



The Planning Inspectorate

Report to Hart District Council

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 10 February 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Hart District Council Local Plan – Strategy and Sites

The Plan was submitted for examination on 18 June 2018

The examination hearings were held between 20 November and 18 December 2018

File Ref: PINS/N1730/429/11

Abbreviations used in this report

AOS	Area of Search
BMV	Best and Most Versatile
DPA	Dwellings Per Annum
DPD	Development Plan Document
DtC	Duty to Co-operate
ELR	Employment Land Review
FEA	Functional Economic Area
GIS	Geographical Information System
GTAA	Gypsy and Traveller Accommodation Assessment
HDT	Housing Delivery Test
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IWMS	Integrated Water Management Strategy
LAP	Local Play Area
LDS	Local Development Scheme
LEAP	Local Equipped Area for Play
LPA	Local Planning Authority
MM	Main Modification
NE	Natural England
NEAP	Neighbourhood Equipped Area for Play
NPPF	National Planning Policy Framework
OAHN	Objectively Assessed Housing Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RBC	Rushmoor Borough Council
SA	Sustainability Appraisal
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SHBC	Surrey Heath Borough Council
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area

Non-Technical Summary

This report concludes that the Hart District Council Local Plan – Strategy and Sites provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Hart District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed or agreed by the Council and were subject to public consultation over a six-week period between 5 July and 19 August 2019. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- A change to the Plan period;
- To refer to flood risk in the Plan’s vision;
- Changes to the strategic objectives to ensure compliance with national policy;
- The addition of a strategic objective in relation to previously developed land;
- Changes to the Key Diagram;
- Alterations to the housing requirement (including Policy SS1) to correspond with the SHMA and to accommodate Surrey Heath Borough Council’s unmet need;
- Changes to the housing trajectory and updates to the components of supply;
- Alterations to the criteria of Policy SS2 ‘Hartland Village’.
- The removal of Policy SS3 ‘New Settlement at the Murrell Green / Winchfield Area of Search’ and its supporting text;
- Modifications to require the Council to prepare and submit for examination a Gypsy, Traveller and Travelling Showpeople DPD by January 2022;
- Changes to the criteria of Policy H1 ‘Housing Mix’; Policy H2 ‘Affordable Housing’; Policy H3 ‘Rural Exception Sites’; Policy H4 ‘Specialist and Supported Accommodation’; Policy H5 Gypsies, Travellers and Travelling Showpeople’; and Policy H6 ‘Internal Space Standards’ to ensure the Plan is effective and consistent with national policy;
- Alterations to the criteria of: Policy ED1 ‘New Employment’; Policy ED2 ‘Safeguarding Employment Land and Premises’; and Policy ED3 ‘The Rural Economy’ to ensure the Plan is effective and consistent with national policy;
- The change of the Bartley Wood, Hook site from a strategic employment site to a locally important employment site;
- To ensure the Plan is effective and consistent with national policy, changes to Policy ED4 ‘Town, District and Local Centres’; Policy ED5 ‘Fleet Town Centre’; and Policy ED6 ‘District and Local Centres’.
- Changes to the natural and built environment policies, in terms of sustainable development, development in the countryside, landscape, the Thames Basin Heaths SPA, biodiversity, flood risk, historic environment, design, renewable energy and pollution to ensure compliance with national policy and that the Plan is effective;
- The removal of Policy NBE2 ‘Gaps Between Settlements’ and its supporting text;

- Modifications to Policy I1 ‘Infrastructure’; Policy I2 ‘Green Infrastructure’; Policy I3 ‘Transport’; Policy I4 ‘Open Space, Sport and Recreation’; Policy I5 ‘Community Facilities’; and Policy I6 ‘Broadband or Successor Services’ to ensure compliance with national policy and that the Plan is effective;
- Changes to the Council’s implementation and monitoring strategy; and
- Alterations to the glossary and appendices.

Introduction

1. This report contains my assessment of the Hart District Council Local Plan – Strategy and Sites in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) (Paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in Paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the NPPF 2012 will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the NPPF 2012 and the versions of the PPG which were extant prior to the publication of the NPPF 2018.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Hart District Council Local Plan – Strategy and Sites, submitted in June 2018 (CD1) is the basis for my examination. It is the same document as was published for consultation in February 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested (EXAM62) that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing(s), are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in Appendix 1.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out Sustainability Appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks between 5 July and 19 August 2019. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to

provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map comprises the set of plans identified as Hart District Council Local Plan – Strategy and Sites Policies Map and associated inset maps as set out in EXAM2 to EXAM45.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs (EXAM64).
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted policies map to include all the changes proposed in EXAM2 to EXAM45 and the further changes published alongside the MMs (EXAM64).

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation.
10. The Council has provided as part of its evidence a statement (CD9), which sets out how it considers the Duty to Co-operate (DtC) has been met. This sets out that the key strategic planning issues considered were: housing; the Thames Basin Heaths Special Protection Area (SPA); employment land; traveller site provision; flood risk; water supply and waste water; and infrastructure (transport, healthcare facilities, education). In each case the Council has identified in detail how it has met the DtC and what agreements were made with the relevant parties during the Plan’s preparation.
11. I consider that the statement illustrates that the Council has made extensive efforts to engage with all relevant organisations and prescribed bodies during the Plan’s preparation. It is evident that many of the changes made during the Plan’s preparation prior to its submission have resulted from consultation with relevant parties, to address their concerns in a constructive and proactive manner.
12. I am content that matters associated with providing sufficient Suitable Alternative Natural Greenspace (SANG) to mitigate impacts on the Thames Basin Heaths SPA were suitably discussed with neighbouring authorities in the Housing Market Area (HMA) and with other relevant stakeholders.
13. Whilst some concerns have been raised in relation to accommodating unmet housing need from Surrey Heath Borough Council (SHBC), I am mindful that the DtC is not a duty to agree and it is clear to me from the Council’s statement (CD9) and through oral evidence at the hearing sessions that there has been significant discussions between the Council and SHBC on this matter.

14. It has been suggested that the Council should consider unmet need from London, Basingstoke and Deane and Guildford. However, I have not been provided with any substantive evidence to suggest that this is necessary and none of the authorities have requested that the Council accommodate any of their unmet need.
15. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Main Issues

16. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 12 main issues upon which the legal compliance and soundness of the Plan depends. This report deals with these main issues in turn. It does not respond to every comment or issue raised by representors. Nor does it refer to every policy or policy criterion in the Plan.

Issue 1 – Whether the objectively assessed need for housing and the housing requirement are justified.

Objectively Assessed Housing Need (OAHN)

17. The Plan at Policy SS1 sets out a housing requirement of 388 dwellings per annum (dpa), which at the time of publishing the Regulation 19 Pre-Submission Plan for consultation in February 2018 was based on the then proposed Government standard methodology for calculating local housing need, with an uplift applied. The justification for the uplift is set out in Appendix 2 ‘Housing Numbers and Trajectory’ of the Plan. The ‘cap’ in the methodology was removed and then an uplift of 25% was applied as a contingency in case of a change in methodology or alterations to data, such as new household projections or affordability ratios. Reference was also made to the benefits of boosting the supply of housing, including the delivery of affordable units.
18. In terms of a contingency for a change in methodology or alterations to data, the standard methodology was incorporated into the NPPF 2018 as it was previously set out during the consultation that was undertaken upon it. There is therefore no support in national policy for the amended standard methodology calculation undertaken by the Council. Further, the Council has provided little substantive evidence to justify an uplift of 25% in preference of any other figure. In addition, it is clear under the transitional arrangements that the Plan should be examined against the NPPF 2012.
19. Given the above, I am of the view that there is insufficient justification and evidence to support the Plan’s housing requirement, in terms of its formulation based on the Council’s amended standard methodology. Alterations are therefore needed (**MM21**, **MM26** and **MM138**) for the Plan to be justified to remove reference to the Council’s amended standard methodology.

20. The Council produced a Joint Strategic Housing Market Area Assessment (SHMA) (HOU1a & b) in November 2016, with Rushmoor Borough Council (RBC) and SHBC. Together the authorities constitute the HMA and there is no reason before me to consider that this is inappropriate.
21. The SHMA (HOU1a & b) was based upon the 2012 household projections. This identified a demographic starting point of 247 dpa for Hart, uplifted to 254 dpa once adjusted for vacancy rates. Shortly before the SHMA’s publication, the 2014 household projections were released. However, given the stage at which the SHMA’s preparation had reached it was published based on the 2012 household projections.
22. Nonetheless, given the requirements of the PPG, 2012 (Paragraph: 016 Reference ID: 2a-016-20150227), the Council undertook a review of the SHMA (HOU2a & b) and tested a number of alternative scenarios, with the more recent 2014 household projections, including a partial return to trend of household formation rates for younger people and differing migration trend periods. This found that whilst the 2014 household projections were lower at 207 dpa, once such other factors are taken into account the demographic starting point in the SHMA (HOU1a & b) remains valid. For example, the 2014 household projections, with a partial return to trend of household formation rates for younger people, results in a demographic starting point of some 232 dpa. I am not of the view that this represents a meaningful change in the housing situation in Hart.
23. There has been some concern raised that the moratorium associated with the Thames Basin Heaths SPA, which temporarily suspended planning permissions being granted for housing in Hart, constrained housing delivery between 2008 – 2011. Whilst I accept that this may have influenced the 2012 and 2014 household projection figures, particularly as they look at a five year migration trend, I am mindful that the SHMA review (HOU2a & b) did test longer migration trend patterns, where any dampening effect caused by the moratorium would be much less influential. For example, the 2014 based sub national population projections mid year estimates and a part return to trend household formation rates, with a 10 year migration trend scenario sets out a figure for Hart of 251 dpa, very similar to the SHMA demographic starting point. Whilst the SHMA review did look at 15 year migration trends which resulted in higher figures of up to 323 dpa, I have concerns in relation to relying on trends dating back as far as 1999, a significant period of time ago.
24. The PPG 2012 (Paragraph: 016 Reference ID: 2a-016-20150227) advises that the calculation of housing need should use the most up-to-date information. The 2016 household projections have been published more recently. The Government has expressed concerns with regard to the 2016 household projections and has advised that the 2014 household projections should, for the time being, be used to calculate housing need when using the standard methodology. On this basis, I consider at the current time some caution should be applied to the 2016 household projections.

25. Notwithstanding all of the above, I am also mindful that the final OAHN for Hart, as discussed later, is nonetheless economically driven in terms of job growth. The demographic starting point could therefore be seen as being somewhat academic. This is because, if the demographic starting point was lowered then a greater uplift in terms of job growth would be needed to ensure that there is a sufficient workforce in Hart and vice versa. Consequently, in this context a change to the demographic starting point through more recent household projections does not, in my view, represent a meaningful change in the housing situation in Hart.
26. The SHMA applies an uplift above the demographic starting point for market signals. The affordability ratio in Hart is very high and the SHMA recommends a market signals uplift, due to affordability issues of 15%. I have been referred to other higher examples of uplifts by Inspectors examining other Plans in the South East. Whilst a 15% uplift is lower than some examples elsewhere, in my view, this would still have an important and positive impact on affordability in Hart. In addition, as will be discussed below, the most recent economic forecasts suggest lower figures in terms of job growth in the HMA than were anticipated at the time the SHMA (HOU1a & b) was produced. If this were to be realised, less homes would be needed to accommodate the additional workforce that would migrate into Hart, which would provide more homes for the existing population in Hart, further improving affordability.
27. Following an uplift for market signals the SHMA considers any uplift required to ensure that there would be a sufficient workforce to meet forecast job growth. The forecast models considered varied substantially from 900 to 1500 jobs per annum, which reflects the challenges of long-term forecasting. The SHMA adopted a mid-point of the forecast scenarios with the HMA anticipated to see growth of 1,200 jobs per annum. The SHMA analysed historic trends, the growth potential within the area and included an expectation of some increase in household formation rates. I consider the assumptions and approach adopted in the SHMA in terms of job growth are appropriate and robust. To meet Hart’s proportion of job growth in the HMA a sizeable further uplift of 69 dpa, is applied on top of the 15% uplift for market signals.
28. As mentioned above, the SHMA review (HOU2a & b) identified that the most recent economic forecasts are now lower than those used in the SHMA. This was identified as largely being a result of a stall in employment during 2015 and 2016, notably in Surrey Heath and Hart. I am particularly mindful that long term economic forecasting is extremely challenging and forecast models from different sources can vary significantly. Further, as set out above, any new homes not required to meet future job growth would have the benefit of further improving affordability within Hart. Therefore, I consider that a change to the OAHN is unnecessary and there has not been a meaningful change.
29. The SHMA then applies a final uplift of 21 dpa for concealed families to reach the OAHN of 382 dpa. Based on the evidence provided in the SHMA, I

consider this to be appropriate. The most up-to-date data provided by the Council suggests that concealed families in Hart has slightly increased, but I am not of the view that it is of such significance to require a change to the OAHN.

30. An alternative ‘stock based’ approach to calculating housing need has been suggested. However, there is no clear support for such an approach in national policy.
31. It is important to emphasise that the calculation of housing need is not an exact science. Overall and having regard to all of the above findings, I consider that an OAHN of 382 dpa is robust and should be used as the starting point for the consideration of the housing requirement in the Plan. As a consequence, it is necessary to correlate the start of the Plan period, with the base date of the SHMA, which is 2014, particularly as this results in a greater level of overall need, given its longer timeframe (2014-2032). The Plan needs to therefore be clear that the Plan period is 2014 to 2032 and changes are needed (**MM1, MM18, MM19, MM21, MM23, MM121** and **MM140**) for the Plan to be effective. The housing trajectory and completion figures (from 2014) in the Plan therefore also need to be amended (**MM139** and **MM140**) to reflect this change. This will also ensure the Plan is effective and in accordance with national policy.
32. There has been some suggestion that the Plan period should be extended. The Plan looks forward 13 years after anticipated adoption, which is below the preferred 15 year time period set out in Paragraph 157 of the NPPF. However, the NPPF’s preference is not a set requirement and I consider 13 years to be an appropriate time scale in this instance, particularly as there is now a requirement to review plans every five years.

The housing requirement and unmet need

33. At the hearing sessions, representatives from SHBC provided an update in relation to unmet need, which results from the heavily constrained nature of Surrey Heath. SHBC has published an Issues and Options/Preferred Options consultation of its Local Plan, which identifies a shortfall in supply of 731 dwellings over its plan period (2016-2032). SHBC advised that although there are on-going attempts to try and find more sites, this is unlikely to significantly reduce. The Council had set out that any unmet need from SHBC would occur towards the end of the Plan period, however, this view was not shared by SHBC at the hearing session, who set out that the unmet need is imminent.
34. RBC the other authority in the HMA has received its Inspector’s Report following their Plan’s examination. The Rushmoor Plan does not make any provision for any unmet need from SHBC. There is a surplus in supply identified in the Rushmoor Plan of around 1,000 dwellings. However, it is clear that this is necessary to mitigate risks from some large sites in that Plan failing to deliver as anticipated and should not be seen to be off-setting any unmet need from SHBC.

35. It was accepted by the Council at the hearing sessions that Hart is the least constrained authority in the HMA. Given this, the matters discussed above and the fact that the Rushmoor Plan is unlikely to be reviewed for a period of 5 years following its adoption, I consider that this Plan should seek to meet the identified unmet needs of SHBC of 731 dwellings, which represents the most up-to-date figure at this point in time.
36. I am not of the view that it is premature to require the Plan to accommodate the unmet needs of SHBC or that it will prejudice the plan making process in Surrey Heath. The SHBC unmet need figure is within a formal consultation document and is based on a recognised method of calculating housing need encouraged by national policy. Further, SHBC’s Issues and Options/Preferred Options consultation is supported by a SHLAA, which provides an assessment of potentially suitable sites. I am also mindful that to be positively prepared the Plan should seek to meet unmet requirements from neighbouring authorities, as set out in Paragraph 182 of the NPPF.
37. In terms of any potential additional impacts on the environment and infrastructure from accommodating the unmet need, I have found under Matter 4 that the Plan can accommodate the unmet need from SHBC without the need to include additional sites, albeit with a relatively modest shortfall of 230 dwellings during the last year of the Plan period.
38. It has been suggested that SHBC is able to provide circa 350 units per annum between 2023-2027 whilst in the latter years they are only able to demonstrate approximately 130 dpa. However, even if I was to accept that this was the case, this would appear to ignore more immediate needs before 2023.
39. If in the future, the SHBC unmet need changes either positively or negatively, this will need to be considered in a future review of the Plan or could trigger an early review if necessary. Notwithstanding this, I am mindful that housing requirements are not maximums and Hart accommodating the currently identified unmet needs of SHBC would not rule out sustainable development being permitted in SHBC.
40. Accommodating SHBC’s unmet need would add 41 dpa to the housing requirement over the revised Plan period (2014 to 2032), which would result in a total housing requirement of 7,614 dwellings over the Plan period, which equates to 423 dpa. Modifications (**MM10, MM19, MM21, MM26 and MM139**) are therefore necessary to the strategic objectives, Policy SS1, its supporting text and the housing trajectory to amend the housing requirement. This will ensure that the Plan is positively prepared and in accordance with national policy.

Affordable housing

41. The SHMA calculates the level of affordable housing need within the HMA and for each of the authorities. In Hart the identified need for affordable housing

is 306 dpa (126 dpa for subsidised rented accommodation and 180 dpa for affordable home ownership). This equates to the need for some 5,500 affordable homes over the Plan period (2014 to 2032). I see no reason to disagree with the findings of the SHMA and the assumptions used in this regard and I consider the calculation of affordable housing need to be robust. Notwithstanding this, as is discussed below, the identified need is significantly higher than the amount of affordable housing that is likely to be delivered.

42. The Council are in a relatively unusual position whereby a very large proportion of the necessary supply over the Plan period already has planning permission and as a result, there is a fair level of certainty in relation to how much affordable housing is likely to be delivered. The Council (EXAM56b) has provided a trajectory of the anticipated delivery of affordable housing. This identifies that between 2016 and 2032 it is forecast that 1,633 affordable units would be delivered. Based on a tenure split of 65% subsidised rented accommodation and 35% affordable home ownership, the Plan would meet 47% of the identified need for subsidised rented accommodation. I am mindful that the trajectory provided by the Council is from 2016 to 2032. Given my findings above that the Plan period should be from 2014 to 2032 to correlate with the SHMA, this figure is likely to be higher to take into account any affordable homes delivered in 2014 and 2015. However, any increase is likely to be modest.
43. The PPG 2012 (ID 2a-029-20140306) states that an increase in total housing figures should be considered where it could help deliver the required number of affordable homes. A housing requirement of 423 dpa, is in the region of 67% above the demographic starting point identified in the SHMA (254 dpa). Providing for this level of increase will result in significantly more affordable housing being delivered than if the household projections had been used. I consider that to uplift the housing requirement further could result in open market dwellings being provided when there is no evidence of need, which could lead to an imbalance between homes and jobs and unsustainable commuting patterns.
44. I am also mindful that there are other ways that additional affordable housing could be delivered, for example through rural exception sites under Policy H3 of the Plan. In addition, although the Council set out at the hearing sessions that there are currently no plans to provide affordable housing themselves, this could change during the Plan period.
45. Given all of this and despite the views expressed in the Council’s Affordable Housing Background Paper (HOU5) (March 2017), I am not persuaded that a further uplift to the housing requirement is justified in this case. It is therefore likely that some of those with affordable housing needs will continue to be dependent on the private rented sector, in some cases supported by housing benefit.

Conclusion on main issue 1

46. I consider that with the recommended modifications, the OAHN and the housing requirement are justified.

Issue 2 – Whether the spatial distribution of housing growth in the Plan is sound.

The Spatial Strategy of the Plan

47. The spatial distribution of housing in the Plan is set out in Policy SS1 ‘Spatial Strategy and Distribution of Growth’. This identifies that new homes will be delivered over the Plan period through: existing completions; existing commitments (sites with planning permission); further development and redevelopment within settlement boundaries; Policy SS2 (delivery of Hartland Village); Neighbourhood Plans; Policy H3 (rural exception sites); and Policy NBE1 (development in the countryside).
48. Due to the large level of existing completions and commitments the Plan only allocates one site, Hartland Village for approximately 1,500 dwellings (approximately 1,368 to be delivered over the Plan period). Hartland Village is largely previously developed land and is in an accessible location. The pre submission Sustainability Appraisal (SA) (CD5a) found that the delivery of Hartland Village was the most sustainable growth option to meet housing needs over the Plan period. For reasons set out later in my assessment of legal compliance, I consider that the pre submission SA to be robust. I am satisfied that the allocation of Hartland Village to meet the remaining housing need after existing completions and commitments are taken into account is the most appropriate and sustainable strategy and is therefore justified. In any event, I am mindful that Hartland Village now benefits from planning permission, and I understand that the first phase is under construction.
49. I acknowledge that there are no medium and/or small site allocations directed towards other settlements in the District. However, it can be seen from the existing completions and commitments that most of the defined settlements in the Plan have or will receive some growth over the Plan period. Further, whilst it has been argued that more development should be diverted to the more rural communities to ensure their viability and vitality, I am mindful that Policy SS1 does allow for Neighbourhood Plans to deliver new housing. This would allow those communities who feel that the delivery of more housing would be of benefit to their community to be able to do so.
50. Policy NBE1 allows development in the countryside in certain circumstances. It has been suggested that Policy NBE1 should only apply to isolated development. Whilst, I acknowledge that Paragraph 55 of the NPPF seeks to avoid isolated new homes in the countryside, it does not suggest, in my view, that all housing in the countryside that is not considered isolated is acceptable in principle. The NPPF makes clear that it should be read as a whole. Further, I have found the Council’s spatial strategy to be justified and it does not depend on any notable housing outside of settlement boundaries. Policy NBE1 also includes the consideration of all types of development and not just housing. Given all of this, I am not of the view that it is necessary for Policy NBE1 to refer to isolated development to be consistent with national policy.

51. It has also been suggested that as a priority, settlements outside of the Thames Basin Heaths SPA buffer zones should have received growth first. However, it has been sufficiently demonstrated that any adverse impacts on the integrity of the SPA from the Plan can be suitably mitigated. Nonetheless, I am mindful that the vast majority of the supply needed over the Plan period benefits from planning permission.
52. On a related matter, although the Plan does not expressively rely upon it to deliver its spatial strategy, the introductory text to the Plan does identify a settlement hierarchy. This sets out that: the main urban area is Fleet (including Church Crookham and Elvetham Heath); the primary local service centres are Hook, Yateley and Blackwater and Hawley; the secondary local service centres are Hartley Wintney and Odiham and North Warnborough. These are based on the findings of the Settlement Hierarchy for Hart District Council, 2010 (OTH1). This considered each settlement in terms of its population, facilities and services. Whilst this was produced some time ago, I consider that it offers a reasonable basis to identify the settlement hierarchy in this Plan.
53. The Council had suggested modifications to remove the settlement hierarchy from the Plan as the spatial strategy was not reliant upon it. However, setting out the settlement hierarchy is likely to provide useful context for future windfall developments and is sound.
54. It has been suggested that all settlement boundaries should have been reviewed and expanded to meet the identified housing needs. However, I consider that this is not necessary to meet the identified housing need within this Plan and therefore the current settlement boundaries are appropriate.

Policy SS3 – New Settlement

55. The Plan’s strategy also includes Policy SS3, which sets out the Council’s commitment to preparing a New Settlement Development Plan Document (DPD) after the adoption of this Plan. Policy SS3 and its supporting text identifies an Area of Search (AoS) at Murrell Green / Winchfield for the delivery of up to 5,000 dwellings through the production of a New Settlement DPD. The Plan states that it is not required in this Plan period to meet identified housing needs. Despite this, the Council anticipate that some 1,500 homes from the proposed new settlement would be expected to be delivered within the Plan period.
56. I acknowledge that such delivery would help to meet the relatively modest shortfall in supply at the end of the Plan period identified under Matter 4. However, I have a number of fundamental concerns with regard to the soundness of Policy SS3. The Council and the site promoters have suggested that because the Plan does not rely on any delivery of housing from the proposed new settlement that Policy SS3 in itself cannot be found unsound. However, the policy sets out that *‘Permission will be granted for the development of a new settlement to be identified from the area of search identified on the Policies Map following the adoption of a New Settlement Development Plan Document and agreed comprehensive masterplan’*. The

Plan is therefore establishing the principle of a new settlement as the most appropriate growth strategy for meeting the Council’s long-term needs. It is also establishing a relatively confined area of search for a new settlement.

57. The tests of soundness require the Plan to be justified and therefore *‘the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence’* (Paragraph 182 of the NPPF). To find Policy SS3 sound, I must therefore be satisfied that a new settlement within the identified AoS is the most appropriate growth strategy to meet long-term needs, when considered against reasonable alternatives.
58. The SA (CD5a) that accompanied the pre-submission Regulation 19 consultation on the Plan did not test reasonable alternatives to a new settlement and it was considered as a ‘constant’ as part of all reasonable alternatives that were appraised. On this basis, I am not of the view that the pre-submission SA, in its own right, appropriately or robustly considers reasonable alternatives to a new settlement as a long-term growth strategy.
59. The Council has, however, produced a ‘Post Submission Interim Sustainability Appraisal Report’ (post submission SA) (CD5c) to supplement the pre-submission SA. This did test a number of alternative growth strategies to a new settlement. Putting aside the concerns raised in terms of legal compliance of the post submission SA, in terms of consultation, I am concerned by the way in which the new settlement has been considered and ranked against reasonable alternatives. These concerns were set out in detail in a post hearing letter to the Council (EXAM60) and related to the rankings given for the historic environment, land and other resources, flood risk, landscape, climate change and water. I will not repeat such details here.
60. I accept that the AoS by its very nature leads to some uncertainties, but in this case, the boundary of the AoS is, in my view, relatively confined and the indicative concept plan provided by the site promoters, once the requirements for SANG are taken into account, shows much of the AoS boundary being utilised as part of the proposed new settlement. It is therefore not, in my view, significantly different to that of a site allocation boundary.
61. I acknowledge that some evidence has been provided by the site promoters, particularly in support of their Regulation 19 representations. However, these represent very high-level broad overviews, with little in the way of detail. I am not of the view that there is sufficient evidence before the examination to support the rankings given to the AoS for the new settlement within the post submission SA or to allow a suitably robust comparison of reasonable alternatives to be undertaken, based on proportionate evidence. As a result, I consider that Policy SS3 and its supporting text are not justified, as, on the currently available evidence, it cannot be determined that it represents the most appropriate long-term growth strategy.
62. Further, the post submission SA is not robust and should not be relied upon in support of the Plan. Consequently, there is no need to address concerns

raised with regard to consultation and legal compliance of the post submission SA.

63. In addition, there is little evidence to demonstrate that a site can actually be delivered in terms of infrastructure, viability and landownership within the identified AoS. The Council’s Infrastructure Delivery Plan (IDP) does not include any consideration of the proposed new settlement other than a brief mention of the potential secondary school and the viability assessment has not directly considered a proposed new settlement in the AoS. Again, whilst there is some information from the site promoters in relation to such matters, it is not of any great substance.
64. Evidence was also provided at the hearing sessions that shows a significant parcel of land cutting across the middle of the AoS that is not either in the ownership of the site promoters or land that is available to them. It was set out by Winchfield Parish Council at the hearing sessions that the owner of the land is not willing to release it as part of the development. This was not disputed by the Council or the site promoters. There is consequently some doubt, at this time, whether a comprehensive and inclusive new community can be delivered as required by Policy SS3 and its supporting text. Given all of this, I am not sufficiently content based on the evidence available to the examination that Policy SS3 is deliverable and is therefore not effective.
65. I am of the view that a significant level of further supporting work would be required for Policy SS3 to be found sound in its current form, which would need to include appropriate and proportionate area/site assessments, infrastructure considerations, viability testing, evidence in support of deliverability and further SA work, which would need to be done in an impartial manner with sufficient evidence to support its findings and comparisons with alternative options. Any further SA work would also need to include additional standalone consultation. This would have all led to a significant delay in the examination to allow such work to be undertaken.
66. It was suggested at the hearing sessions that such detailed work and assessment would be undertaken as part of the preparation of the New Settlement DPD. However, the Plan is establishing the principle of a new settlement as being the most appropriate strategy in the long-term, over other growth options such as smaller strategic urban extensions to existing settlements to name one example. Based on the Council’s approach it is evident that potential growth options, alternative to a new settlement, would not be considered through the production of the New Settlement DPD. Logically, the only reasonable alternatives considered would be potential site options within the already defined AoS boundary. Consequently, I am of the view that there needs to be sufficient evidence now to support the proposed new settlement AoS, to allow a robust comparison to be undertaken with reasonable alternative long-term growth strategies and to allow me to take a view that there is a real likelihood that a site could come forward in the AoS that would not have unacceptable impacts. For the reasons set out above, at the current time, I do not consider this to be the case.

67. Given my findings in terms of the housing requirement and that Policy SS3 is not required for the Plan to be sound (Matter 4) and in light of my findings above, I consider that for the Plan to be justified modifications (**MM6, MM7, MM11, MM12, MM19, MM20, MM22, MM25, MM32, MM36, MM53** and **MM146**) are required to remove Policy SS3, its supporting text and other references to the New Settlement from the Plan. The Council will also need to remove the area of search from the policies map on adoption for the Plan to be effective.

Conclusion on main issue 2

68. I consider that with the recommended modifications the Plan’s spatial strategy is the most appropriate and is therefore justified. The Plan is therefore sound in relation to this main issue.

Issue 3 – Whether the site allocation and the settlement boundaries are justified and sound.

Site Selection

69. The Council’s approach to site selection and assessment is set out in the Site Assessment Methodology Report, 2017 (within HOU6). The sites promoted for housing were assessed using this methodology through the High Level Site Assessments and the Detailed Site Assessments (HOU6). Site selection was also informed by the Hart Strategic Housing Land Availability Assessment (SHLAA) (HOU3a and HOU3b) and the pre-submission SA (CD5a).
70. There have inevitably been concerns raised with regard to the scoring and ranking of some promoted sites, particularly in relation to those that have not been selected for allocation in the Plan. However, I am mindful that these matters are subjective and require judgement to be applied. I am content that the Council’s judgements are within the realms of reasonableness. The adequacy of the pre-submission SA is also examined later on in this report.
71. Overall, I am satisfied that the Council’s approach to site selection and the appraisal of reasonable alternatives, has been robust and is sound.

Hartland Village

72. The Plan includes one site allocation at Hartland Village for approximately 1,500 dwellings. The site is allocated by Policy SS2, which includes a number of provisions and criteria. The site now benefits from planning permission. In order to ensure that the Plan is effective several changes (**MM27, MM28, MM30** and **MM31**) are needed to Policy SS2 and its supporting text to ensure that it reflects that which has now been granted permission. This includes the provision of leisure facilities. Further, the modifications remove reference to the provision of older persons housing and delete reference to the level of affordable housing being reviewed at each phase of the development. Whilst both of these changes have raised some concerns, the permitted development does not include these provisions and is currently being implemented. This was considered acceptable by the Council for reasons associated with viability. However, to ensure the Plan is positively prepared, it is necessary to amend

the supporting text at Paragraph 121 (**MM30**) to state that should a future planning application be submitted that results in the total number of dwellings exceeding 1,500, then the scheme would be subject to the requirements of Policy H1 in full.

73. Criterion b) of Policy SS2 requires the provision of a local neighbourhood centre. However, to ensure consistency with national policy, an alteration (**MM28**) is needed to set out that residential use may be appropriate above retail or commercial units providing the active frontage is not compromised and that satisfactory residential amenity can be achieved. Again, to ensure consistency with national policy, a modification (**MM29**) to criterion k) of Policy SS2 is necessary to refer to the protection of bridleways.
74. The Council has proposed to alter the policies map to show the area of SANG adjacent to the site allocation. I consider this to be appropriate and will ensure that Policy SS2 is effective. In addition, it has come to my attention that Policy SS2 does not refer to the policies map. In order for the Plan to be effective a modification (**MM27**) to Policy SS2 is necessary to address this matter. Whilst this alteration was not subject to consultation, I consider it to be a relatively minor change.

Settlement boundaries

75. The defined boundaries of each settlement are set out on the policies map as proposed to be amended (CD2 and EXAM2 to EXAM45). This includes several changes to expand settlement boundaries to include completed and permitted major developments, which I consider to be appropriate. In addition, the Council has proposed changes to the Dogmersfield settlement boundary to encompass recently permitted development and changes to the Odiham Settlement Boundary to ensure consistency with the Odiham & North Warnborough Neighbourhood Plan. These changes were consulted upon alongside the MM schedule. Again, I consider these changes to be appropriate. In order, to ensure the Plan is effective these changes will need to be made to the policies map when the Plan is adopted.
76. On a related matter, Policy SS1 sets out that one source of new homes will be from sites within settlement boundaries. Paragraph 103 of the supporting text notes that settlement boundaries will be reviewed through future development plan documents. However, a change (**MM24**) is needed to also refer to the fact that settlement boundaries could also be changed through Neighbourhood Plans.

Conclusion on main issue 3

77. I consider that with the recommended main modifications, the site allocation and the settlement boundaries are justified and sound.

Issue 4 - Whether the Plan’s assumption in terms of supply are sound, whether the Plan will meet the identified housing need and whether there is a reasonable prospect of a five year supply of deliverable housing sites on adoption.

Components of supply

Hartland Village

78. Hartland Village forms the only site allocation in the Plan and is allocated through Policy SS2. As set out above, the site benefits from planning permission. This is in the form of outline planning permission for 1,500 homes and full planning permission for the first phase (181 dwellings). At the hearing sessions the site promoter set out that site clearance works have started on site and I see no reason to question the lead in times anticipated by the Council, which would see the site start to deliver completions early this year. In terms of anticipated delivery rates, the Plan currently projects that Hartland Village will deliver 1,428 dwellings over the Plan period. However, during on-going discussions between the Council and the site promoter during the examination this has altered, and it is now anticipated that the site will deliver 1,368 new dwellings over the Plan period. For the Plan to be effective alterations are needed to reflect this change and this is addressed by **MM23**, **MM139** and **MM144**. The anticipated delivery rates peak at 132 dpa in 2022/23, with numerous other years close to this figure.
79. Whilst I acknowledge that for a single house builder, the delivery of up to 132 dpa and an average, over the life of its development, of 105 dpa is challenging, it has nonetheless been achieved within Hart in the past. The Council has provided details of a site at Queen Elizabeth Barracks, where a single developer delivered an average of 130 dpa, with several years being over 200 dpa. I acknowledge that the site delivered a greater level of affordable units than will be delivered at Hartland Village, which can aid the quantity of housing delivered per year. However, even so, the Queen Elizabeth Barracks site delivered, at its peak, significantly more homes than is anticipated at Hartland Village.
80. Furthermore, I accept the Council’s view that Hartland Village is somewhat unique and will be an attractive new community to reside, particularly given the large area of SANG that will be delivered alongside the new homes. I am also particularly mindful that Hart is a sought after location to live, which is supported by the fact that very few planning permissions lapse. Having regard to such matters, I am content that the Council’s projected delivery of new homes from Hartland Village is reasonable.

Other aspects of supply

81. Appendix 2 of the Plan illustrates the housing trajectory. As set out above, I consider that it is necessary to alter the Plan period to reflect the SHMA. Alterations to the housing trajectory and completions table to include 2014/15 and 2015/16, are therefore necessary for the Plan to be effective and this is

addressed by **MM139** and **MM140**. As a result of MM140, the level of existing completions over the Plan period increases from 798 to 2,217.

82. In addition, the Council has sought to update the components of supply to reflect more up-to-date information about their delivery, which includes a base date of 1 April 2018. I consider this to be reasonable and necessary for the Plan to be effective and up-to-date. These updates are made through **MM19**, **MM22**, **MM23**, **MM141**, **MM142**, **MM143**, **MM144** and **MM145**. This base date also correlates with the Council’s five year housing land supply statement (HOU4). Having regard to the MM consultation responses, a change is needed to MM23 to clarify that sites within settlement boundaries can include those identified through neighbourhood plans. This will ensure the Plan is effective.
83. The Council is in the fairly unusual position whereby the vast majority of supply needed over the Plan period benefits from planning permission. The Plan (as amended in MM141) identifies that at 1 April 2018, 3,652 dwellings benefit from planning permission. However, the Council has set out that of this, 5 dwellings have now lapsed and 385 dwellings relate to prior approvals where they cannot be legally implemented until they have acquired SANG to mitigate impacts on the Thames Basin Heaths SPA and should therefore not be considered deliverable. The Plan (as amended in MM141) therefore considers that 3,262 dwellings are deliverable (this excludes Hartland Village, which is included under site allocations).
84. The Council has confirmed that the delivery assumptions for large sites of 10 or more dwellings with planning permission have been informed by discussions with the site promoters. I consider that there is no reason for me to disagree with the Council’s assumptions made in terms of delivery from such sites, which are reasonable.
85. The next component of supply relied upon by the Council relates to sites within settlement boundaries. The Plan (as amended by MM142) assumes that 150 dwellings will be delivered through 6 sites over the Plan period. This is based on site assessments in the SHLAA. Again, there is no reason for me to disagree with the assumed delivery of these sites, which are reasonable.
86. The Plan as currently drafted includes supply from ‘Deliverable Sites’. However, as part of the updated information the Council set out that there were now no sites that fit within this category. I understand that this is largely as a result of planning permissions being granted and these sites now being considered within the identified commitments. For the Plan to be effective, **MM23** and **MM143** is therefore needed to delete the table setting out the ‘Deliverable Sites’.
87. In terms of site allocations, Hartland Village has been discussed above. However, the Plan also relies on the supply of 111 dwellings from site allocations within the made Odiham & North Warnborough Neighbourhood Plan. The delivery rates from these have been criticised for being too conservative. Whilst, this could well be the case, I do not consider that

making conservative assumptions, particularly having regard to the evident healthy level of supply early in the Plan period, results in the Plan being unsound and no changes are needed.

88. The final component of supply is a windfall allowance. The Plan (as amended by MM145) and its housing trajectory assumes that 23 dwellings will be delivered per annum from 2020/21 until the end of the Plan period, a total of 276 dwellings. This is based on clear evidence of historic windfall delivery rates. I consider this to be a reasonable approach.
89. Policy SS1 notes that supply may also be gained through permitting rural exception sites and other housing where it is essential for the proposal to be located in the countryside. I agree with the Council that this source of supply is unlikely to generate significant numbers of new dwellings and there is little evidence to base a robust allowance on within the housing trajectory. Consequently, I am content that the Plan does not need to include an allowance in relation to rural exception sites and other housing where it is essential for the proposal to be located in the countryside.
90. The Council’s assumptions on supply do not include any lapse rates. The Council’s Matter 5 Hearing Statement sets out that over the past seven years only a small number of permissions have lapsed and that all of these relate to developments of 10 dwellings or less. The same hearing statement calculates that if the average lapse rate is drawn from the last four years (where there has been a noticeable rise) the average lapse rate for sites of 10 dwellings or less is 6.3%. If this is then applied to outstanding planning permissions for sites of up to 10 dwellings relied upon in the supply, it would reduce by just 13 dwellings. I do not consider this to be a significant figure that affects the soundness of the Plan. On this basis, I consider that based on the historical evidence provided, there is no need to incorporate lapse rates into the Plan’s supply assumptions. Overall, the Plan (as amended) anticipates the delivery of 7,384 dwellings.

Whether the Plan will meet the identified housing need?

91. Based on the revised trajectory set out in MM139, I calculate that a housing requirement of 423 dpa over the Plan period (7,614 dwellings in total) results in a shortfall of supply of 230 dwellings. I also calculate that this shortfall would occur in the last year of the Plan period (2031/32). The Council agrees with this assessment.
92. The NPPF 2012 at Paragraph 47 sets out that to boost significantly the supply of housing, local planning authorities should (amongst other things) be able to demonstrate a five year housing land supply and identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 (to meet identified needs).
93. The Plan would provide for specific, developable sites for 11 years following the adoption of the Plan. I consider that this would meet the requirements of Paragraph 47 of the NPPF and the shortfall of 230 dwellings during the last

year of the Plan period does not result in the Plan being unsound, particularly as the Plan would need to be reviewed in 5 years’ time in any event. A modification (**MM22**) is required to set this position out within the Plan.

94. There is clear evidence that over recent years, very few sites in Hart see their planning permissions lapse, particularly for sites over 10 dwellings. I am also mindful that in the short term there is forecast to be a very healthy level of supply over and above the housing requirement in the first five years of the Plan following adoption. This means that a review of the Plan in 5 years’ time would ensure that any under or non-delivery from sites in the longer term can be suitably addressed if necessary at that time. It is also feasible that additional windfall development could come forward over the Plan period that would meet the relatively modest shortfall.

Five year housing land supply

95. The Council’s five year housing land supply statement (HOU4) sets out that against a housing requirement of 388 dpa the Council can demonstrate a 9.53 year supply. I have found that the housing requirement should be increased to 423 dpa to address unmet need from SHBC. Given that this finding was after the close of the hearing sessions, I did not request the Council to produce a revised housing land supply position to take this into account. This was on the basis of the very healthy level of supply anticipated over the next five years.
96. Table 3 of the Council’s five year housing land supply statement (HOU4) illustrates the historic performance of the Council since 1996/97. Table 3 shows that there has been peaks and troughs. However, I consider that the Council, through Table 3, has sufficiently demonstrated that it has overdelivered against the relevant housing requirements (which have changed during this period) over the past 20 years.
97. Further, in the past 5 years (2013/14 to 2017/18) where completions are confirmed, the Council has also overdelivered, even against the increased housing requirement of 423 dpa. Given all of this, the Council does not have a persistent record of under delivery and I consider that a 5% buffer should be applied.
98. I have found that all aspects of the Council’s supply have been based on reasonable assumptions. I am content that even at a greater housing requirement of 423 dpa that the Council will have a healthy five year housing land supply on adoption of the Plan.
99. I acknowledge that the majority of supply is front loaded towards the beginning of the Plan and that the housing trajectory shows supply significantly reducing below the housing requirement from 2025/26 onwards. My attention has also been drawn to the requirement in the NPPF (Paragraph 47) to maintain delivery of a five year supply of housing land to meet the housing target.

100. I consider that previous oversupply during the beginning of the Plan period should be taken into account during the calculation of the Council’s five year housing land supply. Consequently, towards the end of the Plan period where supply falls below the housing requirement, the five year land supply calculation at that point in time should take into account the oversupply above the housing requirement during the early years of the Plan.
101. I am also mindful that in practice, the delivery of some sites may slip and therefore result in a more even spread of supply during the early and middle parts of the Plan period. Given the very healthy supply during the next five years, this offers a good level of flexibility to allow some slippage to later on in the Plan period.
102. The issue of the newly introduced Housing Delivery Test (HDT), which will be relevant to decision making, was discussed. The Council in its Matter 5 Hearing Statement (Table 13) calculated that it could start dipping below 95% from 2025/26. I am mindful that a review of the Plan within 5 years of the adoption of the Plan can address any implications associated with the HDT at that time.

Conclusion on main issue 4

103. I consider that with the recommended modifications, the Plan is sound in relation to this main issue and the Council will be able to demonstrate a five year housing land supply on adoption of the Plan.

Issue 5 - Whether the Plan’s approach to the delivery of affordable housing is sound.

104. Policy H2 sets out the Plan’s approach to the delivery of affordable housing. This requires no less than 40% of developments for new homes to be affordable housing. Having regard to the supporting Whole Plan and CIL Viability Study 2016 (ECO3a) I consider this percentage to be justified. However, I consider that ‘no less than’ could mean that the Council could seek to secure higher levels of affordable housing. The Council confirmed that this was not their intention and I am mindful that the Whole Plan and CIL Viability Study 2016 (ECO3a) indicates that higher levels of affordable housing could make developments unviable. Consequently, a change (**MM38**) is needed to remove ‘no less than’ to ensure the Plan is justified. For the same reason, a subsequent change is also needed (**MM44**) to the penultimate paragraph of Policy H2.
105. Policy H2 sets out that developments of 11 or more units (or exceeding a gross internal area of 1000 square metres) will be required to make provision for affordable dwellings. This complies with the guidance in the PPG. However, I am mindful that the NPPF 2019 requires major developments (10 or more dwellings or the site has an area of 0.5 hectares or more) to make provision for affordable units. Whilst this Plan is being examined under the transition arrangements, I consider that it would be appropriate to modify Policy H2 in this regard (**MM38**) so that it is consistent with national policy moving forward.

106. For the same reason and to aid the decision-making process, I also consider that it would be appropriate to amend the supporting text of Policy H2 (**MM37** and **MM45**) to refer to the latest definition of affordable housing in the NPPF 2019 and to update the definition in the Plan’s glossary (**MM134**). Further, I also consider that it is appropriate to update the tenure mix definitions in Policy H2 (**MM39**) and its supporting text (**MM37**) to reflect those in the latest definition of affordable housing in the NPPF 2019.
107. National policy requires that affordable housing for rent should be used solely for that purpose and remain at an affordable price for future eligible households, or the subsidy should be recycled for alternative affordable housing provision. However, this is not included within Policy H2 and therefore a modification is required to add a new criterion to the policy to address this matter (**MM43**). This will ensure compliance with national policy.
108. Criterion d) of Policy H2 requires that at least 15% of the affordable units will be accessible and adaptable as defined by requirement M4(2) of the Building Regulations. Based on the need for accessible and adaptable homes in the Council’s topic paper (TOP5) and the viability evidence set out in the Whole Plan and CIL Viability Study 2016 (ECO3a) and its Addendum (ECO3d), I consider this to be justified. Further, I am content that this proportion is appropriate. However again, the criterion refers to ‘at least’, which could indicate that the Council may seek more than 15%, which I consider could have the potential to make developments unviable. A change (**MM40**) is therefore needed to remove ‘at least’ for the Plan to be justified.
109. The policy at criterion e) considers the requirements of Building Regulations M4(3) and sets out that where evidenced by local need, a proportion of affordable dwellings should be built as wheelchair user dwellings. I consider this to be vague and ineffective. The Council has suggested a modification to overcome this matter, that sets out that based on local need one or more of the affordable dwellings will be built as wheelchair user dwellings to meet, or exceed where justified, the requirements of Building Regulations M4(3). Having regard to the need for accessible and adaptable homes in the Council’s topic paper (TOP5) and the viability evidence set out in the Whole Plan and CIL Viability Study 2016 (ECO3a) and its Addendum (ECO3d), I consider this to be appropriate and **MM41** is required for the Plan to be justified and effective. To reflect this change, an alteration to the supporting text is also necessary (**MM47**) to set out the circumstances when it might be justified to exceed the standard in Building Regulations M4(3) and to state that wheelchair user dwellings will be negotiated on a site by site basis recognising viability considerations.
110. Further, a change (**MM42**) is necessary to insert a footnote for criteria d) and e) to set out ‘Or as otherwise amended by the Building Regulations’. This will ensure any future changes to the building regulations can be suitably considered.
111. The supporting text to Policy H2 makes it clear that the policy applies to specialist and supported housing schemes. Concerns have been raised that the ability for such schemes to deliver 40% affordable housing can be difficult due to other costs associated with such housing. I accept this view and therefore consider that a modification is necessary (**MM46**) to set out that as

much affordable housing as is viable (up to 40%) will be sought for specialist and supported housing, on a site by site basis. This will allow the merits of each individual case to be considered and is required for the Plan to be justified and effective.

112. It has been brought to my attention that Policy H2 refers to ‘exceptional circumstances’, which does not comply with national policy. I have therefore amended **MM44** to remove reference to exceptional circumstances. Whilst, such a change was not consulted upon, I consider it to be minor and does not alter the overall meaning of the policy.
113. Policy H3 of the Plan considers rural exception sites for affordable housing. The policy current states that an element of market housing will be supported where at least 70% of the total number of proposed dwellings would be affordable housing for subsidised rent. At the hearing sessions it was discussed where the 70% figure had originated. I am not of the view that there is sufficient evidence to justify this threshold and it could lead to much needed affordable housing not being delivered. Subsequently, to ensure compliance with national policy, there is a need to alter Policy H3 (**MM49**) to set out that some market housing will be supported as part of a rural exceptions scheme where it would facilitate the provision of affordable accommodation to meet local needs. This would allow the merits of each individual case to be considered. It has come to my attention that a subsequent change to the supporting text of Policy H3 to reflect this change is necessary and I have amended **MM50** in this regard.
114. The supporting text to Policy H3 sets out that it is envisaged that rural exception sites would be for developments of up to 20 dwellings. However, for the Plan to be effective and consistent with national policy, it is necessary to clarify that where there is an established local need, developments could be greater in size. **MM50** is therefore required to address this matter.
115. On a related matter, the supporting text to Policy H3 at Paragraph 189 states that the Council may use compulsory purchase powers to deliver rural exception sites. For the Plan to be effective and consistent with national policy, it is necessary to set out (**MM48**) that this would be as a last resort.

Conclusion on main issue 5

116. I consider that with the recommended modifications, the Plan’s approach to the delivery of affordable housing is sound.

Issue 6 - Whether the Plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople.

117. The Plan is supported by the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2016) (the GTAA), which assesses the additional need for pitches and plots over the Plan period. The GTAA sets out that there is currently an over provision of 5 pitches for Gypsies and Travellers who meet the definition set out in the Government’s Planning Policy for Traveller Sites (2015) (the PPTS). However, the GTAA also notes that an additional 10 pitches are required for non-travelling gypsies and travellers. This represents a shortfall of 5 pitches. I am particularly mindful of the requirements of the Housing and Planning Act 2016 and the Public Sector Equality Duty.

Consequently, I consider that the Council should be seeking to positively meet this need and the reliance on the criteria based Policy H5 results in the Plan not being positively prepared and unsound.

118. Identifying additional pitches to meet this future need would not be a quick process and to allow the rest of the Plan to be adopted without undue delay, the Council agreed at the hearing sessions to produce and submit for examination a Gypsy and Traveller DPD within two years of the adoption of this Plan. Consequently, to ensure the Plan is positively prepared and consistent with national policy, changes are needed (**MM54 and MM55**) to Policy H5 and its supporting text to secure the production of the Gypsy and Traveller DPD within two years of the adoption of this Plan or by January 2022 (whichever is soonest). I have altered the timescale to January 2022 to reflect the passage of time since the MM consultation took place.
119. In addition, I also have concerns in relation to the robustness of the GTAA itself. This primarily relates to the duration and time of year that the interviews were undertaken. The interviews undertaken of the gypsy, traveller and travelling showpeople that underpinned the evidence of the GTAA were conducted between May and June 2016. I consider this to be a limited period of time and was at a time of year when traditional gypsy horse fairs occur and consequently when many gypsy and travellers are travelling. This appears to be evident in the GTAA as 14 households were not present to be interviewed. As a result, I consider that the GTAA should not be relied upon when considering the need for future proposals, as there is a realistic probability that need has been underestimated.
120. Therefore, for the Plan to be justified **MM54** and **MM55** are necessary to remove reference in the Plan to the GTAA. The Council had proposed to publish a new GTAA in 2019 and have referred to this within MM55, which I consider to be appropriate. However, again to reflect the passage of time, I have amended this timeframe to 2020.
121. MM54 includes alterations that make clear that before the adoption of the Gypsy and Traveller DPD, future proposals will be considered against Policy H5 (as amended) and will need to demonstrate a need for the proposal. In the absence of a robust GTAA, I consider that this is an appropriate approach and is necessary to ensure soundness. However, having regard to the MM consultation responses, I consider that it should be made clear that this would only apply to sites within the open countryside to be consistent with national policy. I have therefore amended MM54 to this effect. MM55 also includes additional supporting text to clearly set out to future applicants what will be considered when establishing whether or not there is a need for the proposed development, which is necessary for the Plan to be effective.
122. It is also necessary within MM54 to make alterations to ensure that Policy H5 applies to both travelling and non-travelling gypsy and travellers. This will ensure the Plan is positively prepared.
123. Further, some other more minor alterations are needed to the criteria of Policy H5 (**MM54**) to ensure the Plan is effective. This includes amending criterion c) to refer to services and facilities being ‘suitably’ accessible rather than ‘readily’ accessible as currently drafted. I consider that this is needed to reflect the intentions of the PPTS.

124. MM54 alters criterion d) to refer to the significance of heritage assets. During the MM consultation it has been raised that this does not accord fully with the NPPF. I consider that Policy NBE9 of the Plan suitably addresses matters associated with the Historic Environment and consequently there is no need for repetition within Policy H5. I have therefore removed its reference in criterion d). This will ensure the Plan is effective.
125. The Council has suggested alterations to criterion g) to set out that sites should not be inappropriately screened and should not create a sense of isolation from adjoining communities. I consider this to be in accordance with the PPTS and is necessary for soundness.
126. On a related matter, I consider criterion j) of Policy H5 to be consistent with the PPTS, which sets out at Paragraph 13 that sites should not be located in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
127. The Plan currently contains definitions of gypsies and travellers and travelling showpeople in the glossary that do not reflect those in the PPTS. Changes (**MM135** and **MM137**) are therefore needed to ensure compliance with national policy.

Conclusion on main issue 6

128. I consider that with the recommended modifications, the Plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople and is sound.

Issue 7 - Whether the other housing policies of the Plan are soundly based.

Housing mix

129. Policy H1 of the Plan sets out the Council’s approach to the housing mix from market housing. Criterion d) refers to site suitability for self and custom build homes. However, the Plan currently does not set out what will be considered when determining if a site is suitable such housing. A change is therefore needed (**MM35**) to set out that site suitability will be considered on a case by case basis and considerations will include the scale of the development, its layout and the type of dwellings proposed. For example, for a block of flats, it would not be feasible to have a proportion of self build, as the flat(s) could not be separated for a self build purpose.
130. Criterion d) of Policy H1 sets out that for developments of 20 dwellings or more, 5% of plots should be for self and custom built homes, subject to site suitability and the need shown on the self and custom build register. MMs were consulted upon (MM34, MM36 and MM128 of EXAM64) to remove the 20 dwelling threshold. However, I am mindful that in order for developments to be able to provide a 5% provision that they would need to be at least 20 dwellings in size. I have therefore not recommended these modifications as they are not required for soundness.
131. I am not of the view that the Plan’s approach to self build and custom housing in Policy H1 is contrary to national policy, which sets out that Council’s should

encourage their delivery through various mechanisms. I am mindful that the PPG (Paragraph: 025 Reference ID: 57-025-201760728) sets out that relevant authorities should consider how they can best support self-build and custom housebuilding in their area, include developing policies in their Local Plan for self-build and custom housebuilding. I consider the Council’s approach complies with this guidance and therefore Policy H1 complies with national policy in this regard. Further, given the evidence provided in the Whole Plan and CIL Viability Study 2016 (ECO3a) and its Addendum (ECO3d), I am content that a requirement of 5% of dwellings on suitable sites to be self and custom build plots would not make developments unviable.

132. The supporting text to Policy H1 also notes at Paragraph 176 that if such plots are not taken up by the public after being marketed for at least two years then they will be allowed to revert to conventional build plots. I agree with concerns raised that a two year marketing period is excessive and the Council has suggested that this should be reduced to one year. For the Plan to be justified and effective, I consider that a change (**MM35**) is needed to alter the marketing period to one year.
133. Criterion b) of Policy H1 requires that at least 15% of new dwellings will be accessible and adaptable as defined by requirement M4(2) of the Building Regulations. Having regard to the Council’s Topic Paper on Accessible Homes (TOP5), I am satisfied that the imposition of this optional technical standard is justified and consistent with national policy. Further, based on the Whole Plan and CIL Viability Study 2016 (ECO3a) and its Addendum (ECO3d), I am content that this threshold is appropriate and would not make developments unviable.
134. Similarly to criterion d) of Policy H2, as discussed under main issue 5, criterion b) of Policy H1 refers to ‘at least’, which could indicate that the Council may seek more than 15%, which I consider could have the potential to make developments unviable. I have therefore amended **MM33** and **MM34** to include this change to Policy H1 and its supporting text. This will ensure the Plan is consistent, justified and effective.

Housing for older people

135. The SHMA contains an assessment of need for housing for older people. The PPG (Paragraph: 021 Reference ID: 2a-021-20150326) sets out that: ‘...*The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used... The future need for specialist accommodation for older people broken down by tenure and type (e.g sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (Use Class C2)...*’.
136. The SHMA (HOU1a) at Pages 210 to 217 takes the approach advocated in the PPG and utilises census data, population projections and utilises the Strategic Housing for Older People (SHOP) analysis toolkit. This identifies a need for sheltered accommodation (52 units per annum), enhanced sheltered accommodation (14 units per annum), extra care housing (8 units per

annum), residential care (33 units per annum) and nursing care (22 units per annum). It is clear that this is a significant need.

137. I appreciate that the use of other data sources may result in differing or higher levels of need. However, the SHMA has followed the approach suggested by national policy. Whilst the Plan is being examined under transitional arrangements, it is also worth noting that the new PPG guidance (Paragraph: 004 Reference ID: 63-004-20190626), now specifically refers to the SHOP analysis tool kit as being an appropriate toolkit. Given all of the above, I consider the assessment of need for housing for older people to be in accordance with national policy and is therefore sound.
138. The Plan seeks to meet the needs of older people in a number of ways. Policy H1 requires as part of the housing mix provision to be made for specialist/supported housing where appropriate. Policy H1 and Policy H2 also require a proportion of new market and affordable dwellings to be accessible and adaptable homes.
139. It has been suggested that the Plan should allocate sites for specialist/supported housing. The Council confirmed at the hearing sessions that no sites that it considered to be appropriate and/or deliverable were put forward. Several omission sites have been promoted and I acknowledge that the site promoters disagree with the Council’s site assessments. However, as set out above in relation to the site selection process, such assessments are often a matter of judgement that can be somewhat subjective, and I have found that the judgements made by the Council in the SA (CD5a), SHLAA (HOU3a and HOU3b) and High Level and Detailed Site Assessments (HOU6) to be within the realms of reasonableness.
140. It has also been pointed out to me that the majority of supply required to meet housing needs over the plan period has already been granted planning permission and therefore Policies H1 and H2 are unlikely to deliver any significant levels of housing for older people. I also acknowledge that for viability reasons Hartland Village the only site allocation in the Plan has been granted planning permission without any provision for older people’s housing.
141. Notwithstanding this, the Plan does recognise these matters and includes Policy H4 that specifically addresses specialist and supported housing. This takes a more flexible approach to meeting such needs and where certain criteria are met would allow proposals outside of settlement boundaries and therefore in the countryside to come forward. Given the above, I consider this to be a pragmatic approach that in the circumstances is justified and results in the Plan being positively prepared. This approach would allow suitable windfall sites to be delivered and could also allow the promoted omission sites to be considered through the decision-making process on their merits.
142. However, it is clear that the Council will need to monitor the delivery of housing for older people carefully and I am mindful that the Plan will be reviewed within the next five years, in any event, where such matters can be addressed if necessary.

143. Turning to the wording of the policies that relate to the provision of older peoples housing in the Plan, Policy H1 includes criterion c) that requires housing proposals to make provision for specialist/supported accommodation where appropriate. It is not clear from Policy H1 or its supporting text when the Council will consider it appropriate for housing schemes to make provision for specialist/supported accommodation. Changes are therefore needed to Policy H1 (**MM33**) and its supporting text (**MM34**) to refer to the need for the development, as evidenced in the SHMA and the factors (such as scale, location, design and layout) that will be considered when determining if provision should be made. This will ensure the Plan is effective. During the MM consultation, it was suggested that at the time of determining an application, there may be other relevant evidence in relation to need that should be considered. I accept this view and I have amended MM33 to also refer to other relevant evidence. I do not consider it necessary to include the consideration of need in MM34, as this is addressed by MM33.
144. Policy H4 sets out that proposals for specialist and supported dwellings will be permitted within a) settlement boundaries and Hartland Village and b) on sites within the countryside, where certain criteria are met. The criteria include: where there is a demonstrable need; that there are no available or viable alternatives within settlement boundaries and the site is well related to an existing settlement with access to appropriate services and facilities either on or off site.
145. The MM schedule as consulted upon (MM52 and MM53 of EXAM64) included alterations to criterion b) i) of Policy H4 and its supporting text. This included the need for applicants to demonstrate a ‘local’ need for the scheme. However, I have had regard to the consultation responses on the MM schedule and I accept that need is best established on a district level, as identified in the SHMA and that this could place an unreasonable burden on future applicants. I have therefore not included this modification in the MM schedule to this report.
146. In a similar manner, the MM schedule as consulted upon (EXAM64) also set out changes to criterion b) i) to state that ‘there are no available or viable alternatives sites within settlement boundaries where the need arises’. However, given my above findings in terms of ‘local’ need, this would not be appropriate. The wording of Policy H4 criterion b) i) of the Plan (as submitted) could be interpreted to mean that all sites within settlement boundaries in the District would need to be considered, in terms of whether they were available and viable for the development proposed. I consider that this would place an unreasonable burden on future applicants. Consequently, to ensure that the Plan is justified and consistent with national policy, a change (**MM52**) to the supporting text of Policy H4 is required to set out that a proportionate level of evidence should demonstrate that there are no suitable sites within defined settlements, that are in the vicinity of the application site and that it will not be necessary to investigate all settlements in the District.
147. Whilst the wording of **MM52**, in this regard, is different from that in the MM schedule that was consulted upon (EXAM64) (as a result of my findings with regard to local need), I consider that it establishes the same principle that applicants should not be expected to examine all defined settlements in the

District for alternative sites when seeking to ensure compliance with criterion b) of Policy H4. Therefore, I am of the view that the alteration that I have made to MM52 is not significantly different from that which has been consulted upon. Depending on the site’s location, the defined settlements that should be considered for alternative sites would be considered on a site by site basis and would be a matter of judgement for the decision maker.

148. As already set out above, criterion b) i) requires that there are no available or viable alternatives within settlement boundaries. However, having regard to consultation responses on the MMs, I consider that alternative sites should be both available and viable. I have therefore amended **MM51** to address this matter. This will ensure the policy is effective.
149. There have been concerns raised more generally about the sequential approach of Policy H4 by only allowing sites in the open countryside if there are no available and viable sites within settlement boundaries. However, I consider that the approach of Policy H4 is consistent with national policy that seeks to steer development towards settlements that offer the greatest level of services and facilities.
150. Policy H4 at criterion b) ii) requires sites to be well related to an existing settlement with access to appropriate services and facilities either on or off site. However, it is not clear in the Plan what appropriate access might be or what factors will be considered when determining such matters, such as for example the nature of potential occupants. A modification to the supporting text to Policy H4 (**MM52**) is therefore needed to address this matter and to ensure the policy is effective.
151. Finally, to ensure consistency with alterations to Policy SS2, as discussed above, it is necessary to remove reference to Hartland Village from Policy H4 (**MM51**). This will ensure the Plan is effective.

Space standards

152. Policy H6 requires development proposals for new homes to meet or exceed the nationally described space standard. I consider the Council’s Topic Paper: Internal Space Standards for New Homes (TOP3a) and its Appendix (TOP3b) provide robust justification for its implementation and is therefore justified and consistent with national policy. However, there is no evidence to suggest that it would be appropriate to seek developments to exceed the space standards. A modification (**MM56**) is therefore needed to address this matter and for the Plan to be justified.
153. To ensure the Plan is consistent with national policy and is effective, it is necessary (**MM57**) to set out that the space standards apply to market and affordable housing, including conversions and change of use proposals. Further, it is also necessary (**MM57**) to set out that if a development does not comply with the space standards then it must be supported by evidence of viability. This will ensure consistency with national policy.
154. The Council has also suggested a modification (**MM58**) to refer to the requirements of other policies in terms of adaptable and accessible homes in the supporting text to Policy H6. I consider that this is appropriate to aid future applicants and is necessary for the Plan to be effective.

Conclusion on main issue 7

155. I consider that with the recommended modifications, the other housing policies of the Plan are soundly based.

Issue 8 - Whether the strategy for job growth and employment is sound.

156. The Plan is supported by the Hart, Rushmoor and Surrey Heath Joint Employment Land Review Update, 2016 (ECO2a) (the ELR). This considers the employment land needs of the Functional Economic Area (FEA) comprised of the three authorities. I consider that the ELR complies with the guidance in the PPG and considers future employment needs based on employment labour demand; employment land supply; and past take up trends.

157. The ELR concludes that there is sufficient floorspace for office use in the FEA but that industrial land is tight. Its conclusions took account of both quantitative and qualitative factors. I see no reason to disagree with the findings of the ELR, in terms of its assessment of need and I consider it to be robust.

158. Policy ED1 of the Plan sets out the Council’s approach when considering planning applications for new employment. A change is needed (**MM59**) to refer to the policies map. This will ensure the policy is effective. Further, Policy ED1 under criterion d) refers to an overriding need having to be demonstrated to justify new employment provision in the countryside. The NPPF encourages a strong rural economy and does not refer to there having to be an overriding need. To ensure compliance with national policy, changes are needed (**MM60** and **MM61**) to Policy ED1 and its supporting text to remove reference to overriding need.

159. Policy ED2 of the Plan addresses the safeguarding of employment land and premises. It identifies 6 strategically important sites and 13 locally important sites. A change is needed (**MM62**) to refer to the policies map, to ensure the policy is effective.

160. The policy sets out that strategic employment sites are safeguarded from other uses and that locally important sites can be considered for other uses in certain circumstances. It has been suggested that the same flexibility should be applied to strategic sites. I acknowledge that Paragraph 22 of the NPPF sets out that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. However, in this case the ELR has considered the suitability of the strategic employment sites and reinforces the importance of safeguarding existing provision to ensure that there is sufficient employment land over the Plan period. Further, the Plan will need to be reviewed within the next 5 years, where the role of each site can be re-considered. Given this, I consider that the Council’s approach to safeguarding strategically important sites is sound.

161. The strategically important sites identified in Policy ED2 include a site known as Bartley Wood, Hook. It has been drawn to my attention that there have been several prior approvals granted for office to residential use. It is evident that this has affected the strategic importance of the site. Consequently, I consider that a modification (**MM63**) is necessary to remove Bartley Wood,

Hook from the strategic sites and to safeguard the site as one of local importance, where there is a greater level of flexibility to allow alternative uses, where this would be appropriate. To ensure Policy ED2 is effective this change will also need to be made to the policies map. During the MM consultation it has been raised that further prior approvals have been granted and that the site should not be safeguarded at all. However, it remains unclear to me whether the more recently permitted prior approvals remove all buildings from the site that are in employment use. Further, I consider that Policy ED2 (as amended by MM63) allows a suitable level of flexibility.

162. In a similar manner, concerns have been expressed about the suitability of Ancells Business Park, Fleet to be considered a locally important site. I am content the sites designation as a locally important site is appropriate, given that the policy allows some flexibility as discussed above.
163. The Council has proposed changes to the boundaries of: Waterfront Business Park; Blackbushe Business Park; Eversley Storage; and Optrex Business Park on the policies map to correct errors. I consider this to be appropriate and will ensure that Policy ED2 is effective.
164. On a related matter, at the time of the hearing sessions the Council were seeking to enforce an Article 4 Direction to stop permitted development rights for office to residential conversions. The appropriateness of this was not for me to consider as part of this examination. I understand that the Article 4 Direction has now been implemented. MM67 of the MM schedule (EXAM64) that was consulted upon was written in a manner that reflected that the Article 4 direction had not, at that time, been implemented. I have therefore amended the MM accordingly to address this change in circumstance. **MM66** is needed to alter the supporting text of Policy ED2 to refer to this matter. This will ensure that the Plan is effective.
165. Policy ED2 does not offer any protection to existing employment uses outside of the strategically and locally important sites. Given the importance that employment uses make to the rural economy and to ensure compliance with national policy, I consider that changes are needed (**MM64**) to Policy ED2 to set out the circumstances when the loss of other existing employment sites will be justified.
166. During the examination, interested parties raised concern that the Council’s guidance on the allocation of Council owned or managed SANG does not allow it to be allocated to sites that are designated as strategic or locally important employment sites. Given the flexibility associated with locally important employment sites, which would allow the potential for residential development in certain circumstances, this is an area of concern. I consider that it would be unreasonable for proposals that met the requirements of Policy ED2 to be subsequently refused Council owned or managed SANG provision that could in effect, block its delivery. Alterations (**MM65** and **MM67**) are therefore needed to Policy ED2 and its supporting text to make clear that if a development proposal meets the requirements of Policy ED2 then the loss of employment land would not be a reason for refusing an allocation of Council owned or managed SANG.

167. Policy ED3 considers the rural economy and sets out a number of circumstances where development proposals for economic uses will be supported in the countryside. In order for the policy to be effective, a change (**MM68**) is needed to remove ‘or’ at the end of criteria b) and d). This ensures that the policy reads as intended.

Conclusion on main issue 8

168. I consider that with the recommended modifications, the Plan’s strategy for job growth and employment is sound.

Issue 9 - Whether the strategy for town, district and local centres and retail is sound.

169. Policy SS1 of the Plan sets out that over the Plan period an additional 5,900 square metres (net) of convenience and 3,960 square metres of comparison floorspace (net) is required. These figures reflect those identified in the Retail, Leisure and Town Centres Study 2015, Part 1 and Part 2 (ECO5a and ECO5b) (the Retail Study). I consider this to be a robust assessment.

170. The Plan does not allocate any specific sites to meet this need, other than the provision of a local neighbourhood centre at Hartland Village within Policy SS2. However, this will not meet all of the identified need. The Council confirmed at the hearing sessions that no sites considered suitable were promoted during the Plan’s preparation and whilst the Retail Study did identify sites, these did not have any landowner or developer backing and therefore their deliverability could not be ensured.

171. The Council has set out that the Retail Study indicated that existing units would help to accommodate growth, in terms of increased turnover densities and a reduction in vacancy rates. However, the Council conceded that this, in itself, would not be sufficient to meet the identified need.

172. The Plan seeks to meet the identified need in several ways. Firstly, through the identification of the town, district and local centre boundaries in Policy ED4 that provide some certainty regarding the areas in which retail and main town centre development will be encouraged, but also provides flexibility by potentially allowing any site within the centre to come forward.

173. Secondly, Policy ED5 identifies a Primary Shopping Area (PSA) within Fleet Town Centre, which has been significantly extended to include land previously described as a secondary retail area. I consider this additional area to be well connected and significantly increases opportunity for new retail and main town centre use floorspace.

174. The Council also set out that neighbourhood plans may also allocate sites and that there are many neighbourhood plans being drafted, which cover the town, district and local centres.

175. Given that no deliverable and acceptable sites were put forward during the Plan’s preparation, I consider that the Council’s approach to meeting the identified need to be justified. However, the Council will need to monitor the delivery of additional floorspace carefully. I am mindful that the Plan will

need to be reviewed within the next 5 years, where such matters could be revisited if necessary.

176. Policy ED4 of the Plan sets out the Plan’s approach to maintaining and improving the vitality and viability of the town, district and local centres. This includes the identification of a hierarchy: with Fleet as the only town centre; Blackwater, Hook and Yateley being district centres; and Hartley Witney and Odiham designated as local centres. Having regard to the evidence within the Retail Study, I consider the hierarchy to be justified.
177. Policy ED4 includes a threshold that requires development for town centre uses exceeding 1,000 square metres to be supported by an Impact Assessment. Based on the evidence provided in the Retail Study, I consider this threshold to be justified. However, a modification (**MM69**) is necessary to set out that this relates to gross floorspace and not net floorspace as this was an error. This will ensure the Plan is effective.
178. It has been brought to my attention that Policy ED4 requires proposals for ‘main town centre uses’ outside of town centres to undertake a retail impact assessment. However, the NPPF only seeks an impact assessment for ‘retail, leisure or office development’. Further, the NPPF 2019 requires only ‘retail and leisure’ development to undertake an impact assessment. Consequently, I have altered MM69 to reflect the wording of the NPPF 2019 to ensure compliance with national policy moving forward. To reflect this change and to ensure consistency with national policy, alterations are also needed to the supporting text of Policy ED4 and I have added these to **MM69**. For the same reasons, a further main modification (**MM149**) is also needed to amend the glossary definition of retail impact assessments.
179. Whilst these additional changes have not been consulted upon, I consider that they are necessary to address inconsistencies with national policy and are not significant ones. Further, I am mindful that the NPPF 2019 will be a significant material consideration for decision making in any event and it is appropriate to bring Policy ED4 in line with the latest position of national policy to aid decision making.
180. Policy ED5 relates to Fleet town centre. This includes several criteria that proposals within the identified primary shopping area must meet. The NPPF at Paragraph 23 recognises that residential development can play an important role in ensuring the vitality of centres. To be consistent with national policy, a change is needed to Policy ED5 (**MM70**) to set out that residential use may be appropriate above retail or commercial units providing the active frontage is not compromised and that satisfactory residential amenity can be achieved. In addition, for the same reason changes are needed to Policy ED6 that addresses development in district and local centres (**MM71**) and the introductory text at the front of the Plan (**MM3**).
181. Interested parties have set out that more should have been done to regenerate Fleet’s town centre and I acknowledge the feasibility study provided in this regard by one party. Further, I acknowledge the suggestion that the provision of mixed-use developments that include residential might help to meet future housing needs in the longer-term. However, no deliverable sites with sufficient landowner or developer backing have been put forward for such developments within Fleet town centre or any other district

or local centre. Although, I am mindful the modifications discussed above (MM70 and MM71) would allow such mixed-use developments to come forward as windfall. Nonetheless, the Council will need to ensure that all options for meeting future housing needs are considered fully in future reviews of the Plan, including the potential for regeneration.

Conclusion on main issue 9

182. I consider that with the recommended modifications, the Plan’s strategy for town, district and local centres and retail is sound.

Issue 10 – Whether or not the key issues, vision, strategic objectives and policies associated with the natural and built environment in the Plan are soundly based.

183. The Plan identifies 14 key issues that the Plan must address. In order to ensure compliance with national policy, changes (**MM4** and **MM5**) are needed to refer to the need to consider the public rights of way network and to appropriately refer to the District’s heritage assets.

184. The Plan’s vision does not refer to the important matter of flood risk. To ensure that the Plan is consistent with national policy a modification (**MM8**) is necessary to address this matter. Further, **MM9** is needed to ensure the vision appropriately refer to heritage assets in accordance with the NPPF. Having regard to the MM consultation responses, it has been suggested that the vision should include reference to ancient woodland and ancient or veteran trees in accordance with the NPPF. I consider this to be appropriate and necessary for the Plan to consistent with national policy. I have therefore amended MM9 accordingly.

185. The NPPF and the Plan both promote the use of previously developed land. However, this is not reflected in the strategic objectives. To ensure compliance with national policy, a modification (**MM16**) is required to add an additional strategic objective to the Plan to address this matter and a change is also needed (**MM136**) to add the NPPF definition of previously developed land to the glossary. In addition, changes are needed to strategic objectives 9 (**MM13**) 10 (**MM14**) and 13 (**MM15**) to appropriately refer to heritage assets, refer to the provision of sustainable transport and to make reference to public rights of ways respectively. These will ensure the Plan is consistent with national policy.

186. Policy SD1 of the Plan identifies its approach to sustainable development. The last paragraph reflects Paragraph 14 of the NPPF 2012. However, I am mindful that the equivalent paragraph (11) in the NPPF 2019 has been amended. I consider it is appropriate to ensure the policy is consistent with national policy moving forward and a change is needed in this regard (**MM17**).

187. The Plan’s approach to development in the countryside is set out by Policy NBE1. This identifies the countryside as being outside of settlement boundaries. However, I am mindful that the Plan also designates strategic and locally important employment sites. These should not be considered as countryside and therefore, for the Plan to be effective, changes (**MM72**, **MM74** and **MM75**) are needed to Policy NBE1 and its supporting text to set

this out. Having regard to the MM consultation responses, this amended also needs to be reflected in **MM73** and I have amended this modification accordingly.

188. Paragraph 261 of the supporting text to Policy NBE1 sets out the context to the policy. I consider that this goes beyond the protection afforded by the NPPF and alterations (**MM73**) are needed to ensure compliance with national policy. It has been raised that Paragraph 261 should clarify that a more restrictive approach to development in the countryside is taken than for development within the defined settlement boundaries and designated Strategic and Locally Important Employment sites. I agree that this is necessary for the Plan to be effective and I have amended MM73 accordingly. I am not of the view that that Paragraph 261 should include reference to historic landscape character, as this is covered by Policy NBE3 of the Plan and there is no need for duplication.
189. Policy NBE1 at criterion g) sets out that replacement dwellings or extensions to existing dwellings would be considered suitable in the countryside. I am mindful that the NPPF, 2019 also allows for the subdivision of an existing dwelling. I consider it is appropriate to ensure the policy is consistent with national policy moving forward and a change is needed (**MM76**). Criterion h) of Policy NBE1 allows the conversion of previously used permanent buildings or redundant agricultural buildings to be developed for appropriate uses. However, neither the policy nor the supporting text sets out what is an appropriate use. A change is needed (**MM77**) to add a footnote that explains an appropriate use is one that is consistent with other development plan policies. This will ensure the Plan is effective.
190. The NPPF allows housing development in the countryside where it would secure the optimal viable use of a heritage asset and is of exceptional quality or truly innovative in design. Further, the PPTS also considers that gypsy and traveller sites may also be considered appropriate in the countryside. For Policy NBE1 to be consistent with national policy, a modification (**MM78**) is needed to add these additional criteria.
191. Paragraph 267 of the Plan sets out that applications for rural worker dwellings which are primarily made on the grounds of providing security will not generally be supported. However, there may be certain circumstances where this could be justified. An alteration (**MM79**) is therefore needed to set out that rural worker dwellings for such reasons need to be robustly justified and explain why alternative security measures are inadequate.
192. Paragraph 271 of the Plan sets out that the redevelopment of suitable previously developed land in the countryside will be encouraged provided that the site is not of high environmental value and that the proposed use and scale of development is appropriate to the site’s rural context. The Council has sought to modify this paragraph (**MM80**) to clarify that such proposals should not cause harm to areas of high environmental value. I consider this to be necessary for the Plan to be effective.
193. Policy NBE2 designates indicative gaps between settlements. These are illustrated on the key diagram and policies map. The policy sets out that the precise boundaries of the gaps will be determined through a separate development plan document or through neighbourhood plans. I consider that

the identification of indicative gaps which have ambiguous boundaries shown on the policies map is ineffective. This is because, firstly it is unclear to me how this could be reasonably applied during decision making and secondly, such an approach could lead to arguments about whether a site is located within the indicative gap or not. Having regard to the evidence provided by the Council and the discussions that took place at the hearing sessions, I am not satisfied that there is sufficient evidence to allow the gap boundaries to be formalised within this Plan. Consequently, to ensure the Plan is justified, I consider that modifications (**MM81**, **MM147** and **MM148**) are needed to remove Policy NBE2, its supporting text and references to it from Appendix 4 and 5 from the Plan.

194. I have also become aware that a subsequent change is needed to Policy SS2 ‘Hartland Village’ and its supporting text to remove reference to the site’s location in a gap. I have amended **MM28** and **MM31** to include this change. This will ensure the Plan is consistent and effective.
195. I am not of the view that the deletion of Policy NBE2 and the removal of Saved Policies CON19 ‘Strategic Gaps – general policy’, CON20 ‘Strategic Gaps: Blackwater Valley’ and CON21 ‘Local Gaps’ from the list in Appendix 5 of the Plan (MM148) weakens the protection provided by the development plan. This is because modifications are also recommended to Policy NBE3 ‘Landscape’. The Council has proposed modifications (**MM82** and **MM83**) to Policy NBE3 and its supporting text. I consider that reference to the avoidance of physical or visual coalescence of settlements, or damage to their separate identity, either individually or cumulatively with other existing or proposed development is consistent with the NPPF. I therefore consider MM82 and MM83 to be appropriate and necessary to ensure compliance with national policy.
196. I am not of the view that Policy NBE3 or its supporting text (as modified by MM82 and MM83) would restrict all potential development between settlements. But, instead, it would allow matters such as coalescence to be considered on a case by case basis, where it is of relevance. Further, I consider the use of ‘perception’ in the supporting text (MM83) to be justified, as there may be circumstances where settlements can be perceived to have coalesced even if they have not physically done so.
197. MM83 also sets out that policies to designate specific areas or ‘gaps’ between settlements can be prepared through subsequent Development Plan Documents and Neighbourhood Plans. This also raised concern during the MM consultation. I am mindful that the designation of gaps is relatively common and the Council could seek to identify gaps in future development plan documents, such as the planned Development Management DPD, but would need to be sufficiently evidenced at that time. In addition, the same would apply to gaps designated in neighbourhood plans, where the justification for such designations would need to be robustly evidenced for any future examiner to find them appropriate.
198. The Thames Basin Heaths Special Protection Area (SPA) is the subject of Policy NBE4. A number of changes (**MM84**, **MM85** and **MM86**) are needed to Policy NBE4 and its supporting text to ensure that it reflects the decision by the Court of Justice of the European Union in the People Over Wind and

Sweetman v Coillte Teoranta case in April 2018 and to ensure that there will be no adverse effect on the SPA, in accordance with national policy.

199. It has been brought to my attention that the changes to the supporting text proposed in MM85 and MM86 are not entirely consistent with Policy NBE4. This relates to proposals for 50 or more net new dwellings that would be located within 5 to 7 kilometres of the SPA. Policy NBE4 sets out that such developments may be required to provide mitigation measures. It also sets out that this will be assessed on a site by site basis in consultation with Natural England (NE) and where necessary an appropriate assessment may be required. However, the changes to the supporting text to Policy NBE4 that were consulted upon in the MM schedule (MM86 and MM87 of EXAM64) set out that all developments of 50 or more net new dwellings that would be located within 5 to 7 kilometres of the SPA will need to undertake an appropriate assessment.
200. I consider that it is not necessarily the case that all such developments will have a likely significant effect and therefore it should not automatically be the case that they will need to undertake an appropriate assessment. Consequently, I have amended MM85 and MM86 to ensure the supporting text is consistent with Policy NBE4, which I consider sets out the correct approach to such developments, in accordance with the Thames Basin Heaths SPA Delivery Framework (ENV3) and national policy. I am also mindful that NE has not raised any concerns with regard to the wording of Policy NBE4 in relation to this matter.
201. I am not of the view that MM85 seeks to pre-empt the assessment stage. The additional text sets out that for proposals between 400 metres and 5 kilometres from the SPA, an appropriate assessment will be necessary where there is a net increase in dwellings. Further, to provide guidance to future applicants the additional text sets out the probable outcome of the assessment if contributions are made to the Thames Basin Heaths Avoidance Strategy. The role of the Thames Basin Heaths Avoidance Strategy is to ensure no adverse effect on the integrity of the SPA arises from new housing development via recreational pressure. Consequently, I consider that it is appropriate to set out to future applicants that compliance with the Thames Basin Heaths Avoidance Strategy would likely result in a conclusion of no adverse effect on the integrity of the SPA.
202. I consider that the use of the word mitigate in MM85 is also appropriate, given that mitigation measures may result in no harm arising. I am also mindful that NE has not raised any concern with regard to the wording of MM85.
203. I do not consider that Policy NBE4 should contain additional criteria in relation to SANG provision. I am mindful that the supporting text to Policy NBE4 sets out that proposals for new SANG must be approved by the Council (as competent authority) following advice from NE and will be expected to follow NE’s SANG guidelines. As a result, I do not consider that there is a need to duplicate such guidelines within Policy NBE4 or its supporting text.
204. I acknowledge that SANG provision is sometimes made in areas of flood risk, which might affect their usability. I am mindful that the NPPF sets out within its core objectives that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food

production). It is therefore clear that it can be appropriate for open land to be multifunctional. Further, the supporting text to Policy NBE4 notes that if the SANG is used for publicly accessible open space, then it must be of high quality in accordance with the Hart Open Space Study, 2016. This at Appendix 2 sets out a quality scoring matrix that includes whether the site is with a flood zone. Given all of this, I consider that the usability of the site will be an important focus, including factors such as flood risk, when the suitability of a proposal for SANG is being considered by the Council and NE. On this basis, I consider that no changes are needed in this regard. Further, it is relevant to note that NE do not share any of the above concerns.

205. On a related matter associated with the Thames Basin Heaths SPA, the introductory text of the Plan at Paragraph 26, sets out that the Habitats Regulation Assessment (HRA) confirms that the recreational impacts of proposed development on European sites can be avoided or mitigated. It also confirms that air quality is not likely to cause a significant effect on the SPA. However, the Plan itself does not refer to increases in nitrogen deposition that can adversely affect the SPA. A change is needed (**MM2**) to address this matter and to set out that the Council is committed to working with partners to monitor roadside air quality that may affect the Thames Basin Heaths SPA. This ensures compliance with national policy.
206. Policy NBE5 addresses the matter of biodiversity. When consulted upon, MM88 of EXAM64 included an alteration to set out that development should conserve or ‘where possible’ enhance biodiversity. I am mindful that Paragraph 8 c) of the NPPF 2019 refers to protecting and enhancing. Consequently, I consider that it is not necessary to make such a change and I have removed the modification from the schedule, this will ensure the policy is consistent with national policy moving forward. Several alterations (**MM87**, **MM88** and **MM89**) are needed to Policy NBE5 and its supporting text to ensure compliance with national policy and to refer appropriately to the Conservation of Habitats and Species Regulations 2017.
207. Managing flood risk is the subject of Policy NBE6. Changes (**MM90** and **MM91**) are needed to the policy to appropriately refer to national policy and guidance on flood risk. This ensures that the policy is effective and consistent with national policy.
208. Policy NBE8 requires all new homes to meet the water efficiency standard of 110 litres per person a day. Having regard to the evidence in the Hart, Rushmoor and Surrey Heath Water Cycle Study and appendices, 2017 (ENV5a and ENV5b), I consider that this is justified. Further, I am content that it would not result in developments becoming unviable and the cost of such measures is low, as shown in the Whole Plan and CIL Viability Study, 2016 (ECO3a).
209. To ensure compliance with national policy in terms of the historic environment, several changes (**MM92**, **MM93** and **MM94**) are needed to Policy NBE9 and its supporting text, to ensure its wording reflects that in the NPPF.
210. Policy NBE10 of the Plan relates to design. To ensure the policy is consistent with national policy, modifications (**MM95** and **MM96**) are required to refer to

public rights of way within criterion b) and reducing opportunities for crime and anti-social behaviour in criterion g).

211. Proposals for renewable and low carbon energy are considered by Policy NBE11. A change (**MM97**) is needed to criterion c. to appropriately refer to heritage assets in accordance with the NPPF. To ensure compliance with national policy, a modification (**MM98**) to Policy NBE12 ‘Pollution’ is needed to refer to cumulative impacts.

Conclusion on main issue 10

212. I consider that with the recommended modifications, the key issues, vision, strategic objectives and policies associated with the natural and built environment in the Plan are soundly based.

Issue 11 - Whether the Plan’s approach to infrastructure is justified and consistent with national policy.

213. In support of the Plan, an Infrastructure Delivery Plan (IDP), 2018 (INF1) has been produced by the Council. I consider that the Council’s consideration of infrastructure to be robust and the IDP and Transport Assessment, 2018 (INF2) sufficiently demonstrates that the Plan (as modified) is deliverable. However, I consider a modification (**MM100**) is necessary for the Plan to be effective, that explains the role of the IDP and how any funding gaps will be delivered. I am also mindful that the vast majority of the supply needed to meet the housing requirement already benefits from planning permission, including Hartland Village. Consequently, the individual needs of sites have been considered through the decision-making process and it has been found that they can be delivered appropriately with any necessary infrastructure secured.
214. Highways England has raised concern that the increased housing requirement to accommodate the unmet needs of SHBC could result in increased impacts on the Strategic Highway Network that have not been assessed. However, as already set out above, I do not consider that additional sites are necessary for this Plan to be sound. In the future, when the Plan is reviewed and the identified modest shortfall in supply in the last year of the Plan period is addressed, new evidence will be required to demonstrate how housing needs, at that time, can be suitably delivered without unacceptable impacts on the highway network.
215. In relation to SANG capacity, the HRA identifies at Paragraph 5.17 that even after the allocation of housing provided by the Plan (including 265 windfall dwellings) and the quantum of SANG allocated for use by neighbouring RBC, that SANG sites under the Council’s control have remaining capacity for 916 units (dwellings). I have been provided with no substantive evidence to doubt this position. Further, I am mindful that the vast majority of supply needed to meet the housing requirement benefits from planning permission, where the provision of suitable SANG will have been considered where necessary. Given that I have found the Plan’s spatial strategy to be sound, I am not of the view that additional SANG capacity needs to be delivered in parts of the District where there is an existing deficit, as development in these areas is not necessary.

216. Policy I1 sets out the Plan’s approach to the delivery of infrastructure. The policy sets out that all development that requires planning permission must make appropriate provision for infrastructure, on and off-site, or through financial contributions to off-site provision. However, I am mindful that there may be circumstances that sufficient infrastructure already exists and this is not necessary. Changes (**MM101** and **MM102**) are therefore needed to address this matter to set out that this is will be required to make otherwise unacceptable development acceptable. This will ensure compliance with national policy.
217. The Council confirmed at the hearing sessions that it was not its intention to seek tariff based planning obligations for developments of 10 dwellings or less and that the viability assessment had not considered the ability of developments of such size to be able to make such contributions. Changes (**MM102** and **MM104**) are therefore required to make this clear and to ensure the Plan is consistent with national policy. I appreciate that such thresholds have been removed in the NPPF 2019 and latest PPG guidance (with the exception of affordable housing). On this basis, it could be suggested that the policy should remain as it is without the above recommended modification. However, given that such requirements have not been tested in the viability assessment, this would in itself be unsound. Nonetheless, the NPPF 2019 and the latest PPG guidance, will be a significant material consideration in determining planning applications.
218. The Council accepted at the hearing sessions that the Policy I1 should refer to financial viability, in accordance with national policy, as there may be instances where the sought contributions would make a proposal unviable. A change to the policy (**MM103**) and its supporting text (**MM105**) is therefore necessary to make this clear and to set out what will be required of applicants in such circumstances. I consider that it is appropriate for these changes to reflect the NPPF, 2019 in terms of viability to ensure that the Plan is consistent with national policy moving forward.
219. The supporting text to Policy I1 at Paragraphs 381 and 382 considers waste water supply, surface water, foul drainage and sewage treatment capacity. Thames Water has advised that the provision of water treatment (both wastewater treatment and water supply) is met by its asset plans and as of 1 April 2018, network improvements will be from infrastructure charges per new dwelling. Modifications (**MM106** and **MM107**) are therefore needed to reflect this matter and to ensure the Plan is effective. It has been suggested that these modifications reduce the protection offered by Policy I1 and that capacity issues should be properly investigated and addressed prior to any development. However, I am mindful that Policy I1 requires developers to demonstrate that there is adequate waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users.
220. Paragraphs 373 and 384 provide supporting text to the Infrastructure section and Policy I1. Changes (**MM99** and **MM108**) are needed to include public rights of way. This ensures compliance with national policy.
221. Policy I2 sets out the Plan’s approach to green infrastructure. The PPG at Paragraph: 029 Reference ID: 8-029-20160211 sets out that ‘*Local Plans*

should identify the strategic location of existing and proposed green infrastructure networks’. As currently drafted the Plan does not identify the existing green infrastructure network within the District. At the hearing sessions, the Council set out that it was possible to show the green infrastructure network on the policies map. A modification (**MM109**) is therefore required to criterion a) of Policy I2 to refer to the existing green infrastructure network being shown on the policies map. The Council will also need to ensure that the green infrastructure network that was consulted upon alongside the MM schedule is shown on the policies map on adoption of the Plan for Policy I2 to be effective.

222. Policy I3 relates to transport. To reflect national policy, a change (**MM110**) is needed to set out that development should promote the use of sustainable transport modes rather than offering maximum flexibility as currently drafted. Further, to ensure Policy I3 is effective and reads as intended, alterations (**MM110**) are needed to criterion f) and h). Paragraph 398 of the supporting text to the policy refers to Travel Plans. The Council has suggested a modification (**MM111**) to this paragraph to set out that consideration should also be given to the Hampshire Countryside Access Plan and Rights of Way Improvement Plans. I consider this to be required for the Plan to be consistent with national policy.
223. The Plan’s approach to open space, sport and recreation is set out by Policy I4. The policy sets out that existing open space, sports and recreational buildings and land including playing fields should not be built on, other than in three specific circumstances. However, it is not clear where the existing open space is located. The Council confirmed at the hearing sessions that the existing open space can be illustrated on the policies map. A change (**MM MM112**) to Policy I4 is therefore necessary to refer to the policies map for it to be effective. The Council will also need to ensure that when the Plan is adopted that the policies map includes the open space map that formed part of the consultation on changes to the policies map that was undertaken alongside the MM schedule. This will ensure that Policy I4 is effective.
224. At the hearing sessions, the Council confirmed that, in a similar manner to Policy I1, it is not seeking tariff based planning obligations from development of 10 or less dwellings. A modification (**MM112**) to Policy I4 and its supporting text (**MM113**) is therefore needed to make this clear. The supporting text to the policy at Paragraph 403 sets out that the exact nature of any on-site provision will need to be agreed on a case-by-case basis. Further, it states that where necessary, contributions to off-site improvements to open space, sports and recreational facilities will be required. However, it is not clear under what circumstances an off-site contribution will be considered suitable. For the policy to be effective, an alteration (**MM113**) is needed to the supporting text to address this matter and to provide clarity to future applicants.
225. Table 2 of the Plan that supports Policy I4 sets out the open space standards that will be applied to development proposals. This refers to Local Play Areas (LAPs), Local Equipped Area for Play (LEAPs) and Neighbourhood Equipped Areas for Play (NEAPs). Table 2 does not, however, set out what size these should be, to offer suitable guidance to future applicants. Consequently, a modification (**MM114**) is needed to set these out within Table 2. Table 2 also

sets out the requirement for natural and semi-natural green space to be delivered. However, the relationship between the need for this and proposals that also require the provision of SANG to mitigate impacts on the Thames Basin Heaths SPA is not clear within the Plan. For the Plan to be effective, a change (**MM115**) is therefore necessary to set out that natural and semi-natural space will not be requested in addition to the provision of SANG (either on-site or through financial contributions) where required to mitigate impacts on the Thames Basin Heaths SPA.

226. Policy I5 of the Plan addresses community facilities. A change (**MM116**) to criterion ii. is required to ensure that the policy reads as intended and is therefore effective.
227. Policy I6 sets out the Plan’s approach to broadband or successor services. Concern has been raised that the policy could place an unreasonable burden on developers. However, the Council set out at the hearing sessions that developers are only expected to deliver the necessary infrastructure within their site. Changes are therefore needed to Policy I6 (**MM117**) and its supporting text (**MM118**) to make this clear and also to set out that the Council will work with Hampshire County Council as well as the telecommunications industry to maximise access to superfast broadband. This will ensure the Plan is effective and consistent with national policy. I am not of the view that the requirements of Policy I6 (as modified) would affect the viability of developments.
228. Policy I7 safeguards land at Phoenix Green for a flood alleviation system. The Plan sets out that up to 80 properties are at risk of flooding. I am satisfied that there is a need to deliver the scheme, as set out in the Summary Technical Note - Outline Business Case for the Phoenix Green Flood Alleviation Scheme (INF4). Concerns have been raised by the landowner about the impact of the scheme on the agricultural holding on which it would be located. Further, it has been suggested that the Council has not demonstrated that it has the resources likely to be needed to implement the flood alleviation scheme and therefore it does not comply with Section 19(2) (i) of the Planning and Compulsory Purchase Act 2004. However, the Council has set out that the scheme is a formal flood alleviation scheme on the Environment Agency’s Programme of flood and coastal erosion risk management schemes and is being funded through the Flood Defence Grant in Aid process. The Council also set out that the works can be undertaken using the Land Drainage Act 1991 section 14 (A) 1 which allows the Council to serve notice and undertake the works so compulsory purchase is not necessary. I see no reason to disagree and given the clear need for the scheme, I consider Policy I7 to be justified. However, the Council will need to monitor this position closely and if the scheme is not delivered then a review of Policy I7 may be necessary in the near future.
229. The changes to the policies map were consulted upon alongside the MMs. This included changes to the area of land safeguarded for the flood alleviation scheme to reflect the most up-to-date position on the land necessary to deliver the scheme. The Council will need to ensure that this change to the boundary is made to the policies map on adoption, to ensure that Policy I7 is effective.

230. Policy I8 safeguards land for education at Robert May’s School and Calthorpe Park School. I consider that the evidence provided by the Council shows that there is a need to safeguard such land to meet future educational needs and on this basis Policy I8 is justified. Proposed changes to the policies map that were consulted upon alongside the MMs included minor changes to the area of land safeguarded at Calthorpe Park School to reflect an updated position of the school’s needs. The Council will need to ensure that this change to the boundary is made to the policies map on adoption, to ensure that Policy I8 is effective.

Conclusion on main issue 11

231. I consider that with the recommended modifications, the Plan’s approach to the delivery of infrastructure is sound.

Issue 12 – Whether the Plan’s delivery, monitoring and review framework is sound.

232. The Plan contains a delivery, monitoring and review framework, which includes a number of indicators. The Plan currently sets out that the Council will commence a review of the Plan in 2021 unless triggered sooner by other factors. However, during discussions at the hearing sessions it became clear that this was an error. Consequently, for the Plan to be effective, a change is needed (**MM119**) to correct this and to set out a review will be undertaken within five years of the adoption of the Plan or sooner if triggered by factors that are set out in Paragraph 427 of the Plan. It has been suggested that the Plan should contain firmer commitments for an early review if certain circumstances arise, such as if any unmet need from SHBC were to increase above that considered in the Plan (as modified). However, the review framework includes DtC issues such as housing and I consider that this is sufficient to monitor and trigger the need for an early review if necessary.
233. MM119 also includes a reference to the Council having aspirations to plan ahead for long-term growth needs, to reduce the risk of policies (particularly housing policies) becoming out of date and would provide greater certainty over the longer term. It also notes that all reasonable growth options, including the potential for a new settlement, would need to be fully considered in a future review of the Plan or a subsequent DPD. Reference to the Council’s aspiration for a new settlement has raised numerous concerns during the MM consultation. However, it must be borne in mind that it is an aspiration and MM119 makes clear that all reasonable growth options will need to be considered in the future. I therefore consider MM119 to be appropriate in this regard. Notwithstanding this, it has been suggested that the words ‘and evidenced’ should be included in MM119 to ensure that any long-term growth options are fully considered and supported by sufficient evidence. I consider this to be necessary for the Plan to be justified and effective and I have therefore altered MM119 to this effect.
234. A number of changes are needed to the monitoring framework objectives themselves to reflect other MMs. This includes: updating the housing completions and delivery assumption figures (**MM121, MM122 and MM123**); the deletion of references to Policy SS3 (**MM120, MM124, MM126, MM127, MM128 and MM130**); and to reflect the deletion of Policy NBE2 and

alterations to Policy NBE3 (**MM129**, **MM131** and **MM132**). Further, an alteration (**MM125**) to indicator 4d is necessary to make clear that the annual target should be that 15% of new homes delivered in any given year are accessible and adaptable. These will ensure the Plan is effective.

235. Policy SS1 sets out that development will be focused on (amongst other things) previously developed land. However, there is no monitoring objective that considers this matter. For the Plan to be effective, a new monitoring objective is necessary (**MM133**).

Conclusion on main issue 12

236. I consider that with the recommended modifications, the Plan’s delivery, monitoring and review framework is sound.

Assessment of Legal Compliance

237. My examination of the legal compliance of the Plan is summarised below.

238. The Local Plan has been prepared in accordance with the Council’s Local Development Scheme (EXAM63) (LDS).

239. Consultation on the Local Plan and the MMs was carried out in compliance with the Council’s Statement of Community Involvement (SCI) (CD7).

240. I have set out above that the post submission SA (CD5c) that was primarily produced to consider the proposed new settlement area of search subject to Policy SS3 is not robust and should not be relied upon. However, I consider that the pre-submission SA (CD5a) that has been carried out is adequate to support the Plan (as modified).

241. A number of criticisms have been made of the pre-submission SA (CD5a). I consider that the pre-submission SA does appropriately look at different spatial strategies. Whilst this is done through different site combinations, it is clear that the reasonable alternatives include a single new large settlement (Hartland Village), strategic sites and non-strategic smaller sites that are dispersed throughout the District or several combinations of strategic and non-strategic sites. I consider that this offers a reasonable range of differing spatial strategies.

242. I acknowledge the concerns of the promoters of some of the sites who set out that because their site was considered along with a combination of other sites and that the low scoring of other sites affected the overall ranking of the reasonable alternative in which their site was appraised. However, it is clear that to meet the housing needs of the District many of the smaller non-strategic sites would have needed to be delivered together. I consider that such an approach is therefore acceptable. Further, to consider every possible combination of sites available would have led to dozens of reasonable alternatives and would have made the pre-submission SA unmanageable. Overall, I consider that the pre-submission SA considers an appropriate range of reasonable alternatives.

243. In terms of testing different housing levels to be delivered, this is also undertaken thorough the differing reasonable alternatives and site

combinations appraised in the pre-submission SA. These range from 397 dpa to 490 dpa, which I consider offers a suitable range. Whilst I know that the post submission SA set out that it had also been produced (as well as to consider the proposed new settlement) to test a higher housing figure, I consider 490 dpa to be a reasonable maximum figure to test, which is significantly above the housing requirement in the Plan even as modified.

244. To inform the selection of reasonable alternatives a large number of proposed sites were appraised using a Geographical Information System (GIS). I consider that this approach and the criteria adopted to be an appropriate way of appraising a large number of sites, including those in relation to SANG, SINC and ancient woodland. It is inevitable that many site promoters disagree with the scoring of their site. In many instances, judgement is needed, and some considerations are clearly subjective. I have considered carefully the concerns raised by site promoters and I am content that based on the information that the Council had before them at the time of producing the pre-submission SA, its scoring was reasonable.
245. It should also be noted that it is not for the Council to suggest to site promoters how their site could be improved or what further information or clarification is needed to improve a site’s score. To do so for all promoted sites would be an unmanageable task. Further, it has been suggested that some of the scores for the sites should have been updated to reflect additional information provided as part of planning applications or clarifications submitted by site promoters. This would require the SA to be regularly updated. This simply isn’t practical, and I am mindful that at some point the Council has to draw a line under the evidence base and submit a Plan for examination.
246. Further to the above, I am particularly mindful that even if some of the scores were improved for the disputed sites, even significantly so, I am satisfied that Option 1 (Hartland Village only) would still be ranked the highest, given its location and previously developed nature. In addition, Hartland Village does benefit from planning permission and is currently being constructed. The spatial strategy for the Plan to meet the identified housing need has therefore, in the main part, already been set through existing planning permissions.
247. I note that a promoted site called Rye Common was not considered to be a reasonable alternative to those considered in the pre-submission SA. However, it was considered as an area of search alternative alongside the Murrell Green / Winchfield (area of search) for a new settlement in Appendix III. Rye Common was therefore appraised by the same criteria as the reasonable alternatives. I consider that this offers sufficient information to allow me to be content that had Rye Common been considered as a reasonable alternative that it would not have ranked higher than Option 1 (Hartland Village only), which is the spatial strategy adopted in the Plan (as modified).
248. There has been some suggestion that the SA addendum (EXAM65) to support the MMs should have considered further reasonable alternatives based on the increase in the housing requirement to 423 dpa. However, as I have already

found, further supply is not required to make the Plan sound. Consequently, this is unnecessary.

249. Overall, I am content that the pre-submission SA provides an adequate basis to inform the Plan.
250. The Habitats Regulations Assessment June 2018 (ENV13) sets out that a full assessment has been undertaken and that the Plan may have some negative impacts which require mitigation and this mitigation has been secured through the Plan as modified.
251. The Plan (as modified) includes a vision, strategic objectives and Policies NBE6, NBE8, NBE10, NBE11 and Policy I3 designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.
252. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
253. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of gypsy and traveller sites, housing for older people and accessible and adaptable housing.

Overall Conclusion and Recommendation

254. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
255. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix 1, the Hart District Council Local Plan – Strategy and Sites satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Jonathan Manning

INSPECTOR

This report is accompanied by Appendix 1 containing the Main Modifications.