
Hart District Public Examination of the Local Plan: Strategy and Sites (2016 – 2032) (the Plan)

Response to Inspector's Matters and Issues
On behalf of Martin Grant Homes
Respondent Number 253

Matter 1
Legal Requirements

October 2018

**Hart District Public Examination
of the
Local Plan: Strategy and Sites (2016 – 2032) (the Plan)**

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Matter 1:**

Legal Requirements

**Barton Willmore LLP on behalf of Martin Grant Homes
Respondent Number 253**

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0.0 INTRODUCTION

0.1 Barton Willmore LLP is instructed by Martin Grant Homes (“MGH”) to submit this written Hearing Statement (“HS”) in response to the Inspector’s Matters and Issues for Examination. These representations are made in the context of promotion of land west of Ewshot Lane, Church Crookham, Hart (the “Site”) as a suitable location for residential development through the Development Plan process. These representations expand upon the representations submitted on behalf of the MGH in response to the relevant Regulation 18 and Regulation 19 consultations on the emerging Hart District Local Plan.

0.2 This statement does not respond to all questions raised under Matter 1, but focuses on those of particular relevance to the interests of the MGH. Whilst efforts are made not to duplicate the content of previous representations, this HS draws on previous responses where necessary.

0.3 Whilst it is acknowledged that the revised NPPF has now been published in July 2018, under the transitional arrangements of the revised NPPF (2018), at paragraph 214, the policies of the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24th January 2019. Therefore, the Hart District Local Plan (the “Plan”) is to be examined against the requirements of the NPPF (2012), henceforth referred to as the “NPPF”. The NPPF at paragraph 182 states that a local planning authority should submit a plan for examination which it considers is “sound”, namely that it is;

- **Positively prepared** – in that it seeks to meet objectively assessed development and infrastructure requirements, including those of neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the plan should be the most appropriate strategy, when compared against reasonable alternatives, based on proportionate evidence
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework

RESPONSE TO INSPECTOR'S QUESTIONS – Matter 1

Matter 1: Legal Requirements (Duty to Cooperate and Other Legal Requirements)

Duty to cooperate

1.1 Overall, has the Plan been prepared in accordance with the Duty to Cooperate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

1.1.1 No comment.

Other legal requirements

1.2 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the 2012 Regulations?

1.2.1 No comment.

1.3 Is the Sustainability Appraisal (SA) adequate? Has the Plan's formulation been based on a sound process of SA and testing of reasonable alternatives?

1.3.1 No.

1.3.2 MGH submitted extensive representations in response to the Council's Regulation 19 consultation, which remain applicable to the submitted version of the Local Plan, and in respect of the Sustainability Appraisal (the "SA").

1.3.3 The Council has, since consultation on the proposed submission version of the Plan, commissioned an update to the SA in August 2018. This update considered the inclusion of a new settlement Area of Search ("AoS") within the assessment of reasonable alternatives, finding in favour of the Plan including a proposed Murrel Green / Winchfield AoS to be taken forward through a follow-on Development Plan Document ("DPD"). This reflected in changes to the SA finding tables within section 3 of the August 2018 SA update and the summary table at page 39 of the document.

- 1.3.4 The responses made by MGH therefore remain as previously submitted, considering the Site, adjacent to Fleet (including Church Crookham), the only Tier 1 settlement in the District, to be a sustainable location for additional residential development.
- 1.3.5 It has been noted that within the Council's SA from February 2018 (the "main SA"), the Site was considered to warrant examination (paragraph 6.4.12 of the main SA) in that it could potentially serve to "round-off the settlement edge". Further, the main SA at paragraph 6.5.10 states that the site potentially stands out and is "hence worthy of detailed examination through the appraisal of reasonable spatial strategy alternatives."
- 1.3.6 In summary, the Council's SA (August 2018) considered that the option (Option 1b) which included the allocation at Hartland Park, together with provision for a new settlement AoS to include Murrell Green / Winchfield, would perform the highest, and with Option 1a (only the Hartland Park allocation) performing the second highest. The SA concludes that all other options, including Option 2 (non-strategic sites) which includes the Site, performing less well against the SA objectives. The Council's selected option, Option 1b, is labelled as the "do minimum" approach.
- 1.3.7 MGH remain concerned that a focus on large strategic sites to deliver housing over the Plan period ignores two significant reasons/opportunities for additional housing delivery which could complement this strategy, namely to plan for a good mix of sites, and secondly to supplement strategic scale sites with smaller sites which can be delivered quickly with lower infrastructure requirements, in sustainable locations, such as the Site.
- 1.3.8 A significant failing of the SA, which MGH have raised in previous representations, is that the methodology used by the SA to appraise the reasonable alternatives for housing delivery, is too high level, and unreasonably downgrades potential development locations, such as the Site, by virtue of being grouped together with other potentially less sustainable alternatives and assessed as a whole (i.e. the Council's decision to group non-strategic options together into one assessment with a single ranking within the SA). MGH has previously raised concern that the Site, which performs well against the sustainability objectives is 'hidden' within the grouping of other sites within the "non-strategic" category.
- 1.3.9 The outcome of the Council's SA is that there would be no small or medium sites proposed for allocation. It is MGH's firm view that whilst large strategic allocations are helpful in meeting the District's housing need in terms of numbers, there is a need for the market flexibility that small to medium residential sites can offer. Providing a range of sites would help the Council meet the NPPF requirement (at paragraph 47) to deliver a wide choice

of high quality homes and would also align with the Housing White Paper to maintain a range of allocation sizes.

1.3.10 The Council has, within the SA acknowledged (paragraphs 10.9.2 and 10.9.13) that "the proposal to allocate only one large brownfield site (Hartland Park) rather than a package of smaller greenfield sites has a degree of risk attached."

1.3.11 Whilst the Council assert that other sites with planning permission within the District provide the required range of sites of varied scale, it remains that the Council are reliant on Hartland Park to deliver a significant proportion of the Plan requirement of 388dpa (and the SHMA OAN requirement of 382dpa). Such reliance on large strategic allocations will not provide sufficient flexibility unless this is complemented by sustainable other allocations, such as the Site, to increase market choice, competition and provide a more robust housing land supply.

1.3.12 In summary, MGH's overarching concerns with the SA methodology is that it is too high level, to the extent it fails to consider the potentially significant benefits from including the Site, which has been grouped together with other non-strategic sites and given generalised negative rankings. At appendix V of the SA it was noted that predicting the effects of the alternatives for housing delivery is "challenging given the high-level nature of the policy approaches under consideration". This challenge has been made more difficult by a SA methodology which groups potential alternatives into larger generalised groups.

1.3.13 It is also a concern that the Council's response to extensive concerns raised on the SA within their response report, dated June 2018 (referenced CD6b), amounts to, on page 8 of that document, a statement that "the sustainability work undertaken by the Council is an important consideration in testing the Plan's overall approach and the settlement options."

1.3.14 Below we will provide MGH's reasoning why the Council's SA is deficient in the way it appraises the site.

Accessibility

1.3.15 The Council's assessment within the Post Submission Interim SA Report (August 2018) includes Option 2 (non-strategic), which includes the Site, as equal rank with the proposals for Pale Lane and West of Hook. However, the only combination of the options

considered which includes the Council's preferred option with other sites is Option 8 which considers 'all' options and inevitably draws a lower performance against SA objectives.

1.3.16 Whilst the SA ranks Option 1 as the highest performing option for accessibility on the basis that it would deliver required facilities within sustainable reach, it appears that it fails to take into account the fact that as it recognises (p22 of the Post Submission SA) new services and facilities are being delivered as part of Albany Park. The SA also recognises that significant negative effects are not predicted for any option, which strongly implies that whilst the Council have not selected the Site as a preferred option (in main due to it being grouped within an option which includes all non-strategic sites), the Council would deem the Site as sustainably located.

1.3.17 It has been flagged by the SA that there would be the need for secondary school provision, but that significant negative effects are not predicted in this regard "given the potential for a new secondary school to be delivered as part of a new settlement in the Murrell Green / Winchfield area, in the medium term". Previous MGH representations have highlighted that, based on estimated student numbers within the Hampshire School Place Plan (2018-2022), the site would potentially generate approximately 32 secondary school age pupils; a number not considered significant. Two nearby schools would have potential to accommodate pupils, Robert May's Secondary school at Odiham is anticipating an extension of 1 form of entry (FE) by 2019 and Calthorpe Park secondary school in Edenbrook have plans to expand by 2FE by 2021. Such expansions would time well with the delivery of development on the Site and would be capable of accommodating the small number of pupils it would generate. Both schools are also located sustainable distances from the Site, and of particular note, Calthorpe Park secondary school would be accessible by using a school bus (no.610 service). This was set out in more detail within the MGH representations to the Council's Regulation 19 consultation.

1.3.18 It has also been set out within former representations that higher order facilities are available at Fleet (the largest selection within the District) via the no.10 public bus service which provides regular connections. It should be fully considered (which it does not appear to be in the SA ranking) that the Albany Park development, allowed at appeal would provide a range of services and facilities within walking distance. The Inspector, in allowing the Albany Park appeal stated:

"the appeal site is situated on the edge of the settlement of Fleet and Church Crookham, identified in the LP as the largest and most sustainable settlement within the District and is therefore well located in the context of the District.

Additional facilities are also proposed within the development."

1.3.19 It is therefore difficult to understand the SA ranking which positions the Site below Option 1 (the Council's preferred option) and MGH consider the Site should hold the same no.1 ranking. The complication here is that the Site has been grouped together with other non-strategic sites which may have lowered the ranking that could have otherwise been achieved by the Site if it were considered in isolation as a separate delivery option. MGH consider the Site should be considered as an option alongside Option 1 within the SA.

Biodiversity

1.3.20 It was a key consideration within the SA that significant adverse effects on the Thames Basin Heath SPA are avoided. Whilst the Site would not provide its own on-site SANG, the SA recognises in its assessment of Biodiversity, that:

"there may be potential to provide SANG i.e. SANG that will have 'spare capacity' available for residents other than the residents of the new site in question."

1.3.21 The Site on land west of Ewshot Lane, whilst not providing its own SANG would be adjacent to the Albany Park development of 300 dwellings, being brought forward by MGH, which would provide significant SANG well in excess of its own requirements. Therefore, taking the acceptance of the SA statement above, development of the Site would be considered to be able to accommodate its SANG requirements through that provision, and would be able to provide contributions to support its maintenance.

Climate Change mitigation

1.3.22 It is considered that given the availability of services and facilities within walking distance as part of the Albany Park development, including a convenience store, GP practice, leisure facilities and significant open space through 16.18ha of SANG, there is the opportunity to reduce dependence on the private car from the Site and thereby contribute towards the SA objective to reduce CO2 emissions. It is for this reason that development should be provided to the most sustainable settlements, in particular Fleet as the only Tier 1 settlement in the District.

Transport

1.3.23 This SA objective provides a clear example of the difficulty with the methodology in that it groups the Site within Option 2 'non-strategic' sites and concludes that due to low positions within the settlement hierarchy and limited public transport to reach higher order centres, Option 2 is ranked (3). This could not be further from reality with the Site which is on the fringe of the southern extent of Fleet, the District's only Tier 1 settlement, and benefiting from sustainable transport options to nearby services and facilities, with Albany Park within walking distance, and Fleet centre a short walk and bus journey from the Site.

Summary

1.3.24 The Sustainability Appraisal fails to fully utilise the settlement hierarchy when formulating the spatial strategy, instead favouring a 'Do Minimum' approach that only considers the allocation of Hartland Park only. We consider the SA should consider a greater range of options for delivering required housing over the Plan period to complement the delivery at Hartland Park. The approach to spatial assessment has not been fully justified within the Sustainability Appraisal.

1.3.25 The Sustainability Appraisal has not fully considered medium sized sites and thus fails to bring enough forward for inclusion in the Draft Hart Local Plan. Objective 3 in the Draft Hart Local Plan states a need to support the vitality and viability of the district's town and village centres to serve the needs of residents. Failing to fully consider medium sized sites on the edge of the primary settlement does not support the needs of those in the District.

1.3.26 It is therefore not considered that the Draft Local Plan fully complies with the NPPF (paragraph 182) requirement to be positively prepared, or effective in ensuring a sufficient supply and mix of housing over the Plan period.

1.4 Does the SA suitably consider reasonable alternatives to the delivery of a new settlement at Murrell Green / Winchfield in terms of potential growth options in the long term?

1.4.11 No comment.

1.5 Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?

1.5.1 No comment.

1.6 Has the Plan been prepared in accordance with the Council's Local Development Scheme?

1.6.1 No comment.

1.7 Does the Plan include policies designed to secure the development and use of land that contributes to the mitigation of, and adaptation to, climate change?

1.7.1 No comment.

1.8 Which document(s) make up the Policies map? Is it sufficiently clear what will be included on the Policies map once it is adopted? Would this best be illustrated by providing a full copy of the Policies map as it will be amended on adoption of the Plan?

1.8.1 No comment.