Sea Front, Hayling Island – planning permission for 13 dwellings

However, the Scoping Report does not provide an indication of the methodology used to screen these sites into the assessment. In terms of other schemes within the locality of the site, the following development proposals are likely to be of relevance:

- H28 – Fathoms Reach – residential allocation for 55 dwellings
- KP3 – Beachlands – residential allocation for 100 dwellings
- APP/20/00015 – Pullingers, 108-110 Elm Grove – planning permission for 43 dwellings
- APP/19/00324 – 5-7 Station Road – planning permission for 19 dwellings
- APP/17/00529 – 380 Sea Front – planning permission for 13 dwellings

Natural England previously advised in relation to the earlier Scoping:

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. A key issue for consideration is the cumulative and in-combination effects arising from development pressure on the Solent Water and Brent Goose ecological network. The EIA should consider the cumulative impacts arising from the loss of a number of Solent Wader and Brent Goose Sites within the ecological network.

The cumulative impacts of the above schemes in relation to ecology and transport are therefore scoped in to the ES.

Other matters considered in the Scoping Process:

Part 2

6. Heritage and Archaeology

It should be noted one of the reasons for refusal associated with APP/17/00007 relates to the impact on the setting of St Marys Church a Grade II listed building. The Council's Summary of Site Screening Work (EB44) indicates that the proposed development will cause minor harm to the significance of the Church of St Marys via a change in setting – and noted to be at the lower end of the less than substantial bracket. Such harm needs to be balanced against the public benefits of the scheme in line with the NPPF.

It is noted however the Scoping Report considers the effect 'not significant in EIA terms' and is proposed to be scoped out accordingly.

The Council's Conservation Officer states:

There are designated heritage assets in close proximity to the development site – St Mary's Church (Grade II) and Rook Farm House and Cottage (Grade II).*

Further listed buildings are identified in the Scoping Report.

I note that para 3.5.31 confirms that an updated Heritage Assessment will be submitted as part of any forthcoming application. I consider this to be essential in assessing whether the revised proposal would have any further impact on these nearby heritage assets .

The County Council's Archaeologist states:

I note in the report submitted that whilst archaeology is not significant enough to fall within the scope of the EIA, it will be subject to a stand alone assessment (para 3.3.3). I welcome this and would concur that this is appropriate. I also note that in para 3.5.29 it is suggested that, subject to the desk based assessment, it seems unlikely that archaeological issues would preclude development and archaeological matters might end up being dealt with by use of conditions attached to any planning permission. I would of course await an opportunity to review any submitted desk based assessment, however I note that the desk based assessment submitted with 17/00007 came to this conclusion and this conclusion was endorsed by my colleague Mr Adam at the site, and so I recognise that this is not an unreasonable expectation.

In conclusion it is agreed that Heritage and Archaeology matters can be scoped out of the ES. They will form an important aspect of the planning submission considerations.

7. Water Environment

At the time of writing a consultation response from the Loca Lead Flood Authority has yet to be received.

Natural England provided the following comments in relation to the Water Environment in relation to the previous Scoping opinion:

The EIA should also consider the impacts of the development on the water environment. There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites.

An Integrated Water Management Study for South Hampshire has been commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. Further details will be provided in due course. However, it is likely that measures will be required to mitigate the adverse water quality impacts arising from the new development on a significant number of designated sites in the Solent.

Natural England therefore recommends that this issue is examined in the EIA. For confidence that the development will be deliverable, Natural England recommends that the proposals achieve nutrient neutrality. We would be happy to advise further as part of our Discretionary Advice Service. The EIA should also include a consideration of the availability and source of water resources for the development and set out the water supply provider for the development.

The Water Environment requirements above are therefore Scoped into the ES.

8. Noise Impact Assessment

It is considered that the Noise Impact of the proposed development can be adequately assessed with the submission of appropriate Noise Impact Assessment and Mitigation as part of any planning application.

Noise impact can therefore be Scoped out of the ES at this stage.

9. Rights of Way, Access and Recreation

Natural England provided the following advice in relation to these aspects in relation to the previous Scoping Opinion:

The EIA should consider potential impacts on public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

The impact in relation to Rights of Way, Access and Recreation are therefore Scoped in to the ES.

10. Landscape and Visual Assessment

It is considered that the landscape and visual impact of the proposed development can be adequately assessed with the submission of appropriate Landscape Impact Assessment and Mitigation as part of any planning application.

Landscape impact can therefore be Scoped out of the EIA at this stage.

11. Climate

The application will need to consider the impact of the development in terms of sustainability and Local and National policy considerations. Impacts of Climate change in relation to the development and its vulnerability will also be required to be considered through the planning application.

The Ecology chapter in the ES will need to consider climate change in relation to the relevant impacts as set out by Natural England.

A separate chapter on climate change has been scoped out at this stage subject to any further consultation advice received.

12. Human Health

Impacts on Human Health as set out above will need to be assessed as part of the ES for example in relation to Air Quality/Transport or through the submissions in relation to the planning application (for example in relation to noise and contamination).

At this stage a separate chapter in relation to Human Health can be scoped out subject to any further consultation advice received.

13. Risks of Major Accidents and/or Disasters

Given the potential vulnerability of Haying Island as a whole to flood risk and/or accidents impacting access to the island and potential impact on emergency services it is considered appropriate to address the proposed developments vulnerability to such risks as part of the ES.

Risks of Major Accidents and/or Disasters are therefore scoped in to the ES.

Conclusion:

In conclusion and in summary;

The following matters are scoped into the ES/EIA:

- Ecology
- Air Quality
- Transport Considerations
- Soils/Agricultural Land Quality
- Cumulative impacts (in relation to Ecology/Transport)
- Water Environment
- Rights of Way, Access & Recreation
- Risks of Major Accidents and/or Disasters

The following matters are scoped out of the ES/EIA as separate chapters but some form parts of other ES chapters and others are subject to detailed submissions/assessments in relation to any further planning application:

- Heritage and Archaeology
- Noise Impact
- Landscape and Visual Impact
- Climate
- Human Health

I trust that the contents of this opinion are clear, but please do not hesitate to contact me if you require any clarification.

This letter should be taken as the local planning authority's scoping opinion under the Regulations.

Yours Sincerely



Simon Jenkins
Director of Regeneration and Place
Havant Borough Council and East Hampshire District Council



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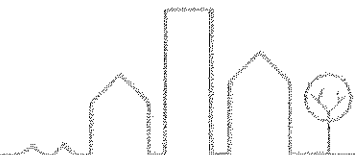
Havant Borough Local Plan

Submission version

Update 23/06/2021

The Council noticed a small formatting error in the submitted plan (CD01). Two sites (H15 and H17) had the wrong heading title (pages 259 and 261). This meant that they did not previously appear in the contents page. There was also a section break issue which meant that from Langstone Technology Park (KP6) onwards, the header was 'Pre-submission Havant Borough Local Plan with changes' as opposed to 'Submission version of the Havant Borough Local Plan'.

This submission version of the Havant Borough Local Plan CD01 rectifies the formatting errors which previously occurred, and has been prepared in consultation with the Inspectors.



H27 | Rook Farm

Residential development of about 390 dwellings will be permitted where:

- a. Sufficient information is submitted to address the site-specific planning considerations. This is to be agreed at the pre-application stage and is expected to include the following:
 - i. Ecological Assessment;
 - ii. Environmental Statement;
 - iii. Landscape and Visual Impact Assessment;
 - iv. Arboricultural Assessment;
 - v. Heritage Assessment;
 - vi. Flood Risk Assessment;
 - vii. Drainage Strategy;
 - viii. Transport Assessment and Travel Plan;
 - ix. Noise Impact Assessment;
 - x. Contaminated Land Investigation Report (to include gas monitoring);
- b. A project-level Habitat Regulations Assessment will need to be carried out to inform the package of avoidance and mitigation measures to remove any likelihood of a significant effect on the Solent SPAs in line with Policy E17;
- c. This development is expected to secure the part delivery and implementation of the Hayling Island Brent Goose and Wader Refuge, or alternative provision in perpetuity agreed by the local planning authority as required by E17;
- d. The development enhances the relevant Local Ecological Network opportunity areas;
- e. Off-site water mains reinforcements will be required and installed to Portsmouth Water's design and approval;
- f. The design and layout:
 - i. Secures access to the site from the A3023 (Manor Road) with only an emergency access (including pedestrian and cycle permeability) from St Mary's Road;
 - ii. Secures an appropriate relationship between the development and the rear of residential properties on St Mary's Road, Church Road and Fathoms Reach;
 - iii. Retains and incorporates protected trees and boundary hedgerows;
 - iv. Provides a high degree of permeability through an extensive network of walking and cycling routes across the site which connect with the existing rights of way network and the adjacent Fathoms Reach (H28) allocation;
 - v. Protects and where possible, enhances the existing rights of way;
 - vi. Provides onsite public open space, including community food growing provisions, in line with Policy E9;
 - vii. Provides play space for children and young people to address the deficit highlighted in Policy E11;
 - viii. Respects and, where possible, enhances the setting of the heritage assets of the Church of St Mary's, the Farm Cottage and Rook Farmhouse.
 - ix. Creates a vista to the Grade II* listed St Mary's Church through the development and retains views of the church from the public footpaths wherever possible.

Dear Mr Hayward,

EXAMINATION OF THE HAVANT BOROUGH LOCAL PLAN

1. The Stage 1 hearing sessions finished on 16 July 2021. We would like to thank the Council's team and all other participants for their hard work and constructive contributions over the 5 days.
2. We advised the Council that we would write as soon as practicable to set out our initial findings. This letter does not set out our findings on all of the issues discussed during the Stage 1 hearings. Instead, the letter focuses on the areas where we have soundness and/or legal compliance concerns. These are set out in turn below.

Soundness

Hayling Island - Transport

3. The Plan allocates in the region of 900 new homes on Hayling Island. It is clear from the evidence that the existing highway network in the area, most notably the A3023, is already congested at regular times during the day. Indeed, the Hayling Island Transport Assessment (HITA) states at Paragraph 2.7: *'Traffic flows on the A3023 can be particularly heavy, not only during peak hours, but also during the hours in between and at weekends. During all school holiday periods, and particularly in the summer, traffic flows are at their highest and there is often a continuous procession of vehicles present during daylight hours'*.
4. The HITA and its addendum are modelled on a neutral weekday outside of school holidays. The Council has referred to Section 3.36 of Unit M1.2: Data Sources and Surveys, Highway Surveys, of the Government Transport Analysis Guidance (WEBTag) to provide support to this approach. This states: *'...it is recommended that traffic counts for modelling purposes should be collected during a 'neutral', or representative month avoiding main and local holiday periods, local school holidays and half terms and other abnormal traffic periods'*.
5. However, we are mindful that the guidance goes on to say *'...there can be instances where a particular period (e.g. weekends or school holidays) is of interest, for example in regions with relatively high levels of seasonal tourism. The period for the surveys should be selected with careful consideration of the purpose of the transport model'*.
6. Hayling Island sees a significant level of tourist traffic and the Council confirmed at the hearing sessions that there is no reason to believe that this will change in the near future. Indeed, the Council are seeking to regenerate the sea front to encourage continued tourism on the Island.
7. As set out above, the HITA and its addendum suggest that the highest levels of traffic on Hayling Island are during the school holidays and during sunny

weekends. We consider that over the course of the year these periods represent a significant period of time.

8. The purpose of the modelling is to demonstrate to a reasonable and proportionate degree that the level of housing and other development allocated on Hayling Island would not have any severe impacts on the surrounding highway network. We accept the Council's view that the housing allocations themselves are most likely to generate the highest number of transport movements during the weekday peaks am and pm periods, namely associated with commuting and school runs. However, future residents of the proposed housing sites would still likely generate significant traffic movements during the school holidays and at weekends, when the traffic is at its heaviest.
9. Therefore, although we accept that traffic generated from the allocated sites themselves would likely be lower during school holidays and weekends, the existing traffic is heavier, so a lesser volume of additional movements could still feasibly result in severe impacts. Without an understanding of the potential impacts from the proposed development in the Plan during the tourist periods and weekends we are unable to conclude that as a result of the Plan, there would be no unacceptable impacts on highway safety, or that the residual cumulative impacts on the road network would not be severe. Based on the current evidence we are therefore unable to find the level of proposed development on Hayling Island sound. Consequently, we cannot consider the Plan's spatial strategy to be justified.
10. At the hearing session it was suggested that sensitivity testing could be undertaken during tourist periods and weekends. We are unclear what this might look like, but we are of the view that to overcome this concern, it would need to be robustly demonstrated through suitable modelling that there would be no severe impacts on the highway network during these times, including the deliverability of any potential mitigation.

Meeting Housing Need

Policy KP1 - Havant Town Centre

11. The Council owns a large amount of land within Havant town centre that is subject to Policy KP1, as can be seen from exam ref: EB70. We are content that there is a reasonable prospect of the proposed regeneration of the Civic Plaza car parks and the Belbeck Road car park sites being delivered over the Plan period, given they are in the Council's ownership. We understand that these two sites could deliver around 200 dwellings (80 at the Belbeck Road car park and 120 at the Civic Plaza car parks). In addition, we understand that permission has already been granted in the town centre for 43 other dwellings¹.

¹ Planning permissions 20/00251 (29 dwellings) & 13/01236, which is substantially complete (14 dwellings).

anticipated supply. It is unclear if any further work could address these concerns.

Policy KP2 – Waterloooville Town Centre

18. Policy KP2 allocates 600 new homes to Waterloooville town centre. The Council has previously set out that it owns limited land within the boundary of Policy KP2, which is confirmed by the ownership map that the Council has provided at our request (exam ref: EB70). Further, the only specific private sector interest that the Council has been able to provide details for, is a potential development at Wellington Way for 264 built to rent apartments. However, it is understood that this may not in its current form be pursued by the site promotor. We accept that it does nonetheless show recent developer interest in the site and therefore there is a realistic prospect of a development of a similar scale being delivered on the site over the Plan period.
19. The Council has also set out that whilst it has regeneration plans for Waterloooville, the focus is currently on Havant town centre where it owns much more land. Further, it is clear that little background work has been done to deliver any Council driven regeneration within Waterloooville town centre and to show how the complexities of multiple landownership and the relocation of existing residents and businesses, where necessary, would be overcome.
20. Given all of this, with the exception of some recent demonstrable interest in the Wellington Way site, it is unclear how the other 335 or so new homes would be delivered over the Plan period and so these should be removed from the Council's anticipated supply. It is again unclear if any further work could address these concerns.

Policy KP3 – Hayling Island

21. Policy KP3 includes several allocated sites, including those at Southwood Road, Beachlands, Eastoke Corner and West Beach. All of these sites are subject to flood risk and taking into account climate change and associated sea level rise over the lifetime of the developments, will all have significant parts of the site that fall within Flood Zone 2 or 3. The Strategic Flood Risk Assessment (SFRA) (exam ref: EB33) sets out that these sites fail the sequential test.
22. It is clear that the Council has allocated all sites that it considers to be sustainable. On this basis, it might be reasonable to conclude that the sequential test is therefore actually met for these sites. Nonetheless, Paragraph 159 of the National Planning Policy Framework (NPPF) sets out that *'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'*.

23. We are mindful that the SFRA (Pages 15 & 16 and in Appendix C) sets out that for each of the sites that '*further detailed work will need to establish how the site can be developed safely*'. In the absence of suitable evidence to demonstrate that the developments proposed at these sites can be made safe for their lifetime, we are unable to find that these allocations sound.
24. Suggested modifications to these sites have been put forward that would require development to raise all living accommodation above the design flood level and ensure that the building remains structurally sound in the face of potential inundation. However, it is unclear whether this can be successfully achieved. Further, the requirement for a Flood Warning & Evacuation Plan has also been suggested, but again, it is unclear if procedures can be successfully put in place to evacuate future residents in an emergency if required.
25. The allocations at Southwood Road, Beachlands and Eastoke Corner would have delivered some 155 new dwellings, which based on the current evidence should be removed from the Council's anticipated supply. Further work would be required to demonstrate that these allocations can be made safe for their lifetime.

Policy KP5 - Southleigh

26. Policy KP5 proposes a large development of 2,100 new homes at Southleigh. The Council's most recent housing trajectory (exam ref: TP01c) anticipates 1,100 of these new homes being delivered over the Plan period, with completions starting from 2026/27 (5-6 years time). The Mainland Transport Assessment Addendum: Southleigh Study (Part 1 and 2) and the A27 Junction Feasibility Study suggest that a new direct link from the proposed development to the A27 will be necessary to mitigate the impacts of the scheme and identifies some route options. It is clear from the evidence that the local highway network around the site is already constrained.
27. Both National Highways (formerly Highways England) and Hampshire County Council, as the local highway authority, do not have an in-principle objection to the site, but have raised concerns with regard to whether a need for improvements to the A27 has been suitably demonstrated. Further, they are of the view that additional work is necessary, including the need to demonstrate that there would be no severe impact on the strategic road network (SRN) as a result of any direct link road to the A27. We accept the Council's view that the most appropriate time to undertake such work would be as part of a planning application for the site when the full details of the proposed development would be known.
28. Whilst there will clearly be a need to undertake detailed work associated with the development scheme at the application stage, we are content that the evidence suggests that there is a reasonable likelihood that a suitable and viable highway solution could be achieved for the site.