



**MATTER 1 EXAMINATION STATEMENT**

**EUROPEAN PROPERTY VENTURES**  
**(NORTH HANTS)**

**REPRESENTOR 164**

**LEGAL REQUIREMENTS**



**This Statement for Matter 1 will seek to address the Inspector's Questions identified below:**

**Duty to co-operate**

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

**Other legal requirements**

- 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?
- Is the Sustainability Appraisal (SA) adequate? Has the Plan's formulation been based on a sound process of SA and testing of reasonable alternatives? Please note: The Council has submitted additional SA work (Core Documents CD5c and CD5d, dated August 2018).
- 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?
- Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?
- Has the Plan been prepared in accordance with the Council's Local Development Scheme?
- 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?
- 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?



## **Matter 1 – Legal Requirements**

### **Introduction**

1. Claremont Planning Consultancy Ltd previously provided responses to the Council's emerging Local Plan on behalf of European Property North Hampshire (EPV) to seek to boost housing requirements and recognise the need to ensure housing delivery within the district of Hart.
2. If the Plan is to be found sound, then the legal requirements that underpin the practical application of the Plan in terms of development management and delivery of the identified need in the District must be established as being met. However, given that the Plan does not demonstrate compliance with the statutory requirement in the Duty to Co-operate in that the deletion of the draft allocation at Yateley undermines the effectiveness of the Plan in ensuring development that can meet this need.

### **Duty to Co-Operate**

3. On behalf of European Property Ventures North Hampshire (EPV), Claremont Planning identifies that the emerging plan and its strategic approach to delivering development is unsound and fails to comply with the duty co-operate. The failure of the plan to distribute development in accordance with the advice of the National Planning Policy Framework and the documented evidence base means that the resulting plan is ineffective and fails to meet the test for legal compliance. Through this representation and to others addressing other Matters arising from the EiP, the failings of the proposed strategic approach will be identified, specifically in respect of the over-reliance upon approved windfall developments and large strategic growth proposals to deliver a consistent level of development delivery over the life of the Plan period.
4. The Plan inappropriately attributes weight to the delivery of two large strategic allocations within the District for their development over the Plan period. This is an ineffective approach which could result in a significant impact on the ability of the Plan and the Council to deliver the required housing numbers, if these sites were to be delayed for whatever reason. If this were to be the case, then it may result in the Council looking for their unmet need to be met elsewhere beyond the District such as through the mechanism of cross-boundary provision. As it currently stands, given that the Plan does not make appropriate provision for this eventuality, this has not adequately informed the process of the Duty to Co-Operate to ensure that there is a sufficient capacity and motivation for any unmet need arising from Hart to be catered for elsewhere in neighbouring authorities. As such, this undermines the statutory requirement to co-operate with other authorities to ensure that there is sufficient ability for this need to be possibly catered for elsewhere if the development strategy as is provided within the Plan remains unmodified.

### **Sustainability Appraisal and Reasonable Alternatives**

5. The Sustainability Appraisal assessed growth options to include a multitude of possible sites to be included within the development strategy against the various objective of sustainable development. These assessments ensure that development options considered by the Council fall within the requirements of sustainable development as required by the National Planning Policy Framework, whilst also engaging with the identified need and practicalities of delivery. However, the Sustainability Appraisal has not fully taken into account the options for growth at



Yateley and how this is suitable for the Council's development initiative given the limited allocations made and the constraints experienced by Hart due to the TBHSPA.

6. The site at Eversley Road (SHLAA 273-272 and draft allocation SC5) is ideally located immediately adjacent to the settlement boundary. A series of technical reports were prepared supporting development at this location including ecological surveys by the Council's consultants. The development would result in a logical expansion to the town to the west, into the only area that can accommodate growth due to the restrictions caused by flooding and TBHSPA at all other locations. The failure to identify this site means that the insertions of paragraph 29 -30 are incorrect and the Local Plan policy has failed to account for a new SANG and suitable level of housing growth at Yateley, which is best placed to contribute to cross boundary housing and environmental requirements. As such, it was unjustified to remove this site from the draft allocations when the Local Plan is suggesting a fairly low number of new homes across the plan period.
7. On behalf of European Property Ventures North Hampshire (EPV), Claremont Planning identifies that the emerging plan and its strategic approach to delivering development is unsound and fails to comply with the duty co-operate. The failure of the plan to distribute development in accordance with the advice of the National Planning Policy Framework and the documented evidence base means that the resulting plan is ineffective and fails to meet the test for legal compliance. Through these representations the failings of the proposed strategic approach will be identified, specifically in respect of the over-reliance upon approved windfall developments and large strategic growth proposals to deliver a consistent level of development delivery over the life of the plan period. The previous draft allocation SC5 - Eversley Road should be reinstated with the adjacent Eversley gap identified as search area for the provision of strategic SANG.
8. The SC5 Eversley Road site was previously a draft allocation in the regulation 18 consultation and was therefore previously considered suitable for development. A series of consultant reports were prepared supporting development at this location. The development would result in a logical expansion to the town to the west, the only area that can accommodate growth due to the restrictions caused by flooding and TBHSPA at all other locations. It is unjustified to remove this site from the draft allocations when the Local Plan is suggesting a restricted number of new homes across the plan period. The Local Plan proposes a low number of homes to be delivered to 2032 at existing settlements, although recognising that future requirements will be of a much higher level sufficient to justify a new settlement. The Council are therefore acknowledging that more houses are required than they suggest but they have no definitive plans for this New Settlement and yet they have deleted a highly sustainable draft allocation for 100 dwellings at Yateley.
9. Claremont Planning therefore request that the policy is amended to include all criteria set out by Natural England, which clearly states that 2ha is a sufficient space for SANG to operate successfully. The SC5 site could deliver a highly sustainable form of development with on site SANG or contribute to the provision of a wider strategic SANG within the Eversley Gap, so the SANG could therefore act as a buffer preventing any perceived coalescence of settlements. This, alongside the SANG as promoted by CEMEX and Gawthorpe Estates, will ensure that the new provision of SANG will substantially increase the District capacity of SANG. As such, this will support continued growth at Yateley as the second largest settlement in the District.



10. It is suggested that the site at Eversley Road is reinstated as a housing land allocation which can come forward for development sooner than a proposed new settlement on land that is yet to be identified and acquired and therefore it is unrealistic to assume the new settlement can be delivered in the next 5 years. The SANG proposed in the masterplan meets with the requirements of Natural England and our client is considering the possibility of providing additional SANG on an adjoining site as well as through the substantial SANG as promoted at the CEMEX and Gawthorpe Estates sites.
11. Claremont Planning have demonstrated that the plan cannot be found effective, sound or legally compliant without further modification given the inadequacies surrounding the identification of strategic growth locations.

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