

Supplementary Information

HAVANT BOROUGH COUNCIL
CABINET
1 July 2020

Dear Councillor

I am now able to enclose, for consideration at meeting of the Cabinet, to be held on 1 July 2020 the following supplementary information that was unavailable when the agenda was printed.

Agenda No Item

- 6 **Havant Borough Local Plan: Changes to the Pre Submission Local Plan**
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- 10 **Covid-19 Response** (Pages 15 - 16)

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**Public deputations in respect of
Item 6**

**Havant Borough Local Plan:
Changes to the Pre-Submission
Local Plan**

PRESENTATION TO HAVANT COUNCIL CABINET
1 July 2020
re
Policy H8 – Land North of Long Copse Lane

Good afternoon Members,

My name is Andrew Hunnibal and I represent the Long Copse Lane Action Group. Our aim is to remove Policy H8 from the Plan.

In January 2019 you considered the Pre-submission Local Plan. In respect of Policy H8 you minuted *“With regard to Long Copse Lane, the Sustainability Assessment had objectively balanced all considerations and officers believed that it should be allocated, although some landscape impact was acknowledged. The removal of this site or Sinah Lane would result in the council not having a five-year land supply.”* Firstly, with regard to the Sustainability Assessment this is a subjective exercise. A number of objectives are assessed as being uncertain when they are clearly negative¹. Secondly, the removal of this site would not result in the council not having a five-year land supply if there were to be a very marginal increase in densities of other more sustainable sites proposed in the plan.

The Long Copse Lane site - arguably the most constrained and least sustainable of all the sites proposed in your Local Plan. The Local Plan in fact lists some 18 constraints to development – more than any other allocated site in the Plan

In January of last year the Cabinet and Council considered the draft Local Plan and resolved to carry out consultation before referring it to the Secretary of State for independent assessment. Since then there has been a fundamental change in circumstances in respect of damage caused to the Solent European Sites caused by nitrates.

The amendments proposed to the Local Plan fail to properly address this issue. New Policy EX1 relies on either mitigation measures provided by developers and/or financial contributions towards the Council’s strategic mitigation package.

In most cases and certainly this is the case with the site at Long Copse Lane the developer will not be able to provide adequate mitigation particularly as the site adjoins the River Ems which discharges directly into Chichester Harbour.

The Council’s whole approach to housing delivery fails to take the above into account and more fundamentally fails to prioritise the housing on previously developed land as opposed to green field sites. Whilst paragraph 2.21 of the Plan states *“We will work proactively to deliver brownfield regeneration and meet the need for housing.”* The housing allocations in the Plan demonstrate that this is not true. Higher densities on previously developed land will enable housing numbers to be met whilst not having to allocate environmentally sensitive countryside. In this regard it should be noted that earlier this year the Secretary of State published Planning for the Future which places

¹ Impact on Listed Building, the Ancient Border Path and archaeology, biodiversity, transport network (not assessed due to delays to the TA), water quality and nitrates.

even greater emphasis on development on brownfield sites so as to further protect the environment.

Finally, I would remind you that in 2015 the Council commissioned a **Landscape Sensitivity and Capacity Study** from Kirkham Landscape Planning Ltd. It concluded that the site had a high sensitivity to change and recommended that *'no part of land parcel LCA 21.3 is taken forward for potential growth'*. The importance attached to sensitive sites such as this was recently recognised by a Planning Inspector appointed to examine the emerging Eastleigh Local Plan. In her report the Inspector noted *'Both the Planning Practice Guidance and the Framework say that plans should recognise the intrinsic character and beauty of the countryside, and that the cumulative impacts of development on the landscape need to be considered carefully.'* She went on to consider a site similar to Long Copse Lane, noting that it was close to a National Park and that based on the landscape appraisal work for Eastleigh Council views towards the exposed skyline were particularly sensitive. As such including the site as a strategic growth option was at odds with the evidence base.

For these reasons Site H8 should be removed from the Plan before it is submitted to the Secretary of State.

Deputation: Havant Borough Local Plan (revised Pre-submission Local Plan)

1. One purpose of Havant Borough Local Plan (HBLP) is to legally protect Solent Waders and Brent Geese (SWBG), yet proposed refuges are either in Flood Zone 3 or in the Coastal Change Management Area (CCMA) - despite the need to 'function in perpetuity'.

For example, IN1 (previously E26) is in flood zone 3 and the Land North of Sinah Lane (H29) onsite refuge is in a CCMA.

Erosion and degradation of these sites will result in a 'net loss of available winter foraging' and therefore this mitigation for loss of SWBG grazing land is not fit for purpose. Simultaneously, this also contradicts other HBLP statements that claim that loss of a part of a Primary Support Site or Core Site will not be accepted.

2. Creating bird refuges along the West coast of Hayling Island will **worsen** nutrient neutrality issues. Currently, crop rotation is used on this land which reduces the amount of fertiliser and pesticides required. Changing the land-use to a bird refuge will require the same or similar crops each year, requiring increased use of fertiliser and pesticides. This will *increase* nutrient runoff into the harbour.

In conjunction with increased nutrients, the structure of the soil will deteriorate due to mono-cropping, making runoff much worse. This water will drain (unmanaged) into Langstone Harbour, ancient drainage ditches and even the underground fresh water aquifers; unleashing decades of fertiliser and pesticide build-up into these important waterways, in conflict with HBLP policy.

3. HBLP states planning which will result in the loss of any SWBG Core or Primary Support Sites will be refused – glaringly there are 3 allocations that are singled out as exemptions to this policy: Land North of Sinah Lane; Rook Farm; and Campdown.

What is the point of creating a rule book in the shape of a Local Plan if crucial rules and policies are deliberately not applied when relevant and necessary?

It is scandalous that Hayling sites are allocated when such complex constraints are already recognised, such as:-

- SWBG core/primary support sites
- currently greenfield
- best and most versatile good grade 2-3a agricultural land
- severe groundwater flooding
- severe impact on Transport Network
- foul water infrastructure capacity already reached

These constraints demonstrate that these sites should instead be protected by policies in this Local Plan, not allocated for development. If a site is inconveniently constrained by a policy, the policy is poorly formed or the site should not be allocated – sites should not be given a 'Cummings' style exemption. On top of this,

as illustrated above, the mitigation supposedly exempting these sights from particular policies is both inadequate and unsustainable.

4. The 5 yr old Oysters Development has not been included – the development is instead shown as a SWBG support site. It was even left off FOI lists for housing development provided by HBC.

There could be errors when calculating recent housing development and subsequent infrastructure demand from this omission, not to mention that it contains legally binding SWBG mitigation. This was highlighted at previous deputations and meetings which acknowledged the lack of follow up on SWBG mitigation requirements.

For loss of SWBG grazing area, Land North of Sinah Lane (H29) was to be kept as mitigation for SWBG – ironically a site that itself is now being allocated for development. It is stated in the HBLP that this allocation only requires an ‘onsite’ refuge yet consultees have asked that the IN1 (previously E26) refuge be ‘run alongside’ this development. The onsite refuge on its own is NOT enough to replace lost SWBG habitat as a minimum of 9.2ha is needed from 2.5ha of Oysters development plus 6.7 ha from future Sinah development.

5. The cost and disruption of the Hayling Island transport network mitigation is bad enough before taking into account that the proposals will not even reduce the strain on the A3023 caused by Hayling development. Expensive tinkering of traffic systems south of the bridge will not reduce the amount of vehicles crossing the bridge. The potential for developments to increase the strain on bridge traffic poses a real threat to the feasibility of emergency service provision and commuting off the island.

Despite the ecological and environmental measures outlined in the HBLP, the use of exceptions, exemptions and poor quality, unsustainable mitigation used to overcome constraints, again and again undermines the policies, coherence and spirit of the HBLP.

Rosie Law

SAVE OUR ISLAND'S DEPUTATION TO CABINET ON 1 JULY 2020

As the Cabinet meets to agree to recommend the pre-submission Local Plan to the full Council, we are duty-bound on behalf of the Hayling Island residents to reiterate our opinion that the Plan, in respect to Hayling Island, is incomplete. In its current form it does not satisfy the Government requirement that any development is accompanied by an economic and sustainable infrastructure.

It was not the Government who told Havant Borough Council to build the 10,000 houses in the Borough, nor the 1,300 on Hayling Island. This was your decision as part of the PUSH structure to place a blanket target on each area rather than produce a strategic plan (a Garden City or Towns.) As a result, we have the cheapest option (to you) of filling in every open space with housing development on your stated objective "to leave no stone unturned." You have also stated that this Plan should not be seen as some kind of limit or ceiling, and therefore you plan to continue development on the Island "*ad infinitum*" through leisure activities and housing.

The Transport Advisory and Addendum, as you know, has not been accepted by the HIIAG, Local Councillors, or the Scrutiny Board, but their views have been dismissed.

The Key Issues still stand:

- The TA uses an unaccountable 15-year plan horizon (now until 2036.) The NPPF says that a sustainable infrastructure should be established for the lifecycle of all development (80-100 years in this case), and any plan should also account for ongoing growth projections.

The TA does not increase the A3023 trunk capacity: in fact, even with the mitigation projects, the result is a continuing degradation in the single route capacity without looking at the future increases planned through any meaningful timeframe. Remember that there are no economic options to increase this flow/capacity limit of the A3023/bridge complex. The decision to forgo any flow/capacity analysis of the A3023 means that you, and more importantly, your customers (the residents) will have no way of knowing how your Plan will impact the sustainability of the Island's infrastructure moving forward. The junction changes proposed are estimated at £10.6m. This cost cannot be met with the developer CIL contributions. How do you intend to fund this infrastructure?

There is very little industry on the Island, and you are not planning any: therefore all the new residents need to travel off the Island every day for work.

- The tourism traffic-growth estimates are not clearly identified, neither are the consequences of potential changes in holiday habits (staycations, etc.)

- The Coastal Partnership are now engaged in the production of the first Hayling Island Coastal Strategy, due to be completed in 2022. The current EA projection shows approximately 50% of the Island area is Category 3 flood zone, based on the EA 1.4 mtr climate change tide-rise estimate. This limit will rise further as time progresses. We also know that 80% of the Island coastline does not satisfy the current Government protection cost/benefit ratio.

And at this very meeting you will be agreeing how to plan the continuing erosion of the seafront at West Beach, leading over time to the loss of leisure facilities, car parks and SSSI.

We would respectfully suggest that you need to see a realistic infrastructure Plan and the Coastal Strategy Plan before recommending this significant housing growth to the full Council. We have been told on numerous occasions that there will be further opportunities for review. However, HBC does not have any formal process audit function or schedule to ensure all of the issues are recorded, actioned and tracked, and be visible to the community.

Thank you for your attention.
Dave Parham

Deputation by the Bedhampton Heritage Alliance.

The Alliance is committed to continue working with the Borough to protect and enhance the heritage assets of Bedhampton.

We were recently delighted to have the **unanimous** support of the Development Management Committee (DMC) when, after comprehensive consideration, they **refused** the planning application on site H20: Lower Road.

The Local Plan should **support** this decision and not **undermine** it.

The applicants had spent 2 years collaborating with officers on their detailed proposals. DMC adjourned their first committee meeting to enable both, applicants and officers, to provide **more** justification. Despite this, they **failed** to show the site was capable of **sustainable development**: a significant lesson for the future.

DMC concluded that *the adverse effects upon the open character and appearance of the setting of the Conservation Area by reason of scale and loss of agricultural land, which provides a setting to the Conservation Area, were not outweighed by the benefits of the scheme.*

In 2014 residents supported the **Borough's case** to exclude this land from the current Plan and the EiP Inspector **supported** this same conclusion.

Reason 1 contained 3 current policies with 11 relevant sections together with the National Planning Policy Framework (NPPF). Similar policies (E.1 & E.13) are proposed in the new plan. The location **fails** one of the 3 pillars of sustainable development set out in NPPF: *environmental* (para 2.43). Development here will **not** *'enhance the Borough's diverse historic environment'* (para 2.24). It **cannot** provide *'safe and suitable access to the site...for all people and modes of transport'* (Policy IN3a).

The report makes **no** mention or account of the DMC refusal.
This is a MATERIAL CONSIDERATION!

In 2016 this greenfield allocation was justified, "*no stone unturned*", to meet the 5 year supply. This has now been met (para 3.41) **without** the, less than 0.5%, contribution from this site. The sustainability appraisal had crucial gaps in the evidence base; outdated conservation area appraisal, no highway and safety analysis, ecology etc.

Following public consultation, the sensitivity of the site drew the **largest** volume of **widespread** objection as well as a petition of 1,700 names, yet to be considered. Inclusion of H20, which conflicts with policies within the Plan itself, raises issues regarding the **soundness** of the allocation, or the Plan, or both.

Looking at the Executive Summary objectives of the Plan, there is no significant *"benefit to be grasped"* (para 3.8). The DMC decision provides an opportunity *"to push away any unsustainable development"*(para 3.10).

Potential developers were meant to fill the **evidence gaps** (e.g. highway analysis). This naively assumed that no site would be removed and/or result in a planning refusal. It will now be **impossible** to develop dwellings here within the 5-year timeframe used to justify its allocation. It is **not** included in the list of Key Sites to deliver the Vision of the Plan.

The introduction of the Regeneration Strategy in 2018 has now placed **greater** emphasis upon the development of brownfield sites during the period of the Plan.

Turning *this stone* has uncovered much greater heritage awareness.

Following the Conservation Area Review, commissioned by the Alliance,

- the boundary now abuts H20,
- the sunken lane character of Lower Road is now recognised
- the significance of the route through the site to and from the harbour (Narrow Marsh Lane) has also been recognised.
- Old Bedhampton had an important part to play in the Middle Stone Age, Roman period and Doomsday account of the settlement of the Borough. This is not recognised in the 'Beginnings' section of the Plan.

These findings are **also** a MATERIAL CONSIDERATION.

The section on H20 makes **no mention** of the refusal and contains a number of geographic errors. It also fails to mention the Grade II* rare status of The Elms, which is the nearest and most adversely affected heritage building. The 'track' can be referred to as Narrow Marsh Lane. Footnote 153 needs updating.

To prevent the **cumulative substantial and irreparable harm** to...

the amenity of the whole of the Conservation Area and
harm to its open rural setting,
harm to Grade II* listed "The Elms" and The Lodge, the adjacent care home,
harm to the hedgerow and 'sunken lane' character of Lower Road,
harm to Narrow Marsh Lane,
harm to the setting of the locally important Old Manor Farm buildings,
harm to wildlife habitats and
harm through several increased highway safety concerns.

Now is the time to **remove** H20 from the Plan. The Alliance will **again** support this at the EiP.

Deputation by Mr Owens

Cabinet members need to be clear about fundamental issues that require it's common sense consideration. This text is not highly technical; it actually does not need to be! The issues we have on Hayling Island clearly demonstrate the provisions of the Local Plan will not be sustainable for us.

Councillors Pike and Wilson et al say they have listened to the concerns of residents through the HIIAG and have addressed many points; the reality, however, is they have just bulldozed their transport assessment through the process and totally ignored any credible/technical criticism in support of the Local Plan. Shockingly, they clearly conspired to ignore and brush aside the views of the council's constitutional instrument called the "Scrutiny Board" which I personally find unacceptable and I urge you to examine that shameful episode in considerable detail. Dismissing the views of the body convened specifically to ensure the council is behaving in a sound way sets a very damaging precedent and requires immediate cabinet investigation.

The Transport Assessment (TA) is clearly a major sticking point and has been for years; it abjectly fails to consider the following inexhaustive list

1. Fundamental capacity of the A3023 Havant Road with current traffic levels – close to 100% capacity. The Local Plan will push this single arterial road above 100% capacity and cause gridlock for all residents, visitors and emergency services.
2. Making all junctions prettier is clearly an attempt to hoodwink the casual observer; Notwithstanding fundamental and serious capacity problems, spending over £10M on "prettification" of several junctions is repugnant and a complete waste of taxpayer's cash with no journey time benefits!
3. The TA has totally ignored the following sources of additional traffic in the TA!
 - o A 25% increase in summer traffic (Source HBC)
 - o Around 1000+ windfall dwellings that the council fails to account for in its infrastructure planning
 - o The Local Plan's grande seafront regeneration sites designed to create a significant increase in tourism traffic

For a TA to knowingly ignore a significant proportion of the islands future traffic loading in the interests of expediency requires your close scrutiny and correction.

You may not be aware, because the Local Plan conveniently fails to mention it, but there are several points on the network that are just 1-2 metres above sea level. The south end of the bridge, the Ferry Road to name a few. The Environment Agency recently increased its estimate for sea level rises to +1.4 metres, that's over 4.6 feet! Winter storm surge raises sea levels further by up to 0.7 metres.

Global warming means the 1.4 metre estimate will inevitably increase; we will have more frequent and more intense storms exacerbating the problem further. For the avoidance of doubt the A3023 at the bridge is the ONLY access to the island. It will be severed frequently if not permanently.

The NPPF stipulates that developments require protection from flooding for its lifetime (NPPF defines this as 100 years!) How can it be admissible/lawful to build at least 2000 additional homes on the island (including windfall) when you don't even have the "guiding light" of a detailed flood protection strategy until 2022?

With increased development comes more concrete and therefore more runoff water in the drains. With around 10,000 new dwellings in the borough alone comes an additional 25,000 toilets users.

These two facts together will generate significant nutrient waste level increases in the waters around Hayling Island courtesy of Southern Water.

To summarise, the TA, two years later, has still got fundamental and serious flaws and opposition from councillors and the public still remains solid. The inspector is going to see the debacle that is the TA and will surely dig deeper. It is in the cabinet and therefore in the council's interest to get the TA reworked in such a way that properly informs the Local Plan as the NPPF requires. It is inconceivable that the Local Plan can proceed without the fundamental guiding lights of a competent TA and a flood protection strategy that protects our transport infrastructure and other key sites.

My suggestion is that the TA must be reworked to include all relevant data irrespective of how inconvenient said data might be; and that the most important infrastructural aspects of the flood protection strategy are prioritised in such a way that properly informs the Local Plan this year (2020) and not waiting until 2022. The Local plan must not proceed without the above.

Thanks for your attention

Mike Owens

Public deputation in respect of Item 10

Covid-19 Response

Deputation by Ms Chelsea.. (last name requested)

For more than five weeks, beaches have been packed, parking lots have been overflowing, and sidewalks have been chock full of both visitors and holiday-takers. There is absolutely no evidence of social distancing being practiced/enforced anywhere on Hayling Island.

Those of us who live and breathe on the island do not appreciate the carelessness of actions taken by thousands of weekly non-resident visitors nor the complete absence of policing.

I speak for many who have been faithfully observing protective measures by locking down to keep safe. At this point, the influx of brazen day-trippers is creating a more dire situation for those who are- now- forced to quarantine *because* of the seemingly lax attitudes of both visitors and public servants.

What exactly is being done to ensure Hayling Island does not become a hotspot for virus spreading? Why is there no signage, Council, or police presence? Why is there no restriction to access (either by numbers or locations)?

Will the Council now commit immediate focus and resources to ensure Hayling Island residents (and visitors) are being protected?

If local officials are unable or unwilling to manage the violations to the government mandates, then I do not think it is unreasonable to request that all public gathering spaces on Hayling Island be closed until a time officials are prepared, able, and committed to do so. To knowingly let conditions remain as they have been for the past five weeks would be gross negligence on the part of Council. You have had three full months to put a plan in place.

It is imperative that you **ACT NOW**.

Not tomorrow.

NOW.

Please.

Lives depend it.

Show us that you care.

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Item 10**

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