



Planning Policy and Economic Development Service
Test Valley Borough Council
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Chapman Lily Planning Ltd



Date: 29th March 2022
Your reference: Draft Local Plan 2040 Regulation 18 Stage 1
Our reference: BS-2324

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By email: [REDACTED]

Dear Sir or Madam,

Draft Local Plan 2040 Regulation 18 Stage 1 consultation

On behalf of WH White Ltd (WHW), I herein provide a response to stage 1 of the Test Valley local plan Regulation 18 issues and options consultation. WHW is an established company, landowner and land promoter based in Dorset. They are leading a consortium of landowners, who control a land parcel c.53ha in size, centred around a restored landfill site and operational waste recycling facility at Bunny Lane, just to the north of Romsey. WHW has promoted the land to Test Valley Borough Council through the Strategic Housing and Economic Land Availability Assessment (SHELAA) and it has been assigned reference 369.

WHW acknowledges that the emerging plan is at the Regulation 18 stage and that the next iteration will be shaped by the feedback from this consultation, as well as the findings of further technical work. However, the emerging plan will ultimately need to satisfy the tests of soundness set out at paragraph 35 of the NPPF:

'a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs ; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

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c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant’.

Given the above requirement, this representation highlights areas where the plan may not prove sound and suggests how current deficiencies might be rectified. This response follows the format of the main consultation document and is structured as follows:

- Local plan process (timeline)
- Vision and objectives
- Spatial strategy
- Settlement hierarchy
- Climate emergency
- Local gaps
- Green infrastructure, public open spaces, biodiversity and habitats
- Delivering infrastructure requirements
- Meeting our housing needs
 - Land at Bunny Lane, north of Romsey
- Housing market areas
- Affordable housing/housing mix Gypsies, Travellers and Travelling Showpeople.

Local plan process (timeline)

WHW notes how an indicative timeline for the production of the local plan is set out at figure 1.2 of the consultation document, with adoption currently timetabled for Q3 of 2025. This will be after stage 2 of the Regulation 18 process is concluded, followed by the standard milestones of Regulation 19, submission and then examination. WHW appreciates the importance of public engagement and how vital it is to give stakeholders opportunities to help shape development plan documents (DPDs), but respectfully believes the timeline to be unnecessarily complex.

Legislation requires only one consultation stage – Regulation 18 Issues and Options – to be completed before a DPD can proceed towards Regulation 19, and so on. A streamlined process is necessary to make progress as smooth as possible, as the government recognises the importance of an adopted local plan. However, Test Valley’s approach has been to undertake two previous consultations, confusingly called ‘Issues and Options 2018’ and ‘Refined Issues and Options 2020’, before now undertaking the official issues and options consultation. To complicate matters further, it has also been split in two.

The result is therefore four issues and options consultations, when only one is required. With the target adoption date of 2025, that would mean seven years' worth of consultations, when paragraph 33 of the NPPF requires local plans to take five.

Even then, adoption by 2025 could be ambitious. WHW is aware of several examinations in the south of England where a much longer and unexpected timeframe has occurred. This includes Purbeck (submitted for examination in January 2019 and still not resolved), Eastleigh (submitted in October 2018 and only just to the point of receiving the inspector's report) and Havant (submitted in February 2021 and recently withdrawn).

WHW would therefore suggest that the Council will need a contingency plan, to ensure it remains in the driving seat in terms of where development will take place and, crucially, maintains sufficient housing land supply to demonstrate a five-year supply on adoption of the plan. To that end, WHW recommends the Council consider an interim policy for the early release of land ahead of the conclusion on the local plan. This is a strategy that was successfully deployed in Havant borough, for example, where the Council's 2016 Spatial Position Statement identified additional greenfield sites for development to boost supply. Further to the recent withdrawal of the Havant Local Plan from its examination, it is evident that Havant is reinstating this approach.

Vision and objectives

WHW generally supports the local plan's proposed objectives in principle, but would make a number of comments. The first, under the banner of 'climate change', is supported inasmuch that one of WHW's specialisms is renewable energy and their land promotion at Bunny Lane has the potential to deliver solar energy to feed into new homes and businesses. The identified area in the indicative masterplan submitted as part of the SHELAA promotion could even be further expanded.

WHW is less supportive of the 'our communities' objective, which says that the strategy is to deliver '*new development in sustainable locations*', but that does not reflect paragraph 105 of the NPPF, which says that '*significant development should be focused on locations which are or can be made sustainable*'. This is particularly pertinent in the case of land at Bunny Lane, which is detached from Romsey's settlement boundary, but is in an excellent location to act as a satellite to the town and thus reduce development pressures on it. Romsey is in the top tier of the local plan settlement hierarchy and the largest settlement in the housing market area, but is heavily constrained and with few prospects for expansion. A satellite development is therefore a reasonable option to deliver sustainable development in an unconstrained location. Furthermore, WHW's SHELAA promotion shows that development at Bunny Lane could reach a critical mass where it becomes self-sustaining. This includes up to 750 homes, employment land, a school, local centre and over 33ha of SANG and other green space.

In light of this, WHW believes that the strategic objective should be amended as follows:

'Deliver and strengthen sustainable, cohesive and healthy communities in our ~~towns and villages~~ borough. Secure enhancements to social, green, health, educational and other local infrastructure through new development in sustainable locations or locations that can be made sustainable. Support the viability of the Borough's town and local village centres in meeting many of the daily needs of our communities and residents'.

WHW supports the 'built, historic and natural environment' objective to conserve the special landscape character of the borough, noting that land at Bunny Lane is not constrained by any landscape designations.

WHW also supports the 'ecology and biodiversity' objective, which seeks to protect habitats and biodiversity, as well as increasing the quantity of green space. The potential 33+ha of SANG and other green space that would accompany a development at Bunny Lane would clearly help achieve this objective. Similarly, it would also help the 'leisure and recreation' objective to provide more open space and access to the countryside.

WHW supports the 'housing' objective and the goal to *'provide a range of homes that are fit for purpose and designed to meet the needs and aspirations of different groups within the community, including a range of affordable housing and homes that meet the needs of an ageing population'*. By providing up to 750 homes at Bunny Lane, a range of housing types and tenures would be eminently achievable.

Spatial strategy

WHW notes that the proposed spatial strategy has been informed by the Spatial Strategy Topic Paper¹ and the Sustainability Appraisal² accompanying the consultation. The process has arrived at a preferred option, which is a hybrid of three of the considered options. Paragraph 4.14 of the topic paper summarises that they include:

'focus on supporting the regeneration of Andover and Romsey town centres (Option D), supporting growth at our key employment areas (Option C), and supporting growth at our largest settlements (Option E)'.

Paragraphs 4.15 – 4.16 go on to discuss how this strategy would be more dispersed than currently is the case, but in doing so, this would help support rural communities, including through the delivery of affordable housing.

A review of section 7 of the SA reveals the hybrid option scores highly against other reasonable alternatives.

¹ <https://www.testvalley.gov.uk/assets/attach/15953/Spatial-Strategy-Topic-Paper.pdf>

² https://www.testvalley.gov.uk/assets/attach/15942/pp1_2-220204-Sustainability-Appraisal.pdf

WHW supports the hybrid option, noting that development at Bunny Lane would help achieve option E ('supporting growth at our largest settlements') by providing a satellite to Romsey, a market town at the top of the settlement hierarchy. To that end, WHW notes paragraph 3.11 of the consultation document, which acknowledges the significant amount of growth that was allocated at Romsey in the existing local plan. To reiterate, land at Bunny Lane would solve the problem by releasing development pressure from Romsey, which is constrained and with few options for growth.

Settlement hierarchy

WHW notes that the settlement hierarchy has been informed by the Settlement Hierarchy Assessment³. This follows the same method used in the previous local plan, which counted the number and range of facilities at each settlement and ranked settlements accordingly. WHW respectfully argues that this is a rather crude approach, which again does not support the message in paragraph 105 of the NPPF to focus significant development in locations that are or can be made sustainable. In addition, whilst the paper does group some settlements together, WHW is of the view that it does not go far enough in this respect. For example, figure 1 below shows the significant number of facilities and services within a 2km walk of land at Bunny Lane. These are all facilities and services that development in this location would be able to support. It is also worth noting from the map excerpt below just how close the site is to Romsey.

³ <https://www.testvalley.gov.uk/assets/attach/15966/Settlement-Hierarchy-Assessment.pdf>

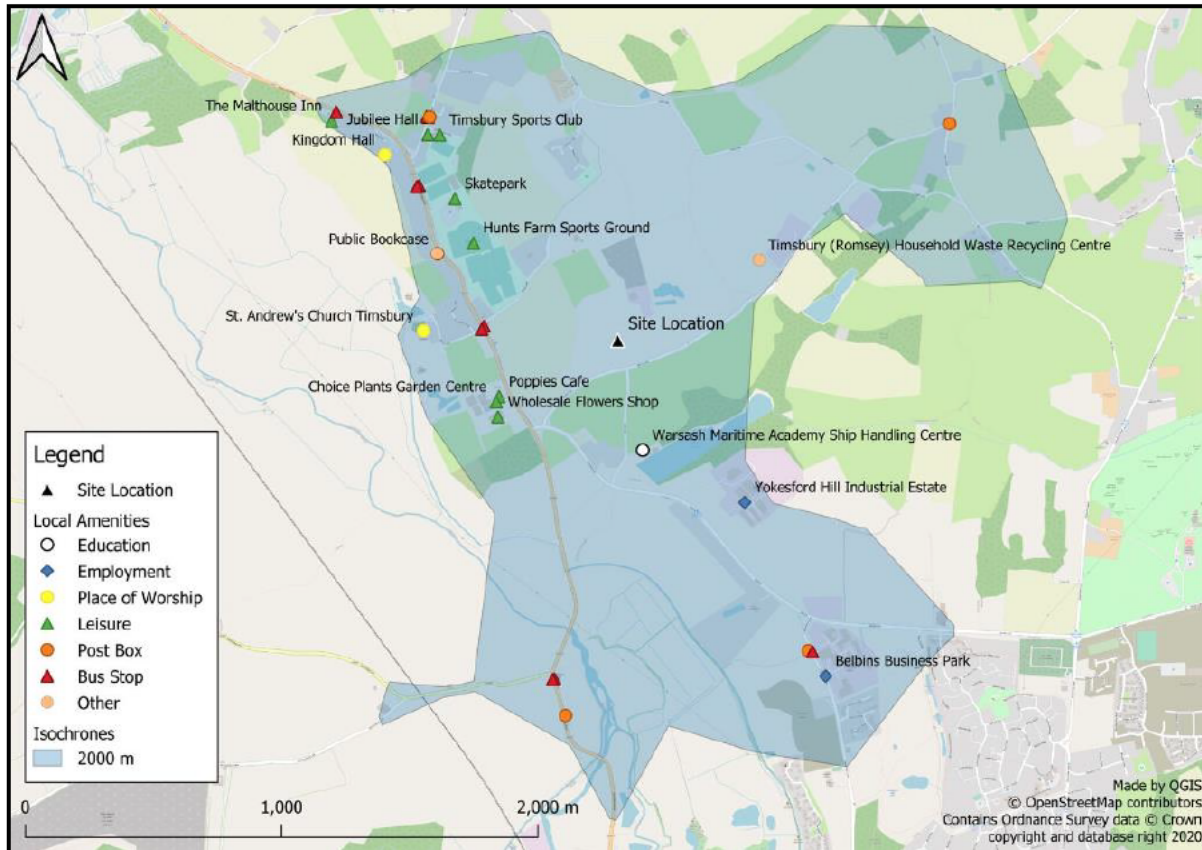


Figure 1: Transport Appraisal Statement excerpt accompanying the Bunny Lane SHELAA submission, showing the number of facilities and services within a 2km walk of the site

Indeed, paragraph 4.128 of the consultation document acknowledges how growth in rural areas can help to sustain public transport and other facilities and services. WHW’s promotion at Bunny Lane in fact includes new pedestrian/cycle links to help connect Heron Lane with Bunny Lane and therefore assist with accessibility.

Given the above, WHW would advocate a nuanced approach that takes into account the interrelations between settlements and to not compartmentalise them into strict tiers. The danger of rigid adherence to a settlement hierarchy is that it misses genuine opportunities to deliver sustainable development at locations that may be in lower tiers on their own merits, but when examined objectively in context could clearly promote sustainable patterns of growth.

Climate emergency

WHW agrees that climate change is a significant challenge and that the local plan needs to strike the right balance that reduces greenhouse gas emissions. Development at Bunny Lane would be an excellent opportunity to create new homes that are as self-sufficient as possible, not just in terms of the facilities and services it could deliver and support, but also by potentially providing a

solar array. This would help power new homes and businesses with renewable energy and would fit in well with WHW's expertise in delivering renewable energy projects.

Strategic Policy 1 (Countering Climate Change) of the consultation document goes on to set out in parts a – f how development should deliver a net zero carbon future and WHW believes land at Bunny Lane could achieve all of them.

Local gaps

WHW does not believe it would be a sound strategy for the Council to introduce local gaps between settlements in the borough. This is because, as acknowledged at paragraph 4.41 of the consultation document, national guidance does not contain any requirements for gaps. Instead, in WHW's view, it can be seen as introducing an unnecessary level of constraint to development that effectively tries to take the role of green belt through the back door. As it is, physical and environmental barriers (roads, rivers, etc.) play an adequate role in maintaining separation between settlements – not that the coalescence of settlements is necessarily a bad thing anyway. That is how many towns and cities have grown organically over time.

Green infrastructure, public open spaces, biodiversity and habitats

WHW notes from paragraph 4.42 of the consultation document that green infrastructure, public open spaces, biodiversity and habitats are just some of the issues that will be addressed in the next consultation stage, including through the provision of a Habitats Regulations Assessment. WHW looks forward to reviewing the strategy at that time, noting that land at Bunny Lane could provide a very significant quantum of SANG, to help mitigate the impacts of urban pressures on protected sites and species.

Delivering infrastructure requirements

WHW supports the observation at paragraph 4.117 that providing infrastructure can affect the viability of the development and looks forward to reviewing the local plan viability assessment at stage 2 of the Regulation 18 consultation. WHW would add at this stage that viability is a notorious barrier to the delivery of infrastructure and affordable housing, particularly when involving brownfield sites in urban settings. They therefore advocate a blended approach to the spatial strategy that rightly delivers urban regeneration, but also develops greenfield sites, which often have the economies of scale and land values to support affordable housing and infrastructure provision.

In order to link the Council's own observation about viability at paragraph 4.117 with draft Strategic Policy 5 (Delivering Infrastructure), WHW believes the following wording will be required. This would ensure compliance with paragraph 58 of the NPPF, which requires planning decisions to take account of viability:

'Where viable, to mitigate the impact of development on infrastructure, development will be required to:...'

Meeting our housing needs

WHW takes the annual figure of 541 homes over the plan period, calculated using the PPG's standard method, at face value. However, WHW objects to the conclusions in paragraphs 5.11 and 5.12 of the consultation document that it is the place of the Strategic Housing Market Assessment (SHMA) to decide whether or not the local plan should accommodate unmet needs from neighbouring authorities. The SHMA is just one piece of evidence, while discussions under the Duty to Cooperate (DtC) should be completely separate and should inform the plan.

The plan is therefore heading in an unsound direction by concluding at this stage, through the SHMA, that it cannot accommodate unmet needs under the DtC. Contrary to the statement at paragraph 5.12, the potential for accommodating unmet needs is in fact a reasonable alternative for the SA to assess, given how paragraph 24 of the NPPF reminds councils that they are under a statutory duty to cooperate with each other *'on strategic matters that cross administrative boundaries'*. Meanwhile, paragraph 16c says that plans should *'be shaped by early, proportionate and effective engagement'*. Paragraph 26 of the NPPF also instructs councils that:

'Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere'.

It is unclear at this stage how the DtC has been exercised thus far in the production of the plan, but owing to the length of time between this current consultation stage and the submission of the plan, it is entirely reasonable to expect a clearer picture to emerge as both it and neighbouring authorities' plans progress.

Pivotal to this will be discussions through the Partnership for South Hampshire (PFSH), one of whose 'key areas of work'⁴ is the DtC. PFSH originally produced a Spatial Position Statement to assist with the DtC in 2016, but this is now significantly out-of-date, given how national guidance has been updated with the standard method. In October 2021, PFSH produced a statement of common ground⁵ (SoCG), which highlights on page 7 the overlapping local authority areas. An excerpt of the accompanying map is provided in figure 2 below.

⁴ <https://www.push.gov.uk/>

⁵ <https://www.push.gov.uk/wp-content/uploads/2021/10/Statement-of-Common-Ground-October-2021.pdf>

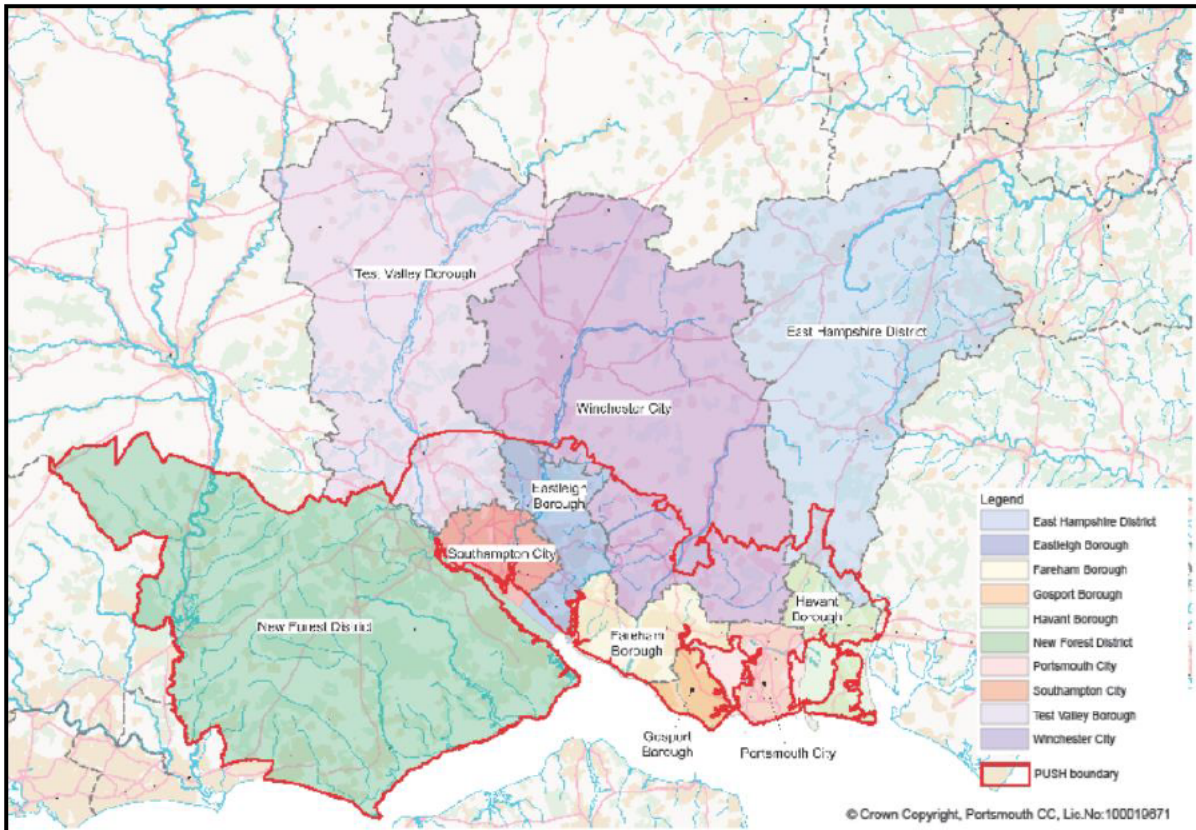


Figure 2: map showing the PFSH authorities. Source: October 2021 PFSH statement of common ground

It is important to note that paragraph 3.9 of the SoCG confirms that *'the issue of unmet housing need'* (which thus acknowledges there is an issue) will be addressed through a new joint strategy.

The housing need figures for the PFSH area are significant: table 2 of the SoCG confirms that according to 2021 calculations, housing need in that area alone is 87,270 over the 15-year period from 2021-2036. Table 3 of the SoCG then shows that the estimated supply over the period is 74,374, thus projecting a shortfall of c.13,000 homes.

Paragraph 3.56 of the SoCG does confirm that evidence gathering is underway to underpin the new joint strategy, but it is unlikely to be presented to the Joint Committee until autumn 2022. Nevertheless, this should be in time for the Council's next issues and options consultation stage.

In addition to the neighbouring PFSH authorities, Test Valley abuts Wiltshire, West Berkshire and Basingstoke and Deane councils. In total, Test Valley has a physical shared boundary with the following:

- Basingstoke and Dean
- Eastleigh
- New Forest district
- New Forest National Park

- Southampton
- West Berkshire
- Winchester
- Wiltshire

Given this large number of neighbours, plus the wider PfSH area, all of which are at different stages of local plan production, WHW finds it highly unlikely Test Valley can categorically conclude at this stage that the new local plan will not need to accommodate any unmet needs. Given the SoCG's current conclusions of c.13,000 homes potentially going unmet, it is therefore clear that the SA should be considering meeting a proportion as a reasonable alternative – that is without even considering meeting the unmet needs of the other neighbours listed above. WHW thus fears that the plan will be found unsound because it will fall foul of paragraph 35a and c of the NPPF, which require unmet need for neighbouring areas to be accommodated where it is practical to do so; and the plan needs to be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.

Whilst WHW acknowledges that Test Valley Borough Council is yet to set out its growth strategy, it is clear that land at Bunny Lane could not only contribute towards the borough's own needs and abutting neighbours, but also unmet needs from PfSH. This is owing to the site's proximity to the PfSH boundary.

Land at Bunny Lane, north of Romsey

The Council will be aware that land at Bunny Lane has been promoted through the SHELAA process under ref. 369. The SHELAA entry records the site within 'Appendix 8 Northern Test Valley Mixed Use Sites'⁶, but WHW finds this does not correspond with the HMA split on page 71 of the consultation document, which identifies the site as well within the southern HMA. This is important in the context of the DtC and the above observations in terms of meeting needs within the HMA, the wider plan area, as well as PfSH. For ease of reference, the map from page 71 of the consultation document is presented in figure 3 below. Land at Bunny Lane is identified with a star.

⁶ https://www.testvalley.gov.uk/assets/attach/15579/pt6_2_1-Appendix-8-NTV-Mixed.pdf

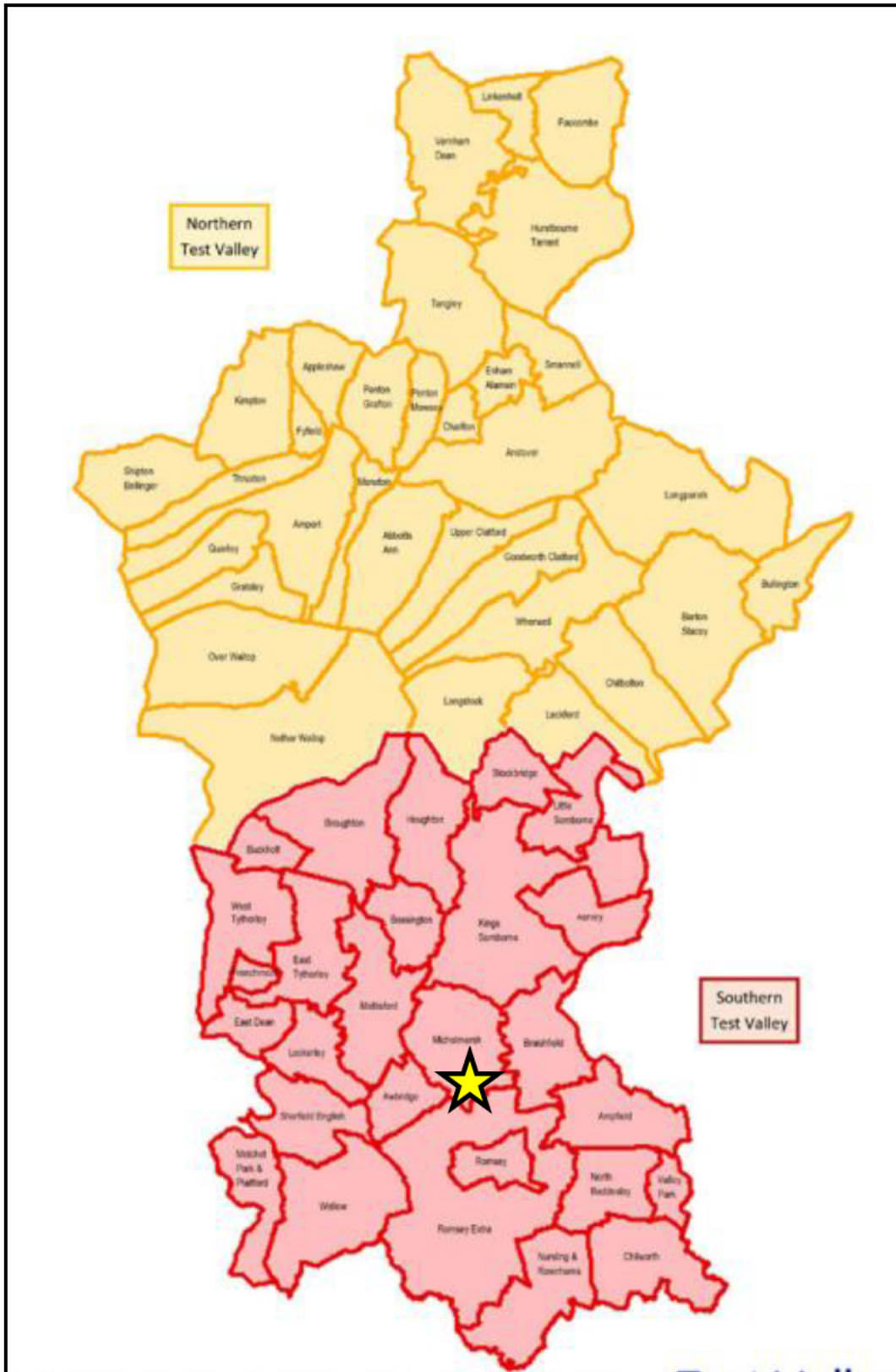


Figure 3: HMA excerpt from page 71 of the consultation document (approximate location of land at Bunny Lane denoted by a star)

The SHELAA undertakes a high-level assessment of site constraints, but fails to conclude as to the site's suitability for development. WHW would therefore like to take this opportunity to reaffirm the site's deliverability, noting that no insurmountable constraints are identified in the SHELAA. Whilst the SHLEAA does identify a number of ecological designations, WHW would argue that a comprehensive, mixed-use allocation could be beneficial to ecology, as it would secure the site's proper, on-going management.

Similarly, development could also offer the opportunity to remediate contaminated land, related to the site's landfill history. This would present potential further environmental gains.

At risk of repeating points already made in this submission, WHW firmly believes that land at Bunny Lane could play a pivotal role in meeting the needs of the southern Test Valley HMA, the wider plan area, as well as unmet needs from PFSH. Its close proximity to the most sustainable settlement in the HMA, Romsey, which itself is heavily constrained and with limited potential for expansion, makes land at Bunny Lane a strong contender for a satellite to alleviate pressure from Romsey and also support facilities and services in surrounding villages. As already discussed above, paragraph 105 of the NPPF requires development to be '*focused on locations which are or can be made sustainable*'. Bunny Lane is thus an excellent example of one such location and opportunity.

An excerpt of the submitted indicative framework masterplan is provided in figure 4 below, showing how the site could deliver:

- C.600 - 750 homes. WH White is committed to delivering a range of housing types and tenures, including affordable and self-build housing.
- C. 2ha employment land (B1c).
- 1FE primary school.
- C.0.5ha local centre.
- C.22.25ha Suitable Alternative Natural Green Space, plus c.11.37ha additional green infrastructure and other infrastructure.
- Potential solar field to supply renewable energy to the new homes and businesses.
- Introduction of a rural lane designation to Heron Lane, to provide pedestrian and cycle links.



Figure 4: indicative framework masterplan

WHW would also add that the site has been promoted to the Council separately through the Green Land Availability Assessment call for 'green projects sites'. It has not been assigned a reference number and the formal assessment has not been published, but WHW would reaffirm the site's potential availability for a strategic SANG c.36.3ha in size.

WHW would further add that, owing to the site's proximity to Romsey, it could also lend itself well to a potential solar farm.

WHW would welcome discussions with the Council about the potential uses for the site.

Housing Market Areas (HMAs)

WHW notes how, historically, the focus for development has been within the northern HMA of Test Valley, as opposed to the southern one. Paragraph 5.19 of the consultation document confirms that this has led to a 67:33 split in development, but a review of the HMA boundary shows the new local plan could redress the balance somewhat to 57:43. WHW supports this approach and would argue that Romsey and its hinterland, as the most sustainable part of the southern HMA, will need perform the strongest role in delivering the southern HMA's 4,653 homes currently identified⁷ in the emerging plan.

It is also important to recognise that an HMA split does not automatically translate into a target for each HMA and it would be entirely appropriate for the southern HMA to accommodate some of the northern HMA's needs, where practical to do so.

Affordable housing and housing mix

WHW notes that the viability assessment to underpin a new affordable housing policy is forthcoming and will be presented at stage 2 of the Regulation 18 consultation. At this stage, WHW would only comment that viability is a notorious problem with developing brownfield land/regeneration sites, plus the higher-density nature of urban development can often preclude the delivery of a mix of homes, including affordable units. Greenfield releases should therefore be integral to the plan's strategy, to comply with paragraph 62 of the NPPF's requirement for the local plan to meet the housing needs of relevant groups.

Gypsies, Travellers and Travelling Showpeople

WHW supports the mooted strategy of providing a criteria-based policy for windfall sites to provide Gypsy, Travellers and Travelling Showpeople sites. This would ensure their locational requirements are accounted for, rather than seeking to allocate pitches on wider allocations.

CONCLUSIONS

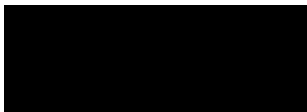
⁷ Notwithstanding WHW's above comments in the context of unmet needs from neighbouring authorities and PFSH

WHW feels that there are a number of key areas of the emerging plan and evidence base that will need to be modified if the plan is to eventually be found sound. This includes recognising the potential for unmet needs from neighbouring authorities, in particular the forecasted unmet needs of c.13,000 homes from the PFSH area.

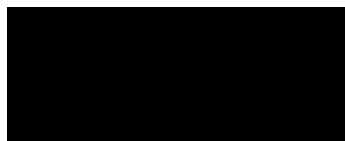
Through this representation, WHW has put forward a credible argument in favour of allocating land at Bunny Lane to the north of Romsey for a mixed-use site. This would act as a satellite to Romsey, the most sustainable settlement in the HMA, as well as help support facilities and services in neighbouring villages. The development would also help to restore areas of contaminated land within the site, as well as provide a robust management regime that could lead to ecological gains. Development of this scale could reach a critical mass that allows it to become self-sustaining, as well as perform a role for alleviating development pressures away from Romsey.

We trust that the above points will be aptly considered in the lead up to the next stage of the Regulation 18 consultation and will ultimately help to deliver a sound plan that meets future needs in a sustainable manner. WHW is committed to constructive, on-going discussions with Test Valley Borough Council to bring forward land at Bunny Lane and looks forward to a positive dialogue.

Yours faithfully,

A solid black rectangular box redacting the signature of Brett Spiller.

Brett Spiller BA (Hons) BTP MTRPI MCIWM
Director

A solid black rectangular box redacting the signature of Steve Tapscott.

Steve Tapscott BA (Hons) MA MRTPI
Associate Director