



MATTER 12

**EUROPEAN PROPERTY VENTURES
(NORTH HANTS)**

REPRESENTOR 164

THE ENVIRONMENT



This Statement for Matter 12 will seek to address the Inspector's Questions identified below:

- Does Policy NBE1 unreasonably restrict development in the countryside?
- Is Policy NBE1 justified and consistent with national policy, most notably (but not limited to) Paragraph 55 of the NPPF, 2012?
- Are each of the criteria set out within Policy NBE1 justified?
- Is the supporting text at Paragraph 267, justified and consistent with national policy, insofar, that it states that applications which are primarily made on the grounds of providing security will not generally be supported?

Policy NBE2

- Is Policy NBE2 justified and consistent with national policy?
- Is Policy NBE2 effective, insofar, that the boundaries of the gaps are indicative? How would a planning application be considered against them if they are only considered to be indicative?
- Is the reliance on a subsequent development plan document or neighbourhood plans to identify the precise boundaries of the gaps justified?
- Is each of the identified gaps and its indicative boundary justified?
- Is the methodology used in the Topic Paper to consider gaps robust?

Policy NBE3

- Is Policy NBE3 justified and consistent with national policy?

Policy NBE4

- Is Policy NBE4 justified and consistent with national policy?
- Are the standards and arrangements set out in Policy NBE4 for SANG justified and reflective of Natural England's guidance?

Policy NBE5

- Is Policy NBE5 justified and consistent with national policy?
- Is Policy NBE5 and its supporting text (namely Paragraph 303) consistent with the Conservation of Habitats and Species Regulations 2017?

Policy NBE6

- Is Policy NBE6 justified and consistent with national policy?

Policy NBE7

- Is Policy NBE7 justified and consistent with national policy?

Policy NBE8

- Is Policy NBE8 justified and consistent with national policy?
- Is Policy NBE8 based on a sound assessment of viability?



Policy NBE9

- Is the Plan based on adequate, up-to-date and relevant evidence about the historic environment within Hart?
- Is Policy NBE9 justified and consistent with national policy?

Policy NBE10

Is Policy NBE10 and each of its criteria justified and consistent with national policy?

Policy NBE11

- Is Policy NBE11 justified and consistent with national policy?
- Is the Energy Opportunities Plan (EOP) incorporated in the North Hampshire Renewable Energy and Low Carbon Development Study (2011) robust and up-to-date?

Policy NBE12

- To be effective should Policy NBE12 refer to cumulative effects?
- Is Policy NBE12 justified and consistent with national policy?



Matter 12 – Environment

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. 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.
3. The site under control by EPV provides a suitable, sustainable and deliverable site at the edge of Yateley to the south of Eversley Road. The site at Eversley Road (SHLAA 273-272 and previously 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, the only area that can accommodate growth due to the restrictions caused by flooding and Thames Basin Heath SPA at all other locations
4. The SC5 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 TBH SPA 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 at least 100 dwellings at Yateley.

Policy NBE1 Open Countryside

5. Whilst the Local Plan justifiably makes provision of settlement boundaries to ensure that growth within the District is directed towards, and within, existing built form of settlements of the Council, the Plan does not effectively attribute this policy to take into account sites at the edge of settlements. At present, Policy NBE1 regards any proposals that are beyond the boundaries of a settlements are automatically deemed as within the open countryside and thus contrary to the policies of the Local Plan. This is to ensure that the environmental, ecological and landscape qualities of the open countryside are preserved as far as possible.



6. Despite the LPA, recognising the suitability of the land west of Yateley as being suitable for development through a draft allocation on the the site at Eversley Road as site SC5 the removal of this allocation and limitation of further growth at Yateley is at complete odds with the evidence base present and planning appeal decisions made in relation to the Welbeck scheme at Moulsham Lane. The Local Plan should be amended to rightly identify the sustainability and suitability of Yateley to accommodate further growth and the capacity of land beyond around Eversley to provide a strategic SANG. However, given that the site remains outside the settlement boundary with the draft allocation removed does not render the site undevelopable in totality. To reflect this, Policy NBE1 should adopt a more reflexive approach that takes into account the nature of edge of settlement sites that fall outside, but are directly adjacent, to settlement boundaries.
7. If the Policy were to be amended to take these into account, this would take advantage of those sites which are clearly sustainable in their development and will provide an appropriate and mitigatable extension to the settlement edge, such as at Yateley. The policy will therefore be able to protect the open countryside from inappropriate development but will also allow for a measured, sustainable expansion of settlements to enable the identified need to be met.

Policy NBE2 Gaps Between Settlements

8. Forming part of the development management and environmental policy of the emerging Local Plan is the designation and defence of strategic gaps between settlements. The policy ensures that separation is maintained between settlements to prevent their coalescence and loss of the visual amenity and settlement identity through their merging of urban areas. Of particular note is the designated gap between Yateley and Eversley, within with the site under control by EPV North Hampshire is situated.
9. Whilst it is understood that strategic gaps are important in maintaining settlement identity and visual value by way of separation between towns and to mitigate the cumulative loss of open countryside, in the case of the gap between Yateley and Eversley, the importance of this gap has been attributed in appropriate weight in terms of its importance in the wider context of Yateley, housing need and the objective in achieving sustainable development at this location.
10. As a new policy designation of the new Local Plan, it is an unfounded approach that will unnecessarily apply strict development limits on towns that are suitable to accommodate further growth. In turn, this will result in significant pressure on the LPA to rely on the delivery of its identified strategic sites within the District and progress of windfall development within boundaries of the settlements of the District. This is an ineffective approach that does not reflect the settlement hierarchy of the Council area that demonstrates that settlements such as Yateley, being the second largest town of Hart and as such prevents any sustainable or appropriate options for the town's expansion. This is further exacerbated by the presence of the Thames Basin Heaths SPA that spatially constraints the extent and location of development within the LPA. Given this constraint is particularly relevant to Yateley, with these SPAs towards the east of the town, this only provides the west of the town suitable to accommodate growth. This represents therefore a major issue and obstacle preventing the sustainable growth of Yateley and as such in unjustified approach that prevents the growth of the LPA.
11. Further, the site at Eversley Road, which was previously designated as draft allocation SC5, demonstrates the initial principal of acceptability of development on the site, but with this allocation since deleted following the preference of an alternative development strategy. This



exacerbates the unsoundness of the emerging Local Plan given that the LPA has applied unjustified limits to development through the provision of strategic gaps, without taking into account the existing natural constraints to development of the Special Protection Areas.

Policy NBE4 Thames Basin Heaths Special Protection Area

12. A primary and significant limiting factor to the development and growth of the Authority is the statutorily designated and internationally recognised Thames Basin Heaths that are provided substantial protection through its national designation. As such, the emerging Local Plan must take this into due consideration through efforts in achieving mitigation through the provision of Suitable Alternative Natural Greenspace, to provide substitute open space for recreational use over and above the heaths, that are particularly sensitive to recreational and other human use. However, the development strategy, as it intersects with Policy NBE4 fails to provide an effective approach that takes both the need to protect to the TBHSPA, but to also promote appropriate and sustainable growth within the LPA.
13. An example of how the distribution strategy proposed contradicts the evidence base and fails to achieve effective sustainable development whilst appropriately taking account of cross-boundary pressures, is the failure of policy to plan positively for growth at Yateley. The Local Plan identifies Yateley as the second largest settlement in the District and Figure 4 also identifies areas surrounding the town as being beyond the SPA impact zones, where development can be accommodated. However, whilst supporting evidence base summarised through the Sustainability Appraisal recognises Yateley has the only Sixth Form educational level in the District and, unlike other areas of the District, has education capacity. However, despite this, the Local Plan fails to identify any future housing sites (other than existing commitments) at this highly sustainable location. Instead, the Local Plan identifies that Yateley as being subject to notable constraints to the north and east due to flood risk, whilst the south and southwest is impacted by the Thames Basin Heath SPA. However, during the preparation of the plan EPV collaborated with the Local Planning Authority (which consisted of East Hants DC Policy Team and Hart Officers) that led to land west of Yateley as being allocated for residential development of circa 80 dwellings through draft allocation SC5. Through such a development it was envisaged that Suitable Alternative Natural Green Space (SANG) would be provided through the development as well initiate a wider strategic SANG within the gap between Yateley and Eversley, which would contribute to mitigating impacts arising from growth at Yateley over the plan period. During this assessment process it was rightly recognised that land at Eversley Road, beyond the western boundary of Yateley, was not required to remain open to ensure a sufficient gap was maintained to Eversley and draft allocation SC5 for 88 dwellings was proposed demonstrating this.
14. The Policy fails to identify options for development where they can provide the acceptable minimum on site SANG, but also where proposals are also able to make use of other SANGs coming forward elsewhere through separate proposals that provide additional SANG capacity in the immediate vicinity. Without this appropriate recognition, the policy is unable to facilitate development whilst simultaneously providing the requisite protection of the SPA.
15. Despite the appropriateness of Yateley to accommodate further housing and the need to identify a SANG location to provide for the growth of the town over the plan period and beyond, the emerging plan has failed to make any residential allocations adjacent to the town beyond those that have already been granted consent. Demonstration of the Plan's failure to provide



for the accounted local needs of its communities and deliver sustainable development in accordance with the National Planning Policy Framework is the deletion of the draft allocation SC5 at Eversley Road, Yateley. This is despite the Eversley Road site being the only viable, deliverable and available site adjacent to the settlement boundary that could realistically accommodate further growth in this highly sustainable location whilst also able to trigger the delivery of SANG to meet Yateley's needs over the plan period and beyond.

16. 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 onsite 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.
17. Policy NBE4 relates to the Thames Basin Heaths Special Protection Area. This sets out the requirements of SANG. It states that a minimum of 8ha of SANG land (after discounting to allow for current access and capacity) should be provided in perpetuity per 1000 new occupants. Having referred to the Rushmoor Borough Council memo (referred to earlier in the Local Plan) relating to the TBHSPA which refers to Natural England's approach, it is evident that Natural England in their avoidance and mitigation strategy (para 6.2) refer to additional criteria in determining the requirements of SANG as set out below:
 - Allocated SANG capacity will be funded by developer contributions reflecting the need to maintain the SANG in such a way as to meet the agreed SANG criteria, in perpetuity.
 - Alternatively, SANG may be provided by developers for individual developments with the agreement of the Council and Natural England.
 - SANG should be at least 2ha in size and located within a wider network of spaces.
 - The catchment of SANG will depend on the individual site characteristics and location and their location within a wider green infrastructure network. In line with the Delivery Framework the following should be used as a guide:
 - o SANG of 2 – 12 ha will have a catchment of 2km
 - o SANG of 12 – 20ha will have a catchment of 4km
 - o SANG of 20ha+ will have a catchment of 5km.
18. The Local Plan policy should demonstrate that all of the above criteria should be met when including SANG in developments. However, Policy NBE4 does not include all of the relevant criteria. It simply refers to the pro-rate provision of SANG at 8ha per 100 occupants. The EPV site at Eversley Rd, Yateley proposed a masterplan providing 100 dwellings, 2.18ha of SANG and additional open space, clearly meeting the minimum requirements and with the ability to contribute further if necessary in relation to a strategic SANG area within the gap to Eversley. The draft allocation SC5 has however been deleted on the grounds that insufficient SANG was available at Yateley for further growth, whilst failing to recognise the potential to provide for a strategic SANG allocation within the Eversley Gap. However, given the land being promoted by CEMEX and Gawthorpe Estates at Eversley/Eversley Cross, the extent of deliverable SANG is significant and as such could support future growth at Yateley given the increase in the District's SANG capacity if these sites were to be realised. Thus, the delivery of this SANG



alongside that which is deliverable at the Eversley Road site demonstrates appropriate and suitable provision of SANG which will be materially beneficial in mitigating any harm to the SPA.

19. By unjustifiability removing the draft allocation at SC5, without taking into account the options of deliverable SANG in the immediate context of the site, the Plan fails to address the needs of existing settlement communities and provide a long-term approach of their growth that will also account for environmental requirements and in this case SANG provision that has the potential to provide future capacity for Hart and cross-boundary authorities.
20. Based on the above criteria a site of 100 dwellings with an assumed occupancy of 2.4 persons per dwelling should result in a SANG requirement of approximately 2ha. The previously proposed masterplan demonstrated 2.18 hectares of deliverable as on-site SANG, in compliance with national and policy standards.
21. Claremont Planning has identified that alongside Blackwater, Yateley is the only sustainable settlement in the north of the District. The other opportunities for development growth are limited by the Special Protection Area to the south and its related environmental limitations. To ensure the north of the District is not left behind in terms of investment and opportunities for new and existing residents, it is essential that Yateley receives an amount of housing development relative to its potential and significance in the settlement hierarchy.
22. In support of development at Yateley, the suitability of the settlement to accommodate growth without social or environmental detriment must be recognised. Yateley is the second largest settlement in the district, behind Fleet, with a population of 14,649. Importantly, it has a full range of services, including two of the Districts three secondary schools outside of Fleet. The town has sufficient social infrastructure capacity and potential for further expansion to meet the needs of new residents, which alongside the identification of suitable and deliverable sites should be recognised as a clear justification to focus an appropriate level of development at Yateley. Claremont Planning has identified that alongside Blackwater, Yateley is the only sustainable settlement in the north of the District. The other opportunities for development growth are limited by the Special Protection Area to the south and its related environmental limitations. To ensure the north of the District is not left behind in terms of investment and opportunities for new and existing residents, it is essential that Yateley receives an amount of housing development relative to its potential and significance in the settlement hierarchy. The Council's evidence base demonstrates the suitability of Yateley to accommodate a level of housing growth that is reflective of its importance to the District.
23. It is suggested that the SC5 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 seems 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 given the promotional representations put forward by CEMEX and Gawthorpe Estates.
24. 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 such as through the removal of the site at Eversley Road without due consideration of alternative options of the provision of substantial SANG at Eversley and



Eversley Cross. Without such consideration, the Plan cannot be deemed positively prepared and as such is not legally compliant.

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