



The Planning Inspectorate

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# 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**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE WELBORNE PLAN**

Document submitted for examination on 23<sup>rd</sup> June 2014

Examination hearings held between 15<sup>th</sup> October 2014 and 23<sup>rd</sup> October 2014

File Ref: PINS/A1720/429/6

## Abbreviations Used in this Report

AA	Appropriate Assessment
HRA	Habitats Regulations Assessment
HWRC	Household waste recycling centre
LDS	Local Development Scheme
LP1	The Fareham Local Plan Part 1: Core Strategy
LP2	The Fareham Local Plan Part 2: Development Sites and Policies
LP3	The Fareham Local Plan Part 3: The Welborne Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PUSH	Partnership for Urban South Hampshire
SA	Sustainability Appraisal
SANGS	Suitable Alternative Natural Green Space
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SDC	Strategic Design Code
SPA	Special Protection Area

The Core Documents referenced in the foot-notes can be found in the Examination library

## **Non-Technical Summary**

This report concludes that the Fareham Local Plan Part 3: The Welborne Plan provides an appropriate basis for the planning of Welborne, 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);
- clarification regarding ease of movement across the A32 for pedestrians and cyclists and with regard to other traffic management measures, road junctions and the provision of pedestrian and cycle links;
- clarification regarding settlement buffers and the protection of long distance views towards Welborne, for example from Portsdown Hill;
- a requirement to give due regard to matters of noise, light pollution and air quality in the consideration of proposed development;
- clarification regarding strategic design codes;
- clarification regarding the Council's approach towards the timing of the provision of office development;
- clarification regarding Impact Assessments for retail and leisure proposals;
- the allocation of a single site for a secondary school close to the District Centre;
- clarification regarding affordable housing provision;
- the promotion of development that looks to the south for its main highway links;
- clarification regarding allotment provision;
- clarification regarding energy use; water efficiency and flood risk;
- the household waste collection centre to be located to the west of the A32; and
- the inclusion of a phasing plan and a strengthened commitment to monitoring and review.

## Introduction

1. This report contains my assessment of the Fareham Local Plan Part 3: The Welborne Plan (LP3) 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 Plan (June 2014) which is broadly the same as the document published for consultation in February 2014. I am also aware of the Suggested Change to the Welborne Plan, subsequently proposed by the Council, regarding a revised approach to secondary school provision at Welborne, with the identification of an additional alternative location for the school near to the proposed District Centre.
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 the Welborne Plan 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.
5. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions (and consideration of many of the post-hearing matters referred to in paragraph 3), the Council prepared a schedule of proposed main modifications and produced an Addendum to the combined Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment<sup>1</sup>. 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 (the duty)

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.

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<sup>1</sup> Core Document CD-53

7. Concerns were raised that the duty has not been met, primarily because there has been no reconsideration of the sub-regional housing figures. I address this matter in paragraph 13 below.
8. The Duty to Co-operate Statement of Compliance<sup>2</sup> confirms that the Council has liaised with neighbouring local planning authorities and other relevant parties. The role of the Partnership for Urban South Hampshire (PUSH), which is a well-established body in terms of joint working, has been significant in engendering co-operation and it is clear that PUSH will continue to have a role in formulating the up-date of the spatial strategy for the area. Concerns were expressed regarding the status of PUSH as a non-elected body. Whilst this is correct, I am satisfied that this partnership of 12 local authorities has appropriate objectives, is well structured and provides a valuable mechanism through which cross-boundary issues can be identified and addressed.
9. As well as co-operation with adjoining authorities (and in particular Winchester City Council whose boundary runs to the north of Welborne), there has been regular engagement with a number of interested parties, including the Environment Agency, Natural England and the Solent Local Enterprise Partnership. The Welborne Standing Conference has been established to provide a platform for debate and the dissemination of information and encompasses a wide range of interests, for example community groups, education establishments, business groups and registered housing providers.
10. The Council has worked collaboratively with neighbouring authorities and other bodies and consequently it can be concluded that that LP3 (as modified) is effective and adequately addresses cross-boundary and strategic matters. The duty to co-operate has been met.

## **Assessment of Soundness**

### **Preamble**

#### **The Relationship between LP3 and LP1 (the Core Strategy)**

11. Paragraph 1.17 of the plan explains that LP3 has been prepared within the framework provided by the Core Strategy (LP1) and in particular policy CS13 is relevant because it sets out the broad requirements for Welborne. A large number of respondents object to the principle of development at Welborne but that principle has already been debated at the Examination into LP1 and has consequently been embedded within the adopted policy framework for the Borough. It was not the function of this Examination to review strategic matters which are outside the scope of the submitted plan. Similarly the level of housing need was questioned from both ends of the spectrum (i.e. from exceeding the need, to failing to meet the need) and questions were asked regarding the relationship between this plan and the Development Sites and Policies Plan (LP2). However, overall housing figures are also a strategic matter which, although they are currently being addressed by PUSH, fall outside the scope of this Examination.

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<sup>2</sup> Core Document SD04

12. In any event the Council is fully aware of the need to have an up-to-date local plan in place and it is proposing to start work this year on the preparation of a single local plan for the Borough. Although this programme is reflected in paragraph 1.29 of LP3, a more detailed timetable for the review has now been agreed and it is important that this is referred to in LP3 in order that the Council's commitment to ensuring that the LP will remain positively prepared, justified and effective is clear. To that end **MM1**, which sets out the detailed timetable for the review, is recommended.

### **The Housing Requirement**

13. As referred to above some representors made reference to a perceived shortfall in housing numbers in the Borough. Some suggested that the difference between the 6,500–7,500 dwellings referred to in LP1 policy CS13 and the approximately 6,000 dwellings currently proposed at Welborne, should be redistributed elsewhere in the Borough. However, the role of Welborne is to contribute towards meeting sub-regional housing need and not just the needs of Fareham. In that respect I agree with the LP1 Inspector, who in paragraph 28 of his Report<sup>3</sup>, rejected the view that any reduction in Welborne's housing numbers should be added to the 'rest-of-the-Borough requirement' and concluded that any re-assignment of sub-regional housing requirements within the area is more appropriately considered at the sub-regional level (i.e. by PUSH).
14. Nothing has changed that is of such significance that would justify taking a different approach. Indeed work is currently underway on preparing a revised South Hampshire Strategy and the Council is committed to a review of the Local Plan (i.e. LP1, LP2 and LP3)<sup>4</sup>, with work commencing this year and submission to the Secretary of State in 2017.
15. Taking into account the characteristics of the location, the constraints to development, the requirement for a high standard of sustainable design and layout and the Council's objective of creating 'a new garden community' (policy WEL33), I am satisfied that the figure of 6,000 dwellings is justified and in all other respects sound.

### **Public Consultation**

16. There were a number of criticisms about the amount and the effectiveness of the public consultation undertaken by the Council, including from some of the community groups. As I have already alluded to above, the starting point for the Council was policy CS13 of the adopted LP1 which establishes the principle of a development area at Welborne and sets out the high level requirements. It is clear that many of the respondents were objecting to the principle of the development and were concerned that the Council was not prepared to reconsider the whole concept of a strategic development area. However, unless there was overwhelming evidence that circumstances had changed to such a degree that the justification for the new settlement could be successfully challenged, then, in broad terms, there was no other course available to the Council than the one it has taken. No such overwhelming evidence was submitted.

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<sup>3</sup> Core Document EV32

<sup>4</sup> Core Document CD-32

17. At the hearing session I requested further information from the Council regarding the monitoring of community engagement and Core Document CD-34 was subsequently submitted. This provides a further explanation of the processes and procedures followed by the Council and includes an overview of the non-statutory consultation undertaken, which I consider to have been appropriate.
18. It is inevitable that the Council is unlikely to agree with all the representations that have been made but this does not mean that those representations have not been considered. The Council has demonstrated that the requirements of its Statement of Community Involvement (SCI) have been met and that the statutory consultation has been undertaken in accordance with the relevant Regulations<sup>5</sup>. I am satisfied that the Council is fully aware of the opinions that have been expressed and that no-one has been unduly disadvantaged by the approach taken by the Council towards consultation.

### **Main Issues**

19. Taking into account 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 – Are The Principles of the Development at Welborne Sound – including proposed land uses, settlement separation and broad matters of layout and design (policies WEL1 to WEL8)?**

#### **The Vision for Welborne**

20. LP3 clearly sets out the vision for Welborne, which will be a distinct sustainable and balanced community, with the emphasis on self-containment. That vision is broadly based on the principles set out in policy CS13 of the adopted LP1. The plan covers the period up to 2036 and sets out what is expected by the Council in terms of, for example, land uses, movement, biodiversity, landscape protection and delivery.
21. There is a reliance on the preparation of a significant amount of further documentation and advice, for example a Structuring Plan, a comprehensive Masterplan, Design Codes and various transportation documents<sup>6</sup>. However, it is inevitable that in complex circumstances such as this, further more detailed advice and the formulation of additional evidence will both be required. This does not render LP3 unsound but indicates that the submitted plan is based on a proportionate evidence base which is sufficiently flexible to enable up-dates and revisions to be made as appropriate. Local Plans should be aspirational but realistic<sup>7</sup> and the Council has broadly achieved that objective.
22. Policy WEL2 establishes the high level development principles but a number of respondents suggested that greater emphasis should be placed on the relationship between Welborne and the town of Fareham to the south. I agree

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<sup>5</sup> Core Documents FBC06 and SD05

<sup>6</sup> Appendix 3B of Core Document CD-10

<sup>7</sup> NPPF para 154

that in the interests of sustainability (including minimising the impact of the development on the nearby countryside and smaller settlements to the north), wherever possible, those links to the south should be strong. To that end the Council is proposing to include firstly an additional criterion in policy WEL2 that refers to the need to ensure that Welborne will form a functional part of Fareham and wider South Hampshire and secondly a specific reference to the provision of access principally from the south. This will ensure that the most appropriate strategy is being promoted by the Council and therefore **MM2** is recommended.

23. There were a number of objections to **MM2**, suggesting that even more should be done to encourage movement to the south and discourage movement to the north of Welborne. Whilst I understand those concerns I am satisfied that the Council has established the appropriate framework to achieve this objective and that there is no reason to doubt that the matter will be considered in more detail (for example in terms of highway design and traffic management measures) at the Concept Masterplan stage.
24. The Strategic Framework Diagram<sup>8</sup> establishes the broad structure for growth at Welborne and identifies the general location of the various land uses, highway connections and green infrastructure. A small number of respondents objected to some of the proposed land uses identified on the Diagram, for example in relation to parts of the area identified for employment land and as landscape buffers. However, I am satisfied that the Council's approach to the broad disposition of land uses (for example as summarised in Core Document CD-10) is sound. I consider that, subject to amendments to reflect changes as a result of the MMs, the Diagram satisfactorily encapsulates the main components of the proposed development.

### **The Settlement Boundary**

25. In terms of the proposed settlement boundary the CS provides an indication of the location of Welborne but the Council undertook consultation on four options in 2012<sup>9</sup> and prepared a Sustainability Appraisal (SA) in 2013<sup>10</sup>. Consideration was given to the constraints to development, for example, agricultural land value, biodiversity, flood risk and highway capacity. Consequently further consideration was given by the Council to the options and to the evidence, before it concluded that the boundary as currently identified in LP3 is the most appropriate.
26. The NPPF confirms that the benefits of high quality agricultural land should be taken into account; the impact of development on biodiversity should be minimised; flood risk (as a consequence of development) should not be increased elsewhere; and that sustainable transport should be promoted. The evidence submitted demonstrates that the Council has taken into account all these issues (and others) in determining the boundary and there have been no substantive objections to the Council's approach from the relevant statutory consultees.
27. It is almost inevitable that, in a situation such as this, it will not be possible to

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<sup>8</sup> Appendix B2 of LP3

<sup>9</sup> Core Document FBC16

<sup>10</sup> Core Document SA03



fully heed every specific piece of advice in the NPPF. However, taken as a whole, I am satisfied that the Council has adopted an appropriate balance between competing requirements and I therefore conclude that the proposed boundary of Welborne is justified and in all respects sound.

### **The Settlement Buffers**

28. A number of concerns were expressed by interested parties regarding the potential width of the proposed buffers and their effectiveness in achieving appropriate visual and physical separation between Welborne and nearby settlements. The submitted policy (WEL5) refers to buffers with a minimum width of 50m but there is no indication of the basis on which the Council may require buffers of a greater width. There is therefore a lack of clarity as to how a decision maker should react to such a proposal<sup>11</sup>.
29. The Council is therefore proposing additions to the policy to include a requirement for site sections to accompany any relevant planning application to demonstrate that visual and physical separation would be achieved and to also explain the circumstances where wider buffers may be required. This will ensure that satisfactory buffers will be provided and reflects the most appropriate strategy to follow and **MM3** is therefore recommended.
30. Objections to **MM3** were submitted, primarily on the basis that the proposed buffers would not be sufficiently wide to achieve satisfactory separation. However, having re-visited the area and taking into account the Council's strengthening of policy WEL5 and the additional post-hearing evidence that I requested from the Council (which is embodied in Core Document CD-38), I consider that there is no substantive reason to conclude that a clear separation between Welborne and other nearby development could not be satisfactorily achieved, thus ensuring that the separate identity of settlements would be retained.

### **Design**

31. Policy WEL6 sets out the general design principles for the new community but makes no reference to issues of noise, light pollution and air quality. Whilst consideration of these issues may be implicit in a number of policies, a core planning principle is the provision of a good standard of amenity for the occupants of land and buildings<sup>12</sup>. Further explanatory advice is contained in the Planning Practice Guidance and I consider that the Council's approach to these matters should be made more explicit in order to demonstrate effectiveness and consistency with national policy and to provide the 'hook' on which to 'hang' any further technical assessments that may be required to accompany future planning applications at Welborne. Therefore **MM4**, which requires consideration to be given to the three issues referred to above, is recommended.
32. Criterion iii of policy WEL6 refers to the provision of well-connected neighbourhoods. There is a risk that the A32 could act as a barrier between the eastern and western parts of the proposed settlement. In the interests of functionality and the creation of safe and accessible environments, with a

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<sup>11</sup> NPPF paragraph 154

<sup>12</sup> NPPF para 17

strong sense of place<sup>13</sup>, it is important that such a risk is avoided. Therefore a reference to prioritising pedestrian and cyclist movement across the main road is required in order to reflect the most appropriate strategy and also encourage sustainable travel. Details of any such schemes would be considered at the planning application stage. **MM5** is therefore recommended.

33. In order to ensure that the general design principles, established primarily in LP3, are developed in more detail the Council is proposing that Strategic Design Codes (SDC) are prepared to accompany planning applications. The SDCs would be subject to public consultation. However, in order to clarify the process, including in relation to the triggers for a review of an SDC, the Council is proposing changes to policy WEL7 which I agree are necessary to ensure that the plan is effective and therefore **MM6** is recommended.

### **Conclusion on Issue 1**

34. The principles of the development at Welborne, as modified, provide an appropriate framework from which more detailed proposals can evolve and as such they are sound.

## **Issue 2 – Whether or not the policies relating to Economy and Self-Containment, including school provision, are sound (policies WEL9 to WEL16)**

### **Scale and Location of Employment Provision**

35. The Council confirms that, broadly, the objective is to provide the appropriate balance between the jobs available and the number of workers living in the new community, thus contributing towards self-containment. LP3 allocates approximately 20 ha of land for employment uses, a figure which is based primarily on the conclusions of the Welborne Employment Strategy<sup>14</sup>. Policy WEL9 establishes the framework within which more detailed consideration can be given to the scale and type of employment proposal – a framework that provides the foundation for the more detailed Structuring Plan and Masterplan. It is clear that in terms of both scale and location of employment provision, there is an appropriate degree of flexibility thus ensuring that any changes in economic circumstances could be adequately taken into account. This level of economic growth is supported by PUSH and the Solent Local Enterprise Partnership and no substantive evidence was submitted to justify significantly revising the Council's approach and I am satisfied that in this regard LP3 is sound.

### **Office Provision**

36. In terms of office provision concern was expressed by a representor about the advice in LP3 that office development is likely to be included in later phases of the development because there is currently an oversupply of vacant office floorspace in South Hampshire. This may be the case but there is no advice on how a decision-maker should react to an office proposal should it be

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<sup>13</sup> NPPF paragraph 58

<sup>14</sup> Core Document EV46

submitted earlier than anticipated. The Council agree that greater clarity should be provided and have confirmed that in principle any appropriate proposal for office development would be supported at any time in the development of Welborne. I agree that this is necessary to demonstrate that the plan has been positively prepared and recommend **MM7** accordingly. There is no reason to doubt that the Council will monitor office floorspace provision in the Borough, including within any framework to be provided by the forthcoming review of the South Hampshire Strategy.

### **District and Local Centres**

37. Policies WEL10 and WEL11 relate to the proposed District and Local centres and refer to the need to produce retail impact assessments but do not include any such requirement for leisure development. There is a lack of clarity and consistency between the two policies which the Council proposes to address by way of changes to the policies and the supporting text – including reference to the need for impact assessments in relation to leisure proposals. These changes are necessary to ensure that the most appropriate strategy will be followed by the Council and therefore **MM8** is recommended.
38. Concern was expressed regarding the relationship between Welborne, Fareham and Wickham (in terms of retail provision) but the policies will ensure that the retail needs of Welborne will be met without significant harm to other existing shopping areas.

### **The Proposed Secondary School**

39. Initially the Council allocated a site to the west of Welborne for a secondary school. However, following reconsideration of the matter and further public consultation, the Council decided to identify two potential sites for such a school. The preferred location remained to the west, whilst the alternative would be on a more central site adjacent to the District Centre. The Council argues that this provides a more flexible basis for decision making<sup>15</sup>.
40. The first issue to address is whether or not the identification of two potential sites is appropriate. The Council's justification appears to be based on the largely unresponsive response it received to the initial proposal for a single site to the west (for example from the site promoters and Winchester City Council). It is my opinion, however, that the Council's revised approach of identifying two potential sites for the secondary school produces uncertainty over the provision of a very important element in the overall infrastructure for the settlement and that it does not reflect the most appropriate strategy when considered against the reasonable alternatives. The NPPF advises that it should be clear to a decision maker how to react to a development proposal<sup>16</sup> and in this case that would not be achieved. To provide clarity and certainty only one site should be allocated for a secondary school.
41. The next step is therefore to draw a conclusion regarding which of the two potential sites is justified and deliverable. The site to the west includes about 6.7ha of playing fields (plus a green zone) that would be located within the

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<sup>15</sup> Para 6.5.15 of Core Document CD-13

<sup>16</sup> Para 154

boundary of Winchester City Council<sup>17</sup> in the area known as the Knowle Triangle. The City Council has identified the land as a settlement gap within the City Local Plan Part 1 and it unanimously approved a Notice of Motion<sup>18</sup> confirming that the land should be retained as an open and undeveloped green buffer between Knowle and Welborne. There is also objection to playing fields at this location from, among others, local residents and the promoters of Welborne.

42. It would be important to optimise the use of playing fields of this scale and therefore, even if not provided from the outset, there is likely to be pressure for the provision of flood lighting, fencing, some all-weather surfacing and covered areas for storage. In those circumstances the land at Knowle could not accurately be described as open and undeveloped. In any event it is clear that Winchester City Council is unlikely to support any such proposals for the site should a planning application be submitted.
43. The alternative is a site wholly within Fareham Borough, adjacent to the proposed District Centre. Although the Council acknowledges that this is an accessible location it is concerned that it would result in a reduction in the amount of housing close to the Centre and that it would leave a prominent undeveloped gap until the school is built. In terms of the 'loss' of housing there is no substantive evidence that the viability of the District Centre would be under threat. The Centre would still be located close to other areas of housing and employment and it is possible that linked trips could occur which may contribute to meeting sustainability objectives and contribute to the Centre's viability. In any event the very fact that the Council has proposed the central site as an option indicates to me that the Council must consider such a proposal to be sound. With regard to the 'undeveloped gap' there is no reason why this should be seen as a negative element in the character of the area and there may be opportunities for short-term uses or environmental improvements that would satisfactorily assimilate the 'gap' into the street-scene. In any event the 'gap' will only be a relatively short-term phenomenon in the life of the settlement.
44. For the reasons given above I conclude that the location of a secondary school to the west of the settlement is not sound because there is insufficient evidence to demonstrate that the playing fields are deliverable or that it reflects the most appropriate strategy when considered against the reasonable alternatives. Conversely I am satisfied that the location of the school in the central location is sound. Although not of fundamental importance it has been acknowledged by the Council that there is potential for the land in the Knowle Triangle to be used as Suitable Alternative Natural Green Space (SANGS), for which there is currently a shortfall against requirements (see Issue 5) and this adds weight to my conclusion. I therefore recommend **MM9** accordingly.

## Healthcare

45. Strong concerns were raised by some local residents regarding healthcare provision at Welborne. The related infrastructure requirements are set out in the Infrastructure Delivery Plan<sup>19</sup> and are referred to in policy WEL14 but

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<sup>17</sup> See Appendix 6A of Core Document CD-13

<sup>18</sup> 2<sup>nd</sup> April 2014

<sup>19</sup> Core Documents EV27 and EV29

much of the concern was focussed on the ability of the Queen Alexandra Hospital to cater for the additional population. The Council has undertaken significant consultation with a range of healthcare providers, including the Portsmouth Hospitals NHS Trust who did not submit an objection. No substantive evidence was submitted to demonstrate that the healthcare needs of Welborne residents would not be met.

### **Conclusion on Issue 2**

46. I conclude that, as modified, the policies relating to the economy and self-containment (including school provision) are sound.

### **Issue 3 – Whether or not the policies for Providing Homes are sound (policies WEL17 to WEL22)**

#### **The Housing Market**

47. The Council anticipates the delivery of about 6,000 homes by 2036 and policy WEL17 establishes the approach to be taken in terms of mix, accessibility standards and private rented housing. The housing market is in a state of almost constant change but delivery is a key objective of the Council and therefore it is appropriate for the policy to reflect a relatively flexible approach. This is clearly an issue where monitoring will be an important component and there is no reason to doubt that any significant changes in current circumstances would be identified by the Council and acted upon accordingly.

#### **Affordable Housing**

48. LP1 (policy CS13) has an expectation of 30-40% affordable housing provision at Welborne and policy WEL2 of LP3 confirms that the overall aim is to deliver 30% affordable housing. It is acknowledged by the Council that there is a significant need for this type of housing but it argues that this need must be balanced against the overall viability of the development. Considerable work has been undertaken on assessing viability, particularly in terms of infrastructure provision<sup>20</sup> and it can be concluded that the provision of a higher percentage of affordable housing would place at risk the provision of the essential infrastructure. The Council has achieved an appropriate balance and its overall approach on this matter is sound.
49. The Council consulted on the Welborne Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) in summer 2014. Following consideration of the responses the Council decided to remove references to the deferral of affordable housing provision from policy WEL18 and to provide further clarity to both the policy and the supporting text. The proposed changes to policy WEL18 provide clearer advice without being overly prescriptive and are reflective of the current evidence available. **MM10** is therefore recommended.

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<sup>20</sup> Core Document EV30

## **Gypsies, Travellers and Travelling Showpeople**

50. The provision of sites for Gypsies, Travellers and Travelling Showpeople is addressed by policy DSP14 of the Council's Development Sites and Policies Plan (LP2). However, LP2 does not cover Welborne and therefore on this issue there would be a policy vacuum. It is therefore appropriate for LP3 to include WEL22, which sets out the criteria against which any such proposal at Welborne would be considered and the plan is sound in this respect.

### **Conclusion on Issue 3**

51. The policies for providing homes at Welborne, as modified, are sound.

## **Issue 4 – Whether or not the policies on Transport and Movement are sound (policies WEL23 to WEL28)**

### **The Transport Evidence Base**

52. It is clear that a major concern of many local residents and other interested parties is the traffic implications of the proposed development. Strategic transport modelling has been undertaken on behalf of the Council<sup>21</sup> and this concludes that any increase in traffic levels could satisfactorily be addressed by way of mitigation measures at key locations. Whilst I understand the concerns, there is no substantive evidence that would enable me to conclude that the Council's strategy, to which neither the Highways Agency (now re-named Highways England) or the Highway Authority objects, is not justified, deliverable and in all other respects sound.

### **New Junction 10 on the M27**

53. The development of Welborne is heavily reliant on the provision of a new junction 10 on the M27. A number of options have been assessed, including in terms of sustainability, and the conclusion is summarised in the Preferred Option Note<sup>22</sup>, which has been agreed by the Highways Agency, the Highway Authority and the Borough Council.
54. Currently it is anticipated that delivery of the all-moves junction would commence in 2018/19 (being brought forward from the original date of 2021/22), with work on the A32 north and south of the motorway commencing in 2016/17. A significant financial contribution towards the upgrade of the junction has been awarded by the Solent Local Enterprise Partnership and further funding would be secured through developer contributions. The Council is confident that the timescales are realistic and achievable and that funding will be forthcoming. The improved junction is a key element in the success of Welborne and there is no reason to doubt the commitment and confidence displayed by the Council and the other interested parties to ensuring that this key piece of infrastructure is delivered in a timely manner.

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<sup>21</sup> Core Documents EV16 and EV39 to EV45

<sup>22</sup> Core Document EV47

## Traffic Management

55. In order to ensure that traffic from Welborne does not result in significantly harmful consequences for highway safety on the road infrastructure to the north (for example through Wickham) it is important that every effort is made to ensure that the development looks to the south for its main transport links and that, through appropriate traffic management, vehicular traffic is 'directed' away from some of the more constrained parts of the network. The Council is proposing a number of changes to policies WEL2, WEL23 and WEL25 which will strengthen the commitment to securing a development that would result in movement patterns compatible with the highway infrastructure in the area.
56. It is argued by representors that insufficient measures are proposed to direct traffic to the south. I understand the concerns relating to an increase in north-bound traffic movements, for example towards Wickham, but that has to be balanced against the need for vehicles to move satisfactorily around the proposed development; the fact that the traffic modelling does not indicate any significant highway problems that cannot be appropriately mitigated (and the lack of any substantive evidence to the contrary); the fact that two significant 'attractors' of traffic (i.e. Fareham town centre and the M27) lie to the south; and the fact that the Highway Authority has not objected to the Council's approach. On the evidence before me I am satisfied that the Council's approach is sound and **MM11** and **MM14**, which both refer to the southward links, are therefore recommended. It was suggested that Managed Motorways should be referred to as a means of achieving freer flowing traffic but in the current circumstances there is insufficient justification for such a reference.
57. Paragraph 7.24 of the plan refers to the provision of four road junctions with the A32 within Welborne. The Council considers that, at this stage, this requirement is too prescriptive and I agree. It is therefore recommended that the specific number of junctions is deleted (**MM12**). Similarly the reference to the provision of junction signals in paragraph 7.27 (1) is too prescriptive at this stage and lacks justification. It is recommended that this reference is deleted and replaced by wording that refers to traffic management measures (**MM13**).

## Bus Rapid Transit Link

58. A bus rapid transit link is proposed from Welborne to Fareham town centre and preliminary design feasibility work has been undertaken. There was criticism that in some more central locations the buses would not be segregated from other traffic, thereby slowing down the journey time. This may be the case but the proposed route<sup>23</sup> would include dedicated bus lanes and other mitigation measures and overall I am satisfied that the evidence demonstrates that this is an aspirational but realistic proposal.

## Potential for a Railway Station

59. Consideration has been given to the provision of a station on the Fareham to Eastleigh railway line to serve the new settlement. However, the evidence

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<sup>23</sup> Page 45 of Core Document EV17

does not demonstrate that such a proposal would currently be viable. Nevertheless policy WEL26 seeks to 'protect' land for such provision and this is an appropriate approach to take so that the opportunity to promote sustainable transport in the future is not lost.

### **Pedestrian and Cycle Links**

60. Policy WEL28 establishes the need to provide good pedestrian and cycle links and paragraph 8.38 identifies a number of corridors where such provision could be considered. A Minor Change proposed by the Council will also make reference to these links after paragraph 7.52. Concerns were expressed regarding the delivery of these links but they do not form a specific component of the policy and it is appropriate, in the interests of sustainability, that the Council should identify its aspirations in this regard.

### **Conclusion on Issue 4**

61. I am satisfied that the policies on Transport and Movement, as now proposed, are sound.

## **Issue 5 – Whether or not the policies on Green Infrastructure are sound (policies WEL29 to WEL35)**

### **The Solent Special Protection Area**

62. A number of threats to the Solent Special Protection Area (SPA) from the development at Welborne were identified and in consultation with Natural England it was agreed by the Council that, in terms of providing mitigation, it would be appropriate to apply the same Suitable Alternative Natural Green Space (SANGS) standards as are used in relation to the Thames Basin and Dorset Heathlands SPAs. In addition to the SANGS a financial contribution would be required towards implementing the Solent Disturbance and Mitigation Strategy. Whilst it is correct that these two SPAs display different characteristics to the Solent SPA, the Council has taken a pragmatic, proportionate and reasonable approach to a situation where there is no nationally adopted guidance on mitigating the effect of development on internationally important sites and on this basis I am satisfied that the Council's overall approach is sound.
63. The issue then becomes whether or not the figure of about 84ha (representing only 70% of the SANGS standards) is justified. Firstly the figure is expressed as a minimum; secondly any development proposals would have to be accompanied by a detailed assessment of the consequences of the development on biodiversity, thus ensuring that any potential adverse impacts could be addressed in detail at that time (a full HRA will be required and an Appropriate Assessment of the potential risks to the SPA); and finally it is noted that Natural England has no objection to the Council's approach and that the Statement of Common Ground between the two parties confirms that, in their view, policy WEL30 is based on the best available information and that it would ensure that adverse effects on sensitive sites would be avoided.
64. In situations such as this there is always a degree of uncertainty about the



potential impact of a development on internationally protected sites – only when residents have moved in can the impact be more accurately assessed. Nevertheless the Council, in partnership with other interested parties, has adopted an approach which will ensure that appropriate mitigation or avoidance measures are in place to afford protection to the Solent SPA. Over 77ha of SANGS provision could be accommodated on or immediately adjoining the site and because significant areas of potential SANGS are in the ownership of the principal landowners at Welborne, substantial areas of SANGS could be delivered in the earliest stages of the development. Other land could be identified for SANGS, for example at Pook Lane and along the eastern edge of Welborne but the location and final amount of SANGS provision (and/or financial contribution towards other mitigation measures) will be determined through the Habitats Regulations Assessment process. The final 'package' must be able to demonstrate that any adverse impacts on the SPA will be avoided or appropriately mitigated.

65. At the hearing session I requested further evidence on the issue of SANGS and the Council consequently submitted Core Document CD-41. This provides further explanation about how SANGS can be delivered and confirms that the site promoters, the Council and Natural England have engaged in extensive discussions on the matter. There is no reason to doubt that those discussions will continue. It is also noted that a Solent Disturbance and Mitigation officer has been appointed and an interim SPA wide mitigation strategy has been agreed – both indications of the Council's strong commitment to protecting the Solent SPA. I consider that the Council's approach to the protection of the internationally important site is sound.
66. Concerns were raised regarding the impact of the development on the New Forest SPA, which is over 20km away by road. The Welborne Plan HRA Appropriate Assessment Report<sup>24</sup> makes reference to the potential for mitigation measures to be required, should they be justified, but concludes that on the evidence available there would be no adverse impacts from the proposed development on the New Forest SPA<sup>25</sup>. Even if it could be demonstrated that this conclusion is flawed, planning applications at Welborne would have to be accompanied by appropriate evidence to demonstrate that the issue has been considered and, if necessary, satisfactorily addressed.

### **Green Links**

67. Policy WEL32 establishes the principle of providing enhanced connections from Welborne to nearby settlements and the wider countryside. Examples of potential routes are listed in the supporting text. Concerns were expressed about the robustness of the policy in terms of implementation but at this stage I consider that the policy satisfactorily establishes the principles to be considered and provides the 'hook' on which more a more detailed assessment of the options can be 'hung' as part of the comprehensive masterplanning process.

### **Allotments**

68. In terms of allotment provision the Council identified an error in the table of

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<sup>24</sup> HRA04 Paragraph 5.3.42

<sup>25</sup> Paragraph 6.7.13

open space requirements set out in policy WEL29. The reference should be to 0.13ha of allotment provision per 1,000 population (not 0.34ha), in order to accord with the Council's Allotment Strategy. It is therefore recommended that the table and relevant supporting text is amended to reflect the accurate requirement (**MM15**).

### **The Setting of Welborne**

69. Of particular importance is the setting of the proposed settlement. Policy WEL33 requires the provision of structural landscaping but does not provide any advice on areas of particular sensitivity. The Council is therefore proposing to strengthen the policy by making specific reference to the need to have regard to the landscape quality to the north and east of Welborne and views from the south and Portsdown Hill. This clarification is necessary in order to provide consistency with national policy in terms of requiring good design and conserving and enhancing the natural environment and is therefore recommended (**MM16**). Concerns were raised regarding the need to provide more detailed advice on landscaping and in particular structural planting but I am satisfied that policies WEL33 and WEL34 provide sufficient advice for the needs of a decision-maker.

### **Conclusion on Issue 5**

70. The policies on green infrastructure, as modified, are sound.

### **Issue 6 – Whether or not the policies on Energy, Water and Flooding are sound (policies WEL36 to WEL40)**

#### **Energy**

71. Policy WEL36 – Energy, whilst establishing the requirement for an Energy Strategy to accompany planning applications, affords applicants a high level of flexibility. One of the core planning principles<sup>26</sup> is support for a transition to a low carbon future and the use of renewable resources. It is likely that a zero carbon homes standard will be implemented in 2016 but in the meantime it is important that sufficient weight is attached to this objective in planning policy documents. It is therefore recommended that policy WEL36 is strengthened to refer to the achievement of high energy efficiency standards for all buildings and that clarification is given as to how a lack of viability should be demonstrated if the 10% of dwellings built to Passivhaus standard (as is required by policy WEL36) cannot be achieved (**MM17**).

#### **Water**

72. Account must be taken of water supply and disposal and the matter is clearly of concern to a number of representors. However, these are issues that are largely in the hands of the developers in liaison with the water companies (being a de-regulated market) but I am satisfied that the evidence shows that there are a number of viable options available to deliver the necessary

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<sup>26</sup> NPPF paragraph 17

infrastructure<sup>27</sup>. The onus will be on the developers to demonstrate, at the planning application stage, that the proposed wastewater solution meets the requirements of policy WEL37 and also those of the Environment Agency. Policy WEL37 sets out the Council's approach but lacks sufficient detail in terms of the information required, both in terms of waste water conveyance and treatment and also phasing. The Council is therefore proposing to strengthen the policy and I agree that this is necessary to ensure that LP3 is justified and effective and therefore recommend **MM18**.

### **Flood Risk**

73. In terms of flooding and sustainable drainage systems a number of concerns were raised, including in the public consultation responses regarding the recent Ministerial Statement<sup>28</sup>, which I have taken into account. In particular the potential consequences of the development in terms of downstream flood risk are feared by some residents and doubt was cast over the delivery and maintenance of the required infrastructure (see Issue 7).
74. A fundamental requirement of policy WEL39 is the provision of a site-specific flood risk assessment and a comprehensive strategy for a sustainable drainage system. I understand why some respondents consider that this work should be done now and not as part of an outline planning application process. However, until more detailed work is done in terms of the layout and the disposition of land uses, there is the risk that any such detailed assessments would become redundant and I am mindful that the NPPF advises that the evidence base should be proportionate. The Environment Agency strongly supports policy WEL39<sup>29</sup> and I consider that the Council's broad approach accords with the advice in paragraphs 100 and 162 of the NPPF. However, the order and contents of policy WEL39 lack clarity and depth. It is therefore recommended that the policy is strengthened in order to ensure that site specific flood risk assessments are undertaken and that the quality of any sustainable drainage systems are of an appropriate standard (**MM19**).

### **Household Waste Recycling Centre**

75. Policy WEL40 proposes a household waste recycling centre (HWRC) either to the east or west of the A32. Concerns were expressed regarding the visual impact of such a facility to the east of Welborne and also to the fact that in terms of phasing it is unlikely that a site to the east of the main road would be available until relatively late in the development of the settlement. I have attached significant weight to the latter concern because, in the interests of sustainability, the provision of such a facility should be made as soon as is practicable. Consequently it is recommended that only one site is identified for the HWRC to the west of the A32 and also that, in the interests of resident's living conditions, it is a requirement that any such facility is not located adjacent to existing or proposed residential areas (**MM20**).

### **Conclusion on Issue 6**

76. With the proposed modifications it can be concluded that the policies relating

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<sup>27</sup> Core Document CD-25

<sup>28</sup> Core Document ND16

<sup>29</sup> Core Document CD-26

to energy, water and flooding are sound.

### **Issue 7 – Whether or not the Council's approach to Phasing, Delivery and Monitoring is sound (policies WEL41 to WEL43 and chapter 11)**

77. Concerns were raised regarding the provision of infrastructure and it was suggested that many elements of the proposal (for example schools, flood attenuation measures and health services) should be brought forward. The Council has undertaken a number of viability assessments and has reacted in a pragmatic way when issues of concern have been identified (for example in response to the conclusions of the Stage 2 Viability Testing document<sup>30</sup> which at that stage questioned the viability of the proposed development). The weight that the Council is placing on delivery is reflected in the fact that the Council has commissioned CBRE to provide advice on viability and deliverability throughout the planning application process and that a Strategic Delivery Group is in place, comprising a range of partners who are all seeking a co-ordinated approach towards successfully delivering the new community. Concerns were raised regarding the future maintenance of sustainable drainage systems and the potential for future contamination of the source protection zones but no substantive evidence was submitted that conclusively demonstrates that routine maintenance would not be undertaken or that there would be a high risk of water contamination.
78. Whilst I understand the desire for, and reasoning behind, early infrastructure provision, I consider the Council's approach to be reasonable, pragmatic and balanced. The Council (with the assistance of service providers) will monitor the implementation of LP3 and there is no reason to doubt that it would react appropriately to any change in circumstances should they occur.
79. Initially LP3 did include a phasing plan but the Council decided to remove it from the document, fearing that it would quickly become superseded by the developer's own phasing plan that would be submitted alongside the initial planning application, as required by Policy WEL41. The Council is required to demonstrate that the plan will be effective (i.e. deliverable) and to that end it is important that a phasing programme is in place against which the delivery of the development, including the essential infrastructure, can be measured. I accept that circumstances can change but the monitoring of the plan will enable the Council to consider the consequences of any such changes should they occur.
80. The Council and the main promoters of the development have therefore drawn up a new Phasing Plan which clearly establishes the broad expectations of the Council. No substantive objections have been raised by service providers to the Phasing Plan and in the interests of effectiveness I recommend that it is included in LP3 (**MM21**).
81. Following consideration of responses to the draft Welborne Planning Obligations and Affordable Housing SPD, the Council has decided to remove references to the deferral of infrastructure provision in policy WEL41 and provide greater clarity on infrastructure delivery. This will ensure that this

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<sup>30</sup> Core Document EV30 (paragraph 1.52)

element of the plan is justified and effective and therefore **MM22** is recommended accordingly.

82. The delivery of Welborne will inevitably be complex because of its scale, range of land uses and the period of construction. It is therefore imperative that appropriate and robust monitoring measures are in place to ensure effective delivery. To that end the Council is proposing to clarify its approach and confirm that monitoring will be undertaken regularly throughout the year (via Strategic Group Meetings); that the Welborne Standing Conference would be advised of any risks to delivery; and that the Council's Monitoring Report (published annually) would include information about the delivery of Welborne. These changes are recommended in the interests of effectiveness (**MM23**).
83. Policy WEL42 safeguards land for specific development and some concerns were raised by representors regarding the appropriateness of such an approach. A balance needs to be reached between providing a level of certainty in terms of the location, inter-relationship of land uses and delivery of the various elements of the new community; and the need for flexibility, primarily in terms of delivery and viability. It would clearly be impossible to address every potential permutation in terms of progress on the delivery of Welborne but I am satisfied that the Council is aware of the need to undertake comprehensive monitoring which should alert it to any unforeseen change in circumstances. The Council has rightly placed the emphasis on securing its aspirational vision for Welborne but recognises the need to retain a realistic degree of flexibility and I consider that this approach is adequately reflected in policy WEL42 and its supporting text.

### Conclusion on Issue 7

84. A more robust approach to the consideration of viability, delivery and monitoring is now proposed by the Council thus ensuring that LP3 is sound in this respect.

## Assessment of Legal Compliance

85. 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.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Welborne Plan is identified within the approved LDS dated February 2014 which sets out an expected adoption date of Winter 2014/2015. 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 Habitats Regulations AA (January 2014) Report concludes that the Welborne Plan may have some negative impact on internationally important ecological sites, for example the Solent Maritime SAC, in terms of wastewater treatment and discharge. However, more recent evidence demonstrates that wastewater can be satisfactorily dealt with, without harm to important ecology. Natural England is satisfied with the Council's approach. AA has been carried out and at this stage is adequate.
National Policy	The Welborne Plan 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)	The Welborne Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Welborne Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

86. 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.
87. 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 3: The Welborne Plan 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