

LAND SOUTH OF READING ROAD

HART LOCAL PLAN EXAMINATION – FURTHER HEARING STATEMENT

MATTER 1 – LEGAL REQUIREMENTS

CEMEX

25 OCTOBER 2018



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1.0 Matter 1 – Legal Requirements

- 1.1 On behalf of CEMEX Properties (CEMEX) and its interest in ‘Land south of Reading Road, Eversley’, the following information is provided in regard to Matter 1 – Legal Requirements.
- 1.2 CEMEX has fully engaged with the Local Plan process and submitted representations to previous consultations. The site is referenced SHL112 in the SHLAA (2018). It is located on the edge of Eversley village, extending to approximately 48 ha, although much of this area is promoted for SANG provision alongside housing.
- 1.3 The site has the potential to deliver up to 150 new homes, a 60-bed care home with access off Reading Road and Hollybush Lane, and an over-provision of SANG land, within the early part of the plan period. The focus is for residential development to the north of the site, off Reading Road, with public open space and significant SANG provision located on the remaining area, securing the long-term positive management of open space and woodland.

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)?

- 1.4 No additional comments.

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?

- 1.5 No additional comments.

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)).

- 1.6 The SA assessed a number of different development scenarios. CEMEX has concerns with the way in which the development options for testing were constructed and, consequently, inequitable. Further, the assessment of potential settlement extension site allocations that make up the “non-strategic allocations” option, in particular the consideration of ‘Land south of Reading of Road’, was based on incorrect information, as described below.
- 1.7 First, it is clear that the approach that focusses development at Hartland Park is retrospectively justified. There has been no proper appraisal of the alternatives, including a transparent and fair assessment of the concentrated strategy verses the dispersed strategy or mixed strategy. All of these options are reasonable

alternatives, and even with increased housing numbers, none should have been downgraded purely in response to the level of housing required. Certainly, the assertion that non-strategic sites will fail to deliver sufficient SANG is not justified and plainly wrong. Equally, with respect to primary school provision, it appears that the strategy has been downgraded on the basis of not delivering a school, when provision is adequate throughout the majority of the district; the NPPF requires consideration of opportunities to utilise existing infrastructure, indeed this would be a justified approach facilitating the ability to secure viable development with the highest levels of affordable housing and other contributions.

- 1.8 Second, whilst we accept that much of the SA represents planning judgement (with which we may or may not disagree), this judgment must be based on fact, given a proportionate assessment of the information available to the authority.
- 1.9 In this case, the site assessments are considered to be flawed and do not effectively consider supporting information (relatively strategic and therefore of a proportionate scale) submitted as part of representations to the Local Plan process. In particular, the assessment of the site 'Land south of Reading Road' is misleading and incorrect. The issues identified by CEMEX are significant and numerous, which casts doubt on the robustness of the assessment as a whole. If this is the case with this site, perhaps further omission sites have been incorrectly represented through the SA, to which this draft Local Plan relies upon.
- 1.10 Section 6.4 of the document describes how the potential settlement extension sites were considered. Eversley is described as a Tier 4 settlement, with "*some opportunity to grow*" (see paragraph 6.5.12). At paragraph 6.4.62 there is a short description of the CEMEX sites at Eversley and the rationale for omitting them within the longer list of sites. CEMEX objects to the wording in the paragraph as follows.
- 1.11 The first bullet states "*With regards to CEMEX B – a small site (19 homes) at the eastern extent of the land controlled by CEMEX - the site promoters have decided to withdraw the proposal.*" This statement is not correct and does not accurately reflect CEMEX's decision making. Rather than withdraw the site, CEMEX took a comprehensive view regarding its land ownership at Eversley and decided to focus residential development in the northern portion of the site and retain the smaller site as part of the wider SANG provision. This was a rational design response to the potential to develop the site in a comprehensive manner.
- 1.12 In the second bullet, the document states "*With regards to CEMEX A - a larger site at the western extent of land controlled by CEMEX - the site promoters have identified an issue with the original proposed access, and hence propose a larger scheme with a new access point at the western extent of the site*". This statement is not correct. CEMEX initially considered accessing the site from Hollybush Lane and/or Reading Road. However, following consideration of feedback from a public exhibition event held by CEMEX as part of a pre-application process in April 2017, together with feedback from officers at the pre-application meeting in June 2017, it was decided that Reading Road should form the primary access point. The scheme's size has not been influenced by the access point, but is the result of a comprehensive approach to the landownership, as described above, and a landscape-led masterplanning exercise which considered how the development could best relate to the existing built area and community. The masterplanning also determining site capacity.

- 1.13 The second half of the bullet states that *“the access proposal is deemed problematic, given the need to pass through a small woodland copse”*. This statement is not supported by the evidence or any detailed assessment of access arrangements from Reading Road. On behalf of CEMEX, transport consultants Vectos identified an appropriate access arrangement and carried out a Transport Assessment to support an application for the development of the site for 150 new homes, a 60-bed care home, open space and SANG. The work carefully considered the findings of an arboricultural assessment carried out by Barrell Tree Consultancy and confirmed that access could be achieved to Design Manual for Roads and Bridges (DMRB) standards, to include the necessary visibility splays, without the need to fell trees along the site’s frontage.
- 1.14 The SA also states in the second bullet that *“this new scheme is deemed to be out of scale with the village”*. CEMEX disagrees with this statement. The latest masterplan (attached to this representation) has been carefully conceived, considering the surrounding built form and landscape, focusing development along the northern part of the site. Through the evolution of the masterplan, comments made at the public consultation and the pre-application meeting have been fully considered and the scheme amended in response, so that it does relate well to the existing settlement and to the wider settlement pattern.
- 1.15 Following public support at the consultation event in April 2017, the masterplan includes the provision of a 60-bed care home, which will meet the needs of elderly residents requiring care across the district, providing much needed older person homes on an ‘edge of village’ site. This will result in the release of existing housing stock for younger households, where there is constrained supply.
- 1.16 Therefore, the statement set out in the SA is not a reflection of the proposals presented at the public exhibition or at the pre-application meeting and should not be used as a reason to remove the site from the list.
- 1.17 In paragraph 6.4.68 the SA states that the *“Other sites, including SHL112 CEMEX (discussed above) are more constrained”*. However extensive technical surveys and assessment work carried out to support an outline planning application, presented at the public exhibition and to officers in 2017, demonstrate that there are no insurmountable constraints to development, that the site is suitable for residential development and SANG provision and that the site is available for development, with the potential to deliver within the first five-years.
- 1.18 In the assessment tables set out in Appendix IV of the document, further errors are made. The site is judged to perform poorly in respect of proximity to SINC and Ancient Woodland. The accompanying text (page 115) notes that the 34% of the CEMEX site intersects an ancient woodland. However, development proposals on land south of Reading Road would not adversely affect these designated areas, with development limited to the northern portion of the site (comprising 5.3ha) and the remainder being used for SANG (comprising 37.4 ha). In fact, there would be net benefits through the development of the site and associated green space proposals as a consequence of positive future management. The site’s proximity to an SPA, is graded “amber” in the table, but this is mitigated through the provision of SANG land and is not a constraint.
- 1.19 The site is within 50m of a listed building and Conservation Area. However, as explained above, this assessment fails to take account of the fact that the built

development proposals would be limited to the northern portion of the site, with no adverse impact on these heritage assets, either directly or with respect to their setting.

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?

- 1.20 The SA has grossly misrepresented the CEMEX proposals, failing to accurately or fairly assess the site. This therefore casts doubt on the integrity of the Sustainability Appraisal as a whole. The document cannot be relied upon to make balanced planning judgements about the suitability of specific sites and the general approach to the distribution of housing in the district.

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

- 1.21 No additional comments.

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

- 1.22 As part of the emerging Local Plan, the Council have published eight iterations of the Local Development Scheme (LDS). The timescales for each draft of the Local Plan were delayed considerably following the Regulation 18 Draft Local Plan consultation during the Council's review and consideration of responses.
- 1.23 The Council highlighted that this delay was caused by the reduction in housing numbers. The Regulation 18 Draft Local Plan consultation was held in June 2017 and set out the proposed timescales to undertake the pre-submission consultation in Winter 2017, submit to the Local Plan Inspector in Spring 2018 for Local Plan adoption in late Summer 2018.
- 1.24 In fact, the pre-submission draft was published for consultation in February 2018, a slight delay to that proposed within the Regulation 18 draft Local Plan. The Local Plan was then submitted to the Inspector in June 2018, with the proposed examination in November and December 2018. This further highlights a delay to the Local Plan process. This delay is due to the publication of the revised NPPF (2018) and the Government's Standardised Methodology for the calculation of OAN.
- 1.25 The plan has not there been prepared in accordance with the 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?

- 1.26 No additional comments.

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

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illustrated by providing a full copy of the Policies map as it will be amended on adoption of the Plan?

1.27 No additional comments.