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## PLANNING POLICY COMMITTEE AGENDA

**Membership:** Councillor Branson (Chairman)

Councillors Wilson (Vice-Chairman), Guest, Howard, Lloyd, Moutray, Payter, Milne, Scott and Turner

Standing Deputies:

**Meeting:** Planning Policy Committee

**Date:** 22 February 2022

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Kim Sawyer  
Chief Executive

14 February 2022

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

### Public Attendance

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage watching the meeting via the webcast on the Council's website.

**Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer At Least 4 Hours Before The Meeting Starts.**

<b>1</b>	<b>Apologies</b>	
<b>2</b>	<b>Minutes</b>	<b>1 - 2</b>
<b>3</b>	<b>Declarations of Interests</b>	
<b>4</b>	<b>Update on the Examination of the Havant Borough Local Plan, Withdrawal of the Havant Borough Local Plan from Examination and Consideration of the Housing Delivery Position Statement</b>	<b>3 - 68</b>
<b>5</b>	<b>Community Infrastructure Levy (CIL) Spending Protocol</b>	<b>69 - 88</b>

## **PLANNING POLICY COMMITTEE**

### **1 Committee Form and Structure**

#### **Committee Scope**

- 1.1 The purpose of the Planning Policy Committee is to consider planning policy matters and to make recommendations to Planning Committee, Cabinet or Council, as appropriate on planning policy issues, particularly in connection with the Havant Local Plan.

#### **Composition**

- 1.2 The Planning Policy Committee will comprise 10 Councillors in **political balance**.
- 1.3 The Chairman will be appointed by **Full Council** annually.

#### **Quorum**

- 1.4 The Planning Committee quorum will be 6 Councillors.

#### **Reserves**

- 1.5 Reserve members are not permitted.

#### **Competency**

- 1.6 All members of the Planning Policy Committee must:
- 1.6.1 have undertaken mandatory training in the relevant law and procedures which relate to the committee's work; and
  - 1.6.2 undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director; and
- 1.7 The Planning Policy Committee shall observe the Planning Protocol.

### **2 Matters reserved for the Planning Policy Committee**

- 2.1 To formulate the Havant Borough Council Local Plan for referral to the Planning Committee for consideration and approval for public consultation
- 2.2 To formulate the draft Havant Borough Council Supplementary Planning Documents for referral to the Planning Committee for consideration and approval for public consultation
- 2.3 To formulate the draft Havant Borough Council Community Infrastructure Levy (CIL) charging schedule and draft spending protocol for referral to the Planning Committee for consideration and approval for public consultation

- 2.4 To receive reports, expert advice and opinion on planning policy issues and to consider and make recommendations.

## GENERAL INFORMATION

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### Internet

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A Member of the Public may only address the Committee if a summary of the text has been received by the Democratic Services Team no later than 12 noon three working days before the meeting. The speech shall reflect the summary provided. Written deputations may be sent by email to the address set out below.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired.

The Monitoring Officer may rule out of order any address that:

- Is vexatious, derogatory, defamatory, frivolous or offensive
- concerns a Council employment or staffing matter or sensitive personal information about a Councillor;
- is unrelated to functions of the Committee; or
- has been previously considered in the last 6 months.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to

correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"

### **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item, please contact the Contact Officer (contact details are on page i of the agenda)



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## HAVANT BOROUGH COUNCIL

At a meeting of the Planning Policy Committee held on 19 July 2021

Present

Branson (Chairman), Payter, Scott and Turner

Also in attendance: Councillors Weeks and Gwen Robinson

### **5 Apologies for Absence**

Apologies for absence were received from Councillors Guest, Howard, Lloyd, Milne, Moutray and Wilson.

### **6 Minutes**

The Minutes of the meeting of the Planning Policy Committee held on 29 April 2021 were agreed as a correct record and signed by the Chairman.

### **7 Declarations of Interests**

There were no declarations of interests relating to matters on the agenda.

### **8 Community Levy Spending Protocol**

The Committee considered a report on the revised Community Infrastructure Levy ("CIL") for use in CIL spending decisions.

A member objected to a provision in the protocol which enabled the Council to match fund from other Council funds and argued that the applicants should be required to use other sources of funding to match the CIL amount to be allocated to a scheme. However, a majority of the Committee was satisfied that Council funds would only be used to match funds in exceptional circumstances and that this provision gave greater flexibility in the process.

RESOLVED that Council be Recommended to:

- a) approve the Community Infrastructure Levy (CIL) Spending Protocol in the Appendix of the submitted report for use in CIL spending decisions;
- b) agree, in accordance with section 3 of the Protocol and section 5 of this report, that an additional 10% of the CIL collected in Emsworth ward should be allocated specifically to Emsworth starting with the next spending round, provided that the Emsworth Neighbourhood Plan is 'made' following a successful referendum;

- c) grant delegated authority to the Head of Planning to amend the CIL Spending Protocol, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters). Such changes shall be limited to the correction of factual errors and changes necessary to accommodate national or local changes in regulations, guidance or procedures and shall not otherwise alter the meaning of the protocol; and
- d) grant delegated authority to the Community Infrastructure Officer to approve interim Strategic CIL spends with a value of no greater than £10,000 (in consultation with the Head of Planning and the Cabinet Lead), and to the Cabinet Lead responsible for CIL to approve interim spends greater than this, in consultation with the S151 Officer, and, where the value exceed £50,000, after consideration by the Planning Policy Committee

(Councillor Turner voted against recommendation (a))

## **9 Emsworth Neighbourhood Plan**

The Committee considered a report on the adoption of the Emsworth Neighbourhood Plan as part of the statutory development plan, following its successful examination and referendum.

RESOLVED that Council be recommended to adopt the Emsworth Neighbourhood Plan with immediate effect, so that it becomes part of the statutory development plan for the area.

## **10 Work Programme 2021/22**

The Committee considered its work programme for 2021/22. The Committee noted that due to the number of items included in the programme, the Chairman would discuss an order of priority with the officers.

**The meeting commenced at 5.00 pm and concluded at 5.46 pm**

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**NON-EXEMPT**

## **HAVANT BOROUGH COUNCIL**

PLANNING POLICY COMMITTEE (22 FEBRUARY 2022) FOR RECOMMENDATION TO FULL COUNCIL (16 MARCH 2022)

### **UPDATE ON THE EXAMINATION OF THE HAVANT BOROUGH LOCAL PLAN, WITHDRAWAL OF THE HAVANT BOROUGH LOCAL PLAN FROM EXAMINATION AND CONSIDERATION OF THE HOUSING DELIVERY POSITION STATEMENT**

**FOR DECISION**

Portfolio Holder: **Cllr Clare Satchwell**

Key Decision: Yes

Report Number: *HBC/443/22*

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#### **1. Purpose**

- 1.1. This paper is submitted to the Planning Policy Committee for consideration and to Full Council for decision.
- 1.2. This paper updates members on the submission and examination of the Havant Borough Local Plan following the approval by Full Council of the changes to the Havant Borough Local Plan in September 2020.
- 1.3. This paper follows the receipt of the Inspectors' Interim Findings Report regarding the Examination of the Havant Borough Local Plan. The findings recommended a withdrawal of the local plan, which inevitably results in a longer period before a new local plan is in place. As a result, there is also a significant reduction in the Council's anticipated land supply which has further reduced the Council's five year housing land supply.

- 1.4. An up-to-date local plan is the only way to ensure that development takes place in a coordinated way, providing the necessary infrastructure and environmental safeguards. As such, the Full Council is recommended to authorise the preparation of a new plan as a matter of priority.
- 1.5. Nonetheless, whilst there will inevitably be a delay in getting an up-to-date local plan in place, the result of the Interim Findings Report and the Borough's Five Year Housing Land Supply will be an increase in development pressure.
- 1.6. Planning Policy Committee are recommended to consider and approve the Housing Delivery Position Statement, which highlights the relevant material considerations for decision-making on planning applications for new housing.
- 1.7. The purpose of the Housing Delivery Position Statement is therefore to provide the Borough's residents and the development industry with certainty as to how planning applications for housing proposals will be considered until such time a Local Plan has successfully passed through Examination. In particular, the Position Statement sets out what the Council considers to be 'sustainable development' in assessing proposals on sites which are not in the adopted or emerging local plans.

## **2. Recommendations**

- 2.1. Members are requested to:

### **Update regarding the Havant Borough Local Plan examination**

- a. Note the outcome of the examination of the Local Plan, the Inspectors Interim Findings Report (examination library document reference CR18), the response to it (CR19) and subsequent communications (CR20, CR21, CR22 and CR23);
- b. Note the correspondence between the Council Leader and the Secretary of State for Levelling Up, Housing and Communities regarding the need for the NPPF to recognise more strongly the relevance of a plan led approach to development and to not penalise communities whilst plans are being put in place (Appendix 1);

- c. Authorise the withdrawal of the Havant Borough Local Plan from Examination in line with Section 22 (1) of the Planning and Compulsory Purchase Act 2004 (as amended);

### **Preparation of a new Local Plan and CIL Charging Schedule for Havant Borough**

- d. Authorise the preparation of a Local Plan to replace the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan);
- e. Authorise the preparation of an updated Community Infrastructure Levy Charging Schedule for Havant Borough;
- f. Delegate authority to the Planning Policy Manager<sup>1</sup>, in discussion with the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to prepare and publish a Local Development Scheme and keep this updated as necessary;
- g. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to consider for approval, following scrutiny by the Planning Policy Committee<sup>2</sup>, an update to the Hayling Island Transport Assessment, to consider the impact of development on summer traffic conditions;

### **Decision making on planning applications for new housing**

- h. Note the Borough's five year supply of 3.9 years and the implications that the delay in the local plan's examination have for this issue;
- i. Approve the publication of the Housing Delivery Action Plan (Appendix 2);
- j. Adopt the Housing Delivery Position Statement (Appendix 3);
- k. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to consider for approval, following

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

<sup>2</sup> Or any future scrutiny meeting of similar or equivalent role

scrutiny by the Planning Policy Committee<sup>2</sup>, updates to the Housing Delivery Position Statement

### **Other**

- I. Delegates authority to the Planning Policy Manager<sup>1</sup> to make any necessary minor amendments to the documents listed in this report. These shall be limited to the inclusion of page numbers, a contents page, a glossary, factual updates, correction of minor errors, typographical errors and other minor changes that do not change the meaning of the material.

## **3. Executive Summary**

- 3.1. The Havant Borough Local Plan has been in preparation since 2016, consistently being considered as a key corporate priority for the Council. The plan entered its final stage in February 2021 when it was submitted to the Secretary of State for examination.
- 3.2. The Interim Findings Report produced by the inspectors following stage 1 of the examination raises a number of matters which require addressing. The inspectors recommend that the Local Plan is withdrawn and a new one developed. This is regrettable in that it will increase the amount of time which it will take to get a local plan for the Borough in place. This in turn means that the development quality will invariably be lower than that expected through the plan.
- 3.3. Nonetheless, the need for housing does not diminish in this situation – there is a clear need to significantly boost the supply of housing in line with the National Planning Policy Framework (NPPF). Due to lower than required levels of housing delivery over the last few years due to a number of circumstances outside of the Council's control, the Borough has scored below 75% in the Housing Delivery Test for two consecutive years, meaning that the 'tilted balance' under the NPPF is in effect.
- 3.4. As a result, to ensure that there is not a policy vacuum following any withdrawal of the Local Plan from examination, a Housing Delivery Position Statement is proposed.

3.5. The Housing Delivery Position Statement will provide residents and the development industry with a clear statement of intent about how the Council will consider planning applications for housing proposals in advance of the Local Plan's adoption.

#### 4. **Additional Budgetary Implications**

4.1. Additional budgetary implications are set out in the table below:

	<b>2021/22 (budget)</b>	<b>2021/22 (likely)</b>	<b>2022/23 (proposed)</b>
Planning Policy Consultancy	<b>£246,000</b>	<b>£236,000</b>	<b>£220,000</b>

#### 5. **Background and relationship to Corporate Strategy and/or Business Plans**

5.1 The preparation of an up-to-date local plan for the Borough has been a key corporate priority since its first consultation in 2016. 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.

5.2 The Local Plan is intrinsically linked to the Corporate Strategy and, together with the Regeneration Strategy, constitute the key Council strategies related to place-making. It is a key mechanism for moving development sites forward to 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.

5.3 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 meet the need for development in their area, which was not the case when the Adopted Local Plan was prepared.

5.4 The need for housing in the Borough, as defined by Government, is significant. In the adopted Local Plan, there is a target of 315 dwelling per year. This rose to 450

at the start of the preparation of the Havant Borough Local Plan, culminating at 504 dwelling per year when the Local Plan was submitted.

- 5.5 The sharp increase in the amount of housing to be provided within a constrained Borough 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.
- 5.6 This approach intrinsically informed the Havant Borough Local Plan – which allocated sufficient sites to meet the need for housing but also included environmental safeguards, infrastructure requirements and quality standards which are not part of the Adopted Local Plan.

#### **An update on the examination of the Havant Borough Local Plan**

- 5.7 The Havant Borough Local Plan was submitted for examination on 12 February 2021. The examination takes place in a completely open and transparent way, with all correspondence and documents available on the Council's website in the examination library. Several of these documents are referred to by their references in this report and are available at [www.havant.gov.uk/examination-library](http://www.havant.gov.uk/examination-library).
- 5.8 The Council has now received the Inspector's Interim Findings report (CR18) following the Stage 1 Hearings which took place in July 2021. The letter does not set out all the Inspectors' findings on all of the issues discussed during the Stage 1 hearings, and instead focuses on areas of concern.
- 5.9 The Inspectors highlight that further information or updates to evidence base studies are needed in relation to the deliverability of a number of housing sites which mean that the Council is unlikely to be able to meet its housing need over the plan period. The letter is clear that not all of the Plan has been examined.
- 5.10 The inspectors concerns cover a variety of matters, set out within the report and are not repeated in detail in this report. Many of the concerns raised would be



possible to reach a conclusion on with further evidence, which would often need to be provided by site promoters<sup>3</sup>. Some of the issues can be addressed through further assessments.

- 5.11 Since this point, further correspondence has been sent to and received from the inspectors (documents CR19-CR23) which has provided useful clarifications on a number of points. Nonetheless, on the principal matter of how to get a local plan in place as swiftly as possible, the inspectors reiterate their view that a withdrawal of the Havant Borough Local Plan and the preparation of a new plan is necessary.
- 5.12 The Leader has also written to Secretary of State for Levelling Up, Housing and Communities in order to highlight the hurdles which the Council has overcome in recent years and seek reassurance that Government will support Local Planning Authorities to get Local Plans in place.
- 5.13 As a result, it is recommended that the appropriate course of action at this point is that the Havant Borough Local Plan is withdrawn from examination.

#### **A new Local Plan for Havant Borough**

- 5.14 The need for an up-to-date local plan for the Borough has not changed due to recent events, it is still as necessary as ever. Government has a target for all local planning authorities to have an up-to-date Local Plan in place by December 2023. Whilst failure to achieve this target will be assessed on a case-by-case basis, there are powers in place for Government to intervene in the plan-making process, taking this away from local authorities. As such, it is critical that swift progress is made on a new local plan for the Borough.
- 5.15 The Council also has an ambitious regeneration and economic development agenda set out in the Corporate Strategy. This involves bringing a number of key sites forward for development. However, this cannot be delivered by the Council in isolation and so involves creating and maintaining an open for business approach to ensure that private sector schemes come forward.
- 5.16 Alongside a new local plan, a new Community Infrastructure Levy (CIL) Charging Schedule will also need to be prepared. A new CIL charging schedule was

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<sup>3</sup> it should be noted that for some sites, the site owner is Havant Borough Council.

prepared in tandem with the Havant Borough Local Plan. This was examined in 2021 and found to be sound. However, the proposals within the charging schedule are intrinsically linked to the Havant Borough Local Plan and it also relies on the same evidence base. As such, given that this evidence, particularly the viability study, will need to be updated, it will also be necessary to prepare a new CIL Charging Schedule.

- 5.17 A great deal of the evidence which supports the Havant Borough Local Plan will be relevant to the new local plan as well. However, there are also a number of workstreams and studies which will need to be prepared in order to address the inspectors concerns with the Havant Borough Local Plan through the new plan.
- 5.18 Chief amongst these will be working with neighbouring local authorities in order to assess whether there is any capacity to be able to accept any unmet housing need from Havant Borough.
- 5.19 Related to this workstream will be the ongoing work through the Partnership for South Hampshire (PfSH) to establish an updated Joint Strategy for the sub-region. Substantial workstreams regarding this are due to report to the PfSH Joint Committee by quarter three 2022.
- 5.20 Another workstream that officers have started considering the response to is the Hayling Island Transport Assessment<sup>4</sup>. As part of this, a proposed methodology was provided to the inspectors through CR22, which was received positively. This workstream is being taken forward as a matter of priority in order to provide certain to residents and the development industry, given current planning applications on Hayling Island and in Langstone which will need to be determined.

#### **Decision making on planning applications for new housing**

- 5.21 Whilst there is now a further delay in getting an up-to-date local plan in place for the Borough, the national requirements to ensure a continuous supply of new housing do not fall away in the meantime.
- 5.22 A result of the Inspectors' initial findings is that the Borough's five year housing land supply has further decreased. As of September 2021, the Council's Five Year

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<sup>4</sup> See paragraphs 3-10 of CR18 in particular.

Supply Housing Update sets out the Borough has a 4.3 year supply. As a result of the removal of some sites from supply from the Inspector's interim report, this position has fallen to 3.9 years supply, which is substantially below the five year housing land supply threshold.

- 5.23 In the absence of a five year housing land supply and in the context of the Council's Housing Delivery Test measurement (74%)<sup>5</sup>, the 'tilted balance' under paragraph 11 d) of the NPPF is engaged. In these circumstances, the policies most important for determining the application are considered out of date. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.24 Without having an up-to-date Local Plan in place, these provisions have significant implications for the Borough both in the short and medium term. Whilst the development plan remains the starting point for decision-making, the NPPF is clear that both the need to significantly boost the supply of housing and the tilted balance should be afforded substantial weight in the planning balance.
- 5.25 This was shown to the case in a recent appeal decision for 'Land South of Lower Road'<sup>6</sup> where the urban area boundaries in the Adopted Local Plan could only be afforded very limited weight as they were predicated on out-dated levels of housing need. In contrast, the substantial deficit in the Borough's Five Year Supply was afforded substantial weight in the overall planning balance, leading to the appeal being allowed and planning permission granted. A similar pattern can also be seen in a recent appeal decision in Fareham Borough Council<sup>7</sup> where the appeal was upheld and planning permission granted, despite the local planning authority's concerns regarding design and layout.
- 5.26 These matters were noted extensively in the officer report which accompanied a recent planning application at Land West of Hulbert Road, Havant (APP/20/00441). The site in question was not identified in either the Adopted

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<sup>5</sup> A result of less than 75% indicates which indicates that housing delivery was substantially below the housing requirement over the previous three years (footnote 8 of the NPPF).

<sup>6</sup> Appeal reference APP/X1735/W/20/3259067

<sup>7</sup> Appeal reference APP/A1720/W/21/3275237

Local Plan or in the Havant Borough Local Plan where it is an omission site. Housing supply was highlighted extensively in the officer's report as a matter of substantial weight in the planning balance. The Planning Committee resolved to grant planning permission in this instance. Moving forward, there will inevitably be many similar cases of sites which are contrary to the Adopted Local Plan which would need to be determined.

5.27 In the short term, it is essential that the Borough is able to determine planning applications and that this is done in a clear way. This is necessary both in terms of maintaining its current position, and where possible improving the supply deliverable housing sites. Such a statement would provide a clear statement of how the Council intends to consider planning applications for housing proposals until such time the Local Plan has successfully passed through Examination.

5.28 In light of the above, in order to manage the development pressure prior to a new local plan being in place, it is proposed to adopt a Housing Delivery Position Statement (Appendix 3). This would:

- a) Provide a clear statement of intent of how the Council will consider planning applications for housing development until such time the Havant Borough Local Plan has successfully passed through Examination.
- b) Confirm that the principle of residential development on proposed allocations in the emerging Local Plan is acceptable where they meet the other requirements in the Adopted Local Plan and the Position Statement.
- c) Identify where the principle of development might be otherwise be acceptable where proposals can be shown to constitute 'sustainable development'
- d) Indicate the standards expected from housing development which the Council considers necessary in order to justify a departure from the Adopted Local Plan.
- e) Identify the need to comply with the Habitats Regulations in terms of ensuring that all likely significant effects on European Sites are appropriately mitigated.
- f) Confirm the Council's position that it will only accept the comprehensive development of the Southleigh Strategic Site; and any development proposals that would prejudice the delivery of the junction will be refused.

g) Confirm the approach to planning applications for new homes on Hayling Island and Langstone prior to the conclusion of the additional work on the Hayling Island Transport Assessment.

- 5.29 For transparency, it is intended that a comprehensive table of emerging allocations in Submission Plan is included in the statement. Those sites have been subject to a rigorous site assessment which provides high level assurance of their suitability. Whilst it is acknowledged that the Interim Findings Report outlines additional work needed in order to demonstrate the deliverability of a number of sites, this would need to be provided as part of the application process anyway.
- 5.30 Illustrative material would also be provided alongside the Position Statement in the form of an expanded flow chart on the tilted balance, maps of sites in table 1 of the Position Statement and a map of environmental designations. These are provided at appendices 3a – 3d of this report.
- 5.31 It should also be acknowledged that the Council has already granted for many of the sites allocated in the Submission Local Plan. As there are live planning applications for over 1,000 homes on site allocations in the Submission Local Plan, it is considered essential that the Council is able to continue securing high quality development. Though five year supply has substantial weight in decision-making, there is also a clear necessity that new housing creates sustainable places which supports the health and wellbeing of the Borough's residents.
- 5.32 Recognising that the Housing Delivery Position Statement would provide for housing to come forward on sites like West of Hulbert Road not supported by either the adopted local plan or the Havant Borough Local Plan, the statement would also require evidence from the developer to show that the site would be deliverable within the first five years. This would include the use of conditions to require a shorter than standard timeframe for the submission of a valid reserved matters application (in the case of an outline planning application) or for the commencement of development (in the case of a detailed planning application).
- 5.33 The Housing Delivery Position Statement would not be the first statement of its kind to be adopted by the Council for decision-making purposes. Indeed, the 2016

Local Plan Housing Statement identified a number of housing sites suitable for 'early release' in advance of the adoption of the Local Plan.

## **6. Options considered**

6.1 There are alternatives to each of the sets of recommendations at the start of this report.

### **Update to the Havant Borough Local Plan examination**

6.2 The main alternative to withdrawing the Havant Borough Local Plan from examination would be to continue to seek to address the issues raised by the inspectors through the examination of the Havant Borough Local Plan, with the inspectors making any necessary changes to the plan in order for it to be found sound.

6.3 Whilst attractive as a means of achieving a local plan as swiftly as possible, on balance this is not recommended.

6.4 The inspectors are clear in their advice recommending a withdrawal. It would be possible to undertake the additional work which is necessary and return to the examination swifter than withdrawing the plan. However, the inspectors are correct to highlight that the subsequent examination would invariably be more complex with three sets of Regulation 19 representations on different versions of the plan.

6.5 Extensive communication has taken place with the inspectors in order to explore whether this represents a viable means to getting a local plan in place. The inspectors are clear in their view across several letters that it is not.

### **Preparation of a new Local Plan and CIL Charging Schedule for Havant Borough**

6.6 The main alternative to preparing a new local plan following a withdrawal, would be a 'do nothing' approach of not preparing a local plan. This is not considered an appropriate option. This is principally due to the fact that development will ultimately come forward, however without a local plan there will be no coordination of development or minimum standards to achieve. Furthermore, it is

likely that if the Council were intransigent in putting together a local plan, eventually, Government would intervene and put one in place regardless.

### **Decision making on planning applications for new housing**

6.7 The main alternative to adopting the Housing Delivery Position Statement would be a 'do nothing' approach. Nonetheless, without the position statement, the 'tilted balance' would still apply. The recent appeal decision for Land South of Lower Road clearly shows the substantial weight which must be applied to the delivery of new housing. As such, the tilted balance would apply regardless of the presence of a Position Statement. However, with a Position Statement in place, there is a clear message to the development industry of the standards which the Council would look for them to achieve in order to move forward.

## **7. Resource Implications**

7.1 Financial Implications – the response to the inspectors Interim Findings Report and the preparation of the Housing Delivery Position Statement have all been achieved within budgets for the 2021/22 year. The implications for the 2022/23 year have fed into the budget setting process. The preparation of a new local plan will also have financial implications across the medium term which will need to feed into future budget setting processes.

### **Section 151 Officer comments**

Date: 4 February 2022

The additional revenue required to support the delivery of the revised Local Plan are included within the budgetary framework for 2022/23.

7.2 Human Resources Implications – there are no additional staffing requirements from the proposed course of action.

7.3 Information Governance Implications – none.

7.4 Links to Shaping our Future Programme.

**Shaping our Future Lead comments/sign-off**

Date: 20 January 2022

This decision does not have a direct impact on the Shaping Our Future Programme.

7.5 Other resource implications – none.

**8. Legal Implications**

- 8.1 The preparation, examination and adoption of a Local Plan is governed by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, the NPPF, and planning policy guidance.
- 8.2 The duty of the inspector appointed to examine the plan is to determine (i) whether it is "sound" and (ii) whether the local authority have complied with the legislative requirements (including the duty to co-operate).
- 8.3 "Sound" is not a term defined in the legislation. The Government has provided what it considers to be criteria for soundness at para.182 NPPF namely that a plan is: (i) positively prepared, (ii) justified, (iii) effective and (iv) consistent with national policy. However, soundness is a matter for the examining inspector and he may depart from the NPPF guidance with reasons.
- 8.4 If the inspector is not satisfied the local plan (as drafted) is sound he must not recommend adoption and give reasons. However, if requested by the authority to recommend main modifications to make the plan sound, he must publish recommendations. The proposed main modifications to the plan would have to be approved by full council.
- 8.5 There is a requirement for the local authority to consult on any proposed main modifications to the local plan. The inspector then will consider any further representations on the papers or at a further hearing.



- 8.6 The inspector has indicated in his preliminary findings that the modifications required are likely to be extensive and has suggested the plan is withdrawn rather than modified. The Planning Policy guidance states “where the changes recommended by the Inspector would be so extensive as to require a virtual re-writing of the local plan, the Inspector is likely to suggest that the local planning authority withdraws the plan”.
- 8.7 If the authority were to decide to withdraw the local plan then there is a requirement to publish a notice to this effect and the reasons for doing so.

**Monitoring Officer comments**

Date: 8 February 2022

The Constitution places the Local Development Plan and Development Plan Documents as part of the Policy Framework reserved to full Council for approval/determination (paragraph 3.2.2 (c) of Part 2 Section B). The recommendations contained within this report are accordingly for Planning Policy Committee to consider and for Full Council to determine.

**9. Risks**

- 9.1 The Borough’s Housing Delivery Test measurement and absence of an up-to-date five year housing land supply position mean that the Council is in a weakened position to defend speculative developments and negotiate some of the development quality standards included in the Submission Local Plan. However, the Housing Delivery Position Statement provides a clear statement of intent as to how the Council will consider such applications, and the requirements of them as a departure from the Adopted Local Plan.

**10. Consultation**

- 10.1 There is no requirement for the Housing Delivery Position Statement to be subject to public consultation as a non-statutory document.
- 10.2 The Housing Delivery Position Statement sets out how a national policy will be applied in Havant Borough, bearing in mind the particular circumstances present

at this time. The application of these national policies is not a matter which can be consulted on.

- 10.3 There would need to be consultation on a new local plan in accordance with the pertinent regulations.

## **11. Communication**

- 11.1 Throughout the preparation of the Havant Borough Local Plan, there has been extensive communication, both within formal consultation periods and outside them, with stakeholders. It is proposed that the same ethos be taken towards the preparation of a new local plan.

## **12. Appendices**

Appendix 1 – Correspondence with the Department for Levelling Up, Communities and Housing

Appendix 2 – Housing Delivery Action Plan

Appendix 3 – Housing Delivery Position Statement

Appendix 3a – Environmental designations map

Appendix 3b – Tilted balance flow chat

Appendix 3c – Position Statement Map (north)

Appendix 3d – Position Statement Map (south)

## **13. Background papers**

None

### **Agreed and signed off by:**

Portfolio Holder: Cllr Clare Satchwell (Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management), 8 February 2022

Director: Simon Jenkins (Director of Regeneration and Place), 8 February 2022

Monitoring Officer: Alan Harrisson on behalf of Daniel Toohey, 8 February 2022

Section 151 Officer: Lydia Morrison, 4 February 2022

### **Contact Officer**

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By email to Rt Hon Michael Gove  
MP & Rt Hon Christopher Pincher  
MP

**Enquiries to:** Elspeth Tucker  
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**My reference:**  
**Your reference:**  
**Date:** 8 December 2021

Dear Mr Gove & Mr Pincher

## HAVANT LOCAL PLAN

I am writing to you following the receipt of an Interim Findings Report into the Havant Borough Local Plan in order to seek your support in bringing forward a pragmatic and meaningful local plan which reflects Havant's constraints.

It is absolutely essential that a local plan is in place in Havant and indeed every local authority across the country. A local plan is fundamental in meeting the need for development and making sure that at the same time, infrastructure investment is coordinated and environmental protections are put in place. Havant is a responsible and pragmatic local planning authority. We fully acknowledge that there is a need for housing and that everywhere needs to play its part in meeting that. We are proud to support new housing schemes that meet the need for homes and have put in place innovative approaches which contribute to this, most notably our approach to 'nutrient neutrality' which was needed following case law in 2018. Our 'first of its kind' mitigation scheme at Warblington Farm was opened by Rt Hon Rebecca Pow MP, Parliamentary Under Secretary of State at DEFRA, in September 2020 and I am extremely proud to say that it has worked successfully to enable hundreds of homes since then and received national acclaim.

Havant Borough Council has been preparing the Havant Borough Local Plan since 2016. In doing so, the Council has embraced the obligations on it by Government, through the National Planning Policy Framework to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this means 504 homes per year for the Borough.

In preparing a local plan, the Council has looked carefully at the characteristics of the borough – which are significant and wide reaching. These include various international nature conservation designations on our shores, heritage designations inland and all in a small and already built up Borough where values are far lower than our neighbours. All of this means that development is challenging and meeting the need for housing in full is extremely difficult.

The Council has recently received the Interim Findings Report of your inspectors into the Havant Borough Local Plan. This has concluded that 2,230 homes which are in our plan need to be removed from the supply. This in turn means that the plan will not be able to meet the need for housing by a wide margin.

Council officers are already speaking to our neighbours in order to explore whether any of the unmet need can be accommodated elsewhere. However due to the extensive work that has already taken place through the Partnership for South Hampshire, it is extremely unlikely that the full need for housing can be met prior to the preparation of a new Joint Strategy for the sub-region, which is in the process of being prepared.

As such, I fully expect that the Havant Borough Local Plan will be presenting a housing supply which does not meet the full need for housing. We are committed to setting out that reality in detail through constraints mapping and a thorough narrative. I am looking for your support, and the support of your inspectors, in looking at this evidence, and crucially making sure that a plan can be put in place as swiftly as possible.

Nonetheless, Havant Borough Council is also looking to bring forward sites which can be developed and overcome constraints where it is possible to do so. As a local planning authority, we are committed to bringing forward a positively prepared local plan. However it is considered appropriate for the plan to be supported by a proportionate evidence base rather than 'gold plating' the evidence requirements. Our conclusion at this point is that the level of evidence required to demonstrate deliverability is excessive. As an example, Havant Borough Council is committed to the regeneration of our two main town centres. We have a Regeneration Strategy in place, setting out the Council's ambitions and have assembled a team of dedicated, specialised officers to bring forward proposals. There are some individual schemes at an advanced stage and I'm pleased to say that the inspectors acknowledged this.

However, it is disappointing that the full level of housing for those town centres could not be included in the supply. Whilst town centre sites are more complex to bring forward to the market compared to greenfield sites, there are mechanisms to do so, including compulsory purchase and the Local Plan makes provision for this if needed. These are the most suitable, sustainable sites for development in the Borough and an ambitious strategy and planning framework is needed to bring them forward. Government have stated a clear ambition to bring forward additional brownfield development in the coming years. As Leader, I welcome and support the Prime Minister's Conference Speech that stated we need to focus on building "beautiful homes on brownfield sites" to protect greenfield sites in the South East. Our regeneration plans as set out in the Local Plan would wholeheartedly be in line with the Prime Minister's ambitions and would not have housing "just jammed in the south east".

Unfortunately, the inevitable consequence of the Inspectors Interim Findings Report is that the Borough will be subject to speculative development due to the legacy of the Dutch Case. It will not be plan led, it will not proceed with the support of communities and it will not result in coordinated infrastructure delivery. The Borough is already in receipt of such planning applications and more are expected in the coming weeks and months. This situation is due to a number of factors, including the inability of the Council to permit most housing developments for nearly 18 months due to the Dutch Case. This has resulted in a shortfall of housing delivery, which obviously has a direct impact on the Borough's Housing Delivery Test and Five Year Supply. Positively though, whilst the Dutch Case affected the Borough for nearly 18 months, the shortfall is equivalent to only 12 months of supply. Nonetheless, this effectively turns a Five Year supply requirement into a six year supply requirement – which is simply impossible to meet.

My predecessor, Cllr Michael Wilson, wrote to the Ministry of Housing, Communities and Local Government regarding this and specifically requested an extension to the transitional arrangements for the Housing Delivery Test. In the response, received on 9 March 2020, the Minister for Local Government and Homelessness stated *“We recognise that authorities may face challenges, so we will continue to monitor the impact of the Housing Delivery Test by engaging with those local authorities who are facing challenges **as it is vital that homes are built with the support of communities as part of a plan-led system**”* (my emphasis). The relaxation of the Housing Delivery Test by a one month period was clearly insufficient to reflect the scale of the issue that the Dutch Case presented or the scale of the legacy that it leaves behind. As such, it is necessary to again look at the measures needed to reflect the legacy of this wide-reaching case law. My officers can of course make available the documents and analysis required to illustrate this in detail.

I would like to specifically request that Planning Practice Guidance in relation to five year supply is updated to be clear that those local authorities affected by the Dutch Case do not need to include the shortfall of past under-delivery in five year supply calculations, even if part-way through a plan period. Such shortfalls are clearly not of a Local Planning Authorities’ making but will hamper the ability to deliver plan-led development. I am also asking that the Housing Delivery Test is updated so that local authorities affected by the Dutch Case are exempted from the need to apply paragraph 11d of the NPPF for a period of five years from the receipt of Natural England guidance on the matter.

I would appreciate your comments and response on the following key questions:

- Do the Secretary of State and the Minister agree that regeneration sites such as Havant and Waterlooville town centres should maximise their development, given that they are the most sustainable kind of site?
- Do the Secretary of State and the Minister agree that getting local plans in place as swiftly as possible is a key national priority and that planning inspectors should be specifically required to work with local planning authorities to achieve this aim?
- Do the Secretary of State and Minister agree that the Planning Practice Guidance regarding the Housing Delivery Test and Five Year Supply should be amended to reflect the Dutch Case as suggested?
- Do the Secretary of State and Minister agree that local authorities such as Havant should in the future be specifically exempt from the standard method of calculating housing need or that the standard method in and of itself needs reform in order to bring in a constraints analysis into the equation?

Yours sincerely

Leader  
Havant Borough Council

Copied to:

Alan Mak MP (Havant)  
Flick Drummond MP (Meon Valley)

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Department for Levelling Up,  
Housing & Communities

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Minister of State for Housing

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Our Ref: 13836216

Councillor Alex Rennie  
Leader  
Havant Borough Council  
Public Service Plaza  
Havant  
PO9 2AX

 January 2022



Thank you for your letter of 8 December addressed to both Rt Hon Michael Gove MP and myself about the Havant Local Plan. I am replying as Minister of State for Housing.

I note that the Local Plan remains at examination. I am unable to comment.

The Government's priority for getting plans in place by 2023 has not changed. After the consultation on the White Paper last year, I reiterated the importance of having up to date plans in place in my Written Ministerial Statement of 19 January 2021. Plan makers should continue to prioritise getting up to date plans in place under the relevant National Planning Policy Framework (NPPF) by this date. Having an effective, up to date plan in place is essential to planning for and meeting housing requirements; in ways that make good use of land and result in well-designed and attractive places to live. The Government expects local authorities to work together to plan for and deliver the housing and infrastructure our communities need.

I am aware the Inspectors' Interim Findings Report concluded that withdrawal of the plan and a return to the regulation 19 stage 'would be the most efficient, cost effective and likely quickest route to the adoption of a sound and legally compliant plan'. I do accept that you are disappointed by the conclusions in this report but, for the reasons I have stated above, it would not be appropriate for me to comment on that. The independent Inspectors play an important role in examining plans impartially to ensure that they are legally compliant, and sound and it is for your Council to respond to the Inspectors' letter as you see fit.

I recognise the challenges that this poses to local planning authorities and the effects of this for development and the local economy. Together with DEFRA, my department has set up a monthly cross-Government task force to ensure a clear action plan is in place, focusing on solutions for permitting housebuilding to resume without compromising the condition of Protected Sites. I chair this alongside Minister Pow, and draw on input from across Government, including Natural England and the Environment Agency. Through this, we are exploring the range of short-, medium-, and longer-term options, from practical support and guidance for LPAs, through to considering the role of wastewater treatment and the water industry, through to regulation of agricultural practices. Alongside this, we are continuing to support Local Planning Authorities through the work of the Planning Advisory Service.

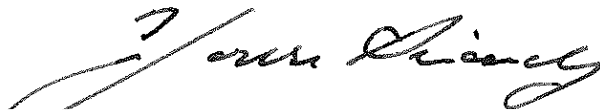
I appreciate that the rapid changes in advice from Natural England are unhelpful for you as the Local Planning Authority. Due to the requirement to act in a precautionary manner, if there are any indications of adverse effects in the Habitat Regulations, Natural England cannot forewarn of forthcoming issues. As competent authority, you would be required to factor in the harm to the site

as soon as you were notified of any potential for development to do harm, which would include such a warning. I understand Minister Pow is writing to you separately in more detail on this matter and am reassured by NE that there are workable solutions available to mitigate any potential effects and that these mechanisms are comparatively well-established in other parts of the country facing similar pressure (for example, around the Thames Basin Heaths Special Protection Area).

I note your concerns about meeting the requirements of the 5-year land supply and the Housing Delivery Test under current circumstances. However, it is important to keep the planning system moving to enable it to play its full part in the economic recovery to come. As you note, we have made an adjustment to reflect the effects of COVID-19 on housebuilding and we will continue to monitor the situation by engaging with those local authorities who are facing challenges. Where the presumption in favour of sustainable development is applied, this will not be at the expense of important protected areas, such as the Green Belt, Ancient Woodland, and Areas of Outstanding Natural Beauty. They will continue to be protected through policies in the National Planning Policy Framework.

Finally, should you decide - in line with the Inspectors' recommendation – to withdraw the Local Plan and return to the Regulation 19 stage of the process, I will ask my officials to contact your planning team to see how we can best offer to support you, for example through utilising the Planning Advisory Service.

Thank you again for your letter. I hope you find this information helpful.



**RT HON CHRISTOPHER PINCHER MP**



# Housing Delivery Action Plan

March 2022

# Housing Delivery Action Plan

Purpose of this paper	To identify the reasons for housing under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery. To provide an annual update based on the Councils latest position and Housing Delivery Test (HDT) results.
Why?	A Housing Delivery Action Plan is required to be published where the Housing Delivery Test indicates that delivery has fallen below 95% of the Council's housing requirement over the previous three years.
Objectives	<ul style="list-style-type: none"><li>• To assess the causes of under-delivery.</li><li>• To identify actions to increase housing delivery in future years.</li></ul>

Any queries about the report should be sent to:

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# 1. Introduction

- 1.1 The Housing Delivery Test (HDT) is an annual measurement of housing delivery for plan-making authorities. Paragraph 76 of the National Planning Policy Framework (NPPF) states that:

*“Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.”*

- 1.2 This action plan identifies reasons for housing under-delivery and sets out measures the Council is taking to reduce further under-delivery and improve delivery going forwards. It follows the publication of the 2021 Housing Delivery Test measurement for Havant Borough in January 2022.

## Background

- 1.3 As a pro-development authority, the Council started preparation of the Havant Borough Local Plan to update the housing requirement since 2016. In doing so, the Council has embraced the obligations by Government, through the NPPF to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this meant 504 homes per year for the Borough at the date of the submission of the Havant Borough Local Plan (HBLP).
- 1.4 The HBLP was submitted for Examination on 12th February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors’ Interim Findings report was subsequently published in November 2021. The findings recommend a withdrawal of the HBLP from Examination, which will obviously result in a longer period before a new Local Plan is in place.
- 1.5 The adopted housing requirement of 315 dwellings per annum set out by the Core Strategy (2011) is now more than five years old. A step change in housing delivery is therefore needed to deliver the scale of housing need under the standard method, particularly in the context of the under-delivery of housing in Havant Borough in recent years.
- 1.6 In late 2018, the Dutch Case<sup>1</sup> resulted in the Council being unable to permit most housing developments for nearly 18 months. This had direct implications for the Borough’s Housing Delivery Test measurement and the Five Year Housing Land Supply. Whilst the 2021 Housing Delivery Test (HDT) measurement includes a relaxation to the ‘number of homes required’ during 2019/20 and 2020/21, this is insufficient relative to the scale of the issue the Dutch Case presented or the scale it leaves behind.

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<sup>1</sup> Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant (Case C-293/17 and C294/17) available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>

# The Housing Delivery Test

- 1.7 The HDT was introduced following the publication of the 2017 Housing White Paper<sup>2</sup> and was designed to hold local authorities to account in terms of ensuring the delivery of new homes in their area. This was to counterbalance the suite of measures given to local authorities to ensure developers build homes quickly.
- 1.8 Depending on the measurement of housing delivery under the HDT, a different set of policies from the National Planning Policy Framework (NPPF) apply:
- The authority is required to publish an ‘action plan’ if housing delivery falls below 95%;
  - Together with an action plan, a 20% buffer is required to be added to the five-year housing land supply requirement if delivery falls below 85%; and
  - Together with an action plan and 20% buffer, there is a presumption in favour of sustainable development if housing delivery falls below 75%.
- 1.9 This action plan is updated annually following the publication of the Government’s Housing Delivery Test results where housing delivery falls below 95%. 2021 has generated a HDT result of 74% and therefore a presumption in favour of sustainable development applies in Havant borough.

## The measurement

- 1.10 A summary of HDT measurements to date can be seen below. As the 2021 HDT falls below 95%, an action plan is required.

Year	Housing Delivery Test Results
2018	147%
2019	101%
2020	72%
2021	74%

- 1.11 Housing delivery is complex and whilst this action plan sets out what the Council is doing to increase housing delivery, there is only so much within its control. It is the Council’s opinion that it is also incumbent on landowners and developers to ensure housing sites come forward in a timely manner and are built out swiftly once planning permissions are granted.

## Decision taking

- 1.12 The NPPF indicates that the presumption in favour of sustainable development (paragraph 11d) applies to applications involving the provision of housing, and suggests that policies which are “most important” (usually housing policies), for determining the application are out of date where:

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<sup>2</sup> [Department for Communities and Local Government – Fixing our broken housing market – February 2017](#)

- The local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or
- Where the Housing Delivery Test indicates that housing delivery is less than 75% over the previous three years.

1.13 The Five Year Housing Land Supply Update (November 2021) indicates the Council is not currently able to demonstrate a five-year supply of deliverable sites.

1.14 In the context of the titled balance, planning permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore, the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. In Havant Borough, this comprises of:

- The Havant Borough Local Plan (Core Strategy) adopted March 2011
- The Havant Borough Local Plan (Allocations Plan) adopted July 2014
- The Hampshire Minerals and Waste Plan adopted October 2013
- The Emsworth Neighbourhood Plan 'made' September 2021

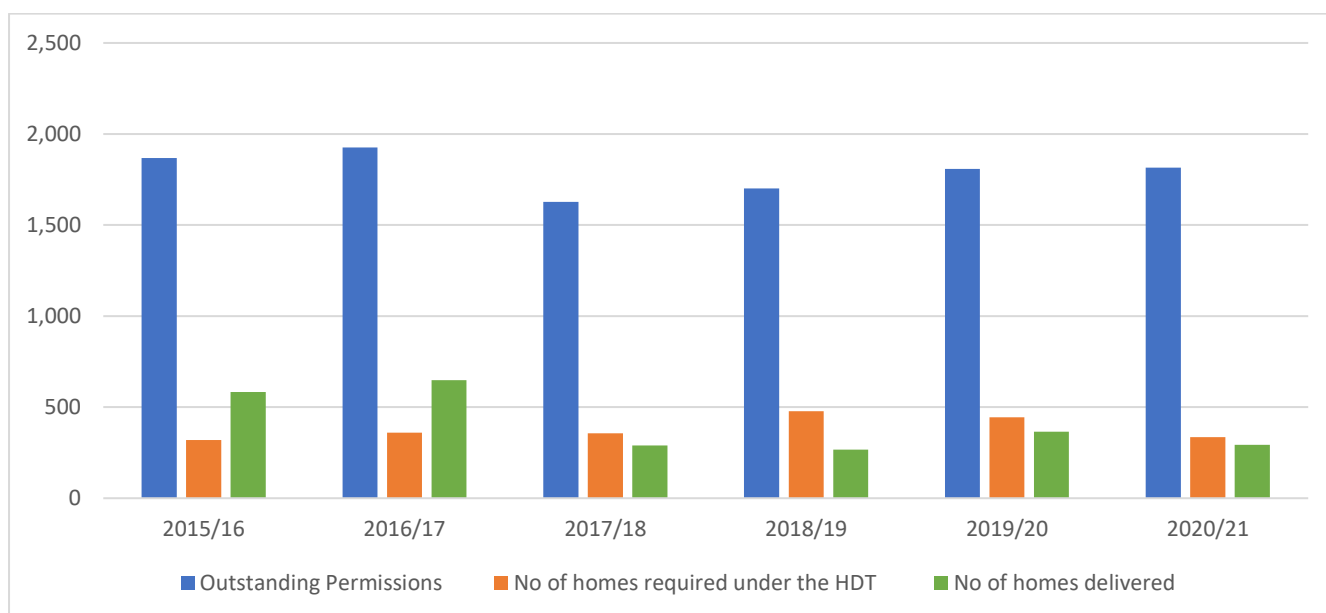
## 2. The emerging Local Plan

- 2.1 The Council started preparation of the Havant Borough Local Plan (HBLP) in 2016. In doing so, the Council embraced the need to update the housing requirement in line with the Government's standard method. This also involved the adoption of a [Local Plan Housing Statement](#) in December 2016 which took an innovative approach by identifying sites the Council considered suitable for 'early release' in advance of the HBLP.
- 2.2 The Local Plan Housing Statement made clear where the Council would accept the principle of high quality development on sites outside of the development plan whilst the Local Plan was being reviewed. As a result, planning permission was granted on two of the sites identified within it, in addition to pre-application engagement and application submissions on several more. The Council continued to take a similar approach to proposed allocations in the emerging HBLP whilst it was in production.
- 2.3 However, the small, constrained and heavily urbanised nature of Havant Borough means it was necessary to assess the suitability of land throughout the preparation of the HBLP. The Council's [Constraints and Supply Analysis](#) provides some on the context of the finite amount of undeveloped land available for development in Havant Borough. At the time the HBLP was submitted, the Plan demonstrated the Council's commitment to meet the Borough's objectively assessed need in full.
- 2.4 The HBLP was submitted for Examination on 12th February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors' Interim Findings report were subsequently published in November 2021. The Inspectors' Interim Findings raise concerns in relation to the deliverability of a number of housing sites and highlight the Council may not be able to meet its housing need as a result. The Inspectors highlighted that further information or updates to evidence base studies are needed in relation to the deliverability of a number of housing sites which mean the Council may not be able to meet its housing need over the plan period.
- 2.5 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Inspectors' Interim Findings report in the context of the NPPF. This will include updating the Hayling Island Transport Assessment and further information in relation to the deliverability of housing sites including evidence to show that mitigation can be provided for a number of housing sites.
- 2.6 In the interim, the Council has adopted a Housing Delivery Position Statement which sets out how planning applications for housing not in accordance with the development plan will be considered. Significantly, it recognises that the 'titled balance' will apply to most planning applications for housing under the presumption in favour of sustainable development.

# 3. Housing Delivery Analysis

- 3.1 Havant Borough Council has an established reputation as an ‘open for business’ local authority. It engages positively with the development industry and local communities to realise the benefits that sustainable development can bring. Despite this, of the 1,816 dwellings with outstanding planning permissions on 1st April 2021, only 293 dwellings (16%) were completed during 2020/21.
- 3.2 The following bar chart summarises the number of outstanding planning permissions as of 1 April relative to the ‘number of homes required’ under the Housing Delivery Test and completions that monitoring year (1 April – 31 March). It shows that in all three years, the Council granted sufficient planning permissions far in excess of the ‘number of homes required’ under the Housing Delivery Test (HDT), but ‘number of homes delivered’ fell short in all three years.

**Figure 1: Outstanding planning permissions relative to the number of homes required under the Housing Delivery Test results and the number of completions that monitoring year**



- 3.3 Figure 1 illustrates that completions were particularly suppressed in years 2017/18 and 2018/19. 2019/20 saw a slight upturn in completions, but completions were down again in 2020/21 potentially as a result of the disruption caused by the national lockdowns.

## Sites contributing to housing supply

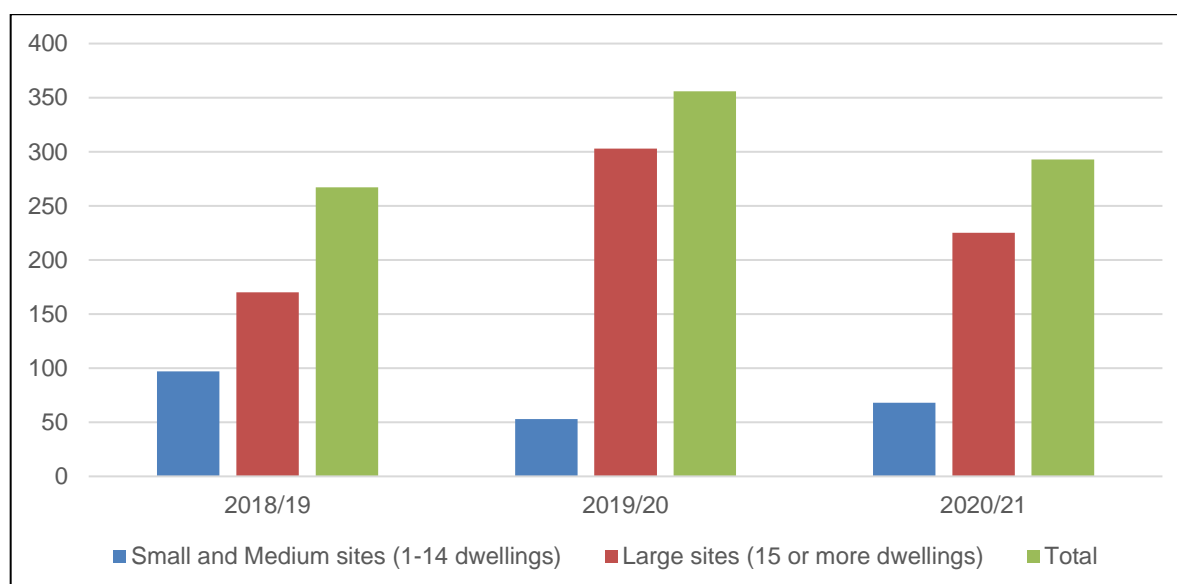
### Analysis of housing completions 2017/18-2020/21

- 3.4 For the purposes of this exercise, sites have been broken down into small (0-10 dwellings), medium (11-14 dwellings) and large (15 or more dwellings) categories.



**Figure 2: Analysis of completions according to contribution from site size**

Number of Completions	2018/19	2019/20	2020/21
Small (1-10 dwellings)	84	53	68
Medium (11-14 dwellings)	13	0	0
Large (15 or more dwellings)	170	303	225
<b>Total</b>	<b>267</b>	<b>356</b>	<b>293</b>
Percentage of smaller sites	31.5%	14.9%	23.2%
Percentage of medium sites	4.9%	0.0%	0.0%
<b>Total</b>	<b>36.3%</b>	<b>14.6%</b>	<b>23.2%</b>



- 3.5 The analysis shows that small sites have continued to make a significant contribution to the housing completions across the three year period. Whilst there has been no contribution from medium sites during the last two years, there has been a significant upturn in the proportion of completions from large sites.
- 3.6 The nutrient neutrality issue presented by the Dutch Case stalled most housing development during 2018/19 and 2019/20 particularly on non-agricultural sites. By implication it would appear that large sites (15 dwellings or more) have made a greater contribution to housing delivery in the last few years. Evidence of this is reduced during 2020/21 where there has been a resurgence in the amount of development coming forward on small sites.

### **Sites identified through the Housing Statement**

- 3.7 The Housing Statement (December 2016) identified a need for 11,250 homes between 2011 and 2036, based on the relevant objectively assessed need figure at the time. Taking completions,

outstanding planning permissions, windfall, and site allocations in the Allocations Plan (2014) into account, the Housing Statement recognised a need to find further sites to deliver 4,809 homes.

- 3.8 In order to address this gap, further sites on greenfield and previously developed urban extension sites were considered, and subsequently identified as being suitable for 'early release' through the Housing Statement.
- 3.9 Table 1 of the Housing Statement (re-produced below) shows the ten sites which the Council indicated that it would support the principle of residential development ahead of the adoption of the Havant Borough Local Plan, subject to compliance with the remainder of the policies in the Adopted Local Plan and the Guiding Principles in the Housing Statement.

**Table 1: Sites that would supported in principle ahead of the HBLP being adopted**

Site reference	Site	Indicative No. of dwellings
<b>Emsworth</b>		
UE67	Land to the rear of Redlands House	5
UE76	Land North of Long Copse Lane	260
UE02b	Land North and West of Selangor Avenue	154
<b>Havant and Bedhampton</b>		
UE28	Littlepark House, Bedhampton	47
UE30	Land South of Lower Road, Bedhampton	50
UE53	Land East of Castle Ave	60
UE55	Southleigh Park House	35
UE68	Forty Acres	300
<b>Waterlooville</b>		
UE70	Land East of College Road, Campdown	350
UE72	Land North of Fort Purbrook, Campdown	100
	<b>Total</b>	1361

- 3.10 The table shows that the ten Housing Statement sites had the potential to deliver 1,361 dwellings, with an additional 65 dwellings on newly identified, smaller sites within the urban area. It should be noted that Land North of Fort Purbrook, Redlands House, Land North and West of Selangor Avenue were not subsequently taken forward as allocations in the Local Plan, but the latter two sites have subsequently been built out<sup>3</sup>. The former is no longer available for development<sup>4</sup>.
- 3.11 The Housing Statement also identified Southleigh as a strategic site for the first time that would be explored further through the Local Plan's preparation process.
- 3.12 The Housing Statement reduced the shortfall between the number of sites available to provide homes and the scale of objectively assessed need. However, the Housing Statement indicated a significant gap remained between objectively assessed need for housing and the available supply.

<sup>3</sup> APP/18/00229; APP/18/00230 Redlands House and APP/16/00774 Land North and West of Selangor Avenue

<sup>4</sup> WV109 in the Council's [Strategic Housing Land Availability Assessment](#)

Despite this, the Council persevered to assesses the suitability of sites and the submitted HBLP set out that the Borough's objectively assessed need would be met in full by 2037.

- 3.13 Since the release of the Housing Statement in December 2016, Table 2 shows that only three of the ten sites have been granted planning permission with the potential to deliver 556 dwellings. Yet Land North and West of Selangor Avenue (APP/16/00774) is the only site to have subsequently commenced and has been built out (146 dwellings), representing just 10% of the total development potential from the Housing Statement sites. Forty Acres (APP/18/00450) has now commenced, with completions expected during 21/22.
- 3.14 This was disappointing given the innovative approach taken by the Council in adopting the Housing Statement at the start of the Local Plan review. However, several other sites were either progressed at the pre-application stage or submitted as planning application. These are summarised in Table 3.

**Table 2: Sites granted planning permission under the jurisdiction of the Housing Statement**

App/SHLAA Ref	Site Name	No of dwellings	Housing Statement site?	HBLP allocation?	Notes
<i>Sites granted planning permission under the jurisdiction of the Housing Statement</i>					
APP/16/00774	Land North and West of Selangor	147	✓	*	Site well under construction
APP/17/00863	Southleigh Park House	90	✓	✓	Not yet commenced
APP/18/00450	Forty Acres	320	✓	✓	Revised planning permission (reference APP/21/00605) to include additional 34 units

## Proposed allocations in the Local Plan

- 3.15 Planning applications on a number of other Housing Statement sites have since been submitted. However, they have done so in the context of proposed allocations in the HBLP, with a number of planning applications submitted whilst the HBLP was at Examination. As evidenced by the table below, the Council has been willing to support the principle of development on a number of sites in advance of the HBLP.
- 3.16 It is further evidence that the Council is doing everything it can in order to boost housing delivery in Havant Borough.

**Table 3: Sites granted planning permission in the context of their emerging HBLP allocation**

App/SHLAA Ref	Site Name	No of dwellings	Housing Statement site?	HBLP allocation?	Notes
<i>Sites proposed for allocation in the now withdrawn HBLP with planning permission</i>					
APP/19/00427	Land South of Lower Road	50	✓	✓	Granted on appeal
APP/19/00007	Camp Field, Bartons Road	72	*	✓	Non-material amendment (reference APP/21/01097)
APP/18/01033	Land East of Castle Avenue (phase 1)	69	✓	✓	Commenced

App/SHLAA Ref	Site Name	No of dwellings	Housing Statement site?	HBLP allocation?	Notes
APP/19/00768)	Land rear of 15-27 Horndean Road	16	x	✓	Commenced
APP/18/00724	Land north of Sinah Lane	195	x	✓	Pre-commencement requirements for a bird refuge

## Cause analysis

### Nutrient neutrality

- 3.17 The Council launched its own bespoke solution to addressing the need for development to be nutrient neutral at Warblington Farm<sup>5</sup> in August 2020. This innovative approach is now supported by a range of other mitigation schemes across South Hampshire<sup>6</sup>. Prior to the launch of the Council's strategic mitigation scheme, an estimated 242 homes were directly stalled and a further 409 significantly or principally backlogged by this issue.
- 3.18 Whilst there was an initial slow but steady take up of the Council's strategic mitigation scheme, the Council has sold 473 kilograms of nitrogen at the time of writing from Phase 1 over a 16 month period.
- 3.19 Whilst schemes on smaller sites are now being delivered, the nutrient neutrality issue has left a lasting legacy as completions were reduced following the Dutch case in late 2018 until the Council's mitigation scheme was launched in August 2020. The shortfall in housing delivery during this 18 month period has left a lasting legacy reflected in the Borough's Housing Delivery Test result.

### Macro-economic uncertainty and Covid-19

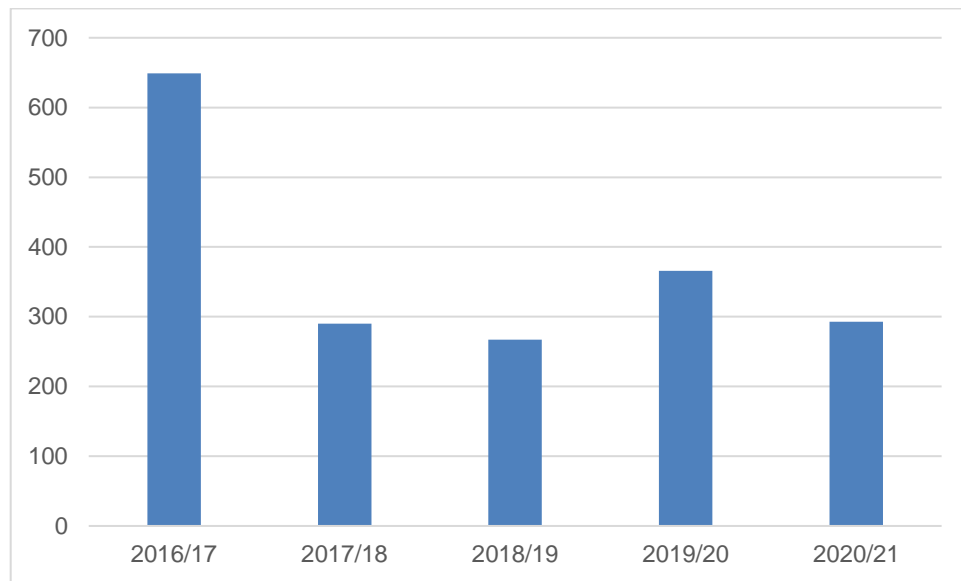
- 3.20 The impact of nutrient neutrality on housing delivery in Havant borough combined with macro-economic uncertainty have compounded housing delivery in recent years. Whilst the five-year land supply and Housing Delivery Test are intended to incentivise housing delivery, these issues are out of the Council's control.

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<sup>5</sup> For information, please see [Position Statement and Mitigation Plan for Nutrient Neutral Development \(August 2020\)](#).

<sup>6</sup> [Potential mitigation schemes available to developers](#)

**Figure 3: Number of housing completions (net) 2016/17-2020/21**



3.21 Figure 3 shows that whilst completions saw a modest rise in 2019/21 with 366 dwellings completed this has dropped back down to 293 in 2021/22. These are much lower figures compared to the completion figure achieved in 2016/17 (649 dwellings) prior to the impact of Covid and the Dutch Case.

### **The complex nature of sites in Havant Borough**

- 3.22 In addition to the sites included in Table 3, the Council has received a number of applications on sites that were proposed for allocation in the HBLP. A number of planning applications were submitted whilst the HBLP was at Examination, including housing proposals on ‘omission sites’ – sites that were not proposed for inclusion in the Plan. This reflects the Borough’s current five year housing land supply position and Housing Delivery Test result which means that the presumption in favour of sustainable development, the ‘tilted balance’, applies in Havant Borough.
- 3.23 In contrast, a number of planning applications have been in the system for some time, reflecting the complex nature of these sites. In a number of cases, the Inspectors’ Interim Findings highlighted the need to provide further information in relation to mitigation, notably that of Campdown (Last East of College Road) and Rook Farm (Land off St Marys Road).
- 3.24 The key issues affecting the ‘live’ major housing applications are summarised in Table 4 below.

**Table 4: 'Live' major housing applications**

Ref No	Address	HBLP allocation?	Application Type	No of dwellings	Validation Date	Key Issues
APP/18/00234	Wellington Way, Waterlooville	Part of KP2	Full	264	March 2018	Awaiting formal update from the applicant
APP/19/00224	Padnell Grange, Padnell Road, Waterlooville	✓	Full	86	March 2019	Protracted discussions regarding design and layout, and the need to retain Padnell Grange as a non-designated heritage asset. Applicant changed from Bellway Homes to the Borrow Foundation in April 2021.
APP/19/01101	Land East of College Road, Campdown, Waterlooville	✓	Hybrid	130 (Full) 650 (Outline)	December 2019	Following consultation responses from Historic England and Natural England, significant amendments are required to address highway, layout and design concerns. Inspectors' Interim findings highlight the need to provide further information re. heritage and habitat mitigation.
APP/19/01226	Land west of Coldharbour Farm	✓	Full	44	January 2020	Key outstanding issue relates to flood risk and the level of access required to avoid this. Revised flood risk information received in December 2021 and subject to consultation with the Environment Agency.
APP/20/00363	The Coal Yard, 178A West Street Havant	Within the built up area	Full	20	May 2020	Previous refusal relating to flood risk and highway issues. Applicant suggests these issues can be overcome.
APP/20/00658	Former Scottish and Southern Electric site, Bartons Road, Havant	✓	Full	175	October 2020	Application includes two drive-through restaurants and is for a greater quantum of development than envisaged by the allocation in the Adopted Local Plan (90 dwellings). Concerns regarding density and layout remain.
APP/21/00678 (APP/19/00007)	Camp Field (land to the west of Havant Crematorium), Bartons Road, Havant	✓	Reserved Matters	70	July 2021	Key outstanding issues relating to ecology, highways and layout/landscaping issues. Revised information submitted December 2021.

Ref No	Address	HBLP allocation?	Application Type	No of dwellings	Validation Date	Key Issues
APP/21/00647	Land south of The Mallards and west of Langstone Road, Havant (Southmere Field)	✘	Outline	65	August 2021	Principle of development not in accordance with the Development Plan – site not included in the withdrawn HBLP. Large number of objections received. Key issues include transport considerations following the Inspectors' Interim Findings and mitigation for Solent Waders and nutrient neutrality.
APP/21/00893	Land north of Long Copse Lane, Emsworth	✓	Outline	210	September 2021	Application valid and consultations underway. Large number of objections received.
APP/21/00989	Cabbagefield Row, Leigh Park	✓	Outline	150	September 2021	Key issues include trees and layout, the latter of which involves Passivhaus principles but with implications for the public realm.
APP/21/00857	Land at Sinah Lane, Hayling Island	✓	Variation of condition	195	September 2021	Minor changes to planning permission reference APP/18/00724.
APP/21/01071	Land south of Lower Road and west of Old Manor Farm, Havant	✓	Outline	43	October 2021	Principle of development not in accordance with the Development Plan – site not included as an allocation in the withdrawn Havant Borough Local Plan. Large number of objections received.
APP/21/00931	Dairy Crest Depot, Dunsbury Way, Havant	Within the built up area	Outline	31	October 2021	Reduction in number of units compared to planning permission reference APP/18/01109 (74 dwellings). Application withdrawn in January 2022.
APP/21/01010	Land east of St Georges Avenue, Havant		Full	194	October 2021	Key issue includes implications for the layout with a need to ensure land is safeguarded for A27 Junction improvements associated with the Southleigh Strategic site.
APP/21/01434	Rook Farm, land off St Mary's Road, Hayling Island	✘	Outline	300	January 2022	Quantum of development less than envisaged by the allocation H27 ('about' 390 dwellings). Inspectors' Interim findings highlight the need to provide further information re. habitat mitigation.

## Summary

- 3.25 The Council has held no control over the issues of the Dutch Case or the macroeconomic uncertainty with the Covid-19 pandemic. The Dutch Case impacted housing delivery significantly and the relaxation of the 'number of homes required' in the 2021 HDT is not sufficient to offset this. With housing delivery suppressed in recent years, there is a need for the Council to deliver an even greater step change in housing delivery to meet its objectively assessed need. This is considered to be extremely challenging in the context of the Borough's available housing land supply.
- 3.26 Whilst the Council sought to identify further sites to meet the Borough's housing need early on in the preparation of the HBLP, there has been relatively limited uptake from the development industry, and not enough homes have been delivered as a result. Whilst there are a number of further planning applications on sites now in the system in the context of their emerging allocations in the HBLP, these sites are not without environmental and technical constraints and progress on their determination has been slow as the evidence has not been provided showing how those constraints can be overcome.
- 3.27 Despite the HBLP being withdrawn, the Council will continue to support the principle of development on sites that were proposed as allocations in the context of five year housing land supply. In the context of Inspectors' Interim Findings and the Council's decision to withdraw the HBLP from Examination in particular, the following section sets out the steps and actions the Council is taking to address the under delivery and boost housing supply in Havant Borough.



# 4. Key Actions and Responses

## Short term actions

### **Housing Delivery Position Statement**

- 4.1 In the context of the Council's current housing land supply and Housing Delivery Test, the Council recognises the need to significantly boost the supply of housing in Havant Borough.
- 4.2 A key action is for the Council to put in place a new Position Statement which sets out how planning applications for housing not in accordance with the Development Plan will be considered. Development proposals which accord with the Development Plan will continue to be permitted without delay.
- 4.3 In the context of the characteristics of the Borough with various international nature conservation designations, and other inland natural and heritage designations it means that it is even more important that the Council is able to resist inappropriate development, and continue securing high quality development schemes. The Position Statement recognises that additional sites beyond those proposed as allocations (in the now withdrawn HBLP) will be needed and allows for development on sites where the principle was not previously identified.
- 4.4 The Position Statement does not of course replace the Development Plan for decision making purposes. Only a new Local Plan can ensure that the Borough's objectively assessed needs are met in a sustainable manner.

### **Nutrient neutrality mitigation**

- 4.5 Havant Borough was one of the first local planning authorities to have secured an off-site strategic mitigation scheme to address the issue of nutrient neutrality, which launched in August 2020. Alongside this, the Council undertook a marketing campaign including press releases and a Ministerial site visit to publicise the launch of the scheme to developers, investors and landowners. This is primarily targeted at development schemes where it is not possible to achieve nutrient neutrality on site.
- 4.6 The Council sees the implementation of the strategic mitigation package for nutrient neutrality as being key to enabling housing delivery and economic recovery following the pandemic.

## Medium term actions

### **Town centre regeneration**

- 4.7 The Council has an ambitious regeneration agenda and is taking an interventionist approach to regeneration of its town centres and Hayling Island Seafront. This includes substantial high-density residential development on in order to maximise their accessibility to public transport. The Council is investing in bringing these sites forward at pace, although they do contain challenges in terms of viability and land assembly.
- 4.8 This approach is necessary in order to boost economic growth and opportunities in the town centres, reinventing them for the 21<sup>st</sup> century. The approach is also necessary in order to boost

housing supply on brownfield sites in order to increase housing supply and address the Borough's housing need, with the Council playing an active role in development opportunities.

### **Southleigh Strategic site**

- 4.9 Southleigh, which is between the existing settlements of Denvilles and Emsworth has been identified by the Council as a strategic site for housing delivery since 2016, and is capable of providing around 2,100 dwellings.
- 4.10 Given the scale of the development proposed, significant infrastructure improvements will need to be delivered to make the new community sustainable. Due to the lead-in timescales needed to plan, obtain consent, and build the scheme, the Council will work in partnership with the landowners and interested delivery partners to bring about this large development.

### **A new Local Plan**

- 4.11 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Inspectors' Interim Findings report in the context of the NPPF. This will include discussions with neighbouring authorities regarding accommodating unmet housing need and updating any necessary evidence base, including the Hayling Island Transport Addendum.
- 4.12 In light of the Findings, the Council acknowledges that additional housing sites beyond those in the withdrawn HBLP will now be required to meet housing need in Havant Borough. This has led the Council to adopt an interim Housing Delivery Position Statement to manage housing delivery in the Borough.

## Summary

- 4.13 As a pro-development authority, Havant Borough is doing a great deal to boost housing supply and get housing sites delivered. The adoption of the Housing Delivery Position Statement is key to this. However, it is important that this is done in a responsible way given the physical and environmental constraints which exist – indeed, the Inspectors' Interim Findings indicate that the Borough may not be sustainably able to meet its housing need. Furthermore, it is evident that a great deal of the remaining available sites are affected by complex technical constraints which means that it takes time for housing on these sites to be delivered.
- 4.14 The Housing Delivery Position Statement is intended to provide guidance on how sites not in accordance with the Development Plan should be considered, particularly in the context of the presumption in favour of sustainable development and the 'tilted balance'. As such, in seeking to justify a departure from the Development Plan, applicants are expected to demonstrate that proposals comply with the development quality standards in the Statement.
- 4.15 The Council's strategic mitigation scheme at Warblington Farm alongside other sub-regional mitigation schemes will, however, continue to provide off-site mitigation for sites unable to achieve nutrient neutrality on-site. This will be key for small and medium sized sites which have consistently made a consistent contribution to housing supply in Havant borough.

# 5. Monitoring

- 5.1 The Council will continue to monitor housing completions and engage with developers and landowners promoting sites to ensure housing numbers and densities are delivered as per expectations in the housing trajectory. The monitoring of housing completions shall continue to be undertaken on an annual basis to inform the HDT measurement.
- 5.2 The Council will also monitor the take-up of the strategic mitigation package at Warblington. This innovative approach is now supported by a range of other mitigation schemes across South Hampshire. The Council will continue to promote the mitigation scheme to developers and landowners, making it clear that Havant Borough is “open for business”.



# Housing Delivery Position Statement

March 2022

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# 1. Introduction

- 1.1 The purpose of this Housing Delivery Position Statement is to set out how planning applications for housing not in accordance with the Development Plan will be considered in the context of the Council's current five year housing land supply and Housing Delivery Test measurement. Due to the under-delivery of housing in recent years there is currently a presumption in favour of sustainable development in Havant Borough. In this context, the 'tilted balance' will apply to most planning applications for housing.
- 1.2 Applying the tilted balance means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan, and National Planning Policy Framework (NPPF) when taken as a whole.
- 1.3 The publication of this Housing Delivery Position Statement follows the receipt of the Inspectors' Interim Findings report into their Examination of the Havant Borough Local Plan (HBLP) and the Council's decision to withdraw the Plan from Examination.

## Background

- 1.4 Havant Borough's Core Strategy (2011) and Allocations Plan (2014), Hampshire Minerals and Waste Plan (2013) and Emsworth Neighbourhood Plan (2021) together form the statutory Development Plan which forms the basis for determining planning applications and appeals in the Borough. However, the adopted housing requirement set out within the Core Strategy (2011) is more than five years old, based on a previous system of setting housing requirements and is in need of being updated in order to address objectively assessed needs in Havant Borough.
- 1.5 As a pro-development authority, the Council has been preparing the HBLP to update the Borough's housing requirement since 2016. In doing so, the Council has embraced the obligations imposed on it by Government through the NPPF, to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this meant 504 homes per year for the Borough had to be provided at the date of submission of the HBLP. Indeed, the Council has already granted planning permission on a number of sites that were proposed allocations in the now withdrawn HBLP in order to significantly boost housing supply.
- 1.6 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Interim Findings report in the context of the NPPF. This will include updating the Hayling Island Transport Addendum and considering further information in relation to the delivery of housing sites which may result in the Council not being able to meet its housing need. Where relevant to the delivery of sites, the Inspectors' concerns in the Interim Findings report are highlighted within this Position Statement.
- 1.7 In light of the Interim Findings report, the Council acknowledges that housing sites beyond those in the withdrawn HBLP will now be required to meet housing need in Havant Borough. A key action identified by the Council's Housing Delivery Action Plan is to support the principle of residential development on emerging allocations in advance of the Local Plan being adopted. In such cases, proposals should comply with the new requirements and standards in the emerging Local Plan which is necessary to justify a departure from the Development Plan. The objective of this Position Statement is to make this expectation clear to applicants and developers for decision making purposes.
- 1.8 In the context of the 'tilted balance', the characteristics of the Borough with various sites of international importance for nature conservation, and other inland nature and heritage designations

mean that it is even more important that the Council is able to resist inappropriate development and continue securing high quality development schemes. Some of the key environmental designations in Havant Borough are shown on the Environmental Designations Map which accompanies this Statement.

- 1.9 This Position Statement sets out how housing proposals not in accordance with the Development Plan will be considered by the Council in the context of the tilted balance in Havant Borough. This Statement does not replace the Development Plan for decision making purposes. However, this Statement has been adopted by the Council and will form a material consideration in the determination of planning applications until such time a new Local Plan is in place.



## 2. Decision Making Principles

### The Development Plan

- 2.1 The Development Plan in Havant Borough is made up of:
- The Havant Borough Local Plan (Core Strategy) adopted March 2011
  - The Havant Borough Local Plan (Allocations) adopted July 2014
  - The Hampshire Minerals and Waste Plan adopted October 2013
  - The Emsworth Neighbourhood Plan 'made' September 2021
- 2.2 Paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making. Planning applications and appeals should therefore continue to be considered against Development Plan policies unless there are material considerations which indicate otherwise.
- 2.3 The Council's five year housing land supply position and Housing Delivery Test measurement do not change this although they are material considerations which may be afforded substantial weight in the overall planning balance.

### Decision Making Principle 1 - Application of the Tilted Balance and the Habitat Regulations

- 2.4 There is a presumption in favour of sustainable development. Paragraph 11 of the NPPF indicates that this means:

*"c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*

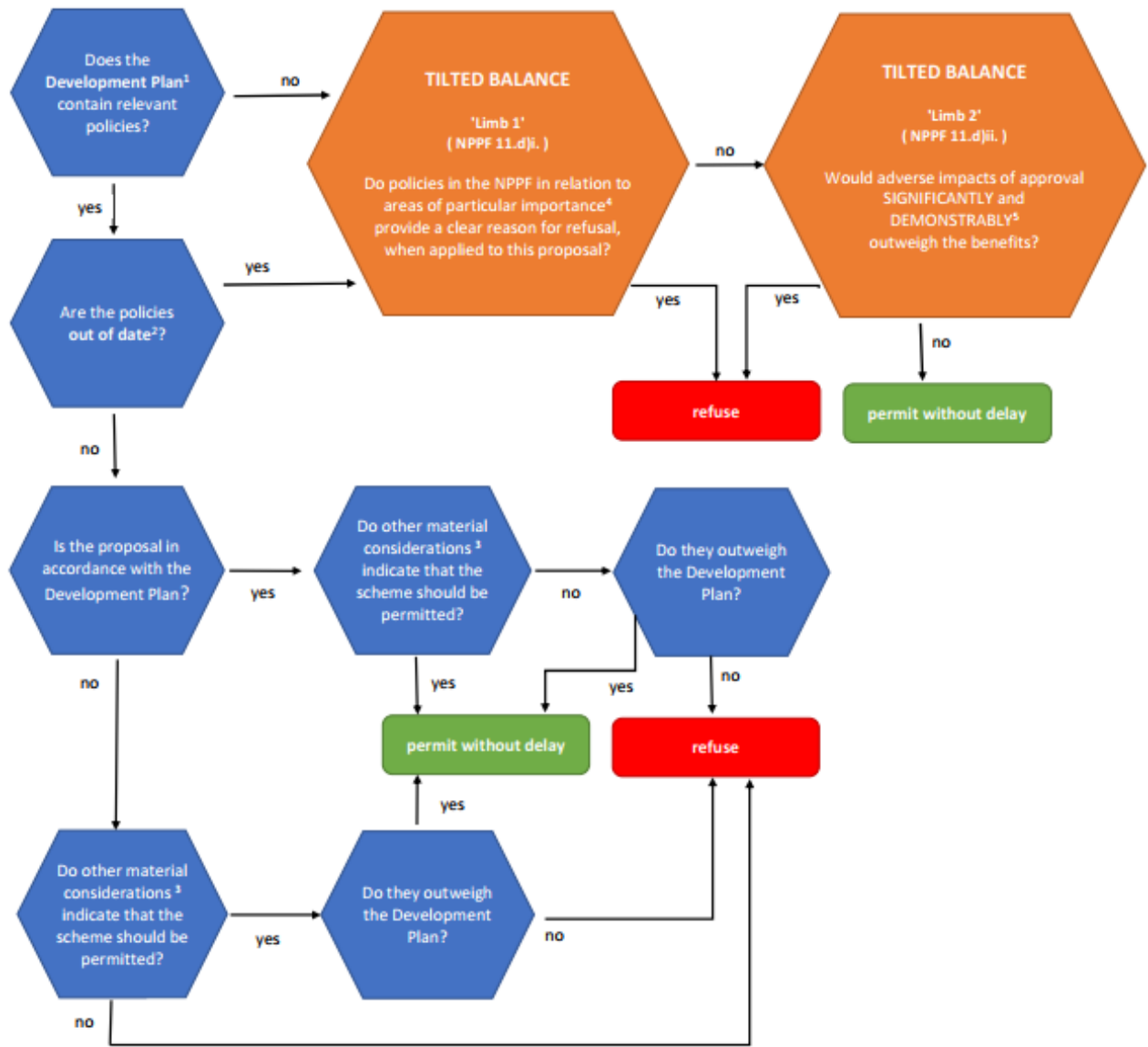
*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 2.5 Paragraph 11 d) of the NPPF applies where the Council is not able to demonstrate a five year supply of deliverable housing sites. As such, the 'tilted balance' under paragraph 11 d) ii. of the NPPF is engaged: this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Significantly, there can only be such a presumption where housing proposals are demonstrated to constitute 'sustainable development' in the context of the NPPF. The following flowchart summarises this.

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<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

<sup>2</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.



- 2.6 The full version of this flowchart including detailed footnotes is available from the Council's website.
- 2.7 However, there can be no presumption in favour where proposals would be likely to have a significant effect on sites of importance for international and national nature conservation. In such cases, a project level Habitat Regulations Assessment (HRA) and potentially an Environmental Impact Assessment (EIA) will be required by law. This is irrespective of the Council's five year housing land supply position.

**Decision Making Principle 1 – Application of the Tilted Balance and the Habitat Regulations**

The Development Plan forms the starting point for the determination of planning applications and appeals. The Council's five year housing land supply position and Housing Delivery Test measurement does not change this.

As a starting point, all housing proposals must be shown to constitute 'sustainable development' in accordance with the NPPF. Housing proposals on sites affected by NPPF Footnote 7 constraints will continue to be resisted.

In line with Paragraph 11 d) of the NPPF, the contribution that development proposals would make to housing supply will be given substantial weight. As such, planning permission will be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Housing proposals will be expected to be subject to detailed pre-application discussions, including public consultation undertaken by the developer prior to the submission of any formal planning application. In particular, proposals will need to address any concerns raised in the Inspectors' Interim Findings Report which are material to the site in question.

In accordance with Paragraph 182 of the NPPF, there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects).

#### Habitat Regulations

Housing proposals which have a likely significant effect on the Solent European sites will be required to undertake a project level Habitat Regulations Assessment and, if necessary, and an Appropriate Assessment which is agreed in consultation with the competent authority.

Where a package of avoidance and mitigation measures cannot be provided to remove any likely significant effect on the Solent European Sites, development proposals will be refused.

- 2.8 Irrespective of whether sites are in compliance with the Development Plan or not, the Council will expect applicants to engage thoroughly and extensively with the Council's pre-application advice service, and to include public consultation at this stage to ensure that the proposal has been appropriately influenced by this process.
- 2.9 The Emsworth Neighbourhood Plan is part of the statutory development plan. For clarity, paragraph 14 of the NPPF does not affect this Development Plan document due to the fact that the Emsworth Neighbourhood Plan does not contain allocations.

#### **Habitat Regulations**

- 2.10 A project level Habitats Regulations Assessment (HRA) will be prepared by the Council as the competent authority in line with the Habitats Regulations<sup>3</sup> as part of the determination of the planning application and the applicant will need to provide the necessary information to inform that assessment. The HRA will assess the effects of the proposal both alone and in combination with other plans and projects. If the development proposal is shown to have an adverse effect on site(s) of international importance for nature conservation, then planning permission cannot be lawfully granted.
- 2.11 The Council has strategies in place to address most of the significant effects that arise out of development in the Solent. This includes:
- The Bird Aware Solent Strategy which mitigates the significant effect caused by recreation
  - The Position Statement and Mitigation Plan on Nutrient Neutrality which is a strategy which mitigates the significant effect caused by water quality
  - The Solent Waders and Brent Goose Strategy which can mitigate the significant effect caused by habitat loss
  - The use of Construction Environment Management Plans which can mitigate the significant effect caused by construction activity
- 2.12 The mitigation identified through the [Position Statement and Mitigation Plan on Nutrient Neutrality](#) together with the mitigation proposals that the Council has identified in line with the Solent Waders and Brent Goose Strategy are scaled and intended for sites identified in the Development Plan and

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<sup>3</sup> See Regulation 63 of The Conservation of Habitats and Species Regulations 2017

the withdrawn Havant Borough Local Plan (HBLP). They will continue to evolve as further phases or sites are explored.

- 2.13 For sites which are not identified in either the Development Plan or Decision Making Principle 2 (allocations previously in the HBLP<sup>4</sup>), alternative mitigation strategies will need to be provided through the planning application. These should be provided through the pre-application process so a thorough consideration can be made. They will be formally considered through a Habitats Regulations Assessment as part of any planning application.

## Decision Making Principle 2 - Sites not in accordance with the Development Plan where the Council accepts the principle of development

- 2.14 Given the need to significantly boost housing supply in Havant Borough, the Council continues to support the principle of housing development on emerging site allocations that were proposed for allocation in the now withdrawn HBLP. Significant preparatory work has been carried out on these sites since the start of production of the HBLP in 2016, and they have also been subject to formal consultation. These are set out in Table 1.

- 2.15 A number of sites (denoted with a \*) in the following table are already allocated in the Development Plan either in whole or part, and were also proposed for allocation in the HBLP.

Site reference	Site	Indicative No. of dwellings
<b>Key Projects</b>		
TC1	Havant Town Centre	721
TC2	Leigh Park Centre	75
TC3	Waterlooville Town Centre	600
HY6	Northney Marina	40
HY17	Beachlands*	100
HY18	Eastoke Corner (north)	20
HY44	Southwood Road	35
STR1	Southleigh	2,100
HB14	Havant College Campus	65
WV7	South Downs College Car Park	95
<b>Emsworth</b>		
EM2	Gas Site, North Street	25
EM3	Land at Fowley Cottage	20
EM6A/EM6B	West of Coldharbour Farm*	44
EM7	Land north of Long Copse Lane	260
<b>Havant and Bedhampton</b>		
HB2	Portsmouth Water HQ*	135

<sup>4</sup> [Havant Borough Local Plan – Pre-Submission version with changes](#)

Site reference	Site	Indicative No. of dwellings
HB3	Land at Palk Road*	15
HB4	9 East Street	11
HB6	Littlepark House	50
HB7	Land south of Lower Road	50
HB8	Havant Garden Centre	85
HB9	Southleigh Park House	90
HB11B	Land East of Castle Avenue (Phase 2)	186
HB12	Helmsley House	15
<b>Hayling Island</b>		
HY1	Land rear of 13-21 Mengham Road	7
HY4	Sinah Lane	195
HY7	Fathoms Reach	55
HY8	Rook Farm	390
		See Decision Making Principle 4
<b>Leigh Park</b>		
LP1	Strouden Court*	55
LP2	Land at Riders Lane*	70
LP3	Land at Dunsbury Way*	15
LP4	SSE Site, Bartons Road*	80
LP5A	Cabbagefield Row*	155
<b>Waterlooville</b>		
WV1	Goodwillies Timber Yard*	120
WV2	Padnell Grange*	80
WV4	Blue Star*	90
WV6	Campdown	650
WV8	Land north of Highbank Avenue	25
WV9	Land at Waterlooville Golf Club	45
<b>TOTAL</b>		<b>4,394</b>

Table 1: Sites not in accordance with the Development Plan where the Council accepts the principle of development

- 2.16 The yields set out in Table 1 are based on the minimum density thresholds for net developable areas (as set out in the Council's Residential Density Evidence Paper).
- 2.17 As a starting point, the Council generally expects development proposals to achieve 40 dwellings per hectare on the net developable area of a site in line with Decision Making Principle 5. In instances where a planning permission is in place, or site layout plans have been produced that appear deliverable (but without prejudice to the determination of any subsequent planning application), then this more detailed information has been used to inform the likely yield included in Table 1.

## **Decision Making Principle 2 – Sites not in accordance with the Development Plan where the Council accepts the principle of development**

The principle of residential development in Table 1 sites will be supported in order to significantly boost housing supply in the Borough. Proposals coming forward on sites in Table 1 will be:

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

Compliance with the above criteria is considered necessary in order to justify a departure from the Development Plan. Sites on Hayling Island and in Langstone will also need to comply with Decision Making Principle 3.

If relevant, development proposals will also need to demonstrate how any concerns raised in the Interim Findings Report of the Examination of the Havant Borough Local Plan which are material to the site in question have been assessed, and overcome as part of the development proposals.

Development proposals on the Southleigh strategic site (as denoted by STR1 on the Position Statement Maps) will also be considered in accordance with Decision Making Principle 5.

- 2.18 In line with Decision Making Principle 1, permission should not normally be granted where development proposals do not comply with the Development Plan.
- 2.19 In order to justify a departure, it will be necessary for proposals to demonstrate they constitute sustainable development by demonstrating compliance with the remainder of the Development Plan and Decision Making Principles set out in this Statement. Applicants wishing to bring forward sites that were proposed as allocations in the now withdrawn HBLP are encouraged to familiarise themselves with the Site Opportunities and Constraints and the developer requirements associated with the relevant allocation available on the Council's website. This evidence and information should be used to inform the application and its associated technical assessments.

## **Decision Making Principle 3 - Assessment of summertime transport implications of development on Hayling Island and in Langstone**

- 2.20 Whilst the Council is seeking to boost the supply of housing in the Borough, this must be done in a responsible way, reflecting any concerns that the inspectors have raised on the withdrawn HBLP which are directly material to the determination of planning applications. No concerns are raised regarding the work to date on the Hayling Island Transport Assessment and its Addendum. However, the Inspectors' Interim Findings report identifies that further work and assessment is required in relation to the impact of development on the A3023 corridor in transport terms. The A3023 corridor is considered to constitute Hayling Island and north into Langstone up to and including the A27 roundabout.
- 2.21 The Council is progressing this workstream as a matter of priority. In the meantime, applicants wishing to progress proposals on Hayling Island and in Langstone should address the impacts of their proposals on summer traffic through pre-application discussions with Hampshire County Council and Havant Borough Council. This analysis should form part of the planning application, showing how a severe transport impact during summer and weekend periods would be avoided.
- 2.22 The Council will look to ensure that the matter is addressed prior to granting any planning permission for new housing on Hayling Island and Langstone, other than that supported by the

Development Plan. This could be through individual planning applications assessing the issue in combination with other planned development. Nonetheless the Council is also progressing the addendum swiftly so that its findings can inform development management decisions and avoid the need for the matter to be considered on a site-by-site basis.

### **Decision Making Principle 3 – Assessment of summertime transport implications of development on Hayling Island and Langstone**

This decision making principle applies to all development sites on Hayling Island and Langstone, other than those where the principle of development is supported by the Development Plan.

The Inspectors Interim Findings regarding summer traffic impact of development constitute a material consideration and will be afforded weight in the planning balance accordingly. Site specific Transport Assessments will be expected to address the concerns raised by the inspectors and demonstrate:

- There will not be an unacceptable impact on highway safety; and
- The residual cumulative impact on the road network will not be severe, including during tourist periods and at weekends.

If a planning application is submitted without an assessment of the summertime transport impacts of the proposed development, the Council will seek a planning performance agreement with the applicant to clearly identify the actions and timescales needed in relation to the determination of the planning application.

In addition to the criteria set out in Decision Making Principle 3, development proposals on such sites will be expected to demonstrate that they have taken into account issues raised by this work, and, if appropriate, include appropriate additional measures to mitigate any severe impacts on the road network.

2.23 The Council's Planning Policy Committee will scrutinise the Summer Addendum to the Hayling Island Transport Assessment prior to its publication.

2.24 Following its publication, this section of the Position Statement will be updated as appropriate.

### **Decision Making Principle 4 - Sites not in accordance with the Development Plan where the principle of development has not been previously identified**

2.25 Following the receipt of the Inspectors' Interim Findings report, it is evident that further sites will be needed to meet housing need and to significantly boost housing supply in the short term. Any submitted planning applications that are in neither the Development Plan, and have not previously identified (as an allocation in the withdrawn HBLP) will be assessed in line with the tilted balance (as set out in Decision Making Principle 1).

2.26 It is strongly recommended that site promoters of omission sites not included in the withdrawn HBLP and not in accordance with the Development Plan engage with the Council's pre-application advice service. Due to the lack of prior assessment, screening or consultation, additional pre-application advice services from statutory consultees may also be encouraged. It is also essential that pre-application consultation with the community takes place. This is a key objective set out under Decision Making Principle 1.

#### **Decision Making Principle 4 – Sites not in accordance with the Development Plan where the principle of development has not been previously identified**

The nature of Havant Borough means there are constraints affecting much of the undeveloped land outside of the built up area. In line with paragraph 38 of the NPPF, the Council will work with applicants to fully assess technical constraints affecting development sites, and explore whether mitigation packages can be secured to the satisfaction of the appropriate statutory consultee(s).

Development proposals not in Table 1 and not in accordance with the Development Plan will need to demonstrate that they constitute 'sustainable development' in accordance with the NPPF, by demonstrating that:

- The remaining requirements of the Development Plan and decision making principles set out in this Statement are complied with; and
- There will not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s).

In addition to the above, proposals will need to demonstrate they are deliverable in line with the definition in Annex 2 of the NPPF.

The Council will consider such development proposals in line with Paragraph 11 d) of the NPPF, against the decision making principles in this Position Statement. Substantial weight will be given to the material consideration of housing supply, considering the Borough's five year supply position at the point of determination.

#### **Deliverability**

- 2.27 Development proposals not in accordance with the Development Plan and not previously identified as a site allocation in the Havant Borough Local Plan will need to clearly show they are deliverable in accordance with the definition at Annex 2 of the NPPF:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

- 2.28 Therefore, if outline planning permission is granted as a departure to the Development Plan, it would be generally recommended that there is a shorter period for the submission of a valid reserved matters application (i.e. 2 years, normally 3 years).

#### **Decision Making Principle 5 - Development quality**

- 2.29 It is essential that new housing developments are built to a high quality and will stand the test of time. Government has been clear in updating the NPPF that:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve<sup>5</sup>".*

- 2.30 As such, whilst the Council is mindful that the rate of housing development needs to increase, it must be done whilst improving the quality of development. Challenges such as climate change and

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<sup>5</sup> NPPF Paragraph 126.



changing lifestyles following the coronavirus pandemic will be felt over the lifetime of development and as a result, development design needs to reflect these new realities.

- 2.31 Decision Making Principle 5 reflects the direction of travel set out by the withdrawn HBLP. In this respect, the Local Plan and CIL Viability Study considers the broad costs of these developer requirements and provides high level assurance that the various developer requirements set out in the HBLP which are replicated in the following Principle. It demonstrates that the development quality standards do not cumulatively harm the viability or deliverability of development. It should be borne in mind that similar considerations may apply as part of a new Local Plan.
- 2.32 For regeneration schemes within Havant, Waterlooville and Leigh Park town centres (as defined by TC1, TC2 and TC3 on the Position Statement Maps), the costs of site assembly mean that 30% affordable housing provision will not be viable. With these three town centres, the Council expects 20% of new homes on schemes or more to be provided as affordable housing.

### **Decision Making Principle 5 – Development quality**

Residential development will be expected to:

- a) Provide infrastructure which is needed to make the development acceptable in planning terms, in line with the Council's Infrastructure Delivery Plan and Developer Contributions Guide; and
- b) Are designed to a high standard, and, where relevant, demonstrate that design codes and guides which identify local character and distinctiveness have been taken into account; and
- c) Provide a minimum of 40 dwellings per hectare based on a net developable area, or where relevant, an alternative density based on the site capacity set out in Table 1; and
- d) Create new and improve existing pedestrian and cycle route linkages which connect to all parts of the development and facilitate easy and safe access to education, employment, and the natural environment for all users; and
- e) Incorporate a comprehensive ecological strategy, which achieves biodiversity net gain, and includes, but is not limited to:
  - i. The retention and integration of any protected trees and hedgerows.
  - ii. The retention and enhancement of any local nature conservation designations on or affected by the development;
  - iii. Mitigation for any protected species, including appropriate buffers;
  - iv. The creation of green linkages and wildlife corridors within and through the site, making the best use of existing natural features; and
- f) Provide electric vehicle charging infrastructure for each new residential unit with private off-street parking; and
- g) Meet the nationally described space standards for new homes provided; and
- h) Provide outdoor private and/or communal amenity space for all residential units; and
- i) Achieve a reduction in CO<sub>2</sub> emissions of at least 19% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate (TER) of Part L of the Building Regulations; and

- j) Provide a drainage strategy suitable to the site which incorporates appropriate Sustainable Drainage Systems (SuDS) to an adoptable standard; and
- k) Provide for the sustainable management and maintenance of any new 'common parts' through a legal agreement.

In addition to the above, developments of 10 dwellings or more will be expected to:

- l) Provide 30% affordable housing outside of Havant, Waterlooville and Leigh Park town centres; and 20% affordable housing on sites within Havant, Waterlooville and Leigh Park town centres (as defined by TC1, TC2 and TC3 on the Position Statement Maps); and
- m) Deliver 30% of homes designed to meet Part M4(2) of the Building Regulations; and
- n) Provide a range of dwelling types and sizes to meet local housing need, including 35% of the overall housing mix as two bedroom homes unless locally identified need evidence indicates an alternative approach should be taken.

In addition to the above, developments of 20 dwellings or more will be expected to:

- o) Contribute towards a community officer, to help new residents in the development integrate into existing communities.

In addition to the above, developments of 50 dwellings or more will be expected to:

- p) Provide high quality on-site open space to a standard of 1.5ha per 1,000 population; and an element of play where the open space requirement exceeds 0.5ha. On greenfield sites, part of this requirement will be provided in the form of community food growing space, to a standard of at least 0.2ha per 1,000 population; and
- q) Deliver 2% of homes designed to meet Part M4(3) of the Building Regulations as part of the affordable housing provision in addition to m).

In addition to the above, developments of 100 dwellings or more will be expected to:

- r) Support local people in accessing employment and skills training either through a financial contribution or a site specific skills and employment plan.

2.33 The Council will give substantial weight where proposals demonstrate compliance with these development quality standards. This reflects the Council's objectives to achieve quality of places and the creation of sustainable places and buildings which are also key objectives of the NPPF.

2.34 Applicants on sites being considered in line with this Position Statement should include a 'development quality standards checklist' with their application, clearly setting out, in table form, their compliance with the requirements of Decision Making Principle 5. A template checklist is available on the Council's website.

2.35 If it is considered that there are planning constraints which mean that full compliance is not possible, this should be explained in the statement whilst the level of compliance should also be highlighted (in full, in part or failure to comply). Proposals shall be supported with sufficient detail in order to provide comprehensive justification for a departure to the Development Plan.

#### Viability and Affordable Housing Delivery

2.36 There is a large need for affordable housing in the Borough and so a need to maximise delivery of homes which meet a genuine affordable housing need. Nonetheless, the approach provides flexibility where site conditions may influence the actual level of affordable housing requirement

which can be provided without undermining the overall viability of the scheme. This is particularly relevant for regeneration sites in the Borough's town centres. If providing policy compliant affordable housing provision would render a scheme unviable, the Council will expect the applicant to maximise affordable housing provision within the limits of viability. The amount of affordable housing which can be provided must be evidenced by an open book financial appraisal. This must demonstrate that the applicant has explored all options for the amount, mix and type of affordable housing that will meet a genuine affordable housing need in consultation with the Council. The Council will expect applicants to provide site-specific viability assessments which follow standardised inputs

- 2.37 Where a comprehensively justified open book viability assessment is submitted with the planning application, this will be reviewed by the Council on its merits. In such cases, independent third-party valuation will be required at the applicant's cost. This will critically examine the viability of the development scheme and the level of affordable housing or commuted sum that can be provided without threatening viability.

### **Decision Making Principle 6 - Southleigh Strategic site**

- 2.38 Southleigh, between the existing settlements of Denvilles and Emsworth has been identified by the Council as a strategic site for housing delivery since 2016, being capable of providing around 2,100 dwellings.
- 2.39 Given the scale of the development proposed at Southleigh, significant infrastructure improvements will need to be delivered to make the new community sustainable and to mitigate negative effects on existing communities. To achieve this, the new community must be planned comprehensively, together with the required infrastructure in line with the Framework Masterplan for the site. Piecemeal development of this site will not be considered to be appropriate, although it is acknowledged that such a large site is likely to come forward in phases, again informed by the masterplanning work.

#### **Decision Making Principle 6 – Southleigh Strategic Site**










The Southleigh strategic site (as denoted by STR1 on the Position Statement Map) is identified for the delivery of 2,100 dwellings and associated infrastructure. Development proposals will be expected to deliver comprehensive development which accords with an agreed masterplan. Piecemeal development of the site will be unacceptable.

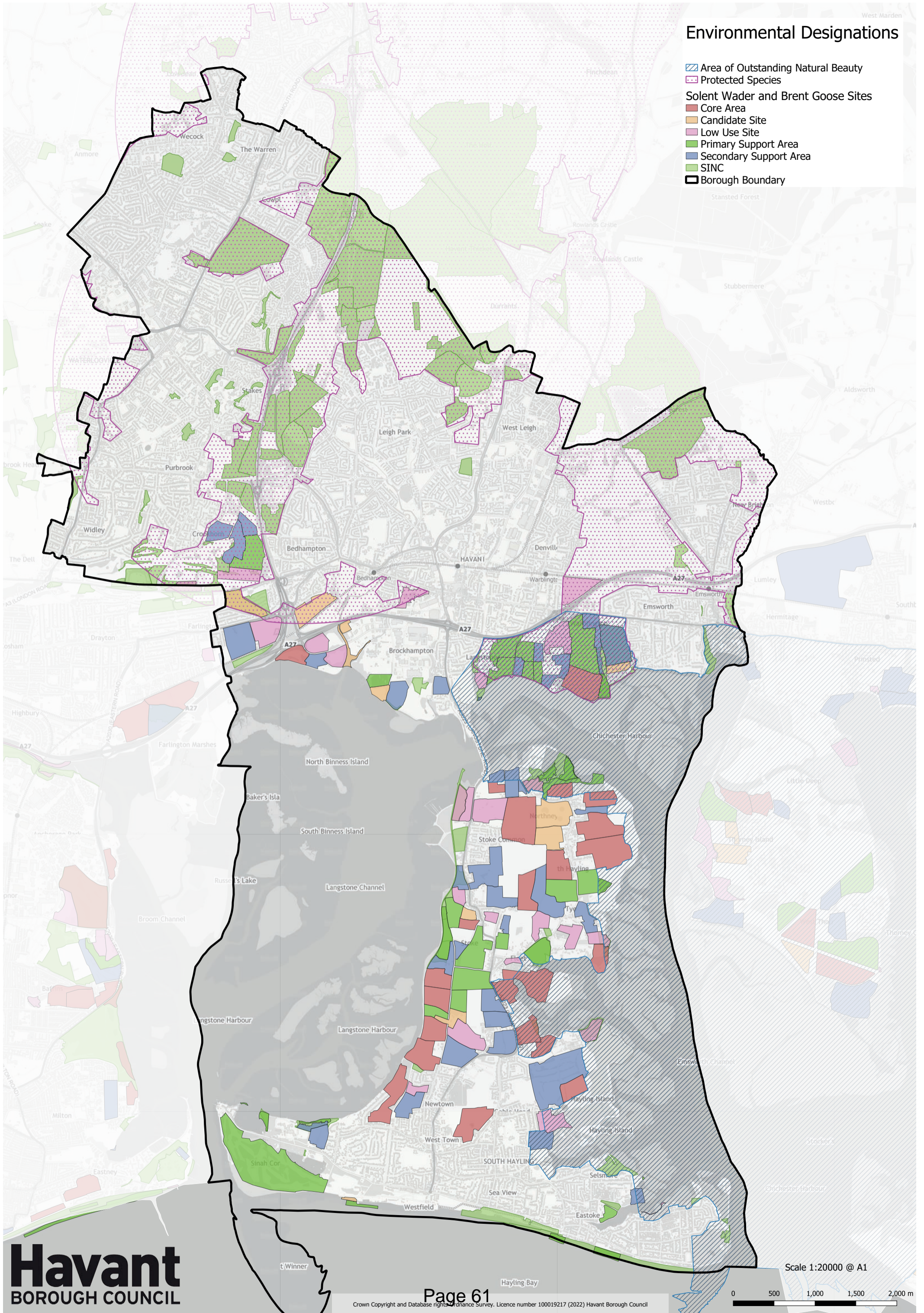
Development proposals which prejudice the future delivery of A27 junction improvements to facilitate access arrangements to the Southleigh strategic site will be resisted. Land is safeguarded for this purpose is shown on the Position Statement Map. In such cases, applications will be premature in terms of undermining the future delivery of the strategic housing site under NPPF, Paragraph 49.

- 2.40 The Mainland Transport Assessment indicates the development may not need a direct access onto the A27, but it also makes clear that the sub-regional transport model has limitations in its ability to isolate the impact of individual sites. Therefore, at an early stage it will be necessary for the applicant to test in further detail the need for an access from this site directly onto the A27. Until it is irrefutably demonstrated that such an access is not needed, land is safeguarded (as defined on the Position Statement Map) to allow it to be delivered at an appropriate stage in this development.



# Environmental Designations

-  Area of Outstanding Natural Beauty
-  Protected Species
- Solent Wader and Brent Goose Sites**
-  Core Area
-  Candidate Site
-  Low Use Site
-  Primary Support Area
-  Secondary Support Area
-  SINC
-  Borough Boundary



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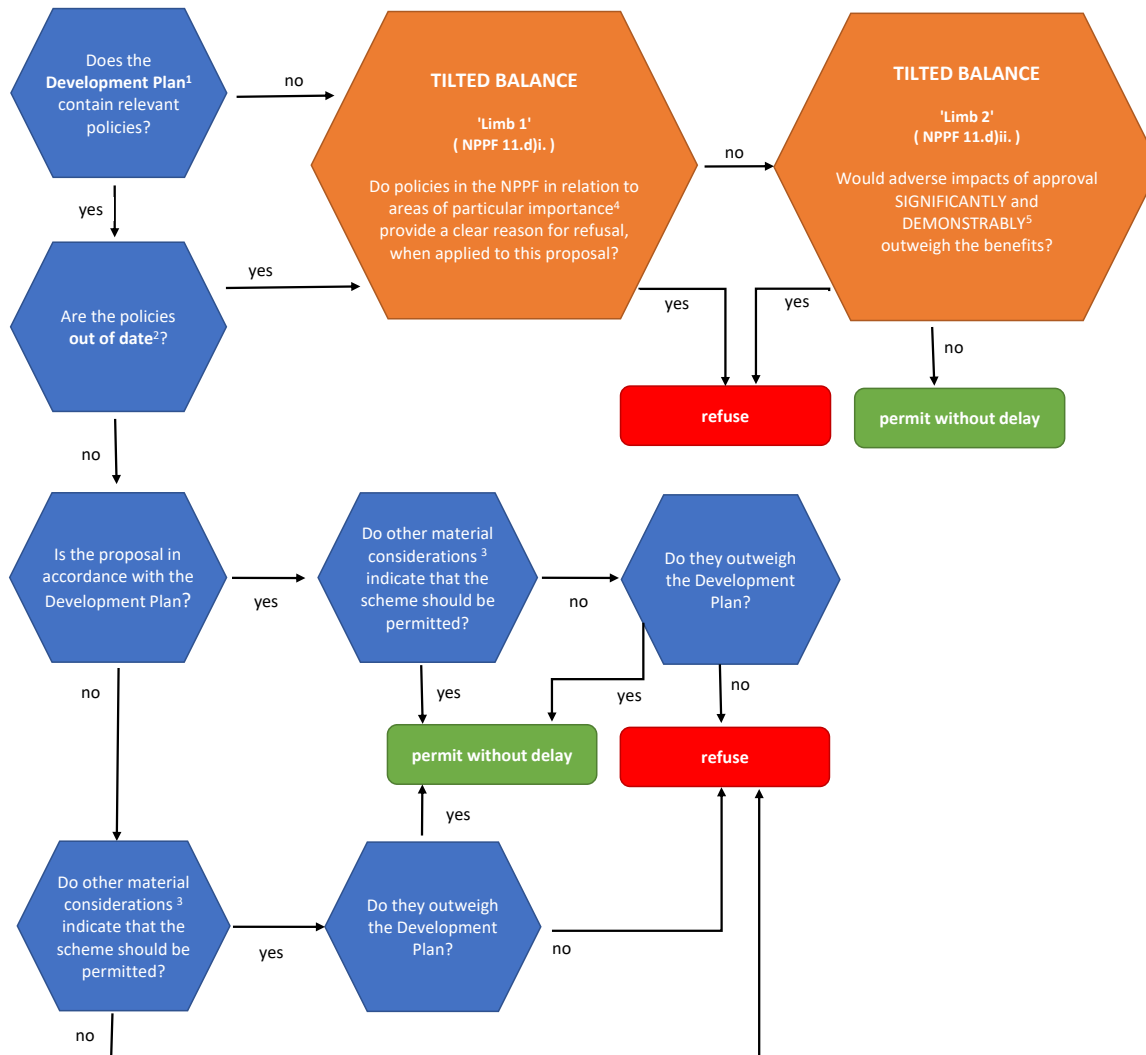
## Paragraph 11, NPPF: The 'tilted balance'

Planning Legislation\* requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. This means that the decision taker must take as a starting point the Development Plan and balance it and all other material considerations to arrive at a decision on whether or not to grant planning permission. If the harms outweigh the benefits, planning permission will usually be refused.

Paragraph 11 of the NPPF, under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. This is the case where there are no relevant policies in the Development Plan or the relevant policies are 'out of date'. These circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld.

The flow chart below is designed to help explain the circumstances where the tilted balance must be applied.

\*Town and Country Planning Act 1990 Act, section 70(2) and Planning and Compulsory Purchase 2004 Act section 38(6)



### NOTES

<sup>1</sup> The Development Plan is always the starting point for decisions. In Havant it consists of:

- HBC Core Strategy (2011)
- HBC Site Allocations Plan (2014)
- HCC Hampshire Minerals and Waste Plan (2013)
- Emsworth Neighbourhood Plan (2021)

**NB plans that have not yet been adopted are NOT part of the Development Plan.**

<sup>2</sup> On housing proposals 'out of date' includes situations where the local planning authority cannot demonstrate a **five year supply** of deliverable housing sites with the appropriate buffer; or where the **Housing Delivery Test** indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

<sup>3</sup> Other Material Considerations may include:

- The NPPF
- An emerging policy or plan at advanced stage of preparation
- Supplementary Planning Documents (SPDs)
- Previous planning decision, including appeals
- Views of statutory consultees

**NB this is NOT an exhaustive or definitive list**

<sup>4</sup> Consider only those designations noted in footnote 7 of the NPPF, which are relevant in Havant:

- Habitats sites and/or and SSSIs and land needed as mitigation
- Local Green Spaces
- Areas of Outstanding Natural Beauty (Chichester Harbour)
- Irreplaceable habitats (including ancient woodland and veteran trees),
- Designated heritage assets,
- Areas at risk of flooding or coastal change.

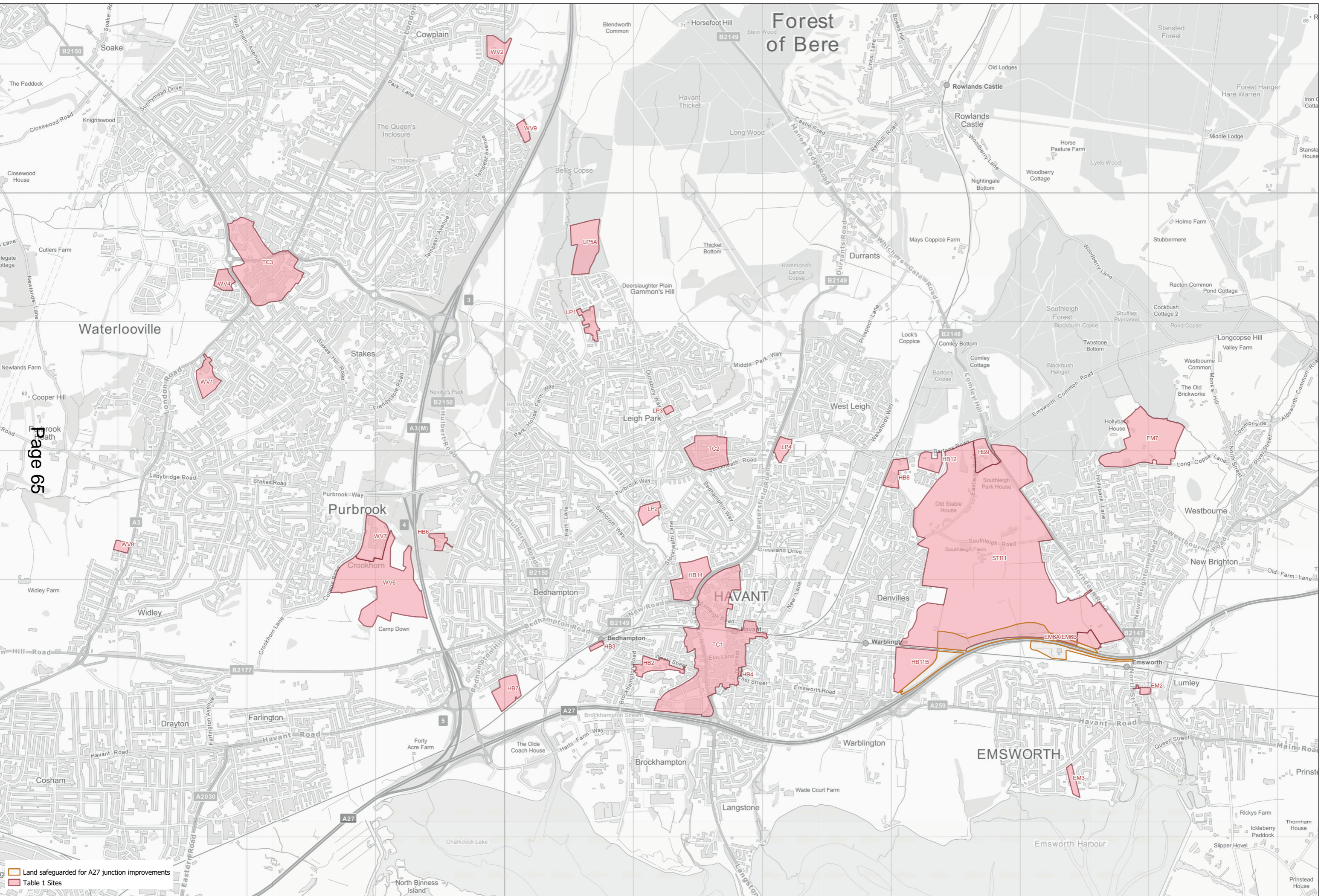
<sup>5</sup> NB applying the tilted balance does NOT exclude Development Plan policies from being considered in the balance.

However, a high bar for refusal is set here. It is not enough for there to be some harm or negative effects, or for a scheme to be less than ideal (e.g. where it does not comply with local or national policy in some regard).

The harm must be **significant and demonstrable**.

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Land safeguarded for A27 junction improvements  
 Table 1 Sites

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■ Land safeguarded for A27 junction improvements  
■ Table 1 Sites

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NON-EXEMPT

## HAVANT BOROUGH COUNCIL

Planning Policy Committee

22 February 2022

### Community Infrastructure Levy (CIL) Spending Protocol

#### FOR DECISION

Cabinet Lead: Councillor Gwen Robinson – Cabinet Lead for Housing, Communities and CIL

Key Decision: Yes

Report Number: *HBC/442/22*

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#### 1. Purpose

- 1.1. This report is submitted to the Planning Policy Committee for onward recommendation to Council.
- 1.2. The report considers whether the revised Community Infrastructure Levy Spending Protocol should be approved for use in CIL spending decisions.

#### 2. Recommendations

- 2.1. Members are requested to recommend to Council:
  - a) To approve the Community Infrastructure Levy (CIL) Spending Protocol in the Appendix for use in CIL spending decisions;
  - b) To grant delegated authority to the Head of Planning to amend the CIL Spending Protocol, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters). Such changes shall be limited to

- i. the correction of factual errors and changes necessary to accommodate national or local changes in regulations, guidance or procedures and shall not otherwise alter the meaning of the protocol;
  - ii. amending the Annual Funding Awards for the Neighbourhood Portion as set out in Part 4 of the CIL Spending Protocol where scrutiny by the Planning Policy Committee suggests this should be the case; and
  - iii. Amending the branding of the Spending Protocol to align with the Council's Corporate Strategy and wider place-making and regeneration agenda and commentary within the document.
- c) To grant delegated authority to the Head of Planning, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters) to prepare guidance and relevant processes for the implementation and administration of CIL spending decisions in line with the Spending Protocol;
- d) To grant delegated authority to the Community Infrastructure Officer/Team Leader, in consultation with the Head of Planning and the Cabinet Lead, to approve spends from the neighbourhood portion and interim Strategic CIL spends with a value of no greater than £10,000.
- e) To grant delegated authority to the Cabinet Lead responsible for CIL to approve interim spends greater than £10,000, in consultation with the S151 Officer, and, where the value exceeds £50,000, after consideration by the Planning Policy Committee.
- f) To grant delegated authority to the Community Infrastructure Officer/Team Leader, in consultation with the Head of Planning and the Cabinet Lead, to approve spends from the neighbourhood portion;
- g) To grant delegated authority to the Community Infrastructure Officer/Team Leader to assign available neighbourhood portion funds for 2022/23 in line with section 4.8 of the Spending Protocol;

### **3. Executive Summary**

- 3.1. The Council collects Community Infrastructure Levy (CIL) monies from developers that undertake building projects in the borough. The purpose of the CIL Spending Protocol is to guide spending decisions in relation to these funds, and to make that process transparent.
- 3.2. While a protocol already exists and has guided previous rounds of CIL spending, the Cabinet agreed in July 2020 that an update was needed to take into account experience gained from earlier years.
- 3.3. The revised protocol gives a basic introduction to CIL, sets out the principles which guide the spending of the Strategic CIL and the Neighbourhood Portion and explains how the collection and spend of monies is monitored.
- 3.4. The Council is asked to approve the revised protocol for use in future spending decisions, together with a number of related recommendations.

### **4. Additional Budgetary Implications**

None

### **5. Background and relationship to Corporate Strategy and/or Business Plans**

#### **Background**

- 5.1. Havant Borough Council is responsible for making the final decision on the allocation of funding raised through the Community Infrastructure Levy (CIL) in its area. The aim of the CIL Spending Protocol is to ensure that the decision-making process is transparent. It will guide the way future spend from CIL funds is allocated to projects.
- 5.2. The Council introduced its Community Infrastructure Levy in 2015. Systems for collection are well established and several annual spending rounds have taken place, which have funded significant strategic and local community infrastructure projects. The process has been guided by a CIL Spending Protocol. It is necessary to update this protocol, to take account of experience gained from use of previous iterations of the protocol on annual

spending rounds to 2021 and changes in priorities. The update was agreed by Cabinet in July 2020 and was included in the Corporate Action Plan for 2020/21.

- 5.3. The revised protocol, attached as an Appendix to this report, gives a basic introduction to CIL, sets out the principles which guide the spending of the Strategic CIL and the Neighbourhood Portion and explains how the collection and spend of monies is monitored.

### **Clear and strong principles guiding decision making**

- 5.4. The aim of CIL spending is to provide the infrastructure that's needed to implement the Council's Corporate Strategy together with its key development and place-making strategies, namely the Local Plan and the Havant Regeneration Strategy.
- 5.5. While criteria have always been used to assess CIL bids, the revised protocol sets out clearly the guiding principles which should underpin all CIL spending decisions:
  - a) funding infrastructure to support the development of the area, in line with national regulations
  - b) making best use of funds by clearly defining expectations of CIL funded projects and only allocating CIL funds to those project which meet them
  - c) maximising the reach of CIL by enshrining the principle of match funding.

### **Neighbourhood Areas**

- 5.6. It is proposed that in future spending of the Neighbourhood Portion is to be considered on a borough-wide basis, as opposed to by smaller areas.
- 5.7. The Neighbourhood Portion will be made available on an annual basis to project delivery teams responsible for infrastructure assets owned and managed by Havant Borough Council<sup>1</sup>.

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<sup>1</sup> In some cases, particularly in Leigh Park, the facilities may be owned and operated by Portsmouth City Council



- 5.8. The revised protocol also sets out how the uplift in CIL spending in areas with an adopted neighbourhood plan will be managed. The CIL regulations provide that 25% of the CIL receipts from development falls due to such areas, rather than 15% where there is no neighbourhood plan. It is proposed that the original 15% of CIL receipts for the area is considered as part of the wider allocation of funds, with the uplift of 10% ringfenced specifically to the Neighbourhood Plan area.
- 5.9. At this point, Emsworth is the only part of the Borough which is covered by a Neighbourhood Plan.

### **Delegations**

- 5.10. Several delegations are proposed through this report:
- 5.11. The first (recommendation 2.1b) is to allow officers, in consultation with the Cabinet Lead responsible for CIL, to make amendments to the protocol. Any changes to the Spending Protocol made under this delegation would be exceptional and would only be used to make changes that are necessary to correct factual errors or to ensure compliance and consistency with national or local regulations, guidance and procedures. A further element of this delegation is to allow changes to be made to the Annual Funding Awards for the Neighbourhood Portion as set out in Part of the Protocol. The protocol sets out that the Planning Policy Committee will keep under review the appropriateness of the split between the Infrastructure Asset Themes. This delegation allows changes to be made to the Protocol if the planning Policy Committee determines that the split is no longer appropriate and should be changed.
- 5.12. Authorisation is sought under recommendation 2.1c for officers, in consultation with the Cabinet Lead, to prepare guidance and relevant processes for the implementation and administration of CIL spending decisions in line with the Spending Protocol; These matters have been removed from the protocol itself, as flexibility is required to adapt to changing circumstances, for example in staffing and administration arrangements. Any

documents prepared under this delegation would not alter or supersede the content of the protocol and would be in line with the principles set out in it.

- 5.13. A further delegation sought is for the approval of interim spends from the strategic pot between formal spending rounds (recommendations 2.1d and 2.1e). It is proposed that interim spends up to £10,000 may be authorised by officers in discussion with the Cabinet Lead. This delegation is designed to allow for limited overspends on agreed projects should the need arise. Any spend above this amount would have to be authorised through a delegated report to the Cabinet Lead, in consultation with the Monitoring Officer, and, where the amount exceeds £50,000, after consideration by the Planning Policy Committee. This delegation would allow funds to be committed to strategic projects outside of the annual allocation process if it becomes expedient to do so. The protocol makes clear that such interim spends should be exceptional and sets out criteria that must be met for such decision to be made.
- 5.14. A delegation is also sought for officers to approve spends from the Neighbourhood Portion, in consultation with the Cabinet Lead (recommendation 2.1f). Only spends that follow the process and meet the criteria set out in the CIL Protocol will be approved under this delegation.
- 5.15. Finally, recommendation 2.1g seeks a delegation for officers to assign available neighbourhood portion funds to the infrastructure asset themes set out in section 4.8 of the CIL Spending Protocol. This delegation is only required for the financial year 2022/23, as this report is being considered after the setting of the budget. In future years, these funds will be assigned through the budget setting process.

## **6. Options considered**

- 6.1. The proposed protocol takes into account the experience gained from several years of CIL spending rounds. It sets out transparently the expectations of CIL funded projects.

- 6.2. An alternative would have been not to update the protocol. This would leave the decision making processes more open to interpretation and variation in each spending round, which in turn could lead to inconsistency in decision making and less transparency.
- 6.3. A further alternative would have been a draft protocol which was considered, and approved, by the Planning Policy Committee on 19 July 2021<sup>2</sup>. Upon further discussions between officers and Cabinet members, it was concluded that the approach would not maximise the delivery of the relevant strategies, and officers were instructed to prepare an alternative approach, which is the subject of this report.

## **7. Resource Implications**

### **7.1. Financial Implications**

While the CIL Protocol sets out the process and the criteria to be applied to decision on allocating funds from the Community Infrastructure Levy, no specific financial implications arise from its contents. Agreeing the protocol will assist in transparent decision making in future CIL spending decisions.

#### **Section 151 Officer comments**

Date: 10 December 2021

Financial changes in this report reflect changes in both the Council's constitution and national guidance.

### **7.2. Human resources Implications**

The administration of CIL is covered by existing posts within the Planning Service.

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<sup>2</sup> <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=531&Mid=11432&Ver=4>

### 7.3. Information Governance Implications

While as part of the process of collecting and spending CIL, personal information is handled, the CIL protocol itself, which is the subject of this report, does not involve the use of personal identifiable information/data and/or personal sensitive or confidential information/data.

### 7.4. Other resource implications

CIL funding includes an allowance of 5% of the total income taken to be spent on CIL administration, which funds the posts referred to under the 'Human Resources Implications' heading.

## 8. Legal Implications

- 8.1. The collection and spend of CIL is governed by The Community Infrastructure Levy Regulations 2010 as amended. The proposed Protocol is in line with these provisions.

### **Monitoring Officer comments**

The Community Infrastructure Levy (CIL) is one important source of funding which can contribute to the cost of infrastructure needed to support development across the Council area.

To ensure consistent and equitable application of the money collected, a clear CIL governance structure to oversee the spending of CIL monies is desirable and this report proposes the key governance arrangements around this to ensure CIL serves its purpose.

**Mark Watkins, DMO**

## 9. Risks

- 9.1. Risks to the Council as a result of this decision are minimal. The protocol is designed to ensure that funds will be spent in line with the Community Infrastructure Regulations.

## **10. Consultation**

- 10.1. The CIL protocol has been drafted in close consultation with the Leader and the Cabinet Lead for Housing, Communities and CIL. The content of the update was also presented to Cabinet Briefing.

## **11. Communication**

- 11.1. No particular communications are planned following approval of this protocol, although it will be made available on the CIL pages of the Council's website.

## **12. Appendices**

- 12.1. Community Infrastructure Levy Spending Protocol (2022)

## **13. Background papers**

- 13.1. Government Neighbourhood Planning Guidance  
Paragraph: 107 Reference ID: 41-107-20200925 (Revision date: 25 09 2020)  
<https://www.gov.uk/guidance/neighbourhood-planning--2>

### **Agreed and signed off by**

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Director: Simon Jenkins, 7.1.2022

Monitoring Officer: Daniel Toohey, 24.1.2022

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**Community Infrastructure Levy (CIL)  
Spending Protocol**

**Revised 2022**

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# 1. Introduction & Overview

## What is the Community Infrastructure Levy?

- 1.1. The Community Infrastructure Levy (CIL) is a charge which new development in Havant Borough has to pay. The CIL charging schedule sets out the rates of CIL that apply to Havant Borough. Further guidance on the charging regime is available at [www.havant.gov.uk/planning-policy/community-infrastructure-levy-cil](http://www.havant.gov.uk/planning-policy/community-infrastructure-levy-cil).
- 1.2. The Community Infrastructure Levy system recognises that new development places pressure on the Borough's infrastructure networks, necessitating expansion and improvement of existing assets and the provision of new infrastructure. CIL funds gathered must be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area.
- 1.3. The majority (80%) of CIL funds collected must be used for strategic projects. A further 15%<sup>1</sup> is set aside for the Neighbourhood Portion. The remaining 5% of CIL funds are used for administration of the service. Different processes and principles govern the spending of the Strategic CIL funds and the Neighbourhood Portion, as set out in sections 3 and 4 of this protocol.
- 1.4. CIL is an important tool for the Council to use to help deliver the infrastructure needed to support the Corporate Strategy, including its supporting place-making strategies, namely the Local Plan<sup>2</sup> and the Havant Regeneration Strategy<sup>3</sup>. There is, however, a 'funding gap' between what can reasonably be acquired through CIL and other developer contributions and the full requirements for the expansion of local infrastructure networks. As a result, CIL should only be considered to be one of many, rather than a single reliable source of funding for infrastructure, and most projects will be funded only in part through CIL.

## Status of this document

- 1.5. This document sets out Havant Borough Council's policy framework governing the spending of CIL and how this will be used to improve and expand the Borough's infrastructure. A set of more detailed process notes accompanies the protocol in order to guide bidding and spending bodies and Council departments through the process.
- 1.6. The protocol will be reviewed periodically and updated if necessary to take account of lessons learnt in its implementation, changes to priorities in the Borough's development strategy or amendments to national regulations or guidance.

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<sup>1</sup> The Neighbourhood Portion rise to 25% in areas which are covered by a made Neighbourhood Plan.

<sup>2</sup> [www.havant.gov.uk/localplan](http://www.havant.gov.uk/localplan)

<sup>3</sup> [www.havant.gov.uk/have-with-havant](http://www.havant.gov.uk/have-with-havant)

## 2. Guiding principles

### Funding Infrastructure to support development

- 2.1 For the purposes of CIL Infrastructure includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces<sup>4</sup> (NB this is not an exhaustive list). Infrastructure is defined for the purposes of this Spending Protocol as the “services necessary for development to take place and which play a critical role in supporting new development”.
- 2.2 In line with the regulations, CIL funds will be spent in Havant on *the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area*.<sup>5</sup> The levy can be used to fund new infrastructure, increase the capacity of existing infrastructure or to repair failing existing infrastructure, as long as the spend is necessary to support development.
- 2.3 Havant Borough Council, as a guiding principle, will use its CIL to implement its Corporate Strategy and the supporting strategies concerning the development and place making of Havant Borough, namely, the Havant Borough Local Plan and the Havant Regeneration Strategy. CIL will be used to support development through the improvement of the Borough’s existing infrastructure network and the provision of new infrastructure. All CIL funded projects must contribute to this aim.

### Best use of Funds

- 2.4 In order to ensure that CIL funds are used to best effect, projects will only be funded if they meet the following conditions:
- a) The project relates to fixed infrastructure / 'immovable' items
  - b) The project goes beyond pure maintenance to improve an asset or provide a new asset
  - c) The proposal is a capital project (although associated revenue funding to maintain the capital project is also permissible)
  - d) The project delivers clear and significant benefits to users / the community
  - e) The project is in line with the Council’s Corporate Strategy, including any relevant supporting strategies such as the Regeneration Strategy, Local Plan and Climate Change and Environment Strategy
  - f) The benefits would last long term (minimum 10 years) without having to be replaced or upgraded
  - g) The funding sought is for project delivery, rather than solely project development or feasibility
  - h) The Council is not aware of other dedicated funding or delivery mechanisms for the project

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<sup>4</sup> S216 Planning Act 2008 <https://www.legislation.gov.uk/ukpga/2008/29/section/216>

<sup>5</sup> The Community Infrastructure Levy Regulations 2010, as amended in 2012

<https://www.legislation.gov.uk/uksi/2010/948/regulation/59/made> and

<https://www.legislation.gov.uk/uksi/2012/2975/regulation/7/made>;

see also CIL Guidance <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

## **Maximising the reach of CIL**

- 2.5 The Council is committed to improving the Borough's infrastructure network. The Infrastructure Delivery Plan highlights that there is a 'funding gap' between what can reasonably be acquired through CIL and other developer contributions and the full requirements for the expansion of infrastructure networks.
- 2.6 As a result, CIL is unlikely to fund projects in full. The Council expects delivery teams and organisations to identify and bring to the table other sources of funding that will contribute to the delivery of the projects seeking CIL funding.
- 2.7 Similarly, CIL is a suitable pot of money to be used as match funding for external bids for infrastructure funding.

## 3. Strategic CIL

### Principles of Strategic CIL spend

- 3.1 The Strategic (or 'main') CIL Pot, approximately 80% of collected funds, will be used by Havant Borough Council to deliver infrastructure that supports the whole Borough. Projects should be of a scale which offer wider than purely local benefits for parts of the Borough.
- 3.2 Strategic funds will be prioritised to address identified infrastructure priorities including those outlined in the Local Plan, and the adopted Corporate and Regeneration Strategy Documents, and address the impacts of development.
- 3.3 There is no requirement to tie the expenditure of any particular CIL receipt to a particular location or development. Since the funds will be used for strategic infrastructure projects, these are considered to benefit the whole borough.

### Annual Strategic CIL Funding Proposal

- 3.4 Once a year, stakeholders involved in development and in delivery of infrastructure, will be invited to put forward projects for funding through CIL. While it is expected that Havant Borough Council Services will be the main bidders and beneficiaries, external organisations are also key deliverers of infrastructure to support development, and bidding rounds are open to these organisations. The Council is particularly keen to hear from organisations with the responsibility and/or ability to deliver the projects identified in the Council's Development Strategies <sup>6</sup>.
- 3.5 Proposals will be considered against the guiding principles in Section 2 and assessed competitively against each other to form the basis of an annual Strategic CIL Funding Proposal. Criteria used for this assessment will be made available to bidders and decision makers.
- 3.6 The Strategic CIL Funding Proposal will be presented to the Planning Policy Committee for consideration before being agreed by the Cabinet.
- 3.7 Once funding to a project is confirmed, funds will be retained by the council until that project is delivered, and funds transferred once proof of successful delivery is received by the CIL Team. This is to safeguard against misuse of CIL funds.
- 3.8 Associated process notes will set out the process in more detail and will be kept under review to ensure the process is efficient and effective. They will not alter the principles set out in this protocol.

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<sup>6</sup> **The Local Plan** (adopted and emerging); **The Local Plan Evidence Base** (for example Transport Assessments; Open Space, Sport & Recreation Strategy; Coastal Strategies and Studies etc); **The Infrastructure Delivery Plan**; **The Council's Regeneration Strategy**

## 4. Neighbourhood Portion

### Principles of Neighbourhood Portion CIL spend

- 4.1 The Neighbourhood Portion, 15% of collected funds (see further below), will be used by Havant Borough Council to deliver infrastructure at a neighbourhood and community scale.
- 4.2 National CIL regulations require the neighbourhood portion to be used to support the development of the area by funding
- a. *the provision, improvement, replacement, operation or maintenance of infrastructure; or*
  - b. *anything else that is concerned with addressing the demands that development places on an area.*<sup>7</sup>
- 4.3 The focus of the neighbourhood portion funds will be on improving and expanding the capacity and quality of infrastructure assets owned and managed by Havant Borough Council<sup>8</sup>. This will deliver substantial improvements to local infrastructure assets that area used by a wide variety of residents and groups.

### Neighbourhood Portion Distribution

- 4.4 Havant Borough is unparished, and therefore the Borough Council retains the CIL Neighbourhood Funds and allocates it to community scale projects.
- 4.5 Regulations do not set out at what geographical scale funding allocations in non-parished areas should be made. In Havant, the Council has decided to allocate these funds across the whole Borough. It means that funding can be used in the areas of most need and projects prioritised on their merits rather than geographical availability of funding.
- 4.6 One exception must be noted to the Borough-wide approach: In any area that has an adopted Neighbourhood plan, some funding will be ringfenced. This is because CIL regulations require 25% (instead of 15%) of funds in areas with adopted Neighbourhood Plans to benefit that area.
- 4.7 In any area with an adopted neighbourhood plan<sup>9</sup>, 15% of the funds raise will be considered as part of the area wide allocation and associated bidding process, and an additional 10% will be ringfenced specifically for Emsworth. The Council will work with the Neighbourhood Forum, or appropriate other local groups if the Neighbourhood

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<sup>7</sup> Regulation 59C of The Community Infrastructure Levy (Amendment) Regulations 2013 <https://www.legislation.gov.uk/ukxi/2013/982/regulation/8/made>; see also CIL guidance at <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

<sup>8</sup> In some cases, particularly in Leigh Park, the facilities may be owned and operated by Portsmouth City Council

<sup>9</sup> At the time of writing, this applies only to Emsworth

Forum no longer exists, to consider how to spend that 10% in the Neighbourhood Area.

### **Annual Funding Awards**

4.8 The Neighbourhood Portion will be made available on an annual basis to project delivery teams in line with the table below:

<b>Infrastructure Asset Theme</b>	<b>Proportion of funds</b>
Parks, play, open spaces, sport and leisure	50%
Public realm and public facilities in urban areas	25%
Community Centres	12.5%
Walking and cycling paths and public transport facilities	12.5%

4.9 This distribution will be kept under review (see section 6).

4.10 The amount of neighbourhood portion available will be confirmed as part of the budget setting process. This will also include confirmation of the amount of unspent Neighbourhood Portion from previous years, which delivery teams may roll over year on year, enabling pot building for larger projects if desired.

4.11 Despite funds being 'made available' through the budget process, delivery teams will have to make funding requests for specific projects to the CIL Team. The decision on funding will be made by the Community Infrastructure Officer, in discussion with the Head of Planning and the Cabinet Lead. Eligibility of the project for CIL funding will then be confirmed. As an additional safeguard for the appropriate use of funds, CIL monies will not be released until proof of successful delivery has been received by the CIL Team.

4.12 Associated process notes will set out the process in more detail and will be kept under review to ensure the process is efficient and effective. They will not alter the principles set out in this protocol.

## 5. Interim Spending Decisions

### Provisions for Strategic CIL Interim Spends

- 5.1 In exceptional circumstances, it may be expedient to propose a spend from the Strategic CIL fund outside of the annual funding cycle. Interim spends must remain exceptional and must not be a way to avoid competing against other projects through the annual funding proposal process. Therefore, any such spend would only be acceptable where the proposed spend meets the criteria for CIL spend as set out in the regulations and this protocol, and where:
- a) It would be financially expedient (for example, where CIL could be used as match funding to bid for grant funding from another body such as central government) and the decision cannot wait until the next annual allocation of funds;
- or
- b) Funding is needed to cover a minor overspend on an ongoing CIL funded project.
- 5.2 Where it becomes expedient for a decision to be made outside of the annual preparation of the annual CIL Strategic Funding Proposal, and the above criteria are met, interim spends may be authorised according to the following delegations:
- Up to £10,000 may be authorised by the Community Infrastructure Officer, in discussion with the Head of Planning and the Cabinet Lead.
  - Any spend above this amount must be authorised through a delegated report to the Cabinet Lead; and
  - where the amount exceeds £50,000, a delegated report to the Cabinet Lead, with consideration by the Planning Policy Committee.
- 5.3 In some circumstances, only the principle of future CIL spend will need to be established, for example to support bids for external funding or to aid project planning and feasibility work. In place of actual spending decisions, the CIL Team can assess proposals and provide advice on whether the scheme would be suitable for CIL funding. The CIL funding would still need to be bid for formally through the next bidding round.

### Provision for Neighbourhood CIL Interim Spends

- 5.4 In the case of the neighbourhood portion, interim spends are not envisaged, as the full amount of available funding will have been allocated through the budget each year.
- 5.5 However, similar to the Strategic CIL, the CIL Team can at any point in the year assess proposals and provide advice on whether the scheme would be suitable for neighbourhood CIL funding. Officers will also be able to give broad estimates as to the possible CIL allocation for each budget in the coming year. Relevant delivery teams can then use this information on the availability of CIL, for example to support bids for external funding.

## 6. Monitoring and Reporting

- 6.1 The Council will monitor CIL receipts and spends and the sum remaining in the fund each year. The CIL Regulations require the Council to produce and publish an Infrastructure Funding Statement annually with this information.
- 6.2 Following the allocation of CIL funds to a project the Council will expect delivery of that project to the agreed timescales. This applies whether funding comes from the Strategic CIL or the Neighbourhood Portion. Project leads are expected to report their progress on delivery to the CIL Team.
- 6.3 Where projects are not delivered to the agreed timescale or are unlikely to be delivered due to a change in circumstances the funds will be returned for reallocation to other projects.
- 6.4 In addition to ongoing monitoring by officers, the Council's spending of CIL will be scrutinised at least annually by the Planning Policy Committee. This will examine the projects coming forward to review whether they are fully in line with the Council's guiding principles (section 2) and other requirements in this protocol, whether the funding distribution for the Neighbourhood Portion set out in this protocol remains appropriate, and most importantly, whether delivery of projects using CIL funds is ensuring that the Borough's infrastructure capacity is being expanded in line with new development coming forward.