



Hart Local Plan: Strategy and Sites 2016 – 2032

**Council Response to
Inspector's Matters and Issues for
Examination**

**Matter I
Legal Requirements**

25 October 2018

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Duty to Co-operate

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 A Duty to Cooperate Statement (CD9) has been prepared to show how the duty has been met. It discusses the different strategic issues where the duty applies.
- 1.1.2 The key issue of housing is also discussed in the Housing Topic Paper TOPI. Very recently a Statement of Common Ground (SCG6) has been agreed between the Housing Market Area (HMA) partners (Hart, Rushmoor and Surrey Heath) which sets out the latest, current position in terms of addressing housing need across the HMA. In summary, regarding housing, the Council's position is that:
- a) The Council has worked constructively with both Rushmoor and Surrey Heath for several years under the duty: identifying housing need; agreeing a common methodology for SHLAAs; SPA mitigation e.g. SANG in Hart that serves more than one authority. These outcomes have required a considerable amount of joint working including numerous meetings and discussions over the years, particularly at officer level, but also at Member level – there have been several meetings of the Joint Member Liaison Group during this time at key stages of the process;
 - b) In terms of meeting housing need, both Rushmoor and Hart Plans meet their respective SHMA OAHN. The Rushmoor Plan¹ identifies a potential capacity of 8,884 dwellings between 2014 and 2032 compared with the SHMA OAHN for Rushmoor of 7,848 (a potential surplus of 1,036 dwellings). The Hart Plan identifies a surplus supply of 508 homes against its OAHN². This means there is a potential surplus supply of approximately 1,500 homes against OAHN in Hart and Rushmoor. This excludes the proposed new settlement at Murrell Green/Winchfield.
 - c) There are uncertainties over Surrey Heath's Local Plan which is 'behind' the Hart and Rushmoor Plans. Surrey Heath's Regulation 18 consultation identified a shortfall of 731 homes. The final shortfall, if any, will depend on how the evidence base evolves. For example, the standard method is expected to change, and the housing supply could change (Surrey Heath conducted a call for sites alongside the Regulation 18 plan). There is thus no confirmed shortfall at this stage to address.
 - d) The new settlement proposal means that overall Hart will exceed OAHN considerably within the Plan period, providing significant flexibility for an unmet need arising in Surrey Heath.

¹ In published Modifications to its Plan Rushmoor identifies a potential supply of 8,884 homes against the Plan requirement (OAHN) of 7,848 homes.

² OAHN in Hart = 6,876 homes from 2014-2032. Supply from 2014 = 7,384. Surplus = 508

- e) If the new settlement and other committed supply across the HMA prove insufficient to address a shortfall in Surrey Heath then the Plan is clear that a review will be triggered (paragraph 427 of the Plan).
- f) The duty has also been carried out in terms of supporting infrastructure, working with the relevant organisations such as the County Council on transport and education. This will continue through the New Settlement DPD and other DPDs.

1.1.3 Looking ahead the Council's activities under the duty are ongoing, for example the Council will continue to work with:

- 1) Surrey Heath and Rushmoor on the issue of any unmet housing need;
- 2) Hampshire County Council, Highways England and Rushmoor on the transport implications of planned development, as explained in the Statement of Common Ground for Transport (SCG2);
- 3) All the relevant duty to cooperate partners to shape the New Settlement DPD referred to in Policy SS3. Such input from key organisations is considered to be key to the successful planning and delivery of the new community;
- 4) Rushmoor, Surrey Heath and indeed all the SPA-affected authorities (through the Joint Strategic Partnership Board) on SPA mitigation in respect of housing delivery. This will include a Hart/Rushmoor/Surrey Heath project that is about to start, investigating alternatives to SANG provision as SPA mitigation (a project for the long-term rather than the current wave of local plans).
- 5) All neighbouring authorities as required as each prepares a local plan or undertakes a review.

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 The second revision of the Statement of Community Involvement (SCI) (CD7) was published in 2014. It sets out how the community should be engaged in the Local Plan process and guides the Council in the approach to consultation stages throughout the preparation of the Local Plan.
- 1.2.2 The Consultation Statement (CD6a) sets out how the Council has undertaken community participation in the production of the Local Plan and how it has met the requirements set out in the Regulations and in accordance with the SCI. The Consultation Statement was submitted alongside the Local Plan and is in accordance with Regulation 22(1)(c)(i) to (iv) of the Town and Country Planning (Local Planning) (England) Regulations 2012. It demonstrates that the Council has met the minimum requirements for consultation by:

- undertaking three consultations under Regulation 18 – by notifying the appropriate consultees and inviting representations on what the Local Plan ought to contain;
- publishing the Local Plan in accordance with Regulation 19 – by notifying appropriate consultees of publication and providing a statement of representations procedure and statement of availability for inspection; and
- submitting the Local Plan in accordance with Regulation 22, accompanied by a Consultation Statement and copies of representations made in accordance with Regulation 20.

I.2.3 The Council has been proactive in engaging with various members of the community through a range of methods. Some of the methods used to promote the Local Plan consultations to various communities in Hart are as follows:

- Emails and letters sent to all statutory and non-statutory consultees as well as individuals and businesses that have requested to be kept informed of Local Plan updates;
- Letters/leaflets sent to all households and businesses in Hart to publicise consultations;
- Printed copies of consultation documents available to view at the Council offices, all Town and Parish Council offices, and all libraries across the district;
- Press releases;
- Articles in Hart News (the Council’s half yearly publication sent to all households and businesses within the district);
- Social media promotion;
- Public exhibitions held in different locations across the district where individuals can drop in and speak to Council Officers.

I.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?

Please note: The Council has submitted additional SA work (Core Documents CD5c and CD5d, dates August 2018).

Adequacy of the SA process

I.3.1 The SA process undertaken alongside preparation of the Hart Local Plan has followed the step-wise process prescribed by the Environmental Assessment of Plans and Programmes (SEA) Regulations (2004), and hence is adequate. The prescribed process essentially involves:

- 1) Select and appraise ‘reasonable alternatives’ to inform the draft plan;
- 2) Publish the SA Report for consultation alongside the draft plan;
- 3) Finalise the Plan, in light of the SA Report and consultation responses.

I.3.2 Most importantly, the SA Report (CD5a) was published alongside the Proposed Submission Plan in 2018, presenting the information prescribed by Regulation 12(1) and Schedule 2 of the Regulations. The Local Planning Regulations (2012) are clear that the SA Report should be published alongside the Proposed Submission Plan, under Regulation 19.

I.3.3 Whilst concerns were raised in respect of the content of the SA Report, and the Council/AECOM responded to those concerns by preparing and submitting a Post Submission Interim (PSI) SA Report (CD5c), it does not necessarily follow that the SA Report was inadequate. Furthermore, any inadequacy will have been addressed by the publication of the PSI SA Report. Whilst that report was not published for consultation, it was made available in good time to inform the examination.

Overview of the SA process

I.3.4 The Hart Local Plan SA process can be summarised as follows -

- 1) Scoping, including consultation on a Scoping Report (OTH 10a) in **2014**
- 2) Early plan-making, consultation and SA steps over the period **2014 to 2016**
- 3) Detailed SA work in **2016 and early 2017** (led by AECOM), including appraisal of reasonable alternatives, with findings published for consultation in an Interim SA Report (I 1a) alongside the Draft Plan, under Regulation 18, in March 2017.
- 4) Detailed SA work in late **2017 and early 2018** (led by AECOM), including appraisal of refined reasonable alternatives, with findings published for consultation in the SA Report (CD5a & CD5b) alongside the Proposed Submission Plan, under Regulation 19, in February 2018.
- 5) Detailed SA work in **summer 2018**, focused on appraisal of further refined reasonable spatial strategy alternatives, with findings presented within a PSI SA Report (CD5c) for submission.

I.3.5 Key steps within the SA process up to the point of preparing the Proposed Submission Plan are explained within **Part 1** of the SA Report (“What has plan-making / SA involved up to this point?”). Specifically, Part 1 explains that preparation of the Proposed Submission Plan was preceded by the following key steps, in accordance with regulatory requirements -

- 1) Reasonable alternatives were established, drawing upon the contextual understanding established over a number of years, and dedicated work in 2017 (see Chapter 6)
- 2) The reasonable alternatives were subjected to appraisal (see Chapter 7)
- 3) The Council took alternatives appraisal findings into account when preparing the Proposed Submission Plan (see Chapter 8).

I.3.6 **Part 2** of the SA Report then continues the ‘story’ by answering the question “What are appraisal findings at this current stage?” with **Part 3** of the SA Report then completing the story by answering the question “What happens next?”.

I.3.7 The plan-making / SA story was then brought further up-to-date by the PSI SA Report, which was structured in three parts so as to answer the same three questions as the SA Report (and the Interim SA Report before that).

Reasonable alternatives

I.3.8 Finally, there is a need to explain the consideration that has been given to ‘reasonable alternatives’ throughout the SA process.

1.3.9 The first point to note is that there has been a focus on reasonable alternative approaches to **‘spatial strategy’**, or more specifically ‘reasonable alternative approaches to the allocation of land to meet needs’. As explained at para 5.1.2 of the SA Report, this was an appropriate (‘reasonable’) position to take in light of the plan objectives, and given the regulatory requirement to consider reasonable alternatives “taking into account the objectives and geographical scope of the plan”.

1.3.10 The ‘story’ of selecting, appraising and refining reasonable spatial strategy alternatives is as follows -

1) Reasonable spatial strategy alternatives were developed and appraised in **2016 / early 2017**, in time to inform preparation of the Regulation 18 Draft Plan. ‘Outline reasons’ for selecting the alternatives were presented within Chapter 6 of the Interim SA Report (with reference to contextual understanding generated through previous plan-making / SA stages, e.g. see Section 6.3),³ appraisal findings were presented in Chapter 7 and the Council’s response presented in Chapter 8. The reasonable alternatives, as they stood at the time, were presented across six maps - see pages 21 to 23.

2) Refined reasonable spatial strategy alternatives were developed and appraised in **2017 / early 2018**, in time to inform preparation of the Regulation 19 Proposed Submission Plan. ‘Outline reasons’ for selecting the alternatives were presented within Chapter 6 of the SA Report (with reference to contextual understanding generated through previous plan-making / SA stages, e.g. see paras 6.2.10 to 6.2.15), appraisal findings were presented in Chapter 7 and the Council’s response presented in Chapter 8. The reasonable alternatives, as they stood at the time, were presented across six maps - see pages 35 to 41.

3) Further refined reasonable spatial strategy alternatives were developed and appraised in **summer 2018**, in time to inform hearing statements and the examination more generally. ‘Outline reasons’ for selecting the alternatives were presented within Chapter 2 of the PSI SA Report (with reference to contextual understanding generated through previous plan-making / SA stages, e.g. see para 2.1.5) and appraisal findings presented in Chapter 3. The reasonable alternatives, as they stood at the time (which also remain the reasonable alternatives at the current time), were presented across twelve maps within the PSI SA Report - see pages 8 to 19. The reasonable alternatives differ to the earlier set only in that: A) there is an additional ‘variable’, namely “MG/W AoS”; and B) Option 8 is added.

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?

1.4.1 The PSI SA Report gives close consideration to all the feasible alternative approaches that might be taken in respect of a new settlement at Murrell Green / Winchfield, namely -

- | | |
|--|--|
| 1) Formally allocate the site - | Dismissed as unreasonable in Section 2. |
| 2) Establish an AoS - | Features within four of the reasonable alternatives |
| 3) Neither allocate nor establish an AoS - | Features within eight of the reasonable alternatives |

³ The Regulations (Schedule 2(8)) require “an outline of the reasons for selecting the alternatives dealt with”.

- I.4.2 Scenario (3) is essentially the baseline scenario, and under this scenario the assumption is naturally that housing beyond the plan period, and potentially also housing in the latter part of the plan period (under a scenario whereby needs during that period of time transpire to be higher than currently thought to be the case) would be delivered through urban extensions.
- I.4.3 It is not clear that there is any other feasible alternative. The Plan cannot allocate urban extensions to deliver additional growth beyond the plan period; nor would it be appropriate to identify an area of search to guide urban extensions beyond the plan period. Urban extensions are not subject to the same lead-in times as new settlements.
- I.4.4 Finally, it is important to state that seven of the reasonable spatial strategy alternatives would involve no new settlement area of search alongside allocation of one or more urban extensions to deliver 'additional growth', i.e. growth over-and-above the level of growth supported by the submission plan. However, it is not necessarily the case that the sites in question would be phased so as to deliver in the long term, as an alternative to a new settlement.

I.5 Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?

- I.5.1 A robust Habitats Regulation Assessment (HRA) (ENVI3) has been undertaken for the Proposed Submission Local Plan in accordance with Article 6 of the EC Habitats Directive 1992 and the Conservation of Habitats and Species Regulations 2017. It considers all identified effects of the plan on internationally important wildlife sites (not just alone but also in combination with other plans and projects). The HRA has been prepared whilst considering guidance from Natural England, the RSPB, guidance outlined in Current Legislation, and draft DCLG guidance.
- I.5.2 There is one European site within Hart District – the Thames Basin Heath Special Protection Area (TBH SPA) – and the majority of the District falls within 5km of its boundary.
- I.5.3 Chapter 3 of the HRA explores the relevant pathways of impact. Determining the various ways in which land use plans can impact on European sites by following the pathways along which development can be connected with European sites. The HRA has identified the potential for effects from five pathways: urbanisation, recreational pressure and disturbance, atmospheric pollution, water abstraction, and water quality.
- I.5.4 Chapter 4 of the HRA provides a likely significant effects test of all policies in the Local Plan that did not require further consideration (Appropriate Assessment). Many of the Plan policies could be 'screened out' as they did not provide linking impact pathways to a European designated site and as such there was no potential for any of these policies to result in adverse effects on European sites.
- I.5.5 Chapter 5 of the HRA provides a more detailed discussion (the Appropriate Assessment) relating to the TBH SPA. Impact pathways that have been identified to have the potential to link the Plan to European designated sites are: urbanisation, recreational pressure and atmospheric pollution. The HRA concluded that the Plan will not affect the integrity of the Thames Basin Heaths SPA alone or in combination. The Council have adhered to the recommendations set out in the report.
- I.5.6 The HRA concludes there will be no adverse effects on the integrity of any internationally important wildlife sites. For the Thames Basin Heaths SPA this conclusion is reached due to

the mitigation strategy being delivered by the Council including the requirement for Suitable Alternative Natural Greenspace (SANG) and Sustainable Access Management and Monitoring (SAMM) contributions and a prohibition on delivery of net new housing within 400m of the SPA.

- I.5.7 It is recommended that the new settlement at Murrell Green/Winchfield be subject to a site specific HRA to include investigating impacts relating to atmospheric pollution on the TBH SPA such as bespoke transport and subsequent air quality modelling. The new settlement should include provision of sufficient bespoke SANG in agreement with Natural England.
- I.5.8 The Council received positive comments from key stakeholders in the Regulation 19 Local Plan consultation. Natural England are satisfied that the Local Plan would not have a significant effect on the integrity of European sites and can come forward in line with the Habitats Regulations 2017.

I.6 Has the Plan been prepared in accordance with the Council's Local Development Scheme?

- I.6.1 The Local Development Scheme 8th Revision (LDS) (CD8) sets out Hart District Council's timetable for preparing its Local Plan (2016-2032). The Hart Local Plan will comprise of three Development Plan Documents: the Local Plan Strategy and Sites DPD, Development Management Policies DPD and the New Settlement DPD.
- I.6.2 The Local Plan Strategy and Sites has been prepared in accordance with the LDS 8th Revision timetable:
- April 2014 – consultation on the scope of the Sustainability Appraisal with the Environment Agency, Natural England, English Heritage (now Historic England) along with other relevant organisations and the general public;
 - August to October 2014 – consultation on the Housing Development Options Paper in accordance with Regulation 18;
 - February to March 2016 – consultation on the Refined Housing Options Paper and Draft Vision and Strategic Priorities in accordance with Regulation 18;
 - April to June 2017 – consultation on a Draft Local Plan and Interim Sustainability Appraisal in accordance with Regulation 18;
 - February to March 2018 – publication of the Local plan and consultation into legal compliance and soundness in accordance with Regulation 19; and
 - June 2018 – submission of the Local Plan along with representations received in accordance with Regulation 22.
- I.6.3 The examination of the Local Plan will occur in November/December 2018 and the Council intends to adopt the Plan as soon as reasonably practical after receipt of the Inspector's report. These stages are outside of the Council's control. Hart has prepared the LDS in accordance with section 15(2) of the Planning and Compulsory Purchase Act 2004.

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 The securing of development and use of land that contributes to the mitigation of, and adaptation to, climate change is a central theme which runs through the Plan which all policies collectively seek to contribute to.
- 1.7.2 Section 10 (paragraphs 93-108) of the NPPF, 2012 deals with climate change. In line with the objectives and provisions of the Climate Change Act 2008 paragraph 94 advises LPA to adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The Act commits the UK to reducing emissions to 80% of 1990 levels by 2050.
- 1.7.3 In relation to Local Plans Paragraph 99 advises that account “should be taken of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.”
- 1.7.4 In accordance with the NPPF Climate Change is identified as one of the key issues in Paragraph 92 of the Submission Draft Local Plan. The policies, vision and objectives of the Plan are underpinned by a recognised need to contribute to the mitigation of and adaptation to climate changes. The vision statement makes a commitment that new development will be built to high environmental and design standards including measures to meet the challenges of climate change.
- 1.7.5 Government predictions suggest that by 2020, Hart could be affected by climate change in a number of ways, such as; heat waves, summer water shortages, more flooding in winter and more frequent severe winters.
- 1.7.6 The Local Plan contains specific policies designed to meet the challenges of climate change, its likely impacts and to promote energy from renewable and low carbon sources. These are reviewed below:
- 1.7.7 **Policy NBE6** requires all new development to contribute to flood risk reduction. The policy directs new development to areas of low flood risk and requires it to incorporate energy efficient design and sustainable drainage systems (SuDs) to manage run-off water sustainably in compliance with the National SuDs Standards and latest climate change advice. There are a range of measures which can be used depending upon site characteristics including; the use of permeable surfaces, green roofs, rainwater harvesting, and tree planting.
- 1.7.8 **Policy NBE8** requires all new homes to meet the tighter Building Regulations optional water efficiency requirement of 110 litres per person per day for new homes. Water efficiency measures within non-residential developments are also encouraged. This in response to the Environment Agency report 'Water Stressed Areas: Final Classification' (2013) which recognises Hart as an area characterised by serious water stress. This is based on current and future water usage and includes climate change scenarios.

- 1.7.9 **Policy NBE11** supports development proposals for the generation of energy from renewable resources, or low carbon energy. Low carbon design techniques and technology. As explained in paragraph 354 of the Plan the delivery of renewable and low carbon energy schemes will contribute towards the mitigation of impacts of climate change. The Energy Opportunities Plan (EOP) incorporated within the North Hampshire Renewable Energy and Low Carbon Development Study (2011), found that energy generation including from wind turbines, photovoltaic solar, biomass for direct combustion and anaerobic digestion and district heating with combined heat and power (CHP) all have the potential to be utilised in the District. This would increase the District's resilience to changes in climate by encouraging building design that minimises carbon emissions.
- 1.7.10 **Policy NBE 10** in design criteria (h) promotes development which reduces energy through sustainable approaches to building design and layout through the use of low carbon energy technologies, such as solar panels and ground source heat pumps. Insulation materials should be selected to prevent penetration of heat, including through use of 'cool' building materials. Sustainable approached to building design could include the facilitation of natural ventilation and building orientation. This would ensure that the District is resilient to changes in climate by encouraging design that reduces carbon dioxide emissions through maximising use of renewable energy and connections to decentralised networks, stores and reuses rainwater, remains comfortable in hot and cold weather.
- 1.7.11 The policy also encourages the retention and incorporation of existing and planting of new trees and hedgerows. Trees help in the mitigation and adaptation to climate change by absorbing carbon. They also provide shading and reduce surface water run-off.
- 1.7.12 **Policy I3** on transport supports increased provision for walking and cycling, and improved access to public transport. Supporting text in paragraph 394 promotes the provision of convenience retail within close proximity to residential developments which can encourage walking and cycling and reduce trips by car. This would therefore contribute to a reduction in the District's carbon footprint which would therefore also contribute to mitigating climate change. The policy supports proposals for the use of alternative vehicle fuels including the installation of electric vehicle charging points which would also contribute to lowering carbon dioxide emissions.
- 1.7.13 Overall the Council therefore considers that the Plan's policies would contribute to the mitigation of, and adaptation to, climate change.

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 CD2 Proposed changes to the policies map identified changes to the current adopted Policies Map. For practical purposes it is easier to see the effect of the policies on a new set of maps showing how the proposals map would look if the submitted Plan is adopted. These will be submitted and published in the examination library.