

Update Report 2

re APP/20/01031 – Land at Sinah Lane, Hayling Island

Proposal: Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area (Resubmission of APP/18/00724)

The following updates and additional information is provided for the Committee's consideration.

(A) Community Involvement

10 further objections have been received since the publication of the report. They do not raise any new issues to those set out in the agenda.

(B) Responses to requests from the Site Viewing Working Party for additional information to be provided to the Planning Committee:

- *further details of proposed highway changes and funding for the Hayling Island Transport Assessment;*

Officers have liaised with representatives of the Highways Authority, who have advised as follows:

With respect to funding, securing monies through the S106 is a usual mechanism for the Highway Authority to use to secure measures that are beyond the scope of the developer to deliver in full. They are used where there is cumulative harm on the highway network.

Havant's emerging Local Plan and the supporting Hayling Island TA has identified a package of measures to mitigate the impact of the Local Plan development of which Sinah Lane is part. On the basis of this wider package of improvements a contribution has been agreed of £679k as the proportionate amount for this site.

The money is being paid in 3 instalments and it is anticipated that this will comprise 10% prior to occupation; 45% prior to first occupation; and the remainder at 50 dwellings.

The first instalment will allow the Highway Authority to trigger design work on a number of improvements along the A3023 as identified within the Hayling Island TA and to have a better understanding of the detail of these schemes and costs and to be able to prioritise delivery of the various schemes. When the Highway Authority are then in receipt of the money they can deliver, or continue to pot build towards large schemes, or look to utilise CIL as identified would be necessary in order to deliver the Hayling Island TA requirements.

This is standard practice and the Highway Authority have to work within the limits of planning. Pot building and taking proportionate and reasonable contributions towards

cumulative harm means they are able to secure more meaningful improvements in the long run.

- Access arrangements for the refuge and whether the RSPB would be repairing and monitoring the fencing for the bird refuge;

The existing fencing comprises perimeter fencing and going forward would not be the responsibility of the RSPB. There would be no changes to the current position on responsibility for the existing fencing. However, the agreed internal new fencing erected as part of the proposed Sinah Lane Wintering Bird Mitigation Strategy will become the responsibility of the RSPB once it is signed off and handed over. It is outside of the desire line of pedestrians and the RSPB will be monitoring it and maintaining it.

- A more detailed explanation of the issues around the Five-Year Land Supply;

When the Development Management Committee considered the previous application APP/18/00724, the Borough had a 5.4 year housing land supply, passing above the Government's five year supply threshold. Since then, the Council has published an update to the five year supply position. The Government has also published the results of the Housing Delivery Test. This shows that the Borough now has a 4.2 year housing land supply, falling below the Government's five year supply threshold.

The scheme itself constitutes 0.36 years of supply. The application site is fully within the five year supply. Without the proposed development, the Borough would have a 3.84 year supply.

As a result of the housing delivery test result, para 11.d) of the NPPF applies which sets out that the Council should grant 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*".

Housing supply is always a material consideration in the determination of a planning application for new homes. With the recent results of the housing delivery test and our five year supply position, this is considered to be a material consideration of great weight.

An update on the implications of this will be provided as part of the presentation to Committee.

(C) Revised Recommendation:

Having regard to the updated comments from the HBC Ecologist as set out in the update of the 8 March 2021, an amendment to Condition 9 and an additional Condition 25 are proposed.

The recommendation therefore reads:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION** for Application APP/20/01093 subject to:-

(A) a Section 106 Agreement as set out in paragraph 7.102 above; and

(B) the conditions as set out in the agenda (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision), amended as follows;

Condition 9 (amended)

Development shall proceed in strict accordance with the ecological avoidance and mitigation

measures detailed within the approved Report to Inform the Habitats Regulations Assessment Stage unless amended under the discharge of details in respect to condition 6 (Construction Environment Management Plan (CEMP)) or otherwise amended in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

Condition 25 (additional)

No works, such as percussive piling or works with heavy machinery, that would exceed the noise level of 69dbA or a noise level otherwise agreed in writing by the Local Planning Authority measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat shall be undertaken during the months of October to March (inclusive.)

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.