
Report to Fareham Borough Council

by David Hogger BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 12 May 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE FAREHAM LOCAL PLAN PART 2: DEVELOPMENT SITES AND POLICIES

Document submitted for examination on 23rd June 2014

Examination hearings held between 11th November and 20th November 2014

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Abbreviations Used in this Report

B1	Business use (in Use Classes Order)
B2	General Industry (in Use Classes Order)
B8	Storage or distribution (in Use Classes Order)
LDS	Local Development Scheme
LP1	Local Plan Part 1: Fareham Core Strategy
LP2	Local Plan Part 2: Development Sites and Policies
LP3	Local Plan Part 3: The Welborne Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PUSH	Partnership for Urban South Hampshire
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHS	South Hampshire Strategy
sqm	Square metres
WTW	Wastewater Treatment Works

The Core Documents referenced in the footnotes can be found in the Examination library

Non-Technical Summary

This report concludes that the Fareham Local Plan Part 2: Development Sites and Policies provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the plan. Fareham Borough Council has specifically requested that I recommend any modifications necessary to enable the plan to be adopted.

All the modifications were proposed by the Council and I have recommended their inclusion after fully considering the representations from other parties on the issues raised.

The Main Modifications can be summarised as follows:

- a commitment to an early review of the local plan (i.e. LP1, LP2 and LP3);
- the deletion of the design policy DSP2;
- inclusion of a new policy on Affordable Housing Exception sites;
- changes to the boundary of the Portchester District Centre, reference to the foodstore floorspace and the retention of parking spaces;
- clarification of the Council's approach to the protection of residents' living conditions and greenspace provision;
- clarification of the Council's approach to: ensuring that development would not prejudice the future use of adjacent land; change of use to garden land; and frontage infill outside settlement boundaries;
- the protection of archaeological sites and historic features and the delivery of townscape improvements;
- clarification of proposals at Little Park Farm; Fleet End Road; Heath Road; and Solent Breezes Holiday Park;
- clarification of the Council's approach to self-build schemes and development for older people;
- clarification regarding requirements for sequential tests and impact assessments;
- clarification regarding the Council's approach to employment provision, including the provision of indicative floorspace figures;
- increasing the flexibility in the delivery of housing and up-dating figures;
- up-dating text on proposed road schemes and pedestrian/cycle links; and
- the revision of the delivery and monitoring chapter.

Introduction

1. This report contains my assessment of the Fareham Local Plan Part 2: Development Sites and Policies (LP2) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound Plan. The basis for my examination is the Submission Version of the Plan (June 2014), which is broadly the same as the document published for consultation in February 2014.
3. Following the hearing sessions the Council submitted, at my request, further evidence and clarification on a number of matters. I have taken into account the Council's submissions and the other related consultation responses received from interested parties.
4. My report deals with the main modifications that are needed to make LP2 sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix. For the avoidance of doubt the policy numbers referred to in this Report are those given in the submitted plan and will change if the Plan is adopted because of the deletion of policy DSP2.
5. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and produced an Addendum to the combined Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment¹. This schedule and the Addendum have been subject to public consultation for six weeks and I have taken into account the consultation responses in coming to my conclusions in this report.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. The South Hampshire Duty to Co-operate Statement² confirms that the Council has worked in a collaborative way with the Partnership for Urban

¹ Core Document DCD-37

² Core Document DPH04

South Hampshire (PUSH), Hampshire County Council and a range of other interested parties, including the Solent Local Enterprise Partnership, the Environment Agency and a number of local interest groups. A number of cross-boundary issues have been identified including the provision of housing land, employment land and transport infrastructure and it is clear that these matters have been considered in the preparation of LP2.

8. The Introduction to LP2 states that the Plan will deliver the requirements of the adopted LP1 (Core Strategy) together with the up-dated requirements as set out in the South Hampshire Strategy (SHS)³ and that has been achieved. Other work, for example with regard to green infrastructure provision and the protection of wildlife, demonstrates that there has been co-operation between interested parties. It can therefore be concluded that the Council has worked with neighbouring authorities and other bodies to ensure that the Plan will be effective in addressing cross-boundary and strategic matters and that the duty to co-operate has been met.

Assessment of Soundness

Preamble

The Relationship between LP2 and LP1 (the Core Strategy)

9. It is explained in paragraph 1.6 of the Plan that LP2 has been prepared in accordance with the requirements of LP1. Of particular importance are LP1 policies CS1 and CS2 which establish the employment floorspace target and the number of dwellings to be provided between 2006 and 2026. A number of respondents consider that the Council should have re-assessed the housing and employment land requirements in light of more up-to-date evidence but it is not the role of LP2 to consider strategic matters such as housing and employment needs, which are outside the scope of the submitted Plan.
10. LP1 was adopted in August 2011, about six months before the NPPF was published in 2012. However, significant work on LP2 had already commenced before 2012 and to have abandoned this Plan would have meant that there would be a significant delay before the Council had in place specific land use allocations and policies for the management of development. I have also attached weight to the fact that a review of the SHS is to commence shortly⁴ and that this will establish the up-to-date framework from which more detailed policies and proposals for the Borough will evolve. To that end the Council is committed to commencing a review of the Local Plan (i.e. LP1, LP2 and LP3) this year and the revised programme will be reflected in a modification to paragraph 1.11. The inclusion of a more detailed timetable for the review is required in order to demonstrate the Council's commitment to ensuring that the LP will remain positively prepared, justified and effective. **MM1** is therefore recommended.

³ Non-statutory strategic framework document prepared by PUSH

⁴ See section 1 of Core Document DCD-24 for timetable

Public Consultation

11. A number of comments were made about the adequacy of the public consultation that was undertaken by the Council. However, the Council has satisfactorily demonstrated that the requirements of its Statement of Community Involvement have been met⁵ and no substantive evidence was submitted to demonstrate that anyone has been unduly disadvantaged by the Council's approach to consultation.

Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends.

Issue 1 – Will LP2 Satisfactorily Secure the Protection and Enhancement of the Existing Settlements (policies DSP2 to DSP6)?

Settlement Boundaries

13. LP1, in paragraph 5.27, refers to the role of LP2 in reviewing settlement boundaries and a number of representors expressed concern that such a review has not taken place. I understand those concerns but it is my opinion that such an exercise would not be necessary if enough development sites, that are available and deliverable, can be found within the existing settlement boundaries to meet the total LP1 housing requirement over the plan period. The Council has satisfactorily demonstrated that sufficient sites are available and deliverable and therefore it is reasonable to conclude that the Council's approach, which is summarised in paragraphs 3.4 to 3.9 of LP2, is justified. The Council has confirmed that it was always anticipated that the boundary review would only be undertaken if necessary and there is no reason to doubt the Council's intentions, especially bearing in mind the NPPF advice⁶ that development should be in locations which are or can be made sustainable and that the reuse of brownfield land is supported.
14. Of particular concern to some respondents is the lack of a settlement boundary for Burrridge. However, having visited the area, I consider Burrridge to be largely ribbon development mostly along Botley Road (some of it relatively low density) and although there are a small number of what could be described as community facilities (for example the Village Hall and the recreation ground) there is no central focus. In the current circumstances (as summarised in the paragraph above) I consider that there is no justification for making an exception to the Council's approach by delineating a settlement boundary for Burrridge.

Strategic Gap Boundaries

15. Concerns were expressed regarding the delineation of the Strategic Gap

⁵ As summarised in paragraph 1.3.2 of Core Document DCD-05

⁶ Paragraph 17

boundaries and the methodology used in the Fareham Borough Gap Review⁷. The Review considered the purpose of the gaps and concluded that the two primary factors for consideration are the level of physical separation/prevention of coalescence and visual separation. Following a request from me at the Hearings for further detail about the methodology used in the Review, the Council submitted Core Document DCD-20 and Appendix 1 of that document provides further clarification of the approach adopted and the factors considered by the Council. It confirms that although the Review did not specifically take into account the route of the Stubbington by-pass and the Newgate Lane improvements, there is no reason to conclude that these proposals would justify altering the boundary of the gap in those locations. Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound.

The Historic Environment and Townscape

16. In general terms policy DSP6 affords appropriate protection to the historic environment of the Borough, especially bearing in mind the related overarching policy framework contained within LP1. There are, however, a number of issues where further clarity is required. The NPPF⁸ confirms the importance of conserving and enhancing the historic environment and for the avoidance of doubt the Council is now proposing to include in LP2 references to affording appropriate protection to archaeological sites; to the historic significance of boatyards; to views in and out of the Fareham Waterfront (including the listed railway viaduct); and to the wreck of the Grace Dieu in the River Hamble, on the boundary between Fareham and Eastleigh Boroughs. I consider that these changes to policies DSP6, DSP19, DSP25 and DSP54 (and their supporting text) are necessary to ensure that LP2 is justified and consistent with national policy and recommend them accordingly (**MM5, MM14, MM16 and MM29**).
17. Great importance should be attached to the design of the built environment⁹ and development should add to the overall quality of an area. In this respect the Council is proposing to clarify that development on the corner of Trinity Street and Osborn Road (policy DSP32) should deliver townscape benefits. This reflects the most appropriate strategy for the area and is therefore recommended (**MM17**).

Prejudicing the Development of Adjacent Land

18. The Council has a well-established policy¹⁰ that seeks to ensure that the potential of one site for development is not threatened by the development of an adjacent site. No substantive evidence was submitted that would undermine the principle of such an approach but the terminology used in the submitted policy DSP5 lacks clarity and refers to legal agreements being required. The Council proposes to remove the reference to that requirement and to clarify the policy and the supporting text, for example by deleting the

⁷ Core Document DNE05

⁸ Chapter 12

⁹ NPPF paragraph 56

¹⁰ Policy DG2 of Local Plan Review 2000 (DLP01)

term 'ransom strips' and referring instead to prejudicing the development of adjacent land. These changes are necessary to ensure that the plan is justified and effective and are recommended accordingly (**MM4**).

Impact on Living Conditions

19. Policy DSP47 on gypsies, travellers and travelling showpeople refers, in criterion (vi), to ensuring that any proposed pitches would not have unacceptable adverse impacts on any neighbouring properties in terms of loss of sunlight, daylight, outlook or privacy. However, this is a requirement that is duplicated in policy DSP4 which applies to all forms of development. In the interests of clarity and conciseness it is therefore recommended that this element of policy DSP47 is deleted and reliance is placed on the requirements of policy DSP4 (**MM26**). In order to strengthen the protection for residents from any potential significant adverse impact of development, the Council proposes to clarify what it means by 'air pollution' in policy DSP3 by including reference to affording protection from dust, smoke, fumes or odour. This would accord with advice on design in the NPPF and the Planning Practice Guidance and is recommended accordingly (**MM3**).

Design

20. Policy DSP2 requires new development to comply with the requirements of LP1 policy CS17. No 'new' requirements, in terms of design, are identified in LP2 and therefore I agree with the Council that policy DSP2 is superfluous and should be deleted and I recommend **MM2** accordingly. This recommendation is strengthened by the fact that the Council is proposing to publish a Design Guidance Supplementary Planning Guidance document – an approach implicitly supported by the NPPF¹¹.

Conclusion on Issue 1

21. LP2 as modified will satisfactorily secure the protection and enhancement of the settlements in the Borough.

Issue 2 – Is the Natural Environment Afforded Appropriate Protection (policies DSP7 to DSP16)?

Frontage Infill Development Outside a Settlement Boundary

22. Concerns were expressed by representors regarding the Council's restrictive approach towards frontage infill development outside the settlement boundaries. Although it is important to conserve and enhance the natural environment, there may be opportunities for sustainable development in locations outside the defined settlement boundaries. In order to clarify the Council's approach it is recommended that an additional criteria be added to policy DSP7 which establishes that in certain circumstances the appropriate infilling of an existing and continuous built-up residential frontage outside a settlement boundary may be justified (**MM6**).

¹¹ Paragraph 59

Change of Use to Garden Land Outside a Settlement Boundary

23. Similarly concerns were raised regarding the change of use of land outside a settlement boundary to garden land. I agree with the Council that there may be circumstances where such a change of use would have detrimental consequences for the character or appearance of the surrounding countryside. Conversely there may be situations where no material harm would be caused by such a change of use. It is therefore recommended that a greater degree of flexibility and clarity is introduced into policy DSP7 by the introduction of criteria against which any such proposal would be assessed (**MM7**).

Leisure and Recreation Development Outside a Settlement Boundary

24. Policy DSP8 refers to the need for leisure and recreation development outside a settlement boundary to meet the requirements of a sequential test and impact assessment. However, it is not clear exactly which type of uses those criteria in the policy would apply to. The Council is therefore proposing to specify that those criteria would only relate to main town centre uses (which are defined in the Glossary). This amendment reflects the most appropriate strategy to follow and therefore **MM9** is recommended.

Solent Breezes Holiday Park

25. Policy DSP11 currently states that any proposals for new chalets, static caravans or other holiday accommodation at the Solent Breezes holiday park (which lies outside any settlement boundary) would be limited to use on a seasonal basis. The Council has satisfactorily demonstrated the need to ensure that Solent Breezes remains available for holiday use (primarily for sustainability reasons) and does not become a residential housing estate. However, the policy lacks clarity and although some time restriction on occupation in these circumstances may be appropriate, there is little justification for the reference to the seasonal restriction. The Council therefore proposes to introduce a criteria-based policy which provides clarity and ensures that this element of the Plan is justified and I recommend **MM10** accordingly.

Open Space and Green Infrastructure

26. The Council's approach to greenspace provision lacks clarity, both in terms of identifying any shortfalls and also in explaining how the Council would address any such shortfalls. The NPPF confirms that open space can contribute to the health and well-being of communities¹². The way in which the Council intends to pursue this objective should be made clearer and therefore modifications to paragraphs 4.22 and 4.26 which summarise the Council's approach are recommended (**MM11**) in the interests of effectiveness.
27. The NPPF (chapter 8) confirms that the promotion of healthy communities is an important objective. One way of contributing towards meeting that objective is the identification of pedestrian and cycle routes. The Council has identified a number of routes in its Green Infrastructure Strategy but these have not been taken forward into LP2. Following the hearing session the Council has undertaken further work and proposes to list (in the supporting

¹² Paragraph 73

text after paragraph 4.29)¹³ those multi-user routes that it considers can be implemented during the plan period. I consider that the identification of these routes in the local plan will increase the likelihood of their delivery and therefore I recommend **MM30**.

Protection of Brent Geese and Wading Bird Species

28. Fareham Borough is an important wintering location for Brent Geese and wading bird species and several areas within the Borough are designated as part of the Solent Special Protection Area. These species are also reliant on a network of 'supporting sites'. It is acknowledged that there is some uncertainty regarding the 'value' of some of the sites and that further survey work will be required. Nevertheless it is important to ensure that as far as possible any such sites (which would be subject to policy DSP14) are identified on the Policies Map. To that end the Council is proposing to up-date the Policies Map in terms of the identified Brent Geese and Wader Sites and therefore **MM34** is recommended in order to ensure the most appropriate strategy will be followed.

Conclusion on Issue 2

29. With the inclusion of the Main Modifications it can be concluded that the natural environment of the Borough will be afforded appropriate protection.

Issue 3 – Whether or not the policies for Employment Provision are sound (policies DSP17 to DSP19)

30. A key element in the delivery of sustainable development is the existence of a strong competitive economy. The Council sets out the economic vision for the Borough in LP1¹⁴ which also establishes a minimum employment floorspace target of 41,000 sqm (policy CS1). This minimum target, however, has been revised to 100,100 sqm following further more recent work on the issue undertaken by PUSH¹⁵ and the Fareham Employment Study 2014¹⁶. Indeed LP2 identifies a potential supply of 131,190 sqm of employment floorspace, which represents a possible 31% oversupply. This will ensure that the LP1 minimum target would be met but also instils confidence in the Council's commitment to securing and maintaining a strong economy in the Borough, in line with national and sub-regional objectives.
31. I consider that the Council's overall approach is consistent with national advice. However, Table 3 (below paragraph 5.7) which provides details regarding employment floorspace supply and includes columns entitled B1, B2-B8 and B1-B8 lacks clarity. The differentiation between the three columns is not clear and therefore it is proposed to delete the column entitled B1-B8 and amend the figures in the B2-B8 column accordingly, thus ensuring

¹³ This is a change (proposed by the Council) to the positioning of the additional text from that which was advertised in the consultation version of the MMs but it has no consequences with regard to the soundness of LP2

¹⁴ Paragraphs 3.3 and 3.4

¹⁵ Core Document DPH01

¹⁶ Core Document DED01

effectiveness. **MM12** is therefore recommended.

32. Policy DSP17 includes criteria that would be used by the Council to assess proposals on existing employment sites that would result in the loss of employment floorspace. The last bullet point refers to the provision of evidence regarding extensive marketing but there is no indication of exactly what would be expected by the Council. Consequently the Council proposes to clarify the policy and include additional supporting text to explain in more depth what would be expected. This will ensure that the policy will be effective in this regard and therefore **MM13** is recommended.
33. In terms of employment allocations much of the proposed floorspace will be provided at Daedalus (Solent Enterprise Zone) and at the new settlement at Welborne. Five further sites are allocated and chapter 7 of LP2 includes Development Site Briefs for these proposed employment sites. The Briefs include a site area but there is no indication of the potential floorspace for each site. It may therefore be difficult for a decision maker to know how to react to a development proposal in such circumstances¹⁷ and it may impede the satisfactory monitoring of floorspace provision. Consequently the Council is proposing to include an indicative capacity floorspace for each of the allocations. This will ensure that this element of the plan is sound and therefore I recommend it (**MM32**).
34. The Development Site Brief for Little Park Farm refers to the potential of the site for low intensity employment use. Although there may be some constraints to development (for example the residential properties and the presence of some significant trees) there is insufficient justification for expecting the whole site to be developed for low intensity uses. A greater degree of flexibility should be introduced into the policy and therefore it is recommended that the reference to low intensity use should be deleted (**MM15**). As referred to above the Council is proposing to include indicative floorspace figures in the Development Site Briefs (approximately 11,200 sqm for this site) and this will enable consideration to be given to the constraints, whilst not unnecessarily restricting the intensity of development across the whole site.
35. A small number of other potential employment sites were put forward by representors but the evidence does not indicate that such sites would be required to contribute towards meeting the Borough's employment floorspace target. I am also mindful that these sites have not been subject to the same level of sustainability appraisal or public consultation as the sites allocated in LP2.

Conclusion on Issue 3

36. Given the significant potential for employment floorspace provision in the Borough and the lack of any substantive evidence that any of the Council's proposed allocations are not sound, it can be concluded that an appropriate level of sustainable economic growth will be secured in the Borough and that, as modified, the policies relating to employment provision are sound.

¹⁷ NPPF paragraph 154

Issue 4 – Whether or not the policies for Retail Provision are sound (policies DSP20 to DSP39)

37. Currently LP2 provides no guidance on the potential scale of any additional retail floorspace at Portchester. The 2012 GVA Fareham Retail Study¹⁸ includes a figure of 800-900 sqm. Whilst acknowledging that this is only an indicative figure it nevertheless is evidence-based and reference to it in LP2 would be of assistance to a decision-maker. It is therefore recommended that such a reference is made in the supporting text (**MM18**).
38. The Council originally proposed to extend the boundary of the Portchester District Centre to include, for example, the Methodist Church, the Parish Hall and residential properties at Assheton Court. Whilst I understand that these uses all add to the vitality of the area, the justification for including them all within the boundary is weak. Policy DSP36 primarily relates to 'the expansion of the retail offer' and there is no evidence that these sites are available to be considered for retail use or that such a use in these locations would be desirable. The Council is therefore now proposing to remove these sites from the District Centre boundary. In terms of the car and lorry parking areas to the south, these are well related to the existing retail area (both in terms of location and use) and it is appropriate to include them within the boundary because these are areas where 'the expansion of the retail offer' could be accommodated, should such expansion be justified.
39. The changes to the Portchester District Centre boundary and to the relevant supporting text, now being proposed by the Council, are required in the interests of soundness and I recommend them accordingly (**MM19**).
40. Objection was expressed by a number of local residents and interest groups to the loss of any car parking provision at the District Centre. However, the Council has now confirmed that any development proposal related to the expansion of the Centre would have to retain existing parking levels and include additional parking to meet the needs of the expansion. I consider that this clarification is required in order to ensure that the most appropriate strategy is being promoted by the Council and therefore recommend **MM20**.
41. Fareham town centre is a key retail location in the Borough and the Council's objectives and policies reflect this importance. A number of development sites and potential enhancement schemes are identified and no evidence was submitted that would lead me to conclude that the Council's aspirations, in terms of securing the vitality of the town centre, cannot be satisfactorily achieved. Indeed at my request the Council submitted further evidence following the hearing session¹⁹ which provided further confirmation that the Council's aspirations for the town centre are justified. Similarly the policies for Locks Heath District Centre and the Local Centres and Parades, establish an appropriate framework to guide their future.

Conclusion on Issue 4

42. The policies with regard to retail provision (as modified) are sound.

¹⁸ Core Document DED04

¹⁹ Section 9 of Core Document DCD-24

Issue 5 – Whether or not the policies for Residential Provision (including for gypsies) are sound (policies DSP40 to DSP47)

43. The level of housing provision in the Borough (excluding Welborne) is set out in policy CS2 of the adopted LP1 – 3,729 dwellings between 2006 and 2026. However, since the adoption of LP1 (August 2011) the SHS has been revised²⁰ and it includes up-dated housing figures which increase the target for the Borough by 472 dwellings between 2011 and 2026. The Council has decided to use these adjusted figures as the basis for LP2 and I consider this to be a reasonable and justified approach as it is a reflection of the most up-to-date position – a position that is now set out in the up-dated Table 4 in LP2 (Housing Delivery Overview)²¹. The Table confirms that the outstanding requirement (as at April 2014) is for 1,344 dwellings and that the projected supply is 1,794 dwellings – a potential surplus of 450 units (or 922 if assessed against the LP1 requirement). It is clear that there is an appropriate level of flexibility in terms of housing provision and it can be concluded that the Council is pursuing the most appropriate strategy in the circumstances.
44. There was criticism from some representors that LP2 is not based on the 2014 Strategic Market Housing Assessment. However, it is not the role of LP2 to re-assess objectively assessed need – that will be one of the tasks of the forthcoming review of the Local Plan, which will also be able to accommodate the requirements of the revised SHS (to be completed early next year). Comments were also made regarding the relationship between LP2 and the Welborne Plan, particularly with regard to overall numbers, delivery and the potential for the 'rest of the Borough' (i.e. LP2) to accommodate any shortfall that might arise at Welborne. However, Welborne is intended to contribute towards meeting the needs of a wider sub-region and any re-assessment or re-apportionment of housing numbers is more appropriately undertaken as part of the SHS.
45. Appendix C, Table 8, of LP2 sets out the housing allocations and chapter 7 provides a Development Brief for each site. Only two of the Briefs require changes to make them sound. Housing site H7, Fleet End Road, includes three potential accesses. However, two of them (from Green Lane and from between 43 and 47 Fleet End Road) are comparatively narrow and may involve land outside the control of the highway authority. There is, however, a third route identified off Shorewood Close, which is of appropriate width and design and which I was told by the Council could satisfactorily and safely accommodate traffic from up to 25 dwellings. I understand that the land may be in more than one ownership and that there is a risk that connectivity, legibility and permeability between developments on the various parcels of land could be lost. However, policy DSP5 relating to the Development of Adjacent Land and the Council's design policies should ensure that an appropriate development of the whole area can be achieved. In order to ensure that the most appropriate strategy for the site is being promoted, **MM22** is recommended.
46. The plan for site H11, Heath Road, Locks Heath, does not include any access points. Following consultation with the land owners it is now proposed by the

²⁰ Core Document DPH01

²¹ See Appendix 1 to Core Document DCD-11

Council to identify potential accesses off Heath Road and Centre Way. This modification (**MM23**) will ensure that the proposal is sound and is therefore recommended.

47. Paragraph 14 of the NPPF refers to the need for local plans to incorporate sufficient flexibility to adapt to rapid change. Currently LP2, for example policy DSP40 on Housing Allocations and its supporting text, does not provide any indication of how the Council would respond in circumstances where the predicted level of housing delivery is not being achieved. Consequently it is proposed by the Council to strengthen this element of LP2 by explaining that in principle additional housing sites may come forward if it can be satisfactorily demonstrated that the Council does not have a five year land supply when assessed against the CS housing targets. New explanatory text is proposed and the policy would be modified to include the criteria against which any such proposal would be assessed. This is a pragmatic and positive way forward and will contribute to ensuring that LP2 is justified, effective and consistent with national policy. **MM21** is therefore recommended.
48. It is important that the housing supply figures referred to in LP2 are up-to-date, particularly with regard to enabling effective monitoring to be undertaken. To this end the Council is proposing to up-date the information set out in the supporting text, Table 4 and appendices C to G. This will ensure the effectiveness of the plan and **MM31** is recommended.
49. The housing allocations have been satisfactorily justified in terms of availability of sites, delivery and viability²² and no substantive evidence was submitted that would lead me to conclude that the sites cannot be developed. In any event there is a significant 'cushion' available should circumstances change, for example in terms of the delivery of a particular allocation.
50. A number of alternative/additional housing sites were put forward by representors but bearing in mind the 'cushion' that I refer to above and the soundness of the Council's allocated sites, there is no justification for concluding that any of these proposals from interested parties should become allocations. This conclusion is reinforced by the fact that most of the sites are located in the countryside (i.e. outside the settlement boundaries), some have not been subject to a comparable sustainability appraisal as has been undertaken by the Council on the allocated sites, and the sites have not all been subject to recent public consultation.
51. Policy CS18 of the Core Strategy establishes a general requirement for 40% affordable dwellings in schemes of over 15 units and 30% in proposals for between 5 and 14 dwellings (although the Council has confirmed that since the recent Ministerial Statement on the matter²³ it no longer seeks affordable housing on schemes of 10 dwellings or less²⁴). The Council has identified a potential deficit of 91 affordable units over the plan period²⁵. Whilst in these circumstances it may be unreasonable to expect that all the affordable housing need in the Borough can be met, the Council is keen to seek measures that would reduce this potential deficit. To this end it is proposing to include an

²² Core Document DHO10

²³ 28 November 2014

²⁴ Core Document DCD-30

²⁵ Core Document DCD-24

Affordable Housing Exception Sites Policy in the Plan, together with appropriate supporting text. The policy sets out the criteria against which a proposal for affordable housing on sites outside the settlement boundary would be assessed. The introduction of the new policy will add flexibility to the Council's approach and may contribute to the delivery of more affordable dwellings, in line with the requirements of the NPPF. **MM8** is therefore recommended.

52. NPPF paragraph 50 states that the Council should be planning for a mix of housing, including for people wishing to build their own homes. Paragraph 5.181 of LP2 goes no further than referring to the Council's support for self-build schemes. In order to translate this support into something more tangible the Council is proposing to identify two sites (H12 – Stubbington Lane; and H13 – Sea Lane) where self-build schemes would be encouraged. This modification will ensure that in this respect LP2 will be sound and it is therefore recommended (**MM24**).
53. Although there is evidence to demonstrate that housing to meet the needs of older people has been provided in recent years, the Council considers that more could be done to secure such provision during the plan period. Bearing in mind the increase in the numbers of elderly as a proportion of the population, I agree that it is important that efforts should be made to meet their needs. To that end the Council is proposing to identify three sites in sustainable locations where new housing for older persons will be sought – Fareham Station West; Genesis Centre Locks Heath; and the corner of Station Road and the A27 at Portchester.
54. Concerns were expressed regarding the identification of land on the corner of Station Road and the A27 (Portchester) as a site for housing for older people – for example in terms of parking, access, design, noise, loss of greenspace, flood risk and the living conditions of neighbours. This site was assessed through the Strategic Housing Land Availability Assessment²⁶ (January 2014) and it was concluded that a proposal for about 5 dwellings would not be viable. However, a more recent viability assessment²⁷ (December 2014) concluded that the site would be viable for a retirement living development of 15 flats. The Council confirmed that the site has a realistic prospect of being delivered within the plan period and no evidence was submitted to contradict this assertion. Having visited the site I agree with the Council that this is a very sustainable urban location.
55. I am aware that planning permission for the development of the site has been sought in the past and I understand the concerns that have been raised by local residents. However, the Development Site Brief makes it clear that, for example, matters of design, planting, outlook, privacy of neighbours, access and highway safety would all need to be addressed and no evidence was submitted to demonstrate conclusively that any issues of concern could not be adequately overcome or addressed. On that basis, and bearing in mind NPPF paragraph 50 advises that the needs of different groups in the community (such as older people) should be planned for, I consider that the Council is justified in identifying the land at Portchester as being suitable for older

²⁶ Core Document DHO02 Volume 3

²⁷ Core Document DHO16

persons' housing. In this way the Council would be promoting the most appropriate strategy in this regard and therefore **MM25**, which proposes additions to policy DSP42 and the supporting text and amendments to the Site Briefs (and the inclusion of a 'new' Brief for the Portchester site), is recommended.

56. The Travellers Accommodation Assessment for Hampshire 2013 advises that by 2017 six additional pitches are required within the Borough (over and above those that already have planning permission). Since 2013 one further pitch has been given planning permission leaving a requirement of five pitches in the short-term. The Council is proposing two additional pitches at The Retreat (Newgate Lane) and three additional pitches at 302A Southampton Road. I am satisfied that both these locations are suitable for such a use and note that both sites are already used for gypsy and traveller accommodation. The Council confirms that one additional pitch will be required by 2022 but there is no reason to doubt that the Council will consider longer-term provision in the forthcoming review of the local plan.
57. Concerns were raised regarding the environmental consequences of locating gypsy and traveller pitches adjacent to the Peel Common Wastewater Treatment Works (WTW) especially in terms of odour (at The Retreat, Newgate Lane). The Council's Environmental Health Department has assessed the risk but does not consider it to be at an unacceptable level²⁸, especially bearing in mind recent improvement works undertaken at the site by Southern Water. I am also mindful that the Council is proposing to modify policy DSP3 to make specific reference to protection from odour and this will enable the Council to ensure that any development at the WTW would not have a significant adverse impact on neighbouring development (see MM3).
58. Although the 2013 Assessment referred to above does not specifically advise that sites within the Borough should be identified for transit pitches or plots for travelling showpeople, it is clear that across a wider geographical area (the 'eastern' grouping of authorities) there may be a need for such provision. I would urge the Council to work collaboratively with its neighbours to ensure that, if appropriate, the review of the local plan identifies sites where at least some of this need can be met. In the meantime I am satisfied that the Council's approach towards planning for gypsies, travellers and travelling showpeople is sound.

Conclusion on Issue 5

59. I conclude that the policies for residential provision, as now proposed by the Council, are sound.

Issue 6 – Whether or not the policies for the provision of Facilities and Infrastructure are sound (DSP48 to DSP56)

60. It is important that LP2 reflects the most up-to-date position with regard to the improvement of highway infrastructure. The current situation with regard to the Stubbington by-pass and the Newgate Lane Southern Section is

²⁸ NPPF paragraph 109

explained in the Joint Position Statement of Fareham Borough Council and Hampshire County Council dated 18th November 2014²⁹. The Statement includes information about the justification for the improvements, public consultation undertaken, timing of delivery and funding. I am satisfied that there is sufficient justification for the safeguarding of these routes and the associated highway improvements and that the Council is therefore right to up-date the supporting text that relates to Stubbington by-pass, Newgate Lane (north and south) and Peel Common roundabout and make the necessary amendments to policy DSP49 and the Policies Map. **MM27** is therefore recommended.

61. The supporting text in paragraph 6.22, and part of LP2 policy DSP50, imply that there is uncertainty regarding the status of Yew Tree Drive. However, since submission of LP2, the County Council has agreed to open Yew Tree Drive bus gate. This removes any uncertainty and therefore it is appropriate to delete the references to Yew Tree Drive and **MM28** is recommended accordingly.
62. Concerns were raised regarding the Council's approach to improving air quality in the Borough. Paragraph 6.6 of LP2 refers to the two Air Quality Management Areas for which Action Plans have been produced and I consider that these demonstrate the Council's commitment to achieving this important objective. Although not a matter of soundness I endorse the Council's proposed minor addition to the supporting text in paragraph 6.6 which confirms its intention to improve air quality in the Management Areas and also elsewhere in the Borough³⁰.
63. The NPPF advises that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and to this end the Council commissioned a Renewable and Low Carbon Energy Capacity Study³¹. This included consideration of technologies that might be relevant to Fareham, potential locations for their implementation and the potential constraints to such development, for example in terms of impact on the landscape. Policy CS16 of LP1 and policy DSP56 of LP2 provide the framework for the consideration of this issue and I am satisfied that they satisfactorily embody the NPPF advice.

Conclusion on Issue 6

64. The policies for the provision of facilities and infrastructure, as modified, are sound.

Issue 7 – Whether or not the Council's approach to Delivery and Monitoring is sound (Chapter 8)

65. The Council acknowledges that Table 5 (Monitoring Schedule) of the submitted Plan is not sufficiently detailed³². Consequently a new Table has been

²⁹ Core Document DCD-17

³⁰ Minor modification DAM11

³¹ Core Document DFI01

³² Paragraph 10.1.1 of Core Document DCD-14

formulated by the Council which includes additional targets and indicators and 'sources' for monitoring. I consider that the effectiveness of the Plan can primarily be tested through appropriate monitoring and therefore a strong monitoring framework is essential. Such a framework is now being proposed by the Council (**MM33**) and I recommend its inclusion, in this way ensuring that the Council's approach to delivery and monitoring is sound.

Assessment of Legal Compliance

66. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	LP2 is identified within the approved LDS dated February 2014 which sets out an expected adoption date of Winter 2014/15. The Plan's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2011 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The AA (January 2014) has been satisfactorily carried out and concludes that LP2 can be considered to be compliant with the Habitats Regulations.
National Policy	LP2 complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	LP2 complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	LP2 complies with the Act and the Regulations.

Overall Conclusion and Recommendation

67. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
68. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Fareham Local Plan Part 2: Development Sites and Policies satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Hogger

Inspector

This report is accompanied by the Appendix containing the Main Modifications