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## HAVANT BOROUGH COUNCIL

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**CABINET**

**30<sup>th</sup> JANUARY 2019**

### **PRE-SUBMISSION HAVANT BOROUGH LOCAL PLAN 2036**

**DAVID HAYWARD (PLANNING POLICY MANAGER)**

**FOR DECISION**

**Cabinet Lead (HBC): Cabinet Lead for Communities, Development and Housing**

**Key Decision: Yes**

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#### **1.0 Purpose of Report**

- 1.1 To set out progress on the Havant Borough Local Plan 2036, to seek approval of the Pre-Submission Havant Borough Local Plan 2036, to authorise the associated pre-submission consultation and approve submission of the Local Plan to Government for its Examination.

#### **2.0 Recommendations**

- 2.1 That the Cabinet recommends to Full Council that it:
- a) Approves the publication of the Pre-Submission Havant Borough Local Plan 2036 (Appendix 1);
  - b) Approves the consultation on the Pre-Submission Havant Borough Local Plan 2036 from 4<sup>th</sup> February 2019 to 18<sup>th</sup> March 2019;
  - c) Approves the revocation of the Local Plan Housing Statement;
  - d) Notes the Borough's five year housing land supply position as of January 2019 (available at <http://www.havant.gov.uk/localplan/evidence-base>);
  - e) Notes that on publication, the Pre-Submission Havant Borough Local Plan 2036 would have planning weight and is a material consideration in decision making;
  - f) Notes the publication of the proposed submission documents (the Sustainability Appraisal, the Policies Map, the Consultation Statement, evidence base);
  - g) Approves the Local Development Scheme (January 2019) for publication (Appendix 2);

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- h) Delegates authority to the Planning Policy Manager<sup>1</sup> to prepare a report, which forms is one of the required documents to submit to the Secretary of State, noting the number of representations made through the Pre-Submission consultation (recommendation b) and a summary of the main issues raised;
- i) Agrees in principle to enter a deed of variation of the legal agreement between the Council and the landowners of land covered by KP5 'Southleigh';
- j) Approves the submission of the Havant Borough Local Plan 2036 and the necessary supporting documents to the Secretary of State for Housing, Communities and Local Government following the consultation (recommendation b);
- k) Makes representations through the Council Leader and the Cabinet Lead for Communities, Development and Housing<sup>1</sup> to local MPs, the Secretary of State for Housing, Communities and Local Government, Homes England, Hampshire County Council and the Solent Local Enterprise Partnership regarding the urgent need for infrastructure delivery alongside new development;
- l) Delegates authority to the Director of Regeneration and Place<sup>1</sup> to prepare and submit bids to available funding streams regarding infrastructure provision and other measures intended to support the delivery of the Havant Borough Local Plan 2036; and
- m) Delegates authority to the Planning Policy Manager<sup>1</sup>, in consultation with the Cabinet Lead for Communities, Development and Housing<sup>1</sup>, to make any necessary amendments to the documents listed above. These shall be limited to the inclusion of a contents page and page numbers, factual updates, correction of minor errors, typographical errors and other minor changes that do change the meaning of the material.

### 3.0 Summary

- 3.1 The Local Plan remains one of the most important functions of the Borough Council. Whilst there have been extensive changes to the planning system in recent years, this has only emphasised the role of the Local Plan in the development process in the UK and increased the necessity of having an up-to-date Local Plan.
- 3.2 The Council highlights the importance of an up-to-date Local Plan in the 2017 Corporate Strategy. More recently, on 7<sup>th</sup> November 2018, the Council approved and adopted the Opportunity Havant Regeneration Strategy. This clearly sets out the Council's commitment to the regeneration of the Borough, the priority of the initial projects and the drive to see delivery of regeneration schemes on the ground.
- 3.3 The Local Plan is intrinsically linked to the Regeneration Strategy and the Council's wider goals regarding regeneration. It is a key mechanism for moving the sites in the strategy forwards towards delivery by setting out the principles for the development of the sites and reinforcing the message to the investment market that Havant Borough is open for business.

#### **The need for development and for a Local Plan to guide it**

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<sup>1</sup> Or successor in similar or equivalent role

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- 3.4 The National Planning Policy Framework (NPPF) sets out Government's policies and priorities regarding development and the planning system. This is the first Local Plan the Council has prepared in line with the NPPF. The NPPF includes a requirement for Local Authorities to produce local plans which fully met the need for development in their area.
- 3.5 Since the first NPPF's introduction in 2012, successive Governments have made clear that significantly increasing the supply of housing is a national priority and that the planning system has to address this. The need for housing in the Borough is clear in order to address the needs of a growing and aging population.
- 3.6 The NPPF requires authorities to have a five year supply of deliverable housing sites and to assist nearby local authorities less able to meet the need for development, as part of the duty to cooperate.
- 3.7 As such, it changes the question before the Council and the Borough's communities. It is no longer a question of whether development should happen. It is instead whether the benefits that the development can bring should be grasped. If development is to take place, it should be of a high quality and stand the test of time, it should include the infrastructure necessary to mitigate its impact, and it should preserve and enhance our built and natural environments.
- 3.8 A Local Plan will help to realise the benefits of development and make sure that the new development that is inevitable will serve the Borough's existing communities well. Without a Local Plan, the Borough risks development being permitted through the planning appeal process. This would put at risk the quality of that development, reduce the likelihood of infrastructure being provided, and weaken the environmental safeguards that are proposed through the Local Plan.
- 3.9 Ultimately, the need for development is such that sites where development was resisted only a few years ago are now having to be identified for development.
- 3.10 The Council has historically prioritised having an up-to-date Local Plan so that development decisions could be made locally and shaped to meet our needs. The Borough's existing Local Plan is the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan). However the Local Plan is now out-of-date. This was confirmed through a planning appeal in Purbrook in the summer of 2016.
- 3.11 A new local plan, which accepts the quantity of development needed and where that will have to go, will put the Council in the best position to influence inevitable development. It will mean that development can be directed away from sites that are genuinely unsustainable, that development quality can be pushed up and that infrastructure is provided.

### **The development of the Havant Borough Local Plan 2036**

- 3.12 Work on the new Local Plan started at the beginning of 2016. This formed the now adopted Local Plan Housing Statement which provided a stepping stone between our out-of-date Adopted Local Plan and the new plan. The Housing Statement was adopted in December 2016.
- 3.13 Since its adoption it has worked successfully, allowing pragmatic discussions to take place with the promoters of sites that are inevitably going to come forward. Critically,

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preparing and adopting the Housing Statement has allowed the Borough to maintain a five year housing land supply.

- 3.14 The next stage in the plan's development was to produce, publish and consult on a Draft Local Plan. This was a complete draft, including a full suite of thematic policies to manage development decisions and a set of allocations for proposed development.
- 3.15 Consultation on the Draft Local Plan took place in January-February 2018. The Consultation responses were prepared, approved and published at [www.havant.gov.uk/localplan](http://www.havant.gov.uk/localplan). During the remainder of 2018, officers have been working to finalise the evidence base studies and update the plan following the consultation.
- 3.16 The results of all of the evidence base are now available and the plan has been fully updated.
- 3.17 The next stage in the preparation of the Local Plan, which is considered through this agenda item, is to publish a 'Pre-Submission Local Plan'. This would represent the version of the plan that the Council considers to be sound. As such, it is a key stage in the preparation of the plan.
- 3.18 Given the level of evidence that has supported it, the Pre-Submission Local Plan would supersede the Local Plan Housing Statement. As a result, it is recommended that the Local Plan Housing Statement is revoked at this time.
- 3.19 The publication of the Pre-Submission Local Plan is not the end of the plan's preparation. The pre-submission consultation (further detail below) gives an opportunity for stakeholders, including local residents, to make their views known directly to the Inspector who will be undertaking the Examination.
- 3.20 The consultation responses, the plan and its supporting documents are then submitted to the Secretary of State of Housing, Communities and Local Government (in practice the Planning Inspectorate). An examination of the plan then takes place before it can be adopted by the Council.

### **The weight of the Pre-Submission Havant Borough Local Plan in development management decisions**

- 3.21 As the Local Plan's preparation process moves forward, the plan has more weight in development management decisions. Following its publication, there is additional weight compared to simply having a Draft Local Plan. More weight is then afforded when the plan is submitted and an Inspector's report is received. Full weight is given after adoption of the plan.
- 3.22 However in practice the degree of weight to be afforded to policies in the new Local Plan and policies in the adopted but out-of-date Local Plan would also vary policy by policy depending on a number of issues. These would include the degree to which the policy in the new plan is similar to one in the adopted plan, the extent to which there are unresolved objections to the emerging policy and the degree of consistency of the policy in the emerging plan to the NPPF.

### **Work that has been undertaken since the Draft Local Plan consultation**

- 3.23 There have been a number of workstreams taking place since the consultation approximately one year ago. The first has been to consider all of the consultation

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comments that have been received and make necessary changes to the plan. Most of the policies had comments that needed detailed consideration, discussion with statutory agencies or further research. These changes are now reflected in the Pre-Submission Local Plan.

- 3.24 Government published a revised NPPF in 2018. This does not represent a sharp change of course, however there are areas where revision to the plan to reflect the approach in the new NPPF has been necessary.
- 3.25 The evidence base was not complete when the Draft Local Plan consultation was undertaken. The studies that were noted as outstanding<sup>2</sup> in December 2017 were:
- Housing Need
  - PUSH Integrated Water Management Strategy
  - PUSH Air Quality Assessment
  - Borough Wide Transport Assessment (Now referred to as the Local Plan Transport Assessment)
  - Hayling Island Transport Analysis (Now referred to as the Hayling Island Transport Assessment)
  - Playing Pitch, sport and recreation strategy
  - Havant Borough Biodiversity Strategy
- 3.26 These have now all been completed, published and are available on the Council's website at [www.havant.gov.uk/localplan/evidence-base](http://www.havant.gov.uk/localplan/evidence-base).
- 3.27 Following the Draft Local Plan consultation, it was also considered necessary to further assess the approach towards the regeneration of Hayling Island seafront. This resulted in the production of the Hayling Island Seafront Regeneration analysis and feasibility study. This has informed both the Local Plan and the Regeneration Strategy and has been published as part of the Local Plan's evidence base.
- 3.28 There have also been updates to a number of studies that had already been published, specifically:
- Healthy Borough Assessment
  - Strategic Housing Land Availability Assessment and five year supply update
  - Employment Land Review
  - Infrastructure Delivery Plan
  - Local Green Space Paper (now called Local Green Spaces and Destination Open Spaces in Havant Borough)
  - Whole Plan Viability Study
  - Site Screening Summary
- 3.29 There are also a number of regulatory assessments that have informed the production of the Pre-Submission Local Plan:
- Sustainability Appraisal
  - Habitats Regulations Assessment
  - Integrated Impact Assessment

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<sup>2</sup> Please see paragraph 3.9 of the Cabinet report considered on 18<sup>th</sup> December 2017 regarding the Consultation on the Draft Local Plan.

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### Housing Supply update

- 3.30 As the Council is aware, significantly boosting the supply of housing is a key consideration for Government and its importance is highlighted through the National Planning Policy Framework.
- 3.31 Key to the Government's drive to boost the supply of housing is the requirement for all areas of the country to have a five year rolling supply of housing land. This is set out in paragraph 73 of the NPPF which states:

*Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of deliverable sites should in addition include a buffer...of...5% to ensure choice and competition in the market for land"*

A five year housing land supply update has been published as part of the evidence base supporting the Pre-Submission Local Plan. This confirms that the Borough has a 5.1 year supply of deliverable housing land.

- 3.32 The five year supply is made up of sites that have planning permission or where substantial pre-application work (for example through a Development Consultation Forum) has taken place. This is the case for a number of sites, particularly those identified in the Local Plan Housing Statement.
- 3.33 The Council will need to continue to maintain a five-year housing land supply moving forward, working positively and proactively to bring sites forward towards delivery.

### Consultation arrangements

- 3.34 If approved by Full Council, the consultation on the Pre-Submission Havant Borough Local Plan 2036 would take place from 4<sup>th</sup> February 2019 to 5pm on 18<sup>th</sup> March 2018.
- 3.35 The previous two consultations that have informed the Local Plan aimed to bring as many people as possible into the conversation about the Local Plan and help them to shape and inform it. In contrast, the pre-submission consultation feeds directly into the examination of the Plan by the Planning Inspectorate.
- 3.36 The examination of the Local Plan is specifically intended to assess whether it is legally compliant and sound, and the pre-submission consultation must deal with these matters only. As a result, there would be a set form, prescribed by the Planning Inspectorate, for respondents to use. Guidance will be provided to assist those less familiar with the planning system, so that they can engage with the consultation.
- 3.37 It is also proposed to run a series of drop-in sessions to explain to residents what the Local Plan proposes and, if they have any remaining concerns, to help them express these to the Inspector through the consultation form.. These sessions would be promoted through the Council's website and a mailout to anyone who has asked to be kept up-to-date about the Local Plan.

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### 4.0 Conclusions

- 4.1 It is necessary to move forward with the Local Plan to maintain momentum and to keep positively planning for the future of the Borough. The reasons for having a Local Plan are clear: to make sure that development is planned and coordinated across the Borough and to make sure that the development that will inevitably happen will be of as high a quality as possible.
- 4.2 Nonetheless new development is an emotive topic and the Local Plan proposes development on sites which only a few years ago the Council considered should remain free from development. This is ultimately a decision that was not taken by the Council; it is in response to the Government policy of significantly boosting the supply of new homes.
- 4.3 It is important to acknowledge the inevitability of development, of growth and of additional infrastructure pressure. It is how the Council responds to this pressure which will determine whether the development will be of a high quality and stand the tests of time or whether it will be of a lower quality and less likely to be supported by infrastructure or mitigation.
- 4.4 Moving forward will put the Council in the best possible position to shape the development that is going to take place, to extract the necessary infrastructure to support our communities and make sure that the development is of a high quality.

### 5.0 Implications

- 5.1 **Resources:** The proposed approach to developing the new Havant Borough Local Plan 2036 was incorporated into the 2018/19 budget and its monitoring. Taking the Local Plan forward through the Examination stages has been proposed through the 2019/2020 budget setting process.
- 5.2 Preparing the Draft Local Plan would not be possible without extensive involvement of many officers in the Council and resource inputs across many different teams and services. For example, all of the sites being included have been screened by officers in Environmental Health and Civil Engineering, specialist input has also taken place into a number of different policies from colleagues such as Housing. Overall, the Local Plan is an excellent example of different service areas pulling together to achieve a key corporate project.
- 5.3 **Legal:** the preparation of a Local Plan is governed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The proposed consultation would form a consultation under Regulation 19 of those regulations.
- 5.4 In order to progress development of the Southleigh strategic site, it will be necessary for the Council and the landowner to vary a legal agreement which exists on the land. There is past precedent as this has already been done for the development of Havant Crematorium as well as for the Havant Borough Local Plan (Allocations Plan).
- 5.5 **Strategy:** There are extensive links between the Local Plan and the Corporate Strategy and Regeneration Strategy specifically. The Local Plan forms a key delivery mechanism for the Corporate Strategy, promoting and facilitating the development and economic growth which is necessary to improve the prosperity of the borough's residents.

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- 5.6 In particular, the Local Plan is intrinsically linked to the recently adopted Regeneration Strategy and two are heavily linked. The inclusion of the sites in a Local Plan is essential to bring them forward and particularly if looking towards the use of compulsory purchase powers.
- 5.7 **Risks:** The Draft Local Plan has been prepared in accordance with the relevant regulations and is underpinned by an extensive evidence base and statutory assessments.
- 5.8 Moving forward towards the Examination, the decisions in the plan and the evidence base that it relies on will be subject to extensive scrutiny.
- 5.9 **Communications:** please see the main body of the report.
- 5.10 **For the Community:** please see the main body of the report.
- 5.11 **Consultation:** please see the main body of the report.
- 5.7 An Integrated Impact Assessment has been prepared and has been published at [www.havant.gov.uk/localplan/regulatory-requirements](http://www.havant.gov.uk/localplan/regulatory-requirements).

**Appendix 1:** Pre-Submission Havant Borough Local Plan 2036

**Appendix 2:** Local Development Scheme (2019)

**Background Papers:** There are a number of background papers that have informed the Local Plan. These are described in the main body of the report and are available at [www.havant.gov.uk/localplan/evidence-base](http://www.havant.gov.uk/localplan/evidence-base).

**Agreed and signed off by:**

**For Head of Legal Services:** Sara Bryan – 16<sup>th</sup> January 2019

**For Head of Finance:** Andrew Clarke – 21<sup>st</sup> January 2019

**Director of Regeneration and Place Making:** Simon Jenkins – 16<sup>th</sup> January 2019

**Cabinet Lead for Communities, Development and Housing:** Cllr Leah Turner – 17<sup>th</sup> January 2019

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