



Respondent details:

Title:	Mrs
First Name:	Samantha
Last Name:	Pope CEng BEng (Hons)
Job Title: (where relevant)	[No Reply]
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1) Policy: TIN2 - Highway Safety and Road Network

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why hasn't more consideration been given to HA1 in the transport assessment? There are 830 dwellings proposed in HA1. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads! Because of the lack of consideration, there is no reference for the mitigation required to reduce congestion by 2036. The Plan fails the Test of Soundness by not being Positively Prepared in this respect. QUOTE 14.6 of Final transport Assessment "In conclusions, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area of the local plan with 800 homes isn't assessed within the document Transport plan. 10.27 All developers will provide monies under section 106 to contribute to the Infrastructure Delivery Plan (IDP) . However there is nothing identified within the IDP table as a required contribution to transport and travel or highways in the western wards.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

There is no reference for the mitigation required to reduce congestion by 2036. The Plan fails the Test of Soundness by not being Positively Prepared in this respect. This statement doesn't include the area of the local plan with 800 homes isn't assessed within the document Transport plan. 10.27 All developers will provide monies under section 106 to contribute to the Infrastructure Delivery Plan (IDP) . However there is nothing identified within the IDP table as a required contribution to transport and travel or highways in the western wards.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Complete a transport assessment and include this along with mitigations required to the area of HA1. Include the mitigation within the IDP and itemize the contributions for travel and highways in the western wards

Your suggested revised wording of any policy or text:

The statements and supporting documentation must include the 800 homes proposed in HA1. I can not suggest wording for this as the professionals (transport, highways and infrastructure engineers) should complete the calculations required for HA1 and provide mitigation measures as a result.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

2) Policy: TIN4 - Infrastructure Delivery

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

From the Infrastructure Delivery Plan Section 5.4 Education is planned by Hampshire County Council. However the period of the child placements to extent the local schools only covers up to 2021. Has the council fully engaged with HCC over the houses planned for Warsash and the Western Wards as they will be built over the next five years and the local plan extends up to 2036. Is this a sound approach for the borough and our children's education? The IDP table item 83 Calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards, however HA1 does not show the placement of a nursery or pre-school within the developments area. Where is this contribution of child placement to be allocated as the IDP calls for the addition of 83No placements when there are over 1000 dwellings added to the area. The IDP calls for the expansion for health care in the Western Wards with additional of GP locations in the Western Wards, however within the table provided within the document the timeline of this project and its review is in the past (prior to adoption of the local plan). How is this a sound approach for the borough when addition of 830 dwellings in HA1 alone.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

From the IDP Section 5.4 Education is planned by Hampshire County Council. However the period of the child placements to extent the local schools only covers up to 2021. Has the council fully engaged with HCC over the houses planned for Warsash and the Western Wards as they will be built over the next five years and the local plan extends up to 2036. Is this a sound approach for the borough and our children's education? Extend the schools study to include the duration of the draft plan, or the next five years identified with the majority of growth in the area, especially HA1 The IDP table item 83 Calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards, however HA1 does not show the placement of a nursery or pre-school within the developments area. Where is this contribution of child placement to be allocated as the IDP calls for the addition of 83No placements when there are over 1000 dwellings added to the area. Assign EYP within the area of HA1 with contributions made by each of the developers to ensure the IDP is met for the western wards. The IDP calls for the expansion for health care in the Western Wards with additional of GP locations in the Western Wards, however within the table provided within the document the timeline of this project and its review is in the past (prior to adoption of the local plan). How is this a sound approach for the borough when addition of 830 dwellings in HA1 alone. Complete the review inline with the timeframe set out in this local plan.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Complete the studies identified in the supporting documentation to ensure the local plan is sound for the provision of education, early years foundation provision and GP surgeries.

Your suggested revised wording of any policy or text:

I can not make a suggestion for wording changes as i am not a professional in these fields. Once the studies have completed the mitigation should be included within the local plan.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

3) Paragraph: 7.13

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

7.13 Local retail/commercial facilities figures do not cater for the additional houses in Warsash. For example, No convenience goods floor space has been allocated to Warsash

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Include convenience goods floor space in Warsash to account for the number of proposed houses in HA1.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Include a retail figure for the western wards.

Your suggested revised wording of any policy or text:

I can not calculate the retail figure for the western wards as i am not a professional in this field. Have the supporting documentation updated and add the figures to the local plan.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

4) Policy: D1 - High Quality Design and Placemaking

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

11.34 The council will support applications where development exceeds Building Regulations however no target has been set, is this 1% better or 10 % . The local plan is therefore is not sound and effective approach to carbon emissions as a borough. 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the carbon reductions promised by the government. The council therefore should set standards much like the London boroughs to ensure developers are designing for sustainable homes. These boroughs are also using new standards of design calculations (SAP10) which are not yet within building regulations which must be adhered too. The Fareham Design guidance do not give any guidance on sustainability.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

11.35 The council will support applications where development exceeds Building Regulations however no target has been set, is this 1% better or 10 % . The local plan is therefore is not sound and effective approach to carbon emissions as a borough. 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the carbon reductions promised by the government. The council therefore should set standards much like the London boroughs to ensure developers are designing for sustainable homes. These boroughs are also using new standards of design calculations (SAP10) which are not yet within building regulations which must be adhered too. The Fareham Design guidance do not give any guidance on sustainability, this should be updated to include potential green technologies that the council would accept as part of a planning proposal.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

The energy strategy provided as supporting documentation only accounts for the Borough. The councils design guidance standard should include an ideal energy strategy that the developers can adopt and modify as part of their planning submission.

Your suggested revised wording of any policy or text:

11.35 The council require the developer to submit plans to see each dwelling be designed to achieve an energy efficiency 20% better than building regulations Part L1A 2013. Update the Fareham design guidance to include sustainable housing design.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it necessary to take part in the hearing session(s):

As a professional engineer in this field I will be able to provide further insight and evidence on this subject.

5) Policy: CC4 - Renewable and Low Carbon Energy

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to power generation within the borough and not what each of the development sites should deliver over and above Building Regulations requirements, on this basis it is believed that the plan is not positively prepared

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Include targets for the next five, ten and fifteen year periods to ensure the developers have each follow the same targets and guidelines

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Include targets for the next five, ten and fifteen year periods to ensure the developers have each follow the same targets and guidelines. Targets should follow national standards to meet the climate change protocols

Your suggested revised wording of any policy or text:

i can not suggest wording on this.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

6) Policy: H1 - Housing Provision

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

The government have had a strategic rethink on how housing numbers are allocated to each area of the UK and issued within the timeframe of these comments. The Fareham local plan has used a now defuncted algorithm used to calculate the number of houses proposed within the area. The 800 plus homes allocated to the western wards should be recalculated using the new formula to ensure the western wards isn't saturated with new homes where it isn't required to meet government targets.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

To ensure the plan is sound and compliant with government requirements. the number of homes required within Fareham should be recalculated. Particular attention should be made to the western wards to ensure it is not saturated with houses and that Fareham as a whole borough is developed according to the latest formula.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

New housing figures mapped on to HA1 in particular.


Your suggested revised wording of any policy or text:

i can not comment without completing the new calculations

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

Respondent details:

Title:	Miss
First Name:	Tamsin
Last Name:	Dickinson
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

1) Policy: HA1 - North and South of Greenaway Lane

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers above

Insofar as commentary on this Plan is strictly limited to narrow technical issues of legal compliance, and consistency with national policy, both of which require technical knowledge beyond that of most residents, I believe the very process of limiting consultation in this way is not in the spirit of the laws meant to provide for openness and ease of access for residents. My representations are filed as pertaining to development HA1, but in so far as the other policy areas impact this development, my comments should be duly noted across many of the policy areas, of which the web form only allows you to choose one. Legal Compliance The council has a duty to use a variety of methods to obtain community input (Para 1.5). For the first time to my knowledge, vast numbers of residents were not sent paper copies of the Plan (this has been precedent until now), and as such many residents were unaware or unable to comment. Moreover, Warsash Residents Associations were never consulted with respect to the housing allocations, which is contrary to Paragraph 66 of the NPPF. HA1 did not feature in the 2015 Local Plan, and paragraph 1.16 confirms that this plan is extant, and that the LPA should consider allocations made in the previous adopted plan. Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations, so why was HA1 singled out as an allocation and how was the Objectively Assessed Housing Need arrived at for this site? The new proposed Plan then goes on to ignore the 2015 Plan by stating HA1 will provide for these allocations without any due formal adoption of the 2017 Plan. Developers have taken advantage of the unadopted 2017 Plan by citing it as a reason to get approval, and some have been granted on this premise. Furthermore, the site has been extended to increase the boundaries of development even further than the unadopted 2017 Plan. HA1 is responsible for 62% of the housing allocations in the borough, (excluding Welbourne) , with no overarching master plan to deal with the pressures on community infrastructure. By actively allowing individual applications to determine the total extent of development, I believe FBC is absolving itself of responsibility to ensure community services are well catered for and commensurate with the increase in housing being proposed. Para 9.10 states the LPA is aspiring to Nitrate Neutrality. Strategic Policy NE1 requires designated sites be protected and ENHANCED. Likewise Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained or IMPROVED. On Page 199 Para 9.54 indicates that proposals for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. It is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). There is doubt that the LPA is applying the Natural England advice correctly and lawfully in this respect. Soundness Policy HA1 (currently a Greenfield site), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant subversion of the settlement principle above, and moreover it seems has been done in a less than transparent manner to enable this development. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary with no consultation. Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications. Policy HA1: Page 51 refers to traffic routes and despite recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockswood Road, as well as one additional access at Brook Lane, via 3 entry points from Greenaway Lane. Infrastructure Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect. Para 10.14 The Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document. Para 7.13 Local retail/commercial facilities figures do not cater for the additional houses in Warsash. For example, no additional convenience goods floor space has been allocated to Warsash. Facilities Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath. Para 10.26 Infrastructure Delivery Plan Section 5.4 Education is planned with HCC but the period of any proposed extensions for child placements is only up to 2021 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children. Education Para 10.27 Infrastructure Delivery Plan Table item 83 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 83 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone. Moreover, no allowances have been made for secondary schooling, which is at capacity in the area and is already subject to detrimental policy changes to the catchment

Please provide details you have to support your answers above

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Detailed long term infrastructure planning for the community to include retail, parking, schools, GP's, traffic measures commensurate with a 2037 timeline and which requires FORMAL community consultation at regular intervals. Lessening of proposed number of dwellings to maintain some green space in the village and improve living conditions for all residents, old and new. Requirement to have an integrated plan, not a one by one for individual developers, which lessens community funds and doesn't account for the cumulative impact on the village.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

as above

Your suggested revised wording of any policy or text:

as above

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session



Respondent details:

Title:	
First Name:	Unknown2
Last Name:	Unknown2
Job Title: (where relevant)	
Organisation: (where relevant)	
Address:	
Postcode:	
Telephone Number:	
Email Address:	

1) Paragraph: 4.2

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 4.2 of the Publication Plan is unsound because it bases housing numbers on a proposed new methodology for calculating need and there is a tangible risk that it may not be adopted by the government. In addition Page 37 Paras 4.12, 4.16 and Policy HP1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 4858 houses at Welborne.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

The LPA should wait until Government has confirmed the methodology for calculating OAHN

How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would ensure the Plan is consistent with Government Policy

Your suggested revised wording of any policy or text:

The LPA will defer any allocations until the Government has confirmed the Methodology for calculating OAHN

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

2) Paragraph: 5.41

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers above

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Review to provide a more reasonable level of occupancy for Dwellings when determining Nitrate budgets

How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would make the Plan more realistic in terms of the real average occupancy levels in the Housing proposed locally

Your suggested revised wording of any policy or text:

The Nitrate budget calculations should be undertaken with respect to average occupancy rates in the area (The Council's own figures for Affordable homes is between 4 and 6 people per dwelling and not 2.4 - So the number should probably be in the region of 3-4 at a minimum.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

3) Policy: CC4 - Renewable and Low Carbon Energy

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 8.6 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared Para 11.34 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a Sound and effective approach to carbon emissions reduction in the Borough. Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Ensure that the Plan includes emission reduction Targets in order to meet or exceed the levels that can contribute to the Governments overall Carbon reductions.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

It is not sufficient to just require Developers to meet/exceed current Building Regulations when their are no specific percentage reductions mentioned

Your suggested revised wording of any policy or text:

The LPA will allow Developments when it has been calculated that the local carbon emissions generated by the site has been reduced by x% and that the site conforms with Government Policy SAP 10

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

4) Paragraph: 7.13

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers above

Para 7.13 Local retail/commercial facilities figures do not cater for the additional houses in Warsash. For example, no additional convenience goods floor space has been allocated to Warsash.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Assessment of LOCAL amenities including Retail floorspace

How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would contribute to making the developments Sustainable

Your suggested revised wording of any policy or text:

Any allocation must be justified in terms of the number of Dwellings proposed, by a review of the strain on Local Amenities and Infrastructure. If either is assessed to be inadequate, Allocation will not be approved until such local infrastructure/amenities have satisfied the assessed needs of the community.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

5) Paragraph: 7.18

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

A review of Local Shopping needs (vs Out of Town) is needed before any allocations are made

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Will contribute to Sustainability by cutting down on vehicular movements and adding to local employment numbers

Your suggested revised wording of any policy or text:

Before any allocation is approved the LPA will assess the Local Retail and Shopping facilities to minimise the need for vehicular trips, provide for local employment and contribute to the Sustainability of such Allocation.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

6) Policy: TIN4 - Infrastructure Delivery

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 10.26 Infrastructure Delivery Plan Section 5.4 Education is planned with HCC but the period of any proposed extensions for child placements is only up to 2021 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children. Education Para 10.27 Infrastructure Delivery Plan Table item 83 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 83 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Include child placements forecast to 2037 (not 2021) and review the EYP numbers for 1000 new dwellings proposed in Warsash

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Would cover the Plan duration and reflect a reasonable demand based on the actual number of new Dwellings (83 placements is obviously too low!)

Your suggested revised wording of any policy or text:

The Child Placements and EYP up to 2037 will be assessed and Schools extensions funded and planned accordingly to accommodate the increased Educational needs of the area.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

7) Policy: TIN4 - Infrastructure Delivery

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers above

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision through the addition of further GP locations in the Western Wards, However the table provided within the document only provides an historic timeline pre-dating the Local Plan. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Need to commit to appropriate increase in local doctors and dentists (healthcare needs)

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Make it relevant to current and future needs (not based on historic data) and be sufficient to support the additional 1000 dwellings proposed for Warsash

Your suggested revised wording of any policy or text:

Local Healthcare facilities will be assessed and committed to, using future predicted demand from over 1000 new dwellings in the Warsash area

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

Respondent details:

Title:	Mrs
First Name:	Charlotte
Last Name:	Varney
Job Title: (where relevant)	[No Reply]
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1) Paragraph: BOROUGHWIDE POLICIES (HP4, HP10, H1, E1, R1-4, CC1-4, NE1, NE3-6, NE8-10, TIN1-2, D1-3, D5, HE1, HE3-6)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

The map boundaries for the Warsash area have been moved post the planning. This is not legal, sound or compliant with a duty to cooperate.

Para 1.5 Introduction: Statement of Community Involvement Paragraph 2.1 says a “variety of methods” should be used to solicit comments from the public. Because paper-based documents failed to be employed across the borough, a large proportion of residents were deprived of sharing their opinion. This was exacerbated by Covid restrictions, limiting the access to libraries and the council office. The Publication Plan Introduction Page 1 specifies that representations should focus solely on “Tests of Soundness” but is contradictory to FBC’s guidance in Fareham Today which includes the additional areas of “Legal Compliance” and “Duty to Cooperate” This is misleading and confusing to members of the public wishing to provide commentary. Community Involvement Since 2017 residents’ concerns have not been considered regardless of protest marches, deputations and objections raised. For example, despite a petition exceeding the prerequisite number of signatures needed to trigger a Full Council meeting debate, such debate was refused, even after a challenge was raised to the Council’s scrutiny Board. It is discriminatory that community-generated evidence carries less weight than that provided by Developers consultants. E.g. regarding previous use of land in Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwatch teams. Para 4.7 The Warsash Neighbourhood Forum (although now defunct) were never consulted with respect to their intention to allocate housing, in line with Para 66 of the NPPF.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Return to original boundaries

The Publication Plan Introduction Page 1 specifies that representations should focus solely on “Tests of Soundness” but is contradictory to FBC’s guidance in Fareham Today which includes the additional areas of “Legal Compliance” and “Duty to Cooperate” This is misleading and confusing to members of the public wishing to provide commentary

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Return to original boundaries would be the correct thing to do.

The Publication Plan Introduction Page 1 specifies that representations should focus solely on “Tests of Soundness” but is contradictory to FBC’s guidance in Fareham Today which includes the additional areas of “Legal Compliance” and “Duty to Cooperate” This is misleading and confusing to members of the public wishing to provide commentary.

Your suggested revised wording of any policy or text:

I am not a legal expert and therefore suggest the people who wrote the policy make the correct amendments

The Publication Plan Introduction Page 1 specifies that representations should focus solely on “Tests of Soundness” but is contradictory to FBC’s guidance in Fareham Today which includes the additional areas of “Legal Compliance” and “Duty to Cooperate” This is misleading and confusing to members of the public wishing to provide commentary.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

No, I don't want to take part in a hearing session

2) Paragraph: 1.16

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan which is extant. Para 4.8 Allows the LPA to consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in the extant 2015 Plan, page 38 ignores this, stating that housing will be provided through HA1 and other local sites. The total new homes proposed for specific sites across the Borough (not including Welborne) is 1342. It is an unfair distribution for HA1 (proposed at 830 dwellings) to contribute 62% of this quantum. Moreover, whilst FBC recently enjoyed an overall reduction in new houses of 22.5% they are now proposing Warsash should endure a 20% increase in their local number! Housing Allocations There is no joined up “Masterplan” for HA1 (with developers working in complete isolation of one another). Therefore, another environmental impact assessment must be conducted showing the cumulative effect of HA1 in its entirety. Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was HA1 singled out as an allocation and how was the Objectively Assessed Housing Need arrived at for this site? Developers have taken advantage of the LPA’s decision to propose HA1 within (the now defunct) 2017 Plan and have submitted Applications that the LPA have resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming their sites fit well with HA1 has now resulted in the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift toward the Developers

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was HA1 singled out as an allocation and how was the Objectively Assessed Housing Need arrived at for this site?

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Developers have taken advantage of the LPA’s decision to propose HA1 within (the now defunct) 2017 Plan and have submitted Applications that the LPA have resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming their sites fit well with HA1 has now resulted in the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift toward the Developers.

Your suggested revised wording of any policy or text:

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

3) Policy: CC1 - Climate Change

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared Carbon Reduction Para 11.34 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a Sound and effective approach to carbon emissions reduction in the Borough. Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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Your suggested revised wording of any policy or text:

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

4) Paragraph: 9.1

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 9.10 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected and ENHANCED Likewise Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained or IMPROVED. Finally, Page 199 Para 9.54 indicates that proposals for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. Furthermore, a leading QC's opinion is it is unclear how any development could be contemplated in the Western Wards without negatively impacting the SAC and RAMSAR sites and therefore based on proximity alone, this would invalidate the deliverability of these developments. As per advice from Natural England, it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). There is doubt that the LPA is applying the Natural England advice correctly and lawfully in this respect.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

5) Paragraph: 2.1

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Policy HA1 (currently a Greenfield site), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 “Strategic Priorities” which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manœuvre by stealth of the council, to suit its own objectives. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the “convenient” alternative was for FBC to redraw the urban boundary

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

6) Paragraph: 5.24

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications. Policy HA1: Page 51 refers to traffic routes and despite recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockswood Road, as well as one additional access at Brook Lane, via 3 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots. Infrastructure Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect. Para 10.14 The Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document. Policy HA1: Page 52 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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Your suggested revised wording of any policy or text:

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

7) Paragraph: 3.27

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 3.27 fig 3.2 There are actually more than the indicated 8 potential growth areas shown on the map (assuming that these are construed as being the proposed allocations). This needs correction. Housing Need Methodology Para 3.37 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 dwellings? Para 4.2 of the Publication Plan is unsound because it bases housing numbers on a proposed new methodology for calculating need and there is a tangible risk that it may not be adopted by the government. In addition Page 37 Paras 4.12, 4.16 and Policy HP1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 4858 houses at Welborne.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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Your suggested revised wording of any policy or text:

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

8) Paragraph: 5.41

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Make the numbers reasonable and recalculate the proposal realistically

Your suggested revised wording of any policy or text:

Use occupancy rates of 4-6

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

9) Paragraph: 8.6

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

ara 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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No, I don't want to take part in a hearing session

10) Paragraph: 11.34

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 11.34 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a Sound and effective approach to carbon emissions reduction in the Borough

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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No, I don't want to take part in a hearing session

11) Paragraph: 11.36

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

ara 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to

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Your suggested revised wording of any policy or text:

ara 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

12) Paragraph: 7.13

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 7.13 Local retail/commercial facilities figures do not cater for the additional houses in Warsash. For example, no additional convenience goods floor space has been allocated to Warsash. Facilities Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

13) Paragraph: 10.26

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

ara 10.26 Infrastructure Delivery Plan Section 5.4 Education is planned with HCC but the period of any proposed extensions for child placements is only up to 2021 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children. Education Para 10.27 Infrastructure Delivery Plan Table item 83 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 83 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

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If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

14) Paragraph: 10.26

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

ara 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision through the addition of further GP locations in the Western Wards, However the table provided within the document only provides an historic timeline pre-dating the Local Plan. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

What modification(s) is necessary to make the Local Plan legally compliant or sound?

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How would the modification(s) you propose make the Local Plan legally compliant or sound?

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Your suggested revised wording of any policy or text:

ara 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision through the addition of further GP locations in the Western Wards, However the table provided within the document only provides an historic timeline pre-dating the Local Plan. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

15) Paragraph: 1.28

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers above

Para 1.28 In agreeing to take up a shortfall in homes of 847 from Portsmouth, Fareham Council are taking a risk as the new methodology for calculating Housing Need has not been signed off by the Government and the Housing Delivery test will not be available during this public consultation period.

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Para 1.28 In agreeing to take up a shortfall in homes of 847 from Portsmouth, Fareham Council are taking a risk as the new methodology for calculating Housing Need has not been signed off by the Government and the Housing Delivery test will not be available during this public consultation period.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

Para 1.28 In agreeing to take up a shortfall in homes of 847 from Portsmouth, Fareham Council are taking a risk as the new methodology for calculating Housing Need has not been signed off by the Government and the Housing Delivery test will not be available during this public consultation period.

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Para 1.28 In agreeing to take up a shortfall in homes of 847 from Portsmouth, Fareham Council are taking a risk as the new methodology for calculating Housing Need has not been signed off by the Government and the Housing Delivery test will not be available during this public consultation period.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

Keely, Lauren

From: Planning Policy
Sent: 21 December 2020 10:47
To: Consultation
Cc: Trott, Katherine
Subject: FW: Regulation 19 Representation on the Publication Version of The Fareham Local Plan 2037

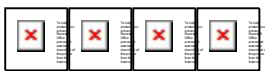
Follow Up Flag: Follow up
Flag Status: Completed

Hello Katherine,

Please can you file this, this is a representation from a member of the public.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Abraxas folox <[REDACTED]>
Sent: 18 December 2020 [REDACTED]
To: Planning Policy <[REDACTED]>
Subject: Regulation 19 Representation on the Publication Version of The Fareham Local Plan 2037

Please accept the following to be my representation to the publication version of The Fareham Local Plan 2037.

Fareham Local Plan 2037 Regulation 19 Representation:-

REASON: Non-compliance with planning legislation with respect to a commitment to publish all representations received throughout the plan making process (para 8.3)within Fareham Borough Council's adopted Statement of Community Involvement dated 6th March 2017.

Dear Inspector,

A local authority must comply not only with the specific requirements within regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on consultation, but also with the commitments within their Statement of Community Involvement (SCI).

At present Fareham Borough Council (FBC) have not complied fully with commitments set out within the SCI adopted 6th March 2017 specifically:-

Para 8.3 "All representations received throughout the plan making process will be recorded and their receipt acknowledged. They will be made available for others to freely see; however, personal information will not be made public in order to comply with the Data Protection Act."

SOURCE: https://www.fareham.gov.uk/PDF/planning/local_plan/Adopted_CommunityInvolvement.pdf

As of today (18th December 2020 the final day for submissions to the regulation 19 consultation) not all of the representations received have been placed fully within the public domain therefore FBC is clearly in breach of their aforementioned commitment. I wrote an email concerning this issue back in February 2020 to Gayle Wootton at the time of the last regulation 18 consultation "Strategy for Future Development" and eventually received the following response:-

"The intention is to publish responses from this consultation and the consultation in 2019 in advance of submission to Government."

I wrote back that same day

... concerning the SCI, with all due respects, I am unclear as to exactly what you mean?

"The intention is to publish responses from this consultation and the consultation in 2019 in advance of submission to Government."

For the sake of clarity, it would be most appreciated that an acknowledgement be made that :-

The Council will publish all the responses in full prior to the commencement of the regulation 19 consultation.

As no response to this clarification was proffered prior to the commencement of the regulation 19 consultation (that ends today the 18th Dec 2020) and noting that no publicly available link or webpage has appeared displaying all the representations it is clear that FBC have actively chosen to disregard a commitment made within their adopted SCI.

I would therefore appreciate your judgement regarding the general public's legitimate expectation that FBC were to publish all of the representations received to each and every regulation 18 consultation conducted in such a manner for others to freely see.

Kind regards

Rob Stickler



For completeness and accuracy of the situation at the time of my correspondence with FBC in February 2020 I hereby attach my email setting forth the argument related to legitimate expectation and FBC's adopted SCI.

FAO: Head of Department.

Dear Sir or Madam,

I apologise for embroiling you in this issue but I sent an email dated 30/1/2020 to planning policy concerning the "Statement of Community Involvement" (SCI) adopted 6th March 2017. To date 17/2/2020, being some 12 working days after my initial email, I have still not received a reply. For the sake of clarity and completeness here is a copy of the email I sent:-

Dear Consultation Officer,

I've just visited the "Strategy for Future Development" survey webpage:

<https://www.snapsurveys.com/wh/s.asp?k=157890765789>

and have noticed that:-

"Individual comments will not be published and will not be attributable to an individual in the reporting of the consultation."

Could you enlighten me as to whether any modifications to the Fareham Borough Statement of Community Involvement (SCI) as adopted on the 6th March 2017 have taken place?

And if so, could you supply the dates and links to the meeting minutes at which any such amendments occurred.

And if not, I'd like to draw your attention to the following paragraphs from the adopted SCI:-

Para 2.1 "Be open and transparent. We will publish responses to the consultations in a timely fashion and explain how consultation responses have informed decision making."

And

Para 7.3 "All the information that forms the Local Plan evidence base will be made public 7.3 " everyone has the chance to see how it has influenced a decision. This includes the Council's responses to comments and an explanation of how they have been considered and what changes have been made because of them."

And

Para 8.1 "The Council has a responsibility to consider all the representations it receives. These will be weighed up alongside evidence documents, legal requirements, national policies and local up alongside interests. All comments will be fully considered and if they warrant an amendment for the subsequent version of the Local Plan this will be explained. In addition, if comments do not justify a change this will also be explained. Occasionally the Council may wish to contact the person or organisation directly to discuss their representations."

And

Para 8.3 "All representations received throughout the plan making process will be recorded and their receipt acknowledged. They will be made available for others to freely see; however, personal information will not be made public in order to comply with the Data Protection Act."

SOURCE:

https://www.fareham.gov.uk/PDF/planning/local_plan/Adopted_CommunityInvolvement.pdf

Taken together these statements would appear to indicate that all the responses are to be published and explanations given with regard to how consultee replies have informed the decision-making process in a "timely fashion"

These paragraphs DO NOT indicate that they apply to specific consultations and therefore must logically be applicable to ALL consultations that take place within the Local Planning process, do you agree ?

If so, could you please supply a date at which FBC will be placing within the public domain all the responses to this present consultation together with all the responses to the previous consultation which ran from the 10th June- 26th July 2019 as I, amongst many others would like to view them.

I look forward to a prompt reply concerning the above issue.

Kind regards

Rob Stickler.

In light of this deathly silence, I'd like to point out that the SCI, amongst other things, sets out the Councils principles for consultation. It expressly states, in clear and unambiguous language, exactly what a member of the public should legitimately expect to occur during a consultation procedure. This includes how the responses to the consultation are to be dealt with and specifically, regarding consultee representations, it states in paragraph 8.3 that:-

"All representations received throughout the plan making process will be recorded and their receipt acknowledged. They will be made available for others to freely see; however, personal information will not be made public in order to comply with the Data Protection Act"

This paragraph infers that the full representation will be made available. This logical reasoning was confirmed by the Regulation 18 consultation "The Draft Fareham Local Plan 2036" which ran from 25 October to the 8 December 2017, in which all the representations received were placed online for the general public to view (in their complete unsummarised form). This consultation was subject to the exact same procedural rules contained within the adopted SCI of March 2017.

As explained in my previous email regarding the referenced paragraphs of the adopted SCI:-

"Taken together these statements would appear to indicate that all the responses are to be published and explanations given with regard to how consultee replies have informed the decision-making process in a "timely fashion"

These paragraphs DO NOT indicate that they apply to specific consultations and therefore must logically be applicable to ALL consultations that take place within the Local Planning process, do you agree ?"

Clearly this first consultation has confirmed the language used in the adopted SCI and thereby set a precedent with regard to the general public's legitimate expectation concerning the issue being raised here namely:- the expectation that all of the representations would be freely and fully available to view for all consultations undertaken within the Local Plan Development process.

It should be noted that the adopted SCI was also clearly referenced within the following Executive Briefing Papers for the two consultations to which my previous email referred firstly:-

"Future Development in Fareham" consultation which ran from the 10th June - 26th July 2019.

in which the Executive Briefing Paper (Report to the Executive for Decision 16 December 2019) states:-

"20.The consultation will be undertaken in line with the Council's Statement of Community Involvement (SCI) which was adopted by the Council in March 2017."

SOURCE: Report to the Executive for Decision 16 December 2019

<https://moderngov.fareham.gov.uk/documents/s23513/Local%20Plan%20Consultation.pdf>

And secondly;

"Strategy for Future Development" i.e. the present consultation which runs from 13th Jan 2020 - 1 Mar 2020 in which the Executive Briefing Paper (Report to the Executive for Decision 13 May 2019) states:-

"12. The consultation will be undertaken in line with the Council's Statement of Community Involvement (SCI) which was adopted by the Council in March 2017."

SOURCE: Report to the Executive for Decision 13 May 2019

<https://moderngov.fareham.gov.uk/documents/s22544/Local%20Plan%20Issues%20Options%20Consultation.pdf>

Therefore, this sudden "moving of the goal posts" away from the legitimate expectation which was confirmed at the time of the first consultation back in 2017 (as described above), with respect to that expressed within the present "Strategy for Future Development" consultation webpage namely:-

"Individual comments will not be published and will not be attributable to an individual in the reporting of the consultation."

irrefutably conflicts with the statements within the above-mentioned Briefing Papers namely that:-

"The consultation will be undertaken in line with the Council's Statement of Community Involvement (SCI) which was adopted by the Council in March 2017"

All three consultations mentioned were/are being conducted in line with Regulation 18 of the Town and Country Planning Regulations 2012 (as amended) and are classed as statutory. These documents together with the adopted SCI and a "Statement of Consultation" are required to be submitted to the Inspector at the time of examination.

An Inspector during examination has a duty to assess whether the statutory documents supplied have been,

"prepared in accordance with legal and procedural requirements"

SOURCE: NPPF Feb 2019 para 35

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Government plan-making guidance states:-

"There is considerable flexibility open to local planning authorities in how they carry out the initial stages of local plan production, provided they comply with the specific requirements in regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ('the Local Plan Regulations') on consultation, and with the commitments in their Statement of Community Involvement."

Paragraph: 034 Reference ID: 61-034-20190315

SOURCE: <https://www.gov.uk/guidance/plan-making>

And the Planning and Compulsory Purchase Act 2004 (Section 19.3) states:-

"In preparing the local development documents (other than their statement of community involvement)] the authority must also comply with their statement of community involvement."

SOURCE: <http://www.legislation.gov.uk/ukpga/2004/5/section/19>

It is therefore undeniably true to say that an intrinsic component of the plan making process is the SCI. A Council must comply with what has been written, unless an Inspector confirms at examination that the procedural deviation was in general accordance with the adopted SCI . A Council of course, may choose to

modify its adopted SCI; however a Council does not have the option of alteration or disregarding parts of it at the whims and fancies of its officers. Due lawful process is required.

I cordially draw attention to the fact that at examination one such legal or procedural requirement which would be a necessity for an Inspector to address is whether the consultations have been carried out in accordance with the adopted SCI in a manner conducive to satisfying the well-established doctrine of legitimate expectation.

To be honest with you, I am rather shocked at the non-engagement of the planning policy team concerning this important point and therefore after having patiently waited for a response I now need a definitive resolution of this issue.

I thank you for your time & look forward to your correspondence.

Yours faithfully,

Rob Stickler.

Fareham Local Plan

Publication version



December 2020

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1 INTRODUCTION

1.1 Introduction

- 1.1.1 These representations are submitted by Gladman in response to the current consultation held by Fareham Borough Council (FBC) on the proposed submission draft Fareham Local Plan (FLP). Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure residents have access to decent homes and employment opportunities.
- 1.1.2 Gladman has a wealth of experience in contributing to the Development Plan preparation process, having made representations on numerous local planning documents throughout the UK and having participated in many Local Plan public examinations. It is on the basis of this experience that the comments are made in this representation.
- 1.1.3 Prior to this consultation the Government published the Planning for the Future White Paper setting out proposals for how the Government wants to 'radically reform' the planning system. Central to the Government's proposals will be a simpler, more streamlined Local Plan making process. Consultation on the proposals ended on 29th October 2020. Subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.
- 1.1.4 As the White Paper is only currently under consultation and there is currently uncertainty around timescales for moving towards a new Local Plan making process, this representation has been prepared against the backdrop of the current system. In progressing the FLP under the current system, the Council will need to carefully consider some of its policy choices and ensure that its evidence base is up-to-date and robust in light of changing circumstances and the changes brought about by the revised National Planning Policy Framework (2019).

2 NATIONAL PLANNING POLICY

2.1 National Planning Policy Framework

2.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019. These publications form the first revisions of the Framework since 2012 and implement changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft Revised Framework consultation.

2.1.2 The Framework (2019) introduces a number of major changes to national policy and provides further clarification to national planning policy as well as new measures on a range of matters. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. Paragraph 16 of the Framework (2019) states that Plans should:

- a) *Be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *Be prepared positively, in a way that is aspirational but deliverable;*
- c) *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *Be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

2.1.3 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay¹.

- 2.1.4 To be considered sound at Examination the emerging Local Plan will need to meet all four of the soundness tests set out in paragraph 35 of the Framework (2019).

2.2 Planning Practice Guidance

- 2.2.1 The Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018. The updated PPG provides further clarity on how specific elements of the revised Framework should be interpreted when preparing Local Plans.

2.3 Planning for the Future White Paper

- 2.3.1 On the 6th August, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.

- 2.3.2 Consultation recently closed on these proposals and it will be important that the Council keeps up to date with the implementation of these changes and the implications this will in turn have on the preparation of any subsequent Local Plan review. Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.

- 2.3.3 More importantly alongside this consultation, a consultation on immediate changes to the current planning system was also held, closing on the 1st October. Of significant note is a proposed revised standard method for calculating local housing need, which when implemented will be used as the basis for plans created prior to any changes outlined in the White Paper. Introduction of the revised methodology, which proposes to incorporate a percentage of existing stock as the baseline of the calculation, identifies an indicative housing figure of 403dpa for Fareham.

¹ NPPF – Paragraph 60

3 LEGAL REQUIREMENTS

3.1 Duty to Cooperate

3.1.1 The Duty to Cooperate (DtC) is a legal requirement established through section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of ongoing engagement and collaboration.²

3.1.1 As demonstrated through the outcome of the Coventry, Mid Sussex, Castle Point and St Albans examinations, if a Council fails to satisfactorily discharge its DtC a Planning Inspector must recommend non-adoption of the Plan. This cannot be rectified through modifications.

3.1.2 The NPPF(2019) has introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SOCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. The NPPF(2019) sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SOCG), throughout the plan making process³. The SOCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

3.1.3 This issue is particularly crucial for the FLP given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunities to meet identified unmet needs across the sub-region.

3.1.4 The PFSH is currently working on a new SOCG between all constituent authorities and will effectively supersede the Spatial Position Statement (2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at

² PPG Reference ID: 61-021-20180913

³ PPG Reference ID: 61-001-20180913

paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation and based on the current standard methodology.

- 3.1.5 At the time of writing, it is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings.
- 3.1.6 In principle, Gladman support the Council's decision to increase the housing target by 847 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area. Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 3.1.7 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

3.2 Sustainability Appraisal

- 3.2.1 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
- 3.2.2 The SA/SEA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the FLP proposals on sustainable development when judged against all reasonable alternatives. The Council must ensure that the future results of the SA clearly justify its policy choices. In meeting development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected. This must be undertaken through a comparative and equal assessment of all reasonable alternatives, in the same level of detail for both chosen and rejected alternatives. The Council's decision making, and scoring should be robust, justified and transparent.

4 FAREHAM LOCAL PLAN

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to fail. Gladman refer to the submission version of the Harborough Local Plan, Policy GD2, which states:

“in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harborough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where...”

A series of criteria follows.

- 4.2.4 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.5 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan.

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional

separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

- 4.4.1 Strategic Policy H1 makes provision for at least 8,389 net additional dwellings across the borough during the period 2021 – 2037. Whilst Gladman acknowledge that the housing requirement is set as a minimum, Policy H1 is not considered positively prepared as it does not provide a strategy which meets housing needs in full.
- 4.4.2 The level of housing required by the standard methodology as set in NPPF2019 requires provision for a minimum of 514dpa. It should be remembered that the housing need figure calculated using the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).
- 4.4.3 The Council has instead decided to use the Government’s proposed housing methodology as announced in the Planning for the Future White Paper which allows LPAs to use either a percentage of the Borough’s existing housing stock as the calculation’s starting point or the most up-to-date household projections, whichever is the highest before an affordability uplift is applied. The Council has decided it is appropriate to plan for a scale of growth based on the proposed methodology which reduces the housing need figure to 403dpa.
- 4.4.4 The proposed approach is not appropriate nor justified as it will not deliver the minimum housing required by national policy using the standard method. The Council must remember that the implementation of the White Paper is still subject to the outcome of consultation and may be subject to change. In addition, it is not appropriate to delay the progress of the Local Plan until the measures announced within the White Paper come into force.
- 4.4.5 Accordingly, the Council should amend the housing requirement back to 514dpa and allocate sufficient sites across a number of locations to meet housing needs in full.

Phasing

- 4.4.6 Policy H1 outlines the Council’s intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:
- Approximately 2,250 dwellings (450dpa) between 2021/22 and 2025/26

- Approximately 2,400 dwellings (480dpa) between 2026/27 and 2030/31
- Approximately 3,750 dwellings (625dpa) between 2031/32 and 2036/2037

4.4.7 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.8 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.9 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 514dpa.

Buffer

4.4.10 In principle, Gladman support the inclusion of a 15% buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply. However, the buffer does not provide any sort of contingency due to the Council's decision to reduce housing requirement to 403dpa. In reality, it merely provides a level of housing comparable to the amount of housing needed to meet the annual requirement as identified under the Standard Method. Gladman reiterate that the housing requirement should be increased to 514dpa and a buffer applied to this figure.

4.4.11 Notwithstanding the above, Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% above the Standard Method figure to ensure housing needs are met in full. This will also reflect HBF's advice following Central Government research on this issue.

Housing Provision

4.4.12 Strategic Policy H1 makes provision for at least 8,389 net dwellings across the borough during the period 2021 – 2037 and is comprised of:

- An estimated 552 homes that already have planning permission;
- An estimated 4,858 on sites with resolutions to grant permission as of 1st July 2020, including at Welborne Garden Village;
- Approximately 1,327 homes on sites allocated in the Publication Plan;
- Approximately 428 homes on brownfield sites/regeneration areas; and
- An estimated 1,224 homes delivered through windfall development.

4.4.13 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.14 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

4.4.15 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.

4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to existing areas of housing; or well related to settlement boundary and is within reasonable proximity to high frequency public transportation.

4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.

4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five-Year Housing Land Supply

4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to '~~may be~~ will be permitted where they meet the following criteria' as opposed to the current use of wording.

4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is

considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.

- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

- 4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

- 4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

“Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- *The likely future need for older and disabled people (including wheelchair user dwellings).*
- *Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).*
- *The accessibility and adaptability of existing stock.*
- *How needs vary across different tenures.*

- *The overall impact of viability.*⁴

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements) and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states:

“Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

*Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.*⁵

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council’s control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 46 states:

“Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties...”

⁴ PPG ID: 56-007-20150327

⁵ PPG ID: 56-009-20150327

- 4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector’s report for the Derby Local Plan (December 2016), which at paragraph 117 states

“Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings...”

4.9 Policy HP9: Self and Custom Build Homes

- 4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

- 4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

- 4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council’s Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy NE2: Biodiversity Net Gain

- 4.10.1 Policy NE2 requires development of one more or more dwelling or new commercial/leisure buildings to provide at least 10% net gain for biodiversity for the lifetime of the development. Gladman do not consider this policy to be positively prepared as it goes above and beyond that which is required by the NPP2019. Gladman submit that the percentage requirement should be deleted and reference to ‘biodiversity net gains’ included in the policy wording to ensure compliance with national policy.

4.11 Policy D5: Internal Space Standards

4.11.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.11.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

“The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”.

4.11.3 Furthermore with particular reference to the NDSS the PPG⁶ confirms:

“where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies”.

4.11.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.11.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government’s intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.11.6 Gladman’s concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.11.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁶ ID: 56-020-20150327.

5 OVERALL CONCLUSIONS

5.1.1 These representations have been drafted with reference to the revised NPPF(2019) and the updated PPG. To be found sound at examination the FLP would need to meet the tests set out in paragraph 35 of the NPPF(2019):

- **“Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

5.1.2 Having considered the FLP in this context, Gladman are concerned that a number of policies contained within this plan do not accord with national policy and require modification to ensure soundness with the tests set out above.

5.1.3 Gladman believe that further flexibility and contingency is required through the FLP and that, consequently, additional non-strategic housing allocations should be included in the plan.

5.1.4 Gladman welcome this opportunity to comment on the publication draft plan and would like to be kept updated on progress moving forwards with the FLP. Gladman request to participate at the relevant hearing sessions through the examination of the FLP to discuss the matters raised in this submission further.

Date: 18 December 2020
Our ref: 333521
Your ref: N/A



Planning Strategy Team
Fareham Borough Council

BY EMAIL ONLY



Dear Sir/Madam,

Regulation 19 Local Plan Consultation (6th November – 18th December 2020)

Thank you for your consultation dated 06 November 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the Council's approach to achieving sustainable development through its Local Plan, particularly through its suite of Natural Environment policies that include protection of internationally, nationally and locally designated sites, the enhancement of the local ecological network and the requirement for biodiversity net gain.

Our comments on the Regulation 19 Local Plan and supporting Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) are made below.

Strategic Policy DS1: Development in the Countryside

It is recommended this Policy also requires proposals to ensure compliance with Natural Environment policies, in particular Strategic Policy NE1 and Policy NE2, to ensure impacts on nature conservation interests are properly considered and addressed, and biodiversity net gain is achieved (for applicable development).

With regards to soils, the local plan outlines that 'the benefits of protecting the Best and Most Versatile (BMV) agricultural land are considered against the need for development'. This Policy requires development proposals to demonstrate they 'Conserve and enhance landscapes, sites of biodiversity or geological value and soils'.

The National Planning Policy Framework sets out that:

'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'

1 Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

It is recommended that this Policy is amended to give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. The plan should safeguard the long term capability of BMV agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.

Where site allocations are sited on BMV land, the Plan should outline a requirement for the protection of soils during construction where possible, referencing the '[Defra Code of practice for the sustainable use of soils on construction sites](#)'.

Strategic Policy DS3: Landscape

Natural England welcomes the proposed designation of eight Areas of Special Landscape Quality within the Borough, and the requirement for development in these areas to meet stringent criteria that seek to protect and enhance landscape.

Strategic Policy CC1: Climate Change

Natural England advise all Local Plans consider climate change adaption and recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.

Natural England welcomes Strategic Policy CC1: Climate Change that promotes mitigation and adaptation to climate change through various methods including the integration of green and blue infrastructure into the design of developments, adopting higher water efficiency standards, the integration of energy efficiency, renewable and low carbon technologies into all development, and reducing reliance on car travel.

Natural England supports the embedding of policy that will deliver measures to increase sustainability of development over the Plan period. This should also include reducing consumption of raw natural resources, sourcing more renewable or 'green' energy, and reducing waste. Consideration should be given to the collection of financial contributions from development to offset residual carbon emissions elsewhere in the Borough. Consideration can also be given to the retrofitting of existing development with technology that improves energy and water efficiency.

It is recommended that Local Plan policy also seeks measures that help natural habitats across the Borough adapt to the effects of climate change. We would encourage you to refer to the Natural England and RSPB [Climate Change Adaptation Manual](#) and look at the step by step approach to identifying the climate resilience of habitats that occur in the Borough. Consideration should be given to addressing issues on habitats and protected sites that will be exacerbated by climate change, such as flooding, drought, reduction of water resources etc.- the Manual can also help identify these.

Consideration can be given to delivering specific projects within the Borough. For example, to maximise climate change adaptation and mitigation through the establishment of a Nature Recovery Network (NRN), and the Local Nature Recovery Strategy in which the NRN would sit, to ensure climate change resilience at their core. Such projects could potentially benefit from carbon offsetting contributions from development over the local plan period.

Such an approach could link into other aspects of the Plan such as water and air quality, nutrient mitigation for Solent European designated sites, delivery of biodiversity net gain, natural flood management, and green infrastructure implementation among others. Natural England would be happy to advise further on this aspect.

Policy CC2: Managing Flood Risk and Sustainable Drainage Systems

Natural England welcome this Policy that requires development ensures flood and surface drainage are properly addressed, and that Sustainable Drainage Systems (SuDS) are designed in accordance with CIRIA C753 SuDs Manual, to be as 'natural' as possible.

It is advised that the policy makes clear that where a development drains to a protected site(s), an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection may be required to ensure water quality impacts are avoided.

Where SuDS are proposed serving as mitigation for protected sites, development should ensure that appropriate resources are put in place to ensure their long-term (in perpetuity) monitoring, maintenance/replacement, and funding.

Policy CC3: Coastal Change Management Areas (CCMAs)

Sea level rise and coastal change are inevitable and bring both challenges and opportunities for people and nature. Sustainable coastal management needs to embrace long-term change and achieve positive outcomes for both.

Policy CC3 identifies that the North Solent Shoreline Management Plan (SMP) policy for the majority of Fareham Borough's coastline is 'Hold the Line', and identifies two CCMAs between Hook spit and Meon Shore, with an identified coastal management policy of 'No Active Intervention'. The Policy will ensure that development in these areas will appropriately consider coastal change. It also will ensure replacement coastal defence schemes 'are consistent with the relevant Shoreline Management Plan and that there will be no severe adverse impact on the environment, the English Coast Path, and the rights of way network'.

We would advise that the Local Plan should also help facilitate the relocation of valued environmental assets away from areas of risk.

Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network

Natural England welcomes this policy that sets out clearly the hierarchy of nature conservation and the requirement for development to 'demonstrate clearly that the mitigation hierarchy has been followed' in terms of avoiding, mitigating or compensating (as a last resort) impacts on biodiversity. Natural England welcomes the Local Ecological Network (LEN) approach that has been included in the local plan.

It is helpful that the LEN and the Council's Green Infrastructure Strategy have been suggested as tools to provide opportunity for enhancements across the Borough. Please read our comments below in relation to Policy NE2 that regards the choosing of suitable opportunities for biodiversity enhancement.

Policy NE2: Biodiversity Net Gain

Natural England is fully supportive of the inclusion in the local plan of a Policy for biodiversity net gain. It is welcomed that the policy refers to the benefits to Borough residents from the ecosystem services that being close to nature provides, and outlines an expectation that offsite net gain must be sought as close to the development as possible. However in some instances this may be difficult, and Natural England recommends that consideration is given to developing a suite of projects across the LEN that development within the Borough can contribute to thereby ensuring the biodiversity within the Borough is protected and enhanced. For example, partners that manage Local Nature Reserves and Sites of Importance for Natural Conservation in the Borough could submit projects to the local planning authority to enhance the ecological value of these sites. These projects could be funded by development that requires offsite compensation or additional enhancements to achieve biodiversity net gain. This approach can also be used by development with limited opportunities for biodiversity net gain on-site.

The Policy outlines that the Council may prepare and adopt a Supplementary Planning Document (SPD) for Biodiversity Net Gain. Due to the need to ensure net gain is delivered in a suitably

strategic way, and having regard to the timescales of the legislative requirement for net gain and further national guidance, Natural England would support the development of such an SPD and would encourage Policy NE2 to outline this as a clear intention of the Council, in order to provide further guidance and support to aid sustainable development across the borough. Natural England will be happy to advise further to aid the development of such an SPD.

- *Calculating net gain*

Please note that Biodiversity Metric 3.0 is due to be published early 2021, which will supersede [Biodiversity Metric 2.0](#). We advise that the Policy is updated accordingly and that this metric is used to measure gains and losses to biodiversity resulting from development, and implement development plan policies on biodiversity net gain.

Please note that although the Policy includes 'nesting and roosting features' as suggestions for achieving net gain, it is our advice that features such as bird and bat boxes, swift bricks, bee hotels etc should be classed as general biodiversity enhancements that should be included as part of a wider biodiversity enhancement and mitigation plan. Net gain specifically should derive strictly from habitat enhancement and creation, required as calculated using the metric.

- *Wider environmental gains*

The reference to seeking wider environmental gains, for example to address water/air quality, flooding, climate change etc. is welcomed. Opportunities for environmental gains, including nature based solutions to help adapt to climate change, might include:

- Identifying opportunities for new multi-functional green and blue infrastructure.
- Managing existing and new public spaces to be more wildlife friendly (e.g. by sowing wild flower strips, changing cutting regime of open spaces and road verges*) and climate resilient
- Planting trees, including street trees, characteristic to the local area to make a positive contribution to the local landscape.
- Improving access and links to existing greenspace, identifying improvements to the existing public right of way network or extending the network to create missing footpath or cycleway links.
- Restoring neglected environmental features (e.g. a hedgerow or stone wall or clearing away an eyesore)
- Designing a scheme to encourage wildlife, for example by ensuring lighting does not pollute areas of open space or existing habitats

*Please see this [paper](#) regarding cost-effective and low-maintenance management for species-rich grassland on road verges and the value it can contribute to biodiversity and ecosystem services.

Please note that Natural England and Defra are developing an Environmental Net Gain/metric for Natural Capital Net Gain that can be used in conjunction with the Biodiversity Metric (but not instead of). Further information will be available in 2021.

- *Monitoring of net gain*

Your plan should include requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

LPAs should work with local partners, including the Local Environmental Record Centre and wildlife trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations and providing as much up front information on monitoring will help to streamline the project stage.

Policy NE3: Recreational Disturbance on the Solent Special Protection Areas (SPAs)

Natural England welcome this policy that will require new residential development to address in-combination effects on the Solent SPAs via recreational disturbance. It is recommended the Policy also outlines that other types of development (such as new hotels, student accommodation, care homes etc.) may also need to address recreational disturbance impacts, both alone and in-combination. Such development should be assessed on a case by case basis.

Policy NE4: Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent

Natural England welcome this policy that will require new development that propose a net increase in overnight accommodation to address in-combination effects on the Solent designated sites via eutrophication from nutrients in wastewater.

Policy NE5: Solent Wader and Brent Goose Sites

Natural England welcome this policy that will require development to address effects on sites identified by the Solent Wader and Brent Goose Strategy (SWBGS) which serve as functionally linked land to the Solent SPAs.

It is recommended that the following wording within the Policy “*Sites which are used by Solent Waders and/or Brent Geese (as shown on the Policies map)*” is amended to read “*Sites which are used by Solent Waders and/or Brent Geese (as identified within the most up to date version of the Solent Wader and Brent Goose Strategy)*” to take account of any changes to sites and their distribution across the Borough, as these updates can be implemented at irregular times. Any further references to the Policies map should be similarly amended to refer to the SWBGS mapping.

Core Areas – due to their essential function within the SWBG network, it is advised these sites are identified for protection by the Policy. Any development that would result in impacts to a Core Area will need to be carefully assessed on a case-by-case basis. There are limited options where the function of a Core site can be fully replicated elsewhere in terms of its suitability and appropriate locality; where such land is available, an assessment of replicability will need to be undertaken through discussions with Natural England and the Local Planning Authority.

Financial contributions – it is welcomed that the Policy outlines that financial contributions proposed as mitigation will be used for the management and enhancement of an ‘agreed suitable identified site for Solent Waders and Brent Geese’. Such proposals should demonstrate how such funds will be used to enhance, manage and monitor sites within the wider Solent Waders and Brent Geese network, in perpetuity. It is suggested that the Council works with relevant partners/stakeholders, including cross-boundary partnerships, to develop a strategic project(s), such as a bird reserve, and/or list of projects to enhance, manage and monitor the wider Solent wader and brent goose ecological network, to which contributions can be directed.

Policy NE6: Trees, Woodland and Hedgerows

Natural England welcomes this Policy that seeks to protect and enhance trees, woodland and hedgerows within the Borough. It is recommended that this Policy requires development proposals that affect ancient woodland, ancient trees and veteran trees, to ensure they are in line with [standing advice](#) published by Natural England and the Forestry Commission.

Policy NE8: Air Quality

It is welcomed that the Policy recognises that ‘poor levels of air quality can also lead to environmental issues’. The Policy includes a need for planning applications to consider if they will have a ‘potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value’.

The Policy outlines that the Local Plan HRA concludes the Plan ‘would not have a likely significant effect on the internationally important habitats and species present in the area’. As this issue has

been considered within the HRA appropriate assessment, the wording here should be amended to use the correct terminology under the Habitats Regulations, i.e. the HRA concludes the Plan will not result in an 'adverse effect on integrity' (the term 'likely significant effect' is used at the screening stage of the HRA). See further comments on air quality below in regards to the Local Plan HRA.

Policy NE9: Green Infrastructure

Natural England welcomes this Policy that seeks to fully integrate green infrastructure (GI) into development and maximise opportunities to connect to the wider environment. The provision of enhanced green infrastructure and sites of nature conservation value can not only help address some of the mental and physical health problems that are experienced in the Borough's population, but can also benefit society in other ways including improvements to local air and water quality, reducing the risk of flooding, alleviating noise levels and aiding climate change adaptation.

Policy NE10: Protection and Provision of Open Space

This Policy references protection of public rights of way. Natural England advises that the Policy should also seek to secure enhancement of public rights of way and National Trails, as outlined in paragraph 98 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. It is welcomed the plan seeks new access opportunities; it should seek to link existing rights of way where possible. The plan should avoid building on open space of public value as outlined in paragraph 97 of the NPPF.

It is welcomed that the Policy makes provision for appropriate quantity and quality of green space to meet identified local needs (as outlined in paragraph 96 of the NPPF) based on Natural England's work on [Accessible Natural Greenspace Standard \(ANGSt\)](#) in assessing the level of accessible natural greenspace; it is also welcomed that it recognises development may be required to 'provide more open space above what is required by the standards to make the development more acceptable'.

Policy D1: High Quality Design and Place Making

Natural England welcomes this Policy that requires the design of developments to integrate existing and new habitats and biodiversity within a coherent and well managed, connected structure. It is advised that landscaping of developments and open spaces seeks to use appropriate native and locally sourced species as far as possible to cater for local wildlife.

Policy D4: Water Quality and Resources

Natural England welcome this policy that seeks to conserve water and improve its quality.

Southern Water's Water Resources Management Plan (WRMP) 2019, that covers the planning period 2020-2070, projects a significant supply demand deficit during periods of drought in the Western Area, and commits to implementing a long term water resources scheme to restore the supply demand balance whilst avoiding and/or mitigating impacts on European sites, including the River Itchen SAC.

It is Natural England's advice that in advance of any permitting of such a suitable long term scheme, uncertainty remains with regards to water resources and the impacts of abstraction on protected sites.

Although it is welcomed that Policy D4 requires a water consumption for new dwellings of no more than 110 litres per person per day, Natural England strongly recommend all new development within the Southern Water supply area adopt a higher standard of water efficiency of 100 litres/per person/day, including external water use and re-use, in line with Southern Water's Target 100 demand reduction programme which is committed to within their WRMP19. Natural England also recommends that the Policy encourages the wise use of water in conjunction with the water companies, for example by developments incorporating grey water recycling systems and efficient appliances

Please see Natural England advice above in relation to Policies NE4 and Policy CC2 with regards to nutrients and surface water treatment via SuDS.

Neighbourhood Plans

Currently there are no Neighbourhood Plans in the Borough, but the Local Plan provides a 'strategic evidence base' which will inform any future Neighbourhood Plans.

It is recommended that any future Neighbourhood Plans which allocate housing should also identify spaces for environmental enhancement, for the purpose of offsetting environmental impacts, e.g. through the designation of Local Green Spaces. Such a local approach could give communities more ownership over such green spaces and provide a more strategic route to addressing common environmental impacts from development in that area, such as air and water pollution, habitat and species loss and increased carbon emissions, and could deliver biodiversity net gain and nutrient offsetting.

Such spaces could include the development of community orchards and play areas, woodlands and nature reserves, and serve a variety of functions that benefit both nature and the local community, for example providing benefits to health and wellbeing, offsetting nutrient discharges from allocated development and providing further scope for carbon sequestration.

Specific comments on Housing Allocation Policies

- HA9 - Heath Road (70 dwellings)

It is acknowledged this allocation site has resolution to grant permission for 70 dwellings. It is recommended this Policy includes the requirement to secure an appropriate level of offsite compensation to address the loss of secondary woodland on site which may in parts qualify as lowland mixed deciduous woodland habitat.

- HA29 - Land East of Church Road (20 dwellings)

Much of this site shows as Lowland Mixed Deciduous Woodland priority habitat on the Ecological Network mapping for Hampshire. Part of the site is designated as a Site of Importance for Nature Conservation (SINC) according to the Policy map. The Policy outlines a requirement for ecological mitigation for the site-specific construction and operational impacts of a development proposal. It is advised the Policy outlines a requirement to secure an appropriate level of offsite compensation to address any loss of priority habitat on site to ensure compliance with Policy NE1.

- HA31 - Hammond Industrial Estate (64 bed care home)

The Policy should ensure the impact of nutrients in wastewater is addressed to ensure compliance with Policy NE4.

- HA37 - Former Locks Heath Filling Station (30 dwellings)

This site is adjacent to an area of Lowland Mixed Deciduous Woodland priority habitat as shown on the Ecological Network mapping. The Policy should ensure that impacts on priority habitats and protected species are taken into account and appropriately addressed.

- HA38 – 68 Titchfield Park Road (9 dwellings)

The site is adjacent to Sylvan Glade SINC, much of which is ancient semi-natural woodland. The Policy should ensure compliance with standing advice on ancient woodland, ancient trees and veteran trees and that impacts on the SINC and protected species are appropriately addressed.

- HA42 - Land South of Cams Alders (60 sheltered housing)

This allocation site is located on 'Fort Fareham Grassland' SINC that supports woodland and meadow communities. It also lies adjacent to Fort Fareham SINC known for supporting wet woodland communities.

As previously advised in our response to the Supplement to the Reg 18 Local Plan (letter dated 23rd April 2020), allocations and development proposals should ensure they engage the mitigation

hierarchy, where impacts on designated ecological sites/features should first be avoided, and where not possible, adequately mitigated. Where this is not possible, any loss of priority habitat should be appropriately compensated. All residual ecological impacts will need to be addressed before any net gain for biodiversity can be achieved.

Natural England recommends that where loss of SINC habitat cannot be avoided, the policy should make clear how requirements set out within the NPPF, NERC Act 2006 and Local Plan Natural Environment policies will be met. It is advised an appropriate level of offsite compensation should be required to address any loss of priority habitat on site to ensure compliance with Policy NE1 .

- E4: Solent 2 (Employment - 23,500 sq. metres)

This employment allocation is located on Whiteley Meadow - Plot 2184 SINC and Ashley Wood, Fareham SINC. The Hampshire Ecological Network Mapping dataset shows much of this area as Lowland Mixed Deciduous Woodland, a priority habitat listed as required under Section 41 of the Natural Environmental and Rural Communities Act 2006. The site is also situated adjacent to the Gull Coppice (South-West Remnant) SINC which comprises ancient semi-natural woodland.

It is acknowledged that this site is an existing allocation within the adopted Fareham Local Plan Part 2 (2015). The current Policy outlines a requirement for this development to protect existing woodland and avoid habitat severance, and appropriate mitigation and compensation for any loss of protected trees. However, it is our view that a significant area of habitat, including mature woodland, is likely to be lost as a result of development. The Policy should ensure that it is compliant with Strategic Policy NE1 with regards to impacts on the local ecological network in this locality. In line with existing national and local policy and legislation, it is Natural England's advice that the mitigation hierarchy of avoid, mitigate and lastly compensate is employed where considering impacts on these habitats, particularly those designated as SINC. Measures should be sought to protect and enhance the local ecological network. Where impacts cannot be avoided or adequately mitigated, a comprehensive compensation package should be required that addresses the loss of all priority habitat on site (rather than just specifying protected trees), that seeks to enhance and connect habitat in the locality.

Comments on the HRA

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the Local Plan in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

We have the following comments on the HRA:

- *Recreational disturbance – New Forest designated sites*

The Local Plan HRA screening assessment outlines that although the Borough falls within the 25km buffer of the New Forest designated sites (via a straight line), the minimum actual travel distance by car is of approximately 30km travel distance (via the M27). In comparison to the number of visits from residents closer to the New Forest, the assessment states 'visits to the New Forest SAC/SPA/Ramsar associated with increased housing development in Fareham Borough contribute a significantly lower proportion of overall visits to the designated sites and it is not considered likely that significant effects associated with recreational disturbance from Fareham housing development would arise'. The HRA screens this impact pathway out from an appropriate assessment on this basis.

It is understood Footprint Ecology are currently conducting further analysis on several aspects of their latest visitor surveys. This analysis will assist the definition of a robust catchment area for recreational impacts. It will help in the preparation of a strategic, cross-boundary approach with neighbouring competent authorities to deliver habitat mitigation for the New Forest SPA/SAC/Ramsar. This work is due to be completed shortly and will provide a useful update to the evidence base against which such impacts from new development from surrounding local authority areas can be assessed.

Therefore, whilst acknowledging that the level of additional impacts from new residents is known to significantly decrease with distance from the New Forest designated sites, Natural England consider at this time there remains some uncertainty with regard to the evidence confirming the level of additional impacts from new residents of Fareham local plan development. We therefore advise this issue is taken forward to the appropriate assessment stage where further work may be carried out to ascertain the level of impacts as accurately as possible.

Where impacts are identified, suitable and proportionate mitigation should be proposed; we recommend the Council works with the New Forest National Park Authority and the other partner authorities to develop a strategic approach to addressing recreational impacts from new development on the New Forest designated sites. Such an approach should include developer contributions towards the New Forest National Park Authority's Habitat Mitigation Scheme to enable the authority to deliver site specific mitigation measures on behalf of applicants.

Natural England will be happy to provide further advice to the Council on this aspect as the evidence base develops.

- *Air quality*

The Local Plan is supported by an Air Quality Habitats Regulations Assessment (Ricardo, Sept 2020). The conclusions drawn in the Local Plan HRA in regards to air quality impacts are based on those drawn within the Ricardo report. Natural England concurs with the conclusions drawn in the report.

The Ricardo report suggests that the Council regularly reviews the Defra airborne NOx forecast levels. This is welcomed as a way to ensure any changes in forecasting and potential consequential changes to conclusions drawn in the report for this pollutant can be appropriately reviewed and addressed during the local plan period.

- *Water quality – nutrients*

The HRA calculates a nitrogen budget for the local plan of 2536.99 kgTN/yr. Appendix III of the HRA outlines various mitigation schemes that can be utilised or progressed as a means to ensure nutrient neutrality can be delivered by new development.

The HRA states within its Summary of Findings that the sites Chichester and Langstone Harbours SPA/Ramsar, Portsmouth Harbour SPA/Ramsar and Solent and Dorset Coast SPA are screened out of an appropriate assessment in relation to water pollution impacts. Much of development within Fareham borough is served by Peel Common wastewater treatment works (WwTW), which is a coastal WwTW that discharges effluent several kilometres out into the Solent. It is our advice that long-shore outfall pipes are likely to have shifted and widened the distribution of nitrogen loading within the effluent across the Solent SAC and SPAs. It is important to recognise the loading from Peel Common WwTW contributes to a number of estuaries and catchments within the Solent (including Portsmouth Harbour, Langstone Harbour, Chichester Harbour, River Meon, Wootton Creek and the Medina Estuary catchments). It is therefore Natural England's view that, because of this wide distribution of nitrogen loading, all designated sites should be screened in.

- *Other comments on the HRA*

Section 7.7.3 – this paragraph refers to the 'SAC' although it is relating to Portsmouth Harbour SPA and Ramsar.

Comments on the SA

We are broadly satisfied that the objectives and indicators within the Sustainability Appraisal cover our key interests, and welcome the identification of the need to conserve and enhance biodiversity, landscape character, and to reduce pollution. We also welcome the need to address minimise the

effects of climate change, and to minimise impacts on best and most versatile agricultural land. Please see some more specific comments below.

- SA5: To Minimise Carbon Emissions and Promote Adaptation to Climate Change

This SA objective to address the effects of climate change is welcomed. It is suggested a further monitoring parameter(s) is included to monitor the implementation of new GI/habitat that can seek to alleviate the pressures of climate change on species and the ecological network whilst also providing other benefits as described further in our advice above; e.g. percentage of new GI/ extent of priority habitat within the ecological network.

- SA7: To Conserve and Enhance Biodiversity

We advise that this SA objective also seeks to conserve and enhance geodiversity within the Borough, in line with national planning policy.

The SA outlines the Plan 'is predicted to lead to negative impacts to ecological receptors in the short to medium term, but many of these impacts are capable of being mitigated. Long-term effects are likely to be both positive and negative, and highly site-specific'. It is acknowledged these effects can be avoided/mitigated by the implementation of several policies including NE1, NE3, NE4 and NE5. It is advised Local Plan Policy requires relevant development to carry out site-level Habitats Regulations Assessments in order to ensure impacts on European sites are suitably addressed.

It is also suggested that further monitoring parameters are incorporated to ensure impacts on internationally, nationally and locally designated sites are monitored throughout the Plan period, e.g. via the number, extent and condition of sites designated for nature conservation. We would advise the use of a green infrastructure standard as an indicator, such as Natural England's Accessible Natural Greenspace Standard (ANGSt). Parameters for measuring the implementation of net gain should be introduced, see further above for our advice on net gain monitoring.

We would be very happy to comment further as the plan process progresses. If you have any queries relating to the detail in this letter please contact me on [REDACTED]

Yours faithfully

Rebecca Aziz
Sustainable Development Senior Advisor
Thames Solent Area Team



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Hamilton Russell

**Representation to the Publication version of the
Fareham Local Plan (2037) Consultation**



1.0 INTRODUCTION

- 1.1 This representation is submitted by Aspbury Planning Ltd on behalf of Hamilton Russell in response to the consultation on the Publication Version of the Fareham Local Plan 2037. The representation will provide responses to specific questions set out in the consultation form.
- 1.2 These representations are made in the context of our Client's interest in land at Upper Wharf, Fareham, outlined in red on Figure 1 below. Previous representations have been made regarding this site on behalf of Tarmac Trading Ltd.



Figure 1 – Upper Wharf, Fareham Site

2.0 RESPONSE TO CONSULTATION FORM QUESTIONS

B1 – Which part of the Local Plan is this representation about?

2.1 This representation responds to the following:

- Policy H1: Housing Provision and Housing Allocation Policies
- Policy HP4: Five -year Housing Land Supply
- Policies Map: Upper Wharf - Mineral Safeguarding Area

B2 - Do you think the Publication Local Plan is:

2.2 Our response to question B2 is:

- Legally compliant – No
- Sound – No
- Complies with the duty to co-operate – No

B3 Please provide details you have to support your answers above

2.3 As detailed above this representation has been prepared on behalf of Hamilton Russell in relation to the Upper Wharf, Fareham Site.

2.4 For the Fareham Local Plan 2037 to be found sound under the four tests of soundness as defined by the National Planning Policy Framework (NPPF) (paragraph 35), the Plan should be positively prepared, justified, effective and consistent with national policy.

2.5 Under Policy H1 it is considered that the Publication Local Plan should allocate additional sites to accommodate for **at least 8,389** ensuring a sufficient contingency in order to ensure that the plan meets objectively assessed development requirements and is consistent with the NPPF.

2.6 Fareham is identified as the main town in the Borough and the identified strategic priorities include to *'In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.'* Subsequently the Borough's main town, Fareham is the ideal location for housing and the Council should seek to maximise housing in this sustainable location.

2.7 The Development Strategy and chosen sites have been shaped through analysis of the evidence base which includes the Strategic Housing and Employment Land Availability Assessment (SHELAA) September 2020.

- 2.8 The NPPF and Planning Practice Guidance require Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 2.9 The SHELAA, September 2020 was produced to consider sites, such as the Upper Wharf site ref: 3222, that have been promoted to the Council during the Regulation 18 Local Plan consultations. However, the SHELAA considered the site should be discounted or the reason *Safeguarding of Aggregates Wharf within Minerals and Waste Plan and site is located within flood zones 2 and 3'*.
- 2.10 We dispute this reason for discounting the site. Firstly, a Mineral Infrastructure Safeguarding Assessment has been commissioned by our client and undertaken by Land & Mineral Management.
- 2.11 The report was produced for the specific purpose of assessing the requirement for safeguarding of mineral infrastructure at Fareham Wharf. The assessment concluded that whilst Fareham Wharf is safeguarded as a marine aggregates wharf due to its small size, coupled with the difficult marine access that prevents large dredgers using it, it has become commercially inviable to continue operations as a marine aggregate wharf.
- 2.12 Over recent years, the site has been decreasingly used, with no aggregates landed in the last two years. Tarmac have attempted to sell or lease the Wharf as a marine aggregates wharf and have had no interest from the market due to its unviability. It is therefore proposed to develop the Wharf for non-mineral related use.
- 2.13 This assessment clearly demonstrates that the Wharf is no longer needed as a marine aggregates wharf and that there is sufficient capacity in Hampshire's other mineral wharves and the loss of the Wharf can be tolerated without reducing Hampshire's capacity to an unacceptable level. The Wharf no longer needs to be safeguarded and should be made available for alternative development.
- 2.14 On the basis of this assessment we consider that there is no requirement to safeguard the site for minerals in the Minerals and Waste Plan and emerging Local Plan. A copy of the Mineral Infrastructure Safeguarding Assessment can be made available on request.
- 2.15 Notwithstanding the above a marketing report has also been produced by Savills which provides clear evidence that there is no demand and need for the site as a wharf. Further demonstrating safeguarding the site for minerals is not required and the site should be considered for housing development. A copy of this report can be made available on request.

- 2.16 The reason given in the SHELAA for discounting the site makes reference to the site being located within Flood Zones 2 and 3. This reason for discounting the site is also disputed.
- 2.17 An extract of the Government Flood Map for planning is provided below which clearly demonstrates that whilst the Upper Wharf site is shown to be within Flood Zones 2 and 3 and the surrounding area is within Flood Zone 1.



Figure 2 – Flood Map for Planning Extract

- 2.18 A Flood Risk Assessment has been commissioned and the report concluded that the ground levels of the site can be slightly raised to mitigate any potential impact from flooding and this would have no effect upon the surroundings in flood risk and drainage terms. Accordingly, the site is therefore considered suitable for residential development. A copy of the Flood Risk Assessment can be made available upon request.
- 2.19 Furthermore, there would be an environmental benefit to the redevelopment of the site through biodiversity net gain and the removal of the prospect of the site being used as a wharf which creates noise and disturbance to its surroundings.
- 2.20 The reasons for discounting the site have clearly been addressed by the technical evidence prepared and the site is a suitable location for residential development.
- 2.21 The site is available for development now and there is active developer interest in the early delivery of residential development on the site.

- 2.22 This brownfield site is ideally located within the Borough's main town of Fareham. The site is not unduly constrained in terms of access, topography, ecology, flood risk, or heritage and is no longer required to be safeguarded for minerals. The site is not constrained by ownership issues and there is strong developer interest in the site for residential development from our client.
- 2.23 The site is available for residential development now, it is considered to be a suitable site in a sustainable location for growth with development readily achievable to commence and deliver new dwellings within the next five years. The site is within a sustainable location in terms of access to essential shops, services and infrastructure.
- 2.24 The allocation of this site for housing would help achieve the Government's aims and objectives regarding the delivery of additional residential stock throughout the Country and boost supply in the Borough. There are no insurmountable physical constraints which would prevent the efficient use of this site for residential development.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

- 2.25 Allocation of the Upper Wharf, Fareham site SHELAA ref: 3222 for housing development and removal of the Mineral safeguarding designation.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

- 2.26 It is considered that the Publication Local Plan should allocate additional sites to accommodate for at least 8,389 dwellings ensuring a sufficient contingency in order to ensure that the plan meets objectively assessed development requirements and is consistent with the NPPF.

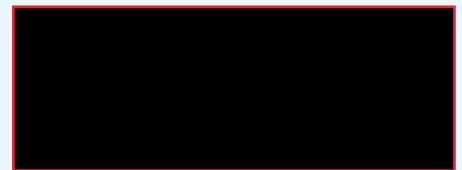
B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

- 2.27 Yes, we consider it necessary to participate.



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Fareham Borough Council Local Plan (Reg.19) Proposed Submission Version Consultation

Hampshire County Council Response – 18 December 2020

Hampshire County Council does consider the local plan to be sound and legally compliant. The County Council welcomes the opportunity to respond on this consultation and sets out its comments firstly on the Transport Assessment and then on specific local plan policies in its capacity as the local highways authority, local education authority and in its role as an adult services provider with a focus on specialist care.

The County Council then sets out its comments on specific site allocations in its capacity as the local highway authority, local minerals and waste planning authority and also as the local education authority with responsibility for school place planning.

Policy HA2: Newgate Lane South (removal as a housing allocation)

Hampshire County Council is the Local Highway Authority (LHA) for all roads in Hampshire except for motorways and trunk roads and the LHA response is concerned with the potential highway and transportation impacts of the land use proposals set out by the borough council on the local road network. HCC's primary concern as highway authority is the efficient use, management and maintenance of the local highway network. Ensuring that all new development mitigates its impact on the Hampshire network is the function of the highway authority.

The LHA submitted comments in December 2017 and February 2020 in response to the draft local plan regulation 18 consultations. As part of both responses the LHA submitted an objection to policy HA2 (Newgate Lane South). This objection is not resubmitted due to the removal of policy HA2 as an allocated housing site from the revised development strategy in the Publication Plan.

Transport Assessment

At the time of the previous draft local plan consultation in January 2020 the evidence base did not include a completed Transport Assessment (TA) to replace the interim TA published in support of the 2017 draft local plan consultation therefore the local highway authority submitted a holding objection. The TA has now been finalised and forms part of the Publication Plan evidence base.

The LHA supports the methodology used by FBC in preparing a borough-wide TA and the use of the strategic model known as the Sub Regional Transport Model (SRTM) to assess the wider transport impacts of the strategic disposition of proposed development across the Borough.

The Fareham Local Plan - SRTM modelling report (2020) sets out the Baseline, the Do minimum (with local plan development) scenario and the Do Something (with mitigation) model runs and forms part of the transport evidence base. As part of the strategic transport modelling the LHA understands that a total of 2,150 dwellings was attributed to the proposed Strategic Growth Areas (SGAs) and included in the Do minimum scenario. This means that the strategic modelling was carried out using a higher housing number than is currently proposed in the Publication Plan. The LHA recognises that the strategic modelling with the higher housing number represents a worst-case scenario and that the limitations of the SRTM do not allow for localised impacts at junctions to be attributed to specific development sites. Consequently, it is not possible for the SRTM to isolate the transport impacts of the SGAs on the highway network. Therefore, the LHA accepts the outputs from the strategic modelling report and has not requested an additional model run of the SRTM to reflect the removal of the two SGAs and subsequent lower housing number.

The SRTM modelling report indicates that the incremental impact of all the site allocations including the SGAs is forecast to affect links and junctions across the highway network and particularly along the A27 corridor through Fareham borough. The future resilience of the A27 corridor is a concern for the LHA which is why the LHA is undertaking a transport study for the A27 corridor which the County Council will seek to adopt as future strategy. The strategy will seek to incorporate a multi modal approach that facilitates a modal shift away from private car use. Future transport assessments of development sites along the A27 corridor should take this into account and have regard to the emerging transport strategy.

A key aspect of the A27 corridor strategy will be the application of the 'Link and Place' approach to street planning and design. This approach recognises a street functions as both a link (that is movement by all modes of transport including pedestrians) and a place (destination in itself) and will help determine policy priorities between competing users with a greater emphasis on the function of places. This 'link and place' approach is being developed as a Hampshire County Council policy which will be fully imbedded in the next Local Transport Plan for Hampshire (Local Transport Plan 4).

The TA assessed the cumulative impacts of the site allocations and demonstrates that the significant transport impacts of the local plan development on the highway network can be mitigated through proposed highway interventions. The TA specifically highlights the junction at Parkway/Leafy lane which is north of the M27 junction 9 and serves the Whiteley business estate in the adjoining district of Winchester City Council. The Parkway/Leafy Lane junction is predicted to be significantly impacted by local plan development traffic (with long queues along Leafy Lane) and meets the criteria for requiring mitigation.

However, this junction does not warrant a Do Something mitigation scheme for increased junction capacity. This is because the Leafy Lane arm of the junction leads to a residential area with a 20mph zone reinforced by vertical speed reduction measures. The policy approach by the LHA is to reduce rat-running along Leafy Lane between

Fareham and Whiteley. Therefore, an alternative highway scheme which strengthens the current situation of suppressing flows along Leafy Lane should be the mitigation scheme to be taken forward. The LHA will need further discussions with both Fareham Borough Council and Winchester City Council to establish the form of any mitigation scheme if it is required.

The Do Something modelling for the TA proposed five mitigation schemes for increased junction capacity and modelled only the highway impacts of increased motorised vehicle traffic. There are other solutions for mitigating the transport impacts from local plan development which are more in line with the emerging policy agenda on decarbonising transport from Government and Hampshire County Council. These mitigation options would generally follow a sequential approach to assess their impact on the local road network and the role they can play in traffic reduction and reducing transport emissions starting with measures to avoid the need to travel, active travel measures, public transport (SE Hampshire rapid transit) and finally localised junction improvements. This wider and sequential approach to mitigation will need to be applied to all site-specific transport assessments.

Development Strategy

The LHA acknowledges that the Publication Plan proposes a lower housing number than in the previous draft local plans. This lower housing number is in response to a lower level of housing growth proposed by Government in its consultation in August 2020 on a new standard methodology for calculating the annual housing need. The LHA recognises that FBC need to await the outcome of the Government's consultation before the Publication Plan with the lower housing number can proceed to adoption in line with the FBC's revised Local Development Scheme (September 2020).

The consequence of a reduced housing number is a change to the development strategy and the removal of several housing sites. The LHA supports the removal of housing site HA2 Newgate Lane South. The LHA submitted an objection to policy HA2 in the previous draft local plan consultations.

The LHA also supports the removal of the Strategic Growth Area policy from the Publication Plan. The South of Fareham and North of Fareham Strategic Growth Areas were included in the draft local plan consultations and the LHA submitted a holding objection.

Climate Change

Fareham Borough Council as Local Planning Authority has a legal duty to help meet the requirements of the Climate Change Act 2008. The LHA wishes to be reassured that the borough Council has satisfied itself that the Publication Plan goes far enough in supporting the Government and Hampshire County Council policies on climate change that have emerged during the local plan preparation process. This is in view of the Hampshire County Council's recently adopted climate change strategy and targets to be

carbon neutral by 2050 and resilient to a two degree rise in temperature. For Hampshire to meet these targets, which are in line with Government legal requirements, land-use planning and transport policies at the local district level need to play a strong role and are likely to be most effective at the plan making stage.

The LHA acknowledges the transport evidence submitted in the Strategic Transport Assessment which shows how the traffic impact of the local plan development can be mitigated in traffic and transport terms. The LHA wishes to see demonstrated how the local plan proposals, in relation to transport and how we travel, will contribute to the longer-term goal of achieving carbon neutrality and building resilient networks and systems.

Strategic Policy CC1: Climate Change

The LHA supports the amended climate change chapter and strategic policy CC1 however the supporting text needs more detail with reference to the County Council's adopted Climate Change Strategy (2020) and targets including the resilience of the highway network.

Policy NE8: Air Quality

The local plan correctly identifies road transport emissions as the main source of air pollution which is relevant to the County Council's responsibilities as both highway and public health authority. The LHA supports the local plan commitments to reduce, minimise and mitigate road transport emissions and their impact. However, the Air Quality Policy NE8 needs to be more specific and should be amended to include the policy text 'development should deliver sustainable transport (public transport, walking and cycling) as part of improving air quality'.

Policy TIN1 Sustainable Transport

Given the connection between transport, local plan allocations, air quality and health, there is a lack of commentary or cross reference on air quality management within the Transport Chapter. For example, the supportive text needs to make clear how the transport policies (such as Sustainable Transport TIN1) contribute to both the climate change objectives of reducing CO2 emissions and to the air quality objectives of reducing air pollution.

The LHA recommend amending policy TIN1 on Sustainable Transport to make direct reference to the role of sustainable transport in improving air quality. The supporting policy text also needs to refer to the Air Quality Management Areas / Clean Air Zone designation (on sections of the A27 and A32) and the Air Quality Action Plans in place due to concerns over nitrogen dioxide levels caused by road traffic. Likewise, the Air Quality section needs to refer to the transport chapter and policies and the role they play in mitigating the transport impacts on air quality.

The Transport chapter needs to refer to the Strategic Transport Assessment and the impacts of the local plan traffic on air quality in particular air pollution from the M27, the A32 and A27. This should be cross-referenced with the air quality work carried out as part of the AQMAs and the local plan Sustainability Appraisal. The LHA supports transport mitigation measures of sustainable and active travel modes as an alternative to making private vehicle trips which help overall to reduce emissions harmful to human health and the environment. The LHA would not support any transport mitigation measures which threatened to undermine the success of the current Air Quality Management Areas.

The Transport chapter needs to strengthen the commitment to deliver high quality walking and cycling facilities with reference to the Government's new cycle infrastructure design guidance in Local Transport Note 1/20. Reference to cycle infrastructure design should also be included in the Design chapter.

To contribute to reducing car use, opportunities for enhancing and encouraging active travel to and from school should be encouraged and implemented working closely with Hampshire County Council Children's Services and Highways Departments. The County Council will require the provision of safe walking and cycle routes to schools and existing routes to be enhanced where necessary to improve walking and cycling numbers. Contributions from developers will be sought where necessary including for the production and monitoring of school travel plans (STP's).

Policy TIN3: Safeguarded Routes

The LHA supports the new policy TIN3 Safeguarded routes in relation to delivering bus rapid transit in Fareham and Portchester. However, the supporting text should refer to the future extensions of the SEHRT network to the west of Fareham towards Segensworth, Swanwick Station, Whiteley and the North Whiteley major development area and to serve the Solent Enterprise Zone at Daedalus and adjacent coastal settlements.

Strategic Policy R4 Community and Leisure Facilities

Hampshire County Council Children's Services consider that it is important that the impact of additional housing is assessed and where necessary developer contributions are provided to provide additional childcare places either through on-site facilities or the expansion of nearby provision. The impact will be assessed on a case-by-case basis.

The County Council also provides an Early Years guidance note on this issue for the Borough Council to consider in their plan making in relation to the future need and housing allocations.

Strategic Priority 8

Hampshire County Council Adult Services welcome the reference to affordable housing and the need to address the specific needs of different groups in the community, including the elderly and people with disabilities. However, it is recommended that reference is made to the need to meet a range of housing needs, including those in need of affordable housing and those in need of specialist housing including the elderly and people with disabilities in Strategic Policy H1: Housing Provision.

Consideration should also be given to whether opportunities are available to encourage specialist housing provision in specific site allocations.

Policy HP 5: Affordable Housing

The County Council recommend that Policy HP5 or the supporting text should encourage the provision of housing to meet a range of needs, including specialist housing to meet older persons' needs (such as extra care housing) and those with disabilities.

Policy HP7: Adaptable and Accessible Dwellings

The County Council notes that the Specialist Housing Topic Paper includes reference to the low cost of providing homes to above base accessibility standards. Although there is a correlation between age and mobility, people of all ages may have some mobility impairment, either permanently or temporarily.

The proposed percentages of housing the policy requires to be built to higher accessibility standards is modest and given the rate at which the stock is added to each year it will be a very long time before a significant supply of accessible housing is available in the Borough. With such modest levels of provision, the likelihood of a person who develops mobility impairment will find themselves in a home that can meet their needs is low. Adopting a requirement for a larger proportion of the stock to be built to Cat2 standards in particular would better meet individuals' changing needs and support the creation of sustainable communities by reducing the need to move to find suitable accommodation.

Policy HP 8: Older Persons and Specialist Housing Provision

The inclusion of an enabling policy is welcomed by the County Council; however it is recommended there is specific mention of specialist provision of affordable housing, including extra care housing and housing for those with disabilities. It is noted that specific housing allocations are made only in respect of sheltered accommodation (Policies HA42 / 43 /44). The County Council consider that these sites may also be suitable for other forms of specialist housing, including extra care housing and housing for those with disabilities. It is recommended those policies are amended to reflect this.

The County Council supports the opportunity for exception type development in specific circumstances in this policy and Policy HP6.

Housing Site Allocations

The County Council has considered the housing allocations in its capacity as the local highways authority, local education authority and local minerals and waste planning authority and provides the following commentary.

An initial assessment of the impact on school place planning has been considered based on the level of housing identified, and details are highlighted below for specific sites where there will be an impact on the supply of local school places at primary, secondary and education for pupils with Special Educational Needs and Disabilities (SEND).

The County Council as the local minerals and waste planning authority is pleased to see that some of the comments regarding mineral and waste safeguarding, from the Regulation 18 consultation, have been considered and included within the Regulation 19 proposed submission document. Within the County Council's Regulation 18 response a list of sites that were deemed to require a Mineral Resource Assessment as part of any potential application was provided. It is noted that all the allocated housing sites that the County Council made such comments on have been removed from the Proposed Submission Document as being no longer available or no longer suitable.

Housing Allocation Policy HA1 – North and south of Greenaway Lane – 824 dwellings

The development of 824 dwellings will create additional pressure for school places locally at primary, secondary and special schools. It is welcomed that the need for developer contributions has been identified and they will be sought to provide additional educational infrastructure where required. Pedestrian and cycle paths should be provided to local schools and existing routes enhanced where necessary to promote active travel to and from schools.

Whilst the County Council welcome the inclusion of site-specific requirements for Minerals Assessments across the Proposed Submission Document, based upon the County Council's data, this site does not sit within the Minerals and Waste Consultation Area (MWCA). As such, the County Council do not require that an application for the site be accompanied by a Minerals Assessment, as outlined in site-specific requirement j.

Housing Allocation Policy HA3 – Southampton Road – 384 dwellings

The identification of the need for developer contributions for education and ensuring safe walking/cycling routes to local schools are provided, is welcomed.

Whilst the County Council welcome the inclusion of site-specific requirements for Minerals Assessments across the Proposed Submission Document, based upon the County Council's data, this site does not sit within the Minerals and Waste Consultation Area (MWCA). As such, the County Council do not require that an application for the site be accompanied by a Minerals Assessment, as outlined in site-specific requirement k.

Housing Allocation Policy HA4 – Downend Road East, Portchester – 350 dwellings

It is welcomed that the need for developer contributions has been identified and they will be sought to provide additional educational infrastructure where required. Pedestrian and cycle paths should be provided to local schools and existing routes enhanced where necessary to promote active travel to and from schools.

Whilst the County Council welcome the inclusion of site-specific requirement j, that the site will require a Minerals Assessment prior to any development. The County Council would also like to bring to the Borough Council's attention that this allocated housing site sits within the safeguarded buffer zone of Warren Farm and Down End Quarry, a safeguarded waste site operated by Veolia Environmental Services (UK) Plc.

The safeguarded buffer zone is informed by the safeguarded sites list as defined through 'Policy 26: Safeguarding - waste infrastructure' of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP). The purpose of this policy is to protect current and potential waste sites from pressures to be replaced by other forms of development, including through 'encroachment' where nearby land-uses impact their ability to continue operating.

It is often the case that appropriate buffers and mitigation measures can make potential nearby development compatible. Any mitigation measures would need to be undertaken by the proposed non-minerals or waste development (i.e. the allocated housing development) and reduce potential impacts to and from the safeguarded site to levels that would ensure the safeguarded site could continue its intended waste use.

Usually, the mitigation measures would need to focus on impacts such as noise, dust, visual impact, odour and traffic movements. They can take a variety of forms, including landscape design, tree planting, barriers, building design and orientation and use of different building materials.

The appropriate mitigation measures are best informed through direct discussions with the operator of the safeguarded site as they will be most be aware of operational requirements. However, the County Council is also available for further discussions, as well as facilitation, if required.

With regard to the above site, the County Council would therefore request further wording be added to the site-specific requirements of allocated housing site HA4 as set out below:

“the provision of evidence that the safeguarded site has been considered within any forthcoming planning application, how operator comments have been taken into account and what impacts these comments have had on the proposed development design. Details of any mitigation measures chosen as a result of the analysis should also be included with an application for the site”.

In the unlikely event that it is not possible to agree appropriate mitigation measures, the County Council would seek evidence that the waste management capacity can be relocated or provided elsewhere and delivered.

Housing Allocation Policy HA9 - Heath Road

Whilst the County Council welcome the inclusion of site-specific requirements for Minerals Assessments across the Proposed Submission Document, based upon the County Council’s data, this site does not sit within the Minerals and Waste Consultation Area (MWCA). As such, the County Council do not require that an application for the site be accompanied by a Minerals Assessment, as outlined in site-specific requirement g.

Policy HA2: Newgate Lane South

The County Council as local highway authority supports the removal of policy HA2 Newgate Lane South.

Strategic Growth Area

The County Council as local highway authority supports the removal of the Strategic Growth Area policy.

Employment Allocations

The County Council has considered the employment site allocations in its capacity as local minerals and waste planning authority and provides the following commentary.

Policy E2 - Faraday Business Park

Whilst a number of the allocated housing sites have had site-specific requirements added to them for Minerals Assessments, allocated employment site E2 - Faraday Business Park has not had any added. In line with the County Council’s Regulation 18 response to the local plan consultation, the County Council again request that a site-specific requirement be added to this allocated site policy so that any forthcoming planning application would need to be accompanied by a Minerals Resource

Assessment. The County Council recommend adding the following site-specific wording: The site is within a Minerals Consultation Area. Minerals extraction may be appropriate, where environmentally suitable, subject to confirmation of the scale and quality of the resource.

The County Council would like to take this opportunity to reiterate that any development or significant redevelopments of land may impact mineral resources. As minerals can only be worked where they are found, it is important that viable mineral resources are 'safeguarded' (protected) from needless sterilisation by other development to help to secure a long-term future supply of minerals. Mineral resources are necessary for a vast array of construction activities and their availability is a prerequisite for any housing development. As such, the NPPF requires planning authorities to define Minerals Safeguarding Areas and adopt policies so that, 1) known locations of mineral resources of local and national importance are not needlessly sterilised by non-mineral development, 2) if it is necessary for non-mineral development to take place, the prior extraction of minerals, where practicable and environmentally feasible, is encouraged.

Respondent details:

Title:	Miss
First Name:	Tamsin
Last Name:	Dickinson
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	[Redacted]
Postcode:	[Redacted]
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1) Policy: HA1 - North and South of Greenaway Lane

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers above

Insofar as commentary on this Plan is strictly limited to narrow technical issues of legal compliance, and consistency with national policy, both of which require technical knowledge beyond that of most residents, I believe the very process of limiting consultation in this way is not in the spirit of the laws meant to provide for openness and ease of access for residents. My representations are filed as pertaining to development HA1, but in so far as the other policy areas impact this development, my comments should be duly noted across many of the policy areas, of which the web form only allows you to choose one. Legal Compliance The council has a duty to use a variety of methods to obtain community input (Para 1.5). For the first time to my knowledge, vast numbers of residents were not sent paper copies of the Plan (this has been precedent until now), and as such many residents were unaware or unable to comment. Moreover, Warsash Residents Associations were never consulted with respect to the housing allocations, which is contrary to Paragraph 66 of the NPPF. HA1 did not feature in the 2015 Local Plan, and paragraph 1.16 confirms that this plan is extant, and that the LPA should consider allocations made in the previous adopted plan. Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations, so why was HA1 singled out as an allocation and how was the Objectively Assessed Housing Need arrived at for this site? The new proposed Plan then goes on to ignore the 2015 Plan by stating HA1 will provide for these allocations without any due formal adoption of the 2017 Plan. Developers have taken advantage of the unadopted 2017 Plan by citing it as a reason to get approval, and some have been granted on this premise. Furthermore, the site has been extended to increase the boundaries of development even further than the unadopted 2017 Plan. HA1 is responsible for 62% of the housing allocations in the borough, (excluding Welbourne) , with no overarching master plan to deal with the pressures on community infrastructure. By actively allowing individual applications to determine the total extent of development, I believe FBC is absolving itself of responsibility to ensure community services are well catered for and commensurate with the increase in housing being proposed. Para 9.10 states the LPA is aspiring to Nitrate Neutrality. Strategic Policy NE1 requires designated sites be protected and ENHANCED. Likewise Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained or IMPROVED. On Page 199 Para 9.54 indicates that proposals for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. It is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). There is doubt that the LPA is applying the Natural England advice correctly and lawfully in this respect. Soundness Policy HA1 (currently a Greenfield site), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant subversion of the settlement principle above, and moreover it seems has been done in a less than transparent manner to enable this development. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary with no consultation. Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications. Policy HA1: Page 51 refers to traffic routes and despite recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockswood Road, as well as one additional access at Brook Lane, via 3 entry points from Greenaway Lane. Infrastructure Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect. Para 10.14 The Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document. Para 7.13 Local retail/commercial facilities figures do not cater for the additional houses in Warsash. For example, no additional convenience goods floor space has been allocated to Warsash. Facilities Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath. Para 10.26 Infrastructure Delivery Plan Section 5.4 Education is planned with HCC but the period of any proposed extensions for child placements is only up to 2021 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children. Education Para 10.27 Infrastructure Delivery Plan Table item 83 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 83 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone. Moreover, no allowances have been made for secondary schooling, which is at capacity in the area and is already subject to detrimental policy changes to the catchment

Please provide details you have to support your answers above

What modification(s) is necessary to make the Local Plan legally compliant or sound?

Detailed long term infrastructure planning for the community to include retail, parking, schools, GP's, traffic measures commensurate with a 2037 timeline and which requires FORMAL community consultation at regular intervals. Lessening of proposed number of dwellings to maintain some green space in the village and improve living conditions for all residents, old and new. Requirement to have an integrated plan, not a one by one for individual developers, which lessens community funds and doesn't account for the cumulative impact on the village.

How would the modification(s) you propose make the Local Plan legally compliant or sound?

as above

Your suggested revised wording of any policy or text:

as above

If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I don't want to take part in a hearing session

Fareham Borough Council Local Plan 2037 Consultation (Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012)

Consultation Response Pinks Hill, Wallington

**Prepared on behalf of Vistry Homes Limited
December 2020**

Document control

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Appendices

Appendix 1a – FBC Local Plan Supplement Consultation Response (Feb 2020)

Appendix 1b – FBC Local Plan 2036 Consultation Response (Dec 2017)

Appendix 2 – Hampshire County Council Response to app 19/0894/OA in relation to Pinks Hill road

Appendix 3 – Site Access Drawing SK05

1.0 Introduction

- 1.1 These representations have been prepared by WYG on behalf of Vistry Group who have an interest in the land at Pinks Hill, Fareham which is in a single ownership. The Group was formed in January 2020 following the successful acquisition by Bovis Homes Group PLC from Galliford Try Plc of Linden Homes and their Partnerships & Regeneration businesses. Vistry Partnerships is the Group's affordable homes and regeneration specialist. Working in close partnership with housing associations, local authorities and government agencies, it is one of the UK's leading providers of affordable housing and sustainable communities.
- 1.2 This representation follows various previous representations made during the preparation of the Fareham Borough Council (FBC) plan. Most recently this included a representation in relation to the FBC Draft Local Plan 2036 Supplement in January 2020. Our previous representations are appended at Appendix 1. The site has previously also been promoted as part of the Council's Call for Sites and Draft Local Plan Regulation 18 consultation, and these previous representations remain valid.
- 1.3 This representation relates to Fareham Borough Council's Regulation 19 consultation in relation to the Fareham Borough Council Local Plan 2037 (hereafter referred to as 'the plan').
- 1.4 The site extends to approximately 5.3 hectares and had, until the publication of the current version of the plan, been proposed by FBC for allocation for residential development, with an indicative capacity of 80 dwellings, in the Fareham Borough Draft Local Plan (2017) under Policy HA8.
- 1.5 These representations consider the Local Plan and the supporting evidence base, which are the subject of a Regulation 19 Consultation which runs until 18th December 2020, focusing on whether it: has been positively prepared; is legally compliant and sound; and whether the duty to cooperate has been met. This document will demonstrate that the decision to seek to deliver a lower number of houses than the adopted Method for Calculating Housing Need requires is not justified or sound and undermines the Council's Duty to Cooperate. It will then go onto show that the removal of draft policy HA8 is not justified by the sites available, achievable and deliverable status and its highly sustainable location in Wallington, which is borne out by the Council's own evidence.

2.0 Local Plan Housing Strategy

- 2.1 On the 22nd of October 2020 FBC's Cabinet? approved the publication Local plan for regulation 19 consultation ahead of submission to the Secretary of State for independent examination. The publication of the 'submission' local plan followed several previous iterations, tweaks and consultation on the emerging plan. This included major changes to the plan in 2018 and 2019 to accommodate additional housing to reflect the Government's adopted Method of Calculating Housing Need.
- 2.2 In August 2020 the Government published a document entitled 'Changes to the current planning system', which proposed an alternative Standard Method for Assessing Housing Numbers in strategic plans (hereafter referred to as the 'SMAHN'). The current iteration of The Plan was subsequently based on the SMAHN.
- 2.3 On the 16th December 2020 the Government announced their response to the consultation, confirming that they "...have decided the most appropriate approach is to retain the standard method in its current form".¹ Alongside the announcement, the Government published a table confirming the indicative local housing need for Fareham would be 514, the same need as identified by FBC in their Local Plan Supplement. The Planning Practice Guidance has also been updated to reflect the announcement.
- 2.4 We appreciate the untimely change in approach by central government has placed the council in a difficult position. However, for the plan to be 'sound' the housing requirement will need to be revised to reflect the latest planning practice guidance. Owing to the resultant and significant changes this entails, we are of the view that a further round of consultation should be undertaken prior to The Plan's submission. This representation is made on the assumption that FBC will review their approach in light of the Government announcements and changes to the PPG in relation to calculating housing need made on the 16th December 2020. If the plan is submitted in its current form, we request the opportunity to participate in and comment further on the currently proposed housing requirement and the methodology behind it.
- 2.5 Vistry Group maintain that site HA8 remains available and deliverable and can help meet the council's housing requirement in the short term.

¹ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system> [accessed 16.12.2021]

Summary

2.6 In summary, there have been fundamental changes in circumstances since The Plan was produced. As a result The Plan in its current form fails to deliver the housing the area needs owing to the abandonment of the proposed revisions to the SMAHN. Consequentially, Policy H1 relating to the strategy to deliver the housing the area needs is therefore unsound. The current adopted housing method would represent a far more robust starting point to help deliver the housing the Borough requires.

3.0 Sustainable Development at Pinks Hill

3.1 Vistry Group (which encompasses Linden homes) has previously submitted various promotion documents and representations confirming that the site is deliverable, achievable and suitable for development. Our previous site promotion has demonstrated that development of the site represents sustainable development in an accessible location. Until this most recent iteration of the plan, the site had been proposed for allocation with reference HA8, which demonstrates that FBC also considered it a suitable site for development.

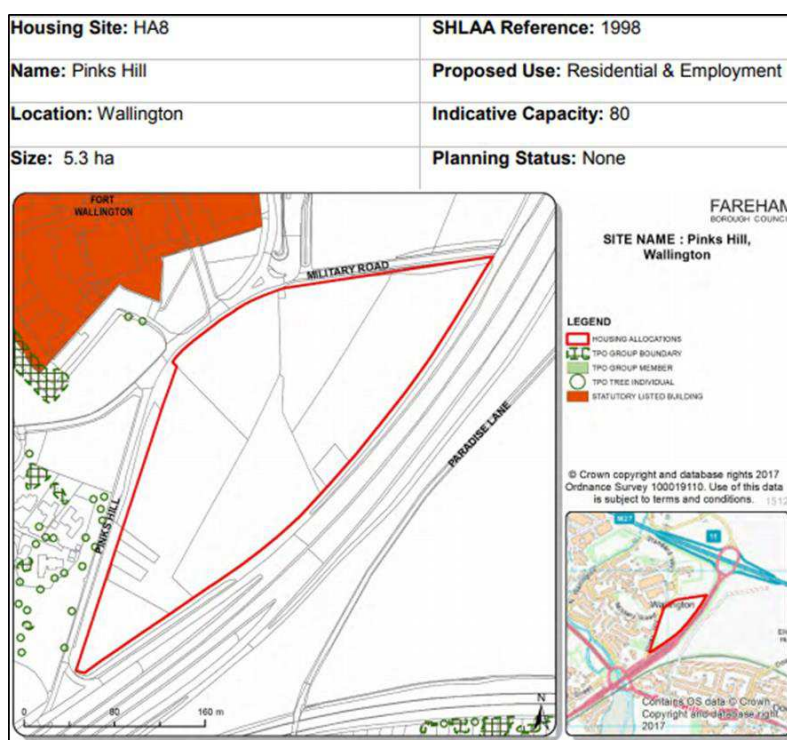


Figure 1 - Extract from Fareham Draft Local Plan (2017)

3.2 The January 2020 consultation on the local plan supplement continued to consider the site in accordance with the Council's intended strategy for development as the extract from the 2036 supplement demonstrates, showing Pinks Hill continuing to be allocated:

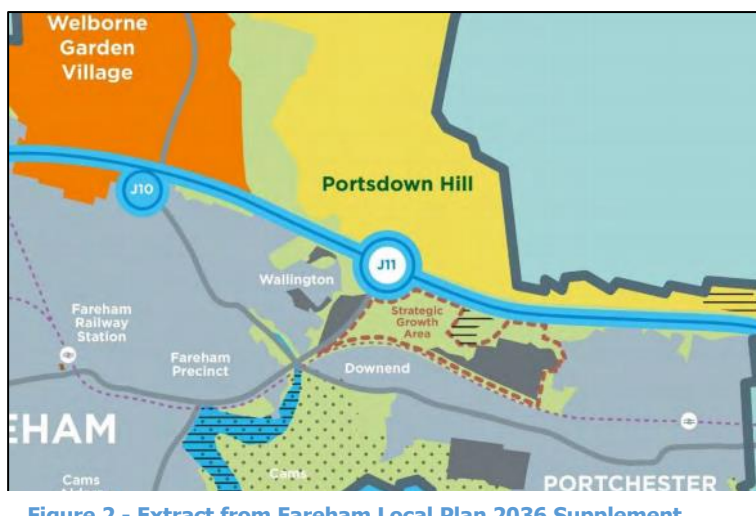


Figure 2 - Extract from Fareham Local Plan 2036 Supplement

- 3.3 However, the regulation 19 plan, subject of this consultation, excludes the site from allocation,. Given the change in circumstances and the resultant uplift in housing requirement, Vistry Group can confirm that site HA8 remains available and developable for reasons set out below.
- 3.4 Firstly, the site is within walking and cycling distance of a range of facilities, including Fareham Town centre. It also has excellent access to the strategic road network and good access to public transport. There are no overriding technical constraints to its development.
- 3.5 The site is not considered an area of landscape sensitivity, nor is it in an identified gap where development of the site could physically or visually be considered to result in landscape harm or coalescence. It is also a well contained site with strong defensible boundaries formed by a mixture of existing built form, including the A27 to the south-east, and strong planting.
- 3.6 In respect of Highways, it has been demonstrated that a suitable access can be provided to the site (see appendix 3). Vistry is committed to providing suitable pedestrian access to the site to provide a safe and convenient route for people to access the facilities and services in Wallington and Fareham. Formal details of pedestrian routes would be submitted with a planning application, but, the adjoining roads are in public ownership and no overriding constraints to their provision are envisaged.
- 3.7 In terms of traffic impacts of the development on the surrounding road network, and in particular Pinks Hill road, it has been demonstrated that no overriding issues arise. Pinks Hill and Military road, avoiding the site, are not adopted highways managed by the Highways

Authority (HCC) - they are though owned and managed by a public body, Fareham Borough Council, meaning ownership issues are not an overriding constraint. HCC, in its formal responses to extant planning applications in Wallington (P/19/0894/OA), has confirmed that with suitable works to Pinks Hill, the cumulative impacts of development in the area can be appropriately accommodated (Appendix 2). Indeed, upgrading the road to potentially adoptable standard offers an opportunity for FBC, as owners of the road, to potentially remove its liability for maintenance and management through offering it for adoption to the Highways Authority.

- 3.8 In regards noise from nearby uses and roads, we have also demonstrated that, with suitable mitigation in place, the site can form a suitable living environment for residents.
- 3.9 The site is also not within an Air Quality Management Area (AQMA) and the proposals are located and will be designed such that sustainable forms of travel, such as walking and cycling, will be prioritised to reduce CO₂ and NO₂ production.
- 3.10 Our previous submissions in relation to the regulation 18 consultation and supplement consultation are included at Appendix 1 and set out in more detail how the site is suitable, achievable and available when tested against the comments of the SEA and SHELAA. These comments largely remain relevant and demonstrate there are no overriding issues preventing the sites allocation and development.
- 3.11 The previous allocation of the site by FBC, and its designation in the 2019 SHELAA as a Suitable, achievable and available site proves that the site has no overriding constraints which would prevent its development. This includes matters relating to highways.
- 3.12 The site also consistently scores well in the most recent SEA. The site is considered in three different ways by the SEA, despite being promoted as a single residential site. Nonetheless, the site consistently scores positively whether appraised as a whole site or in parts.

ID	Fareham Town Centre & other brownfield sites	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11				
1998	Land at Pinks Hill (south-east part)	++	+/-	+	+	++	+/-	+/-	-	0	0	+				
1352	Land at Pinks Hill, Wallington (north-west part)	++	+/-	+	+/-	+	+/-	+/-	-	0	0	-				
1998	Pinks Hill, Wallington					++	+/-	+	+/-	+	-	+/-	-	0	0	+

Figure 3 - Extract from the SEA (November 2020)

- 3.13 Overall, the submission version SEA confirms the site is suitable for development and should be selected.

1998	Pinks Hill, Wallington	Selected - suitable site, low landscape sensitivity
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Figure 4 - Extract from Appendix G of the SEA November 2020

- 3.14 The site also scores comparably, and in some instances better than sites chosen for allocation, including against sites not yet benefitting from planning permission or a resolution to grant.
- 3.15 The site's sustainability was confirmed by the SHELAA December 2019 which concluded that the site is suitable, available and achievable. However, the latest SHELAA (September 2020) confusingly then suggests the site is not suitable or achievable, despite its previous acceptability in the 2019 SHELAA, and its positive scoring in the latest SA.
- 3.16 Vistry welcomes the fact that the latest SHELAA now considers the site for a minimum of 130 units and no employment, which we have previously argued is a more appropriate and efficient use of the site and hence this change is supported.
- 3.17 Furthermore, the latest SA sets out an even more positive appraisal of the site.
- 3.18 Overall, the site offers an excellent opportunity to deliver at least 130 homes on a sustainable and accessible site. The sites suitability for development continues to be recognised by the evidence published supporting the plan, which ranks the site highly on the majority of SA objectives. Development of the site also continues to cohere with FBC's preferred plan strategy (option 2F). There are also no overriding technical constraints to the site's development. The site should therefore be reincluded for allocation in the plan to make an important and sustainable contribution to FBC's housing need. Failure to include the site in the plan to meet the increase in housing requirement would represent an unsound and unjustified approach to the consideration of sites for development which does not cohere with the requirement that plans be positively prepared to meet the areas housing need.

4.0 Other Policies

Policy HP5 – Affordable housing

- 4.1 Vistry is committed to providing an appropriate quantum and mix of affordable housing on site to meet local needs.
- 4.2 Vistry supports the wording of part (iv) of policy HP5 which recognises that local need and site characteristics are key drivers of mix but suggest that Market Signals also be added to the considerations.

Policy HP9 – Self and Custom Build Housing

- 4.3 Custom build and self-build development is an important part of the Government’s agenda to widen the choice of homes and encourage greater variety by supporting small and medium size housebuilders. The need for self and custom build plots is recorded through registers kept by Councils and a duty has been placed on LPAs to grant planning permission to satisfy this need in full. As set out in our regulation 18 representation to the 2017 draft plan, it is considered that the policy is too blunt and fails to account for the particular needs and requirements of potential self and custom home builders. Self/custom building housing is a dynamic housing need that can vary considerably year-on-year and therefore a more dynamic policy is required that enables the requisite amount of self/custom building development land to come forward in places and on sites that reflects the actual need as identified by the local self-build register.
- 4.4 It is not clear whether the Council has considered alternative approaches to the delivery of self-build plots. It is important that the Council examines all options in line with PPG before placing additional burdens on the development industry. The PPG also sets out at para 025 of the Self build and custom build housebuilding page that the Council should seek to encourage landowners to consider the provision of self-build plots and facilitate access where they are interested. The approach taken by the Council clearly goes beyond encouragement as it requires the provision of plots without site specific prior engagement about what is realistic and achievable on a given site, taking account of its particular context and local circumstances.
- 4.5 It is also questionable whether there will be a high demand for self-build plots within a wider residential estate. In our experience, self-builders seek either bespoke ‘self-build’ sites (such as that proposed by application P/19/0130/OA – see below) or individual self-build units, often in the countryside. Provision as part of a larger scale site is hence likely to lead to poor take up of

the self-build plots and not meet the requirements of those on the register, whilst also resulting in additional cost and wasted developable space on sites such as Pinks Hill.

- 4.6 If the Council considers that a quota-based policy is the preferred approach to satisfying the self/custom build need in Fareham then a more flexible approach should be adopted. For example, the proportion of plots being brought forward as self-build should only reflect the need demonstrated on the register. This should also factor in locational choice as clearly demand exhibited in one part of the Borough is specific to that location and it would be unreasonable to expect those on the register to satisfy their need elsewhere. If a specific quota is applied, then this should be regarded as a starting point for negotiations and with the relevant caveat that such a requirement could be set aside or reduced on the grounds of viability or contextual factors relevant to the site.
- 4.7 Vistry Group do offer a 'self-finish' product whereby the developer works with the potential home buyer to design the interior layout, fixtures and fitting to provide a bespoke interior product for the purchaser, akin to custom build options. This offers an alternative, more appropriate, route for delivery of a self/custom build type product as part of a larger site, whilst still making the most efficient use of the site and the time and resources required.
- 4.8 In the case of Pinks Hill, an application for an entirely self-build scheme of 26 dwellings is under consideration adjacent to the site (FBC ref P/19/0130/OA). This would likely take the foreseeable demand within Wallington for Self-build plots on a site designed to cater specifically to the self and custom build market. If further plots were delivered on Pinks Hill, there is a very real risk that these plots could be left empty due to the saturation of self-build plots in the very immediate area. This is a good example of why draft Policy HP9 is too blunt and needs to be made more flexible and dynamic, responding to the actual demand for self-build plots as identified on the register.
- 4.9 Notwithstanding the above, if the quota-based approach is adopted, Vistry support the inclusion of the 'fall back' that any self-build plots that are not taken up can be developed as standard units as part of the wider site. It is suggested that this fall back be made more agile by reducing the period to six months to reduce potential expensive delays on site. Consideration should also be given to how any self-build plots would fit conveniently and safely within the wider development site as their inclusion introduces logistical and health and safety challenges not recognised by the policy or supporting text.

Policy NE2 – Biodiversity net Gain

- 4.10 Vistry is committed to protecting and enhancing ecology on the sites it delivers and welcomes efforts to utilise opportunities to improve biodiversity on sites. However, there appears to be inconsistent consideration of the potential affects of imposing a Biodiversity Net Gain (BNG) requirement on the deliverability and viability of sites, which could have implications for site delivery.
- 4.11 Firstly, in viability terms, we note that a £500 sum per dwelling has been assumed as the 'cost' of implementing BNG, based on figures provided by Natural England. However, the basis on which this 'average' figure has been arrived at by Natural England is not apparent from the published evidence base. The BNG cost is also likely to vary substantially depending on the baseline ecological value of a particular site and the ability to provide enhancements.
- 4.12 There also does not appear to have been an assessment of how the requirement to provide BNG might affect site capacity. Some habitats which may require enhancement are particularly land intensive and so may reduce the developable area of sites, which in turn may reduce site yields and viability.
- 4.13 A blanket £500 per dwelling assumption in testing the viability of the policy is therefore too blunt a measure of its affect on viability.
- 4.14 Finally, recognition, either within the policy or supporting text, should be given to the potential use of 'credits' to achieve BNG where net gains are not achievable on site.

Policy NE8 – Air Quality

- 4.15 Vistry is pleased that amendments have been made to this policy. However, whilst improved from its original wording, it still remains somewhat ambiguous, particularly the first paragraph of the policy which states that major development "shall...contribute to the improvement of local air quality". It should be made abundantly clear within the policy that this does not mean major developments need to demonstrate they are 'air quality neutral'. This still could have the unintended consequence that, where a development has even a slight negative change to air quality, it could be refused. To reiterate however, that alongside requirements for electric vehicle charging points should be measures to ensure security of supply and sufficient capacity from National Grid and local distribution networks, to support the promotion of, and increased reliance on, electric vehicles. Vistry nonetheless supports the overall principle of the policy and strongly endorses adopting measures to minimise harm to air quality in the area. This will include

imbedding measures in the design of the site that will encourage people to walk and cycle to local facilities and services, reducing the need to travel by car.

5.0 Conclusion

- 5.1 In conclusion, the Fareham Borough Council draft Local Plan 2037 in its current form is not sound for the reasons set out in this representation. The principal reason the plan is not considered sound and not positively prepared following the abandonment of the SMAHN published by the Government for consultation in August 2020. The Council should instead utilise the adopted methodology as set out by the PPG which indicates a local need of 514 units per annum.
- 5.2 A reconsideration of the housing numbers upwards to reflect the adopted housing method, the actual sub regional housing shortfall and the historic under delivery in the Borough resulting in affordability issues would allow FBC to plan positively for good growth to positively meet its housing needs. Owing to the significant changes to the Plan this necessitates we would urge the Council to undertake a further round of consultation on a revised plan reflective of housing needs as set out in the PPG. This approach will significantly reduce the risk of The Plan being found unsound at EiP.
- 5.3 The land at Pinks Hill represents a suitable, achievable and available site, ready for allocation in a revised plan to meet the Council's actual housing need. The site has historically been proposed for allocation, and even on the latest Council Evidence, the site is considered 'suitable' for development due to its sustainable location and in accordance with the Council's chosen strategy. The site can provide new housing supply early in the plan period, within the first 5 years of the plan, which will help mitigate any potential delays to the delivery of larger sites such as but not limited to Welborne. The site should therefore be reallocated for development to help meet the evidenced housing need in the Borough. Vistry look forward to working with the Council to bring forward the site development.

Gayle Wooton
Fareham Borough Council
Civic Offices
Civic Way
Hampshire
PO16 7AZ

18th December 2020

BDL010 / JGC

Dear Gayle

**FAREHAM DRAFT LOCAL PLAN 2037 – PUBLICATION
VERSION**

Response on behalf of Buckland Development Limited

We are pleased to respond to the above consultation on behalf of our clients, Buckland Development Ltd (Buckland). As you are aware, Buckland are the promoters and development managers of Welborne. The Outline Planning Application for Welborne was submitted in March 2017 and is expected to be determined imminently, with reserved matters applications and construction to follow in the coming years. It is in this context we write to respond to the above consultation. We have also responded to the online questionnaire with answers supporting the points raised below.

Welborne, as the single largest site in the Borough, is of strategic importance to Fareham and the wider area as a whole. Buckland are committed to delivering Welborne and the aspirations of the Welborne Plan, as set out in the outline planning application. However, as you will be aware, the draft planning conditions associated with the proposed planning permission include a condition which restricts development at Welborne until funding for the M27 J10 has been secured. The Welborne Outline Planning Application commits £20m of developer funding to the junction improvements.

Since the planning committee in October 2019, the funding situation has worsened, with c. £30m of government funding now being reallocated to other schemes in the region. This leaves an estimated funding gap of c.£50m. Therefore, despite planning permission being imminent, development at Welborne cannot occur until this significant hurdle is overcome. Whilst Buckland generally support the Council's position to not revisit the detailed policies of the Welborne Plan, and consider it sound, consideration must be given to methods to unlock delivery at Welborne, especially given Welborne's role in the development plan, and its importance in ensuring the development plan is sound.

Given the need to deliver substantial infrastructure to support the community, opportunity to reduce the costs of this infrastructure is low. Reviewing the policies and requirements of the Welborne Plan, the only opportunity which gives flexibility to reinvest further development receipts into M27 J10 is to provide 10% affordable housing in the initial phases of development. However, even at

lower affordable housing levels within the parameters of Welborne Plan policy (with a minimum requirement of 10% affordable housing and a viability review process to increase affordable housing later in the development programme), Welborne cannot viably support funding an increased M27 J10 contribution. This is evidenced in the viability work undertaken as part of the outline planning application, as presented to planning committee in October 2019, which states that Welborne can only support 10% affordable housing in the initial phases with £20m of developer funding. Should the developer funding increase, the amount of affordable housing which Welborne could viably support will reduce accordingly.

Whilst discussions are ongoing with FBC on methods to overcome these obstacles to Welborne's delivery, consideration must be given to methods to increase flexibility to enable Welborne to be able to deliver homes. This could be through edits to the Welborne Plan requirements, or through the removal of the condition which restricts development at Welborne until funding for the M27 J10 has been secured. This would enable development to start on site, whilst further funding was sought.

The need to unlock delivery at Welborne is paramount, as Welborne is critical to achieving the short- and long-term aspirations of this Local Plan, with a large proportion of FBCs housing requirement (and employment floorspace) expected to be delivered at Welborne within the plan period to 2037. Therefore, **Welborne's delivery is crucial to enable the development strategy of this plan to be considered justified and effective, which is imperative for the plan as a whole to be considered sound.**

On more specific matters, we support the designation of the land to the east of Welborne as a special landscape area (under draft Policy DS3), which is reflective of its local importance and, due to the area's topography, prevents the visual encroachment of the urban area to the open countryside to the north of FBCs administrative boundary. We consider this approach to be both legally compliant and sound.

We also support the position outlined in paragraph 9.30 of the draft plan, in relation to Biodiversity Net Gain requirements, as Buckland are in the process of agreeing a bespoke biodiversity enhancement strategy with FBC, following the provisions of the Welborne Plan. This Strategy which will reflect commitment to the delivery of significant biodiversity enhancement at Welborne, through its comprehensive network of open space and SANGs. Furthermore, it is important to note that these Biodiversity Net Gain requirements are yet to be legislated at a national level, and thus exact provisions and expectations are yet to be set out by Government. Thus, it could be questioned whether Policy NE2 is in fact premature, although this may be resolved depending on the time this plan is examined, and thus can be reviewed in this context by the Inspector at a later date.

Finally, we would also wish to support the viability work which has been undertaken by the Council to underpin this Local Plan. We particularly support the recommendation that a zero CIL rate should be applied to Welborne, given the scale of infrastructure contribution to be provided through the Welborne S106 agreement, and the viability discussions which have been undertaken as a part of the Welborne Outline Planning Application.

We look forward to formal confirmation that these comments have been received and processed. We also look forward to the opportunity to comment on the further phases of consultation on this plan, and are available to attend, and contribute to the local plan examination as required. If you have any questions or queries regarding the points raised in this letter, please do not hesitate to be in touch with me at your earliest convenience.

Yours sincerely



JOSEPH CARR
Associate



encs

cc.

Lee Smith	FBC
Rachael Hebden	FBC
Mark Thistlethwayte	BDL
John Beresford	BDL
Fiona Gray	BDL
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**Representations towards the Fareham
Borough Draft Local Plan 2036 Publication
Draft (Regulation 19) Consultation on Behalf
of Persimmon Homes (South Coast)**

December 2020

1. Introduction

Persimmon welcomes the opportunity to comment on the Fareham Draft Local Plan 2036 (DLP) Publication (Regulation 19) consultation.

This letter is set out in sections as summarised below:

- Section 2 sets out our response to Duty to Cooperate issues
- Section 3 sets out our policy specific responses
- Section 4 sets out our response in relation to Omission Sites

2. Duty to Cooperate

The Duty to Cooperate places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including housing.

Planning Practice Guidance recommends that authorities should produce, maintain, and update one or more Statement(s) of Common Ground, throughout the plan-making process. The Council has unilaterally produced a 'Statement of Compliance with the Duty to Co-operate' which sets out how the Council claims to have addressed the duty to cooperate, including in relation to addressing the unmet housing need of its neighbouring authorities. This is not an agreed Statement. It is noted that there is little to no explanation within the Statement as to what cross boundary discussions have taken place since the Council has significantly altered its approach with regards to housing need (as detailed below). In Persimmon's view, this information is absent because neighbouring authorities, in particular Portsmouth and Gosport, will not be supportive of Fareham's approach.

As mentioned above, the Council's Regulation 19 consultation document is significantly different from the Regulation 18 draft in terms of its approach to housing. This is largely as a result of it applying the lower Local Housing Need (LHN) as derived from the Government's proposed new Standard Methodology, which has not been approved. The Regulation 18 version of the Plan included a number of Strategic Growth Areas that were identified, in part, to meet the housing needs of neighbouring authorities of Gosport and Portsmouth. These Areas have now been deleted, and do not feature in the Publication Plan.

The Council's decision to use the new Standard Methodology LHN in order to take advantage of lower housing numbers is premature, and is at odds with the approach being taken by nearly all other Local Planning Authorities developing Local Plans in the sub-region, including Gosport and Portsmouth.

It is understood that the SGAs would meet at least 1,000 dwellings from Portsmouth's unmet needs, alongside a proportion of Gosport's (quantum not published). However, the Publication Plan suggests that unmet need accommodated by the Plan will only equate to 847 dwellings. By Fareham choosing to use the draft new Standard Methodology and reducing its housing site allocations as well, the scope for the Plan to pick up the housing needs of these neighbouring council areas has been significantly curtailed.

It is Persimmon's view therefore that, given the significant change in approach by Fareham Council, the joint working that it has undertaken on housing issues to date has been fundamentally undermined to a point where it can only be concluded that Council has failed the duty to cooperate.

2. Policy Specific Comments

DEVELOPMENT STRATEGY

Strategic Policy DS1 Development in the Countryside

Policy DS1 provides the policy basis for the delineation of settlement boundaries. In the context of our comments below, notably in relation to not meeting housing need, omission sites and the delineation of Strategic Gaps, the Council should amend the settlement boundaries to allow additional development to come forward.

With regards to the criterion d) of Policy DS1, an allowance for new or replacement building, conversion and/or extension of a school is welcomed. However, the Policy appears to limit re-provision to existing sites shown on the Policies Map. As set out in greater detail in the our response to Policy DS2 and the Omission Site section, discussions are on-going with the Meoncross school to facilitate expansion of the car park and/or playing fields in the short term. The potential relocation of the school to other land within Persimmon's interest at Cuckoo Lane over the longer-term is also being explored. As currently drafted, by strictly limiting development to within an existing educational facility, the Policy would prevent such future improvements and the possible relocation of Meoncross School.

Strategic Policy DS2 Development in Gaps

The Council has commissioned Hampshire County Council to review its Strategic Gaps. The County's methodology for this review is set out in the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020). This applies 'Primary Measures' (i.e. physical and visual separation) and 'Secondary Measures' (i.e. Green Infrastructure Provision) to define the gaps. We support the inclusion of physical and visual separation as a means of determining the gap boundary, but we see no justification for including the secondary measures as this is outside of the scope of the role of a gap. In any case, Green Infrastructure is an issue that is dealt with separately under Policy NE9 of the draft Plan.

The following commentary on this policy considers each of the Strategic Gaps before comments are made on the content of Policy DS2 itself.

The Fareham-Stubbington Gap

As set out in the recommendations of the Gap Review paper (Chapter 4: Conclusions and Recommendations, Paragraph 10): *'there exists some opportunities for development to be absorbed within the Stubbington-Fareham Strategic Gap, subject to scale and future detailed design, without compromising its Gap function...'* It is surprising then that the Council has not examined this potential in greater details as part of its Publication draft Local Plan, particularly given that the most recent Regulation 18 Local Plan consultation proposed a Strategic Growth Area (SGA) within this gap as a means of accommodating growth.

It is also surprising that the Gap Review Paper does not adequately consider the influence of the Stubbington by-pass on the Fareham-Stubbington Gap. Paragraph 3 of Chapter 4: Strategic Gaps SG 2: The Fareham-Stubbington Gap states that: *'As the Bypass is currently under construction and its alignment marked out, it is possible to see how it might affect the sense of separation between Fareham and Stubbington.'* The report also states that it is too early to understand the full impact that Stubbington Bypass will have on the landscape character and development pressures of the Gap. This second assertion is contested. Given that the by-pass construction has progressed significantly, and that by-pass proposal has been subject to landscape assessment (including through the ES associated with the application), there is sufficient information available to allow for a robust assessment of the impact of the by-pass on the gap and the landscape to be carried out. A review of the landscape and gap evidence should be carried out prior to submission of the Plan for examination.

There can be no doubt that the by-pass will have a considerable influence on the Fareham-Stubbington Strategic Gap - effectively splitting it two. Once the by-pass is complete, it will form a strong defensible boundary, which will make the difference in the character between areas north and south even more apparent than it is already. This difference in the character requires considered in the Local Plan and its evidence base.

Land to the north of the bypass route is considerably more open in character, with large open fields with limited boundary planting providing prominent views north from the bypass toward the southern urban edge of Fareham, which is well defined by Rowan Way. This area is characterised by a strong sense of tranquillity, and is a much more sensitive landscape that is more befitting of Gap designation in accordance with the Council's own methodology. Land to the south of the bypass, however, comprises considerably more urban influences as demonstrated by existing development along Ranvilles Lane / Titchfield Road, the cemetery south of Oakcroft Land and development around May's Lane / Peak land (including where the urban area of Stubbington protrudes into the gap). This observation is supported by the detailed analysis of gap study area 7a (see Chapter 4: Strategic Gaps SG 2: The Fareham-Stubbington Gap, para 8) which states that:

*'There exists the potential to **make modifications to the settlement boundary of North Stubbington: to extend the boundary to run along Oakcroft Lane**, as the isolated field that sits aside Crofton Cemetery, does not protrude into the landscape beyond the current Northern and Western edges of Stubbington. Largely sitting behind a mature line of Poplars also helps this isolated field absorb some development (subject to detail design), **without risking the integrity of the Gap, as a whole.**'*
(Persimmon's emphasis)

Paragraph 11, Bullet 2 of Chapter 4: Strategic Gaps SG 2: The Fareham-Stubbington Gap of the Gap Review evidence reconfirms the limited role that the area to the north west of Stubbington, south of Oakcroft Lane and east of Ranvilles Lane plays as a gap. The Gap study states that this area has *'the ability to absorb development into the landscape exists, without compromising the integrity of the Gap function'*. The Council will be aware of the planning application within this part of the gap (LPA Application Reference: P/20/0522/FP). This application comprises 209 new homes a considerable area of land to the north of the housing and to the south of the by-pass for ecological purposes. The Site Plan is attached to these representations at Appendix 1. The application is a resubmission of a planning application that addresses technical and design issues raised by the Council previously. It is understood that the application is due to be considered by planning committee in January 2021.

One key consideration when reviewing the boundary of a gap is the consideration that no more land should be included in the gap than is necessary (see adopted Core Strategy Policy CS22, Fareham Borough Council Gap Review 2012 and South Hampshire Strategy 2012). This concept is reiterated in the Gap Review Paper as 'minimum land take'. In light of the above, it is Persimmon's view that the gap evidence should be reconsidered with areas north and south of the by-pass assessed separately to take account of the by-pass. For reasons set out above, and in accordance with the Gap Review methodology, it is considered that a review of the evidence would indicate that the land north of the by-pass should be retained as gap and land to the south should be deleted from the gap designation. Retaining a gap to the north would preserve a c. 800m gap between the by-pass and the southern urban edge of Fareham, which is described in the Gap Review Paper as being *'moderate-large gap'* of a *'good distance'* that *'gives the traveller time to experience the countryside after leaving one settlement before joining another.'* Retaining a gap of adequate width in this location is particularly important given the role Peak Lane plays in providing a well utilised north-south link between Stubbington and Fareham.

With regards to land to the east of Stubbington, Paragraph 11, of Chapter 4: Strategic Gaps SG 2: The Fareham-Stubbington Gap of the Gap Review indicates that there is very little opportunity to absorb development in this corridor but that advanced planting along the eastern edge of the settlement would be beneficial. Persimmon Homes have interests in this area (as discussed in detail later in these representations). In summary, the proposals include new residential development, significant new strategic planting and open space along the eastern edge of the site. Discussion are on-going with the

Meoncross School to facilitate expansion of the car park and playing fields in the short term and the potential relocation of the school to other land within Persimmon's interests over the longer-term.

In light of the our comments set out above It is considered that the Fareham-Stubbington Strategic Gap should be redrawn so that land to the south and west of the by-pass is removed from the gap.

Whilst not a gap issue per se, the emerging and previous Local Plans, have tended to avoid allocating any significant growth on the periphery of Stubbington. Sensitively redrawing the gap boundary as suggested above will allow for much needed sustainable development housing to come forward to support the housing aspirations of those wish to live in or remain living in Stubbington.

The Meon Strategic Gap

As touched upon above, the function of a Strategic Gap is to prevent the coalescence of separate settlements. Land to the west of Stubbington is identified as a gap but there is no settlement to the west of the Stubbington that requires protection from coalescence. With regards to Strategic Gap Study Area 6, it is noted that the Gap Review study states that this gap is provided to ensure there is no coalescence between Stubbington and Titchfield along Titchfield Road. Whilst this northern most extent of this study area may serve this purpose, the central and southern parts of the Study Area 6 play no role whatsoever in preventing coalescence. This is recognised in Paragraph 13 of Chapter 4: Strategic Gaps SG 1: The Meon Gap of the Gap Review Study. Nonetheless, the Study recommends that the Gap is retained in this area due to: high levels of tranquillity, its role in providing separation of Portsmouth and Southampton, and to recognise the potential longer-term settlement expansion southwards from Titchfield and South Westwards from Hook. Based on the Council's Gap Review methodology, these are not adequate reasons to include this land within the gap.

A more logical delineation of the gap, which would ensure that no more land than necessary is included within it, could be to end its southernmost extent at Crofton Manor Equestrian Centre where the transition from countryside to urban (as part of Stubbington) becomes apparent. As recognised in the Gap review study, much of the land to the south of the Equestrian Centre is subject to protection under draft Policy DS3 (as discussed below), and ecological constraints which provide adequate protection against inappropriate development in this area. A gap is therefore not necessary.

General Comments on Policy DS2

Notwithstanding our comments above, in our considered view, Policy DS2 is too restrictive. There may be a point within the plan period, for example where the Council is unable to demonstrate a sufficient five year housing land supply, where additional housing may be required over and above those sites identified in the Plan. The Council has persistently struggled to demonstrate a sufficient five year housing land supply in recent years so flexibility in the Policy is required.

As demonstrated through the Council's Regulation 18 draft Plan, a sustainable location for such development may be in the Strategic Gap between Stubbington and Fareham. As such, the Policy should include additional wording to allow for appropriate and sustainable development in the Strategic Gap in such circumstances where housing supply needs to be increased.

The Policy also seeks to prevent development in Strategic Gaps that may significantly affect its 'integrity' and the 'distinctive nature of settlement characters'. This is a highly subjective policy criteria that will be challenging to interpret by decision-makers and applicants alike. The reference to 'integrity' and the 'distinctive nature of settlement characters' should be deleted from the Policy. The function of a Strategic Gap is to prevent the coalescence of separate settlements, which can be achieved through assessment of the impact of a proposed development on the physical and visual separation of settlements. The other policy criteria are superfluous.

In light of the above, it is considered that the Strategic Policy DS2 - Development in gaps and delineation of the Gap as shown on the draft Policies Map, should be redrawn as set out above. If this is not the case the Policy cannot be said to either justified or effective and is therefore unsound.

Strategic Policy DS3: Landscape

Policy DS3: Landscape identifies a number of Areas of Special Landscape Quality (ASLQ), including the Meon Valley. This is new Policy that does not form part of the adopted Local Plan. The first part of this Policy seeks to significantly restrict development in the Meon valley area. However, considering that the Council has successfully defended the Meon Valley area from a number of hostile planning applications in the recent past without this Policy in place, the justification for it is questionable. Given the prohibitive nature of Policy DS3, the development potential of Site 5 (Cuckoo Lane) for housing and new school provision, will unlikely be realised unless the site is allocated for development in the Local Plan and/or the site is excluded from the Meon Valley ASLQ designation.

HOUSING POLICIES

Strategic Policy H1 Housing Provision

As mentioned in the Duty to Co-operate section above, the Council is applying the Government's former draft Standard Methodology to arrive at its LHN (403 dpa) as opposed to the current Standard Methodology (514 dpa). The draft Standard Methodology is not Government Policy, it is only a consultation draft. The Government has recently (16th December 2020) released revised LHN figures that indicate that the Council's baseline LHN will increase to 514dpa. This increase LHN to exactly the same figure as per the current Standard Methodology. This newly published data clearly undermines the Council's premature decision to use the lower LHN figure. It is also noted that when the current and new LHN figures for Gosport and Southampton are considered both Councils are facing an increase in LHN of 106 dpa and 315 dpa, respectively. This is significant as both of these Authorities may need to look to Fareham to accommodate unmet housing needs. This will place even greater pressure on Fareham Borough Council to increase its housing requirement set out in Policy H1. For completeness, Portsmouth's LHN remains unchanged between the two data sets.

Notwithstanding, our concerns that the Council has failed the legal test with regards to the duty to cooperate, Policy H1 cannot be assumed to be sound as undershoots current and emerging LHN. The Plan cannot therefore be considered consistent with national policy and it is not positively prepared. Should the Council seek to amend its housing requirement (for example using the current Standard Methodology) and make consequential changes to its supply sites, re-consultation on a revised Regulation 19 Plan will be necessary.

Policy H1 includes an estimated 1,224 windfall dwellings. The Council's Housing Windfall Projections Background Paper (June 2020) does not provide a detailed breakdown of which sites are being considered as windfall. The Council's figures cannot therefore be scrutinised. Until such time as the Council publishes this detail underpinning the windfall allowance, this element of the supply should not be counted towards the Council's housing requirement.

The Policy also looks to implement a stepped housing requirement, which backloads housing delivery towards the latter part of the Plan period. This approach is at odds with the NPPF's objective to boost the supply of housing and appears not be justified by the expected rate of delivery of sites as set out in the summary housing trajectory in Appendix B of the Plan. For example, in the first period (2021/22 and 2025/26) the Council proposes a requirement of 2,250 dwellings (averaging 450 dwellings per annum). However its housing trajectory suggests that 3,085 dwellings will be delivered, which is equivalent to 617dpa. As such, Policy H1 should be expressed as an average requirement; it should not be stepped.

The Policy also sets out that approximately 428 homes will be delivered on specified brownfield sites and/or regeneration opportunities in Fareham Town Centre. In some cases deliverability, **viability** availability (i.e. in existing use) is not assured (notably sites FTC2-5). Whilst Local Plans should be aspiration, they should also be deliverable. Allied to above, a further 1,327 homes are identified on Housing Allocation sites (i.e. allocation prefixed with a HA reference). However, a number of these sites are rolled forward allocations from the current adopted Local Plan, and in some cases (i.e. HA29 and HA30) are sites that formed part of the Western Wards growth area that were originally identified

in the 1970's, but have failed to be delivered. As such, it is questionable whether the Council has properly assessed deliverability / developability of some of the sites comprising its supply. It is advisable therefore that the quantum of housing expected from some of the questionable supply sites should not be counted against the housing requirement in the Plan, and alternative sites (such as those set out in the Omission Sites section) should be identified to ensure the Council's housing requirements are met. In addition to the above, the deliverability issues associated with Welborne are well documented. Recently it is understood that due to delays in the site coming forward, the Council has lost external funding to deliver critical highway improvement works. This further underscores the challenges associated with this site. The Council would be well advised to take a highly cautious approach when seeking to include housing supply from Welborne. The draft Plan currently includes 4,020 dwellings as part of the housing supply. In light of the above, this figure is considered to be highly optimistic and should be revised downwards.

Notwithstanding, our concerns regarding the Council's choice of LHN, this figure should be regarded as the starting point for developing the Plan's housing requirement. Councils are advised through national planning policy/ guidance to consider whether any adjustments should be made to the LHN figure to account for other factors such as economic growth (which appears to be absent from the Plan) and unmet need from neighbouring authorities (as discussed above). With regards to affordable housing, the Council commissioned a Housing Needs Survey as part of its previous Regulation 18consultation draft Plan in 2017. At the time, the Survey suggested that there is a net affordable housing need of 302 dpa (i.e. nearly ¼ of the overall annual requirement). Whilst the Standard Methodology accounts for affordability (or lack thereof in Fareham's case), actual affordable housing need indicates that a further uplift to its LHN may be necessary.

Policy HP4 Five-Year Housing Land Supply

Policy HP4 states that development 'may be' permitted where a development meet all the criteria in policy HP4. The Policy should be reworded to positively state that a development 'will be' permitted if it meets the policy criteria. When determining planning applications, the decision maker is required to read the Local Plan as a whole; there is no reason for the Policy to be equivocal on this matter.

With regards to criterion (b) the policy states that a development should be '...integrated with the neighbouring settlement'. Does this mean a physical link between the development and the adjoining settlement or that a development should be integrated in design terms? This needs to be clarified.

Criterion c) seeks to prevent development in strategic gaps that may significantly affect its integrity. As per our comments in respect of Policy DS2, this is a highly subjective policy criteria that will be challenging to interpret by decision-makers and applicants alike. It is also noted that Policy DS2 sets out different policy requirement with regards to the protection of Strategic Gap (i.e. proposals should not affect the physical and visual separation of settlements). This has the potential to create an internal conflict within the Plan as it is unclear which policy requirements (either HP4 or DS2) would take precedent where the Council unable to demonstrate adequate five year supply. It is suggested therefore that the wording for Criterion c) is deleted or replaced with a cross reference to Policy DS2 (including Permission's suggested amendment to this DS2).

Policy HP5 Provision of Affordable Housing

With respect to the percentages of affordable housing sought at sites, Policy HP5 should include a viability review mechanism to provide flexibility. This will assist with the viability of schemes should there be a fall in market over the lifetime of the Plan and/or in circumstance where unknown development costs are introduced (nitrate mitigation costs associated with the HRA requirements are a case in point having seriously affected the viability of schemes over the past year or so).

As set out in the supporting text to this Policy (paragraph 5.32), the Council publishes on its website the identified affordable housing need by area of the Borough. The Council's website shows considerably different housing need for each area. The affordable tenure mix is therefore too prescriptive and does not reflect the Council's own evidence base. It is advisable therefore that the

Council replaces criteria i-ii with a statement confirming that affordable housing mix and tenure will be negotiated with the Council evidence base set out its webpage used as the starting point.

Further underscoring our concerns with the nature of the tenure mix, the Council should be aware of the potential practical challenges associated such a small percentage of Affordable Home Ownership. The Policy could be interpreted by officer so that Affordable Home Ownership is provided at 10%, which would be a challenge for reasons set out below. Registered Providers are becoming ever specialised with some only dealing with the shared ownership side and others the rented side. Requiring such a small percentage of Affordable Home Ownership products through this Policy may create challenges in terms the viability of tender bids for this type of unit. In addition, Affordable Home Ownership, including shared ownership schemes, have been shown to be an effective means of getting people on the property ladder. As the Council's own evidence shows 10% is considerably below what is actually needed.

The final element of Policy HP5 addresses the market rent of Affordable Rented units, which will be judged as 80% of market rent or the relevant Local Housing Allowance (LHA), whichever is lower. The NPPF only make provision for rent to be set at 80% of market. It does not state that market rents should be benchmarked against LHA. The reference to LHA should be deleted to ensure that HP5 is in conformity with national policy.

It is also noted in Paragraph 5.42 of the supporting text to HP5 that the Council may need review the Affordable Housing Supplementary Planning Document (SPD) to address changes to the affordable housing and mix. SPDs should not be used to review issues that have a direct impact on viability. This should be tested through the Local Plan review process.

Policy HP7 Adaptable and Accessible Dwellings

The PPG sets out a number of tests against which Councils should consider when seeking to introduce M4(2) and M4(3) policies into its Local Plans. The Council's Specialist Housing Background Paper (September 2020) has been produced which shows how the Council claims to have met these tests.

In terms of need, the Background Paper sets out the population with Long Term Health Problem or Disability based on census data. However, this measures population, not households, so should not be assumed to an accurate proxy for need. It should also be noted that some people who state that they may have a Long Term Health Problem or Disability as part of a Census response may not have an illness that would affect mobility and would not therefore not necessarily require M4(2) or M4(3) dwellings. The evidence base should be updated to reflect the above.

With regards to the provision of Category 3 specifically, the Council's evidence of need is weak being based on a national wheelchair usage that may not reflect the level of need in Fareham Borough. Furthermore, with regards to Category 3 affordable housing, from a practical point of view, Registered Providers are less willing to take on wheelchair dwellings as they can be difficult to occupy. If there is no suitable occupier then the unit could be sat empty for a significant period while a suitable occupier is found. During this time the unit is not generating any income, and could have been used to house a family that is in need at the time.

As the Council correctly identifies, a large proportion of older homeowners will seek to remain within their own homes with care provided in situ. Should these owner occupiers need to downsize or relocate they will be able to utilise the equity built up within their dwellings to access products which meet their specific. This may be sheltered or extra care accommodation. Within recent years, as this market has developed, the industry has responded with a number of private sheltered accommodation schemes approved within Fareham. In this context, the Local Plan also looks to facilitate the delivery of specialist housing through Policy HP8 and through specific housing allocations made in the Plan (HA42 – HA43). The Background Paper does not appear to have factored in the supply of specialist homes that may come forward be on allocated sites and windfall sites permissible under Policy HP8.

With regards to the second test relating to location of specialist housing, as set out HP8, this type of accommodation is best located in accessible locations. Given the mobility challenges which some older people face, town and district centres, with their conveniently located services such as shops and health facilities, are ideal locations for older persons housing. Fareham town centre is a highly accessible location where a significant quantum of flatted housing is proposed with the benefit of a reduced affordable housing policy requirement. District Centres are also highly accessible locations where there is a potential for older persons housing could be delivered. The Council should therefore consider restricting this Policy requirement to areas of high accessibility.

Policy HP9 Self Build and Custom Homes

Policy HP9 sets out a policy requirement for 10% of all units on sites over 40 dwellings to provide plots for sale to address local self or custom build need. It is noted, however, that at Paragraph 5.8 of the Council's Self and Custom Build Housing Background Paper (September 2020) it is stated that the Council has met its past and future self-build requirements – this has been achieved without the need for a specific policy. It is also noted that the adopted Welborne Plan requires some 1% of its housing to be for self / custom build. Set against the current identified need of 35 net plots it would seem excessive to require a policy to further increase self / custom build supply. This could result in significant over provision of a product for which there is no clear market demand. In light of the above, the justification for Policy HP9 is therefore questionable. The policy does include provision for plot to be developed for non-self-build ,should they not be taken up, however, this Local Plan has made no assessment about the extent to which this would affect cash flow and the viability of developments. It is Persimmon's view therefore that this Policy should be deleted.

Notwithstanding our overarching concerns regarding the justification for this policy, there are a number of practical considerations that the Plan fails to adequately acknowledge. Criterion a) for example, sets out that self or custom build plots should be serviced. The Policy needs to clarify what is meant by 'serviced'. Does serviced this relate highway access, gas, water, electricity and/or broadband, and to which point should the plots be serviced? Turning to criterion c) it is not clear who would be responsible for setting out the design parameters. Placing a requirement to conform to set parameters could put off some prospective self / custom builders. The requirement to provide self and custom build plots may also have a number of practical and management issue, such as:

- Phasing and completion of the wider site.
- Section 106 contributions due to the exemption that applies to self-build housing.
- Delivery of housing in accordance with paragraph 59 of the NPPF to boost significantly housing supply, where supply on an ad hoc basis by self-builders is likely to be slow compared with the remainder of the site or even not take place at all.
- The reserve matters period running out and needing to be extended.
- Ad-hoc builders turning up outside specified hours of work.
- Storage of materials as there is limited room on plot and storage spills onto the market housing part of the site.
- Purchasers having to stop building due to unemployment/lack of funds.
- Purchaser dissatisfaction where building continues on a site which was expected to finish when they moved in.

CLIMATE CHANGE

Strategic Policy CC1 Climate Change

This Policy states that the 'Council will promote mitigation and adaptation to climate change through...' It is unclear whether the criteria will be sought as part of development proposals, or whether the criteria relate to development delivered by the Council. This requires clarification. If it is the former, the Policy should make clear that the criteria are not requirements but should only be met where it is possible to do so.

Policy CC2 Managing Flood Risk and Sustainable Drainage Systems

Policy CC2 requires all developments to be designed in accordance with the CIRIA C753 SuDS Manual or equivalent national or local guidance. The SuDS manual is, however, only guidance. In Persimmon's experience, strict adherence to the guidance can be problematic as the design of a SUDS system also need to consider design, aesthetics, engineering etc. It is recommended therefore that the wording for this bullet point is prefixed with 'Where possible,' to provide the necessary flexibility.

NATURAL ENVIRONMENT

Policy NE2 Biodiversity Net Gain

Policy NE2 sets out a requirement for site to deliver 10% net gain for biodiversity. The Local Plan viability assessment assumes a cost of £500 per dwelling. This development cost is based on limited evidence and seems low, particularly for greenfield sites (as opposed to brownfield equivalents) which are likely to require significant more extensive measures to achieve a 10% net gain. In many cases, the requirement to achieve BNG is likely to negatively impact on the developable area, resulting in a loss of revenue that negatively impacts on viability, rather than be a cost associated with each individual units per se. In Persimmon's view, the viability evidence to support the introduction of this Policy is inadequate. As mentioned above, meeting BNG at 10% can require considerable land take; on some sites Persimmon has been involved in, BNG has required around 50% of the gross site area. It is not clear whether or to what extent the Council has factored in this 'land hungry' BNG requirement as part of its housing allocations capacity estimates. It is also noted that BNG should be achieved across a site, it is not a requirement to be met at the individual plot level (although this might form part of the BNG solution). As such, supporting text Paragraph 32 is misleading and should be deleted.

Policy NE4 Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent

This is new Policy which sets out Fareham's policy approach to dealing with excessive nutrient (nitrate) loading on protected European sites of ecological importance. However, the Policy is light on detail with insufficient guidance as to how applicants will be able to demonstrate conformity. Given Persimmon's significant experience in dealing with such matters, the Company is aware of how this Policy can be implemented in practice, but for less informed developers/applicants this may be more challenging.

Notwithstanding the above, the Company is aware that the primary means of determining whether a development proposal will be able to demonstrate nutrient neutrality is by producing a nutrient budget using the Natural England Methodology. Given that the Natural England Methodology provides a key evidence base and is fundamental to the implementation of Policy NE4, it is critical that this document is examined in detailed alongside the Local Plan. Of particular concern is that Natural England's Methodology includes a number of onerous stages that result in significantly more mitigation being required than is actually necessary. These provisions include, but are not limited to, housing occupancy rates, internal migration (particularly those households that are occupying new affordable housing) and default permit levels. Furthermore, despite many of steps set out Natural England Methodology taking a precautionary approach to nitrate assessment, an arbitrary buffer of 20% increase in nitrate loading is added at the end of the calculator. This buffer is not required and will further exacerbate the issue of overproviding mitigation land that is not necessary. Lastly, it is noted that the Partnership for South Hampshire has updated the Integrated Water Management Study (IWMS). The IWMS provides a key evidence base underpinning the nitrate assessment work, but the Natural England Methodology does not take into account this new evidence.

Policy NE5 Solent Wader and Goose Sites

Policy NE5 sets out the Council approach to protecting area which are used by Solent Waders and/or Brent Geese. The Policy makes reference to such area as shown on the Policies Map. These

designations are, however, informed by an interactive GIS map provided on the Solent Bird Aware website, which forms a critical evidence base to the development of Policy NE5. It is therefore concerning that, on the same webpage as the bird habitat GIS mapping, members of the public can download a form to report bird sightings. It is not clear whether or to what extent these reported sightings are authenticated / scrutinised by a qualified ecologist. There appears to be wide scope for land to be incorrectly identified as a bird site leading to unnecessary cost being expended to mitigate site, and in the worst cases complete sterilisation of that land. This is certainly the case with a number of sites that are with Persimmon Homes' interests (as detailed later in these representations). There is a concern therefore that the mapping evidence base underpinning Policy NE5 is flawed.

The Policy also does not set provision with regards to bird surveys. The methodology for bird sites allows sites to be identified as habitat even if they are not actually being used by birds. It would seem logical that the policy makes provision for applicant to undertake ecology survey and assessment of bird sites in order to demonstrate the absence or presence of a species. We would recommend that one year's survey data should be sufficient, with further surveys only required if the some activity has been identified at a site.

The Council will also be aware that it is the Solent Bird Aware mapping (not the Policies Map) that is used by consultees (Natural England and the Council's own in-house ecologist), to determine whether a development will impact on any protected bird habitat areas, to avoid any confusion in the future, and to ensure the Policies Map remains in date, it is suggested the Policy Map deletes these designations.

With regards to the criterion a) 'Core and Primary Support Areas' the Policy requires that development on such sites should result in an overall net gain to the Solent Wader and Brent Geese Network. BNG is a requirement of Policy NE2; the concept for which is established in the NPPF. However, Persimmon are unaware of any such requirement in national policy or the evidence base underpinning this policy, for a net gain for specific species, including protected birds.

Policy NE6 Trees, Woodland and Hedgerows

Point a) of this Policy advises that the 'unnecessary loss' of non-protected trees, hedgerow and woodland should be avoided. It is unclear what 'unnecessary loss' means in practice.

Point b) of the Policy should be a new sentence, and what is meant by the term 'unavoidable' in this context should be clarified.

Policy NE8 Air Quality

Criteria a) of this policy requires electricity charging infrastructure to be provided as part of new development (excluding Welborne). It is unclear why this Policy is not to be applied to Welborne. Presumably this is because of the impact of such provision on viability. Viability issues associated with EV charging provision are, however, not limited to Welborne.

The Local Plan Viability study includes development cost associated with EV charging as part of £10,000 per plot contingency. Paragraph 5.3.8 of the Study states that, '*it is unclear at stage of writing if or when any of these measures will be required, so [the study takes] a very cautious and conservative approach....*' With regards to the EV charging, Policy NE8 requires such provision; there is no uncertainty as to what is expected of a development proposal. As such, the Viability Study should consider this issue in greater detail and not combine this policy requirement with other unknown cost demands on development. Combining these 'unknowns' a single contingency means that it is not possible to scrutinise in detail whether the assumptions made with respect to EV is reliable.

We would highlight that the cost for providing EV charging points is around £500-£600 but this does not include additional costs associated with providing additional sub-stations on larger development sites so that all charging points are capable of being used concurrently (alongside all other energy

demands on a development), and the potential to provide enhanced electricity supply (i.e. off-site upgrades) over and above that required for the units that could challenge a scheme's viability.

As current drafted, this element of the Policy is not justified.

TRANSPORT AND OTHER INFRASTRUCTURE

Strategic Policy TIN1 Transport Infrastructure, Policy TIN2 Highway Safety and Road Network and Strategic Policy TIN4: Infrastructure Delivery

These policies concern development contributions to the delivery of new infrastructure. However, it is considered the funding for such infrastructure may, in many instances, be a matter for CIL.

Notwithstanding, the above, if such Infrastructure is a requirement to make the development acceptable in planning terms, then such contribution need to meet the relevant tests set out in the CIL Regulations. It is no longer appropriate for blanket contribution to be sought by planning authorities. The Policy should be clear on this matter.

With specific reference to TIN2 it is unclear why the Council has chosen not to show the alignment of the Stubbington by-pass on the Policies Map given its strategic importance. This Policies map should be updated to show this route.

DESIGN

Policy D1 High Quality Design and Place Making

Policy D1 makes reference to a number of principles of policy and urban design, but also makes reference to guidance contained in the supporting text. For clarity and avoid any confusion over what is policy and what is supporting, text, it is suggested that this cross reference to the supporting text contained in the policy wording is deleted.

The Council should also review the policy to remove any duplication with other policies in the Plan, for example the section relating nature.

Consideration should also be given as whether the policy needs to be so detailed given that the Council has comprehensive guidance on design set out in its adopted Design SPD.

Policy D3: Coordination of Development and Piecemeal Proposal

This Policy seeks to avoid ransom situations. However, The Council will be aware of case law that prevents it from interfering on private property rights with regard to depressing or prevent returns to a landowners.

Policy D4: Water Quality and Resource

The second part of this policy requires developers to meet the Optional Technical Housing Standard for Water Efficiently (i.e. 110L/person/day). Meeting these Standards should be optional, not required. Whilst the Natural England Nutrient Methodology for the Solent area requires development to meet these standards as a means of addressing nitrate loading, there may be instances where nutrient neutrality can be achieved without doing so. The justification for requiring proposals to meet this standard are inadequate.

D5 Space Standards

The housing standards review introduced the optional space standards which local authorities could adopt by way of reference in their local plans. However, a prerequisite to the adoption of the space standards are the following tests set out in the planning practice guidance (Paragraph: 020 Reference ID: 56-020-20150327).

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- **need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- **viability** – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.’

In order to meet the policy test for the inclusion of the space standards there is a requirement for the council to establish the need for the adoption of the national space standard. To this end, the Council has published a Specialist Housing Background Paper (September 2020). Para 6.7 of Background Paper states most dwellings that have been consented or are awaiting determination are consistent with the 2015 Technical housing standards – nationally described space standard. The Background paper, makes references to the larger plots not meeting this standard, with an example being made of site ref 14/19. However, on the whole most dwellings considered in the Council’s Background Paper, including large units, are meeting the Optional standards. From a need perspective, it would seem as though there is little justification for the introduction of this Policy.

In terms of first part of the viability test, the Council’s Local Plan Viability Study indicates that development viability would not be negatively impacted by the introduction of the standards. This Study, however, is completed at a relatively high level, which makes it difficult to conclude whether this part of the test has been complied with. With regards to the second part of the test, no assessment has been carried out by the Council to demonstrate that the requirement for new development will not negatively impact affordability within the market.

As set out in paragraph 6.10 of the Background Paper, the Council has decided not to set a transition period for the adoption of the national space standards as it is of the view its introduction would not affect viability. For reasons set out above, we do not concur with this assessment, and suggest that a three year grace period is introduced to allow sites that are under a fixed contract to be brought forward. It is also noted that, the Council are looking to apply the draft policies in this Plan, including the requirement for national space standards prior to the examination or adoption of the plan. This contrary to the approach set out in the planning practice guidance. It is not practical to expect development proposals that are currently being considered to suddenly meet space standards.

In light of the above, Policy DS5 is not justified and should be deleted for reasons of soundness.

Local Plan Appendices

Appendix B set out a summary housing trajectory for the sites identified in the Plan. This is inadequate to properly assess the delivery expectation made by the Council with respect to individual sites. To enable proper scrutiny of the trajectory, the Council’s housing trajectory should be broken down by individual sites. This is particularly important because the Council has consistently over-estimated the delivery timescales for key sites. For example, Welborne, which was originally identified in the Core Strategy (2011), was expected to commence delivery in 2014/15. The site has still not achieved an implementable planning permission, and commenced development is still some way off.

4. Omission Sites

The following section provides an overview of the sites in Fareham Borough that are in Persimmon's interests, but have not been identified for allocation. These sites are largely located on the periphery of Stubbington and are within the ownership of the Dunley Estate. The Table below summarises the Dunley land holdings including capacity. The sites are shown on the enclosed Location Plans provided at Appendix 2.

Site Number	Address	Gross Area Acres (Hectares)	Site Capacity Estimate*
1	Land East of Burnt House Lane	23.53 (9.52)	240 - 320
2	Land West of Peak Lane	46.25 (18.72)	TBC
3	Land North of Titchfield Road	4.83 (1.95)	40 - 50
4	Land South of Titchfield Road	2.78 (1.12)	10 - 30
5	Land West of Cuckoo Lane	52.76 (21.35)	150-200
6	Land at Oakcroft Lane	41.04 (16.20)	209
Total		171.19 (69.28)	649 - 809

*Based on net developable area, not gross area.

Sites 1-3 and Site 6 fall within the South of Fareham SGA that was identified as part of the most recent Regulation 18 draft Plan. The remaining sites (Sites 4 and 5) are located outside of the SGA. The following section addresses each site in turn.

In support of the Draft Local Plan Regulation 19 Plan, the Council updated its Strategic Housing and Employment Land Availability Assessment (SHELAA) in September 2020. This replaces the previous study which published in December 2019. The conclusion of the SHELAA as related to each of the sites shown in the Table above are considered.

Site 1: Land East of Burnt House Lane

This site is located to the eastern edge of the Stubbington. Persimmon has undertaken some initial capacity testing in relation to Site 1, including an initial highways assessment and masterplanning. The outcome of this work indicates that the site is capable of delivering around 240 to 320 new homes. This accounts for on-site constraints including the provision of a noise attenuation bund, and strategic planting to the eastern and northern boundaries of the site. Adjacent to this site is the Meoncross School, which is seeking alternative arrangements for playing pitches close to the school (the existing pitches are currently leased and do not adjoin the school) and additional car parking to avoid parents parking on the nearby residential streets. Persimmon is in discussion with the school about how development at the Burnt House Lane may assist in addressing the school's immediate needs. In the longer term, however, given that the school is unable to expand within its existing site, consideration is being given as to whether the facility could be relocated to the Cuckoo Lane site (Site 5) to the west of Stubbington. The Council is strongly of the view that the site is sustainable and suitable for development and it is capable of being brought forward as a standalone allocation site, or as part of a wider masterplan with the South of Fareham SGA, should the Council seek to revisit this project.

The SHELAA 2019 concluded that Site 1 (SHELAA Ref: 1040) was deliverable housing site. However, in the Council SHELAA 2020 the Council considers the site to be undeliverable due a) to a significant visual impact undermining the integrity of the Strategic Gap, and b) the site being classified as a Low Use Brent Geese and Solent Waders site with no evidence of a strategy compliant solution. The

Council ascribes a capacity of 125 dwellings to the site. It is unclear how the Council has reached the conclusions in the new SHELAA given its assessment of the 2019 SHELAA undertaken just nine months prior. Notwithstanding this, as set in these representations, it is Persimmon's view that the Strategic Gap should be redrawn to exclude this site. With regards to the identification of the site as bird habitat, we have raised concerns in these representations regarding the robustness of the evidence underpinning this designation. Nonetheless, by improving the suitability of other sites in the area for bird use (i.e. Site 2 or 5) under the terms of the Council's Policy NE5, a policy compliant strategy to address the loss of the bird site to development is not unachievable. A strategy of improving habitat off-site is being taken in respect of the Oakcroft Lane site, which is also a low use site, and has the support of Natural England and the Council's ecologist.

Site 2: Land West of Peak Lane

This site is located to the north of the by-pass and extends across much of the gap towards the urban edge of Fareham in the north. Given its location and context, the development potential of this site is considered to be limited. However, the land could be an effective nitrate mitigation and/or bird protected habitat site that mitigation solution that could be used to address the potential impact development on other sites within Permission interests and/or other sites in the Borough the require mitigation solutions.

Site 3: Land North of Titchfield Road

This site is located to the north-west of Stubbington. Whilst this site formed part of the previous SGA, it is clearly distinct from and separate from it. This site is small scale that is well-contained in landscape terms, surrounded by existing built development and is deliverable in the short-term as stand-alone site that can be brought forward either as part of outside of the SGA masterplanning process should the Council seek to revisit this project. Initial capacity assessments of Site 3 indicates that it is capable of delivering around 40-50 new homes.

The SHELAA 2019 concluded that Site 3 (SHELAA Ref: 3190) was a deliverable housing site. However, in the SHELAA 2020 considers the site to be undeliverable due it being classified as a Low Use Brent Geese and Solent Waders site with no evidence of a strategy compliant solution. The Council ascribes a capacity of 20 dwellings to the site. It is unclear how the Council has reached these conclusions regarding the suitability of the site given its assessment of the site undertaken just nine months prior. With regards to the identification of the site as bird habitat, we have raised concerns in these representations regarding the robustness of the evidence underpinning this designation. Nonetheless, by improving the suitability of other sites in the area for bird use (i.e. Site 2 or 5) under the terms of the Council's Policy NE5, a policy compliant strategy to address the loss of the site to development is not unachievable. This approach to improving habitat off-site is being taken in respect of the Oakcroft Lane site, which is also a low use site, and has the support of Natural England and the Council's ecologist.

Site 4: Land South of Titchfield Road

This small site is located to the north-west of Stubbington. It bounded to the north-east and north-west by existing housing fronting Titchfield Road and the Crofton Equestrian Centre. The site's relationship with the wider Meon Valley landscape is limited by the woodland to the south of the site. The woodland to the south and its associated watercourse (which is also within Dunley Estate ownership) is recognised as an important ecological resource. Sensitive site design, however, could provide a means of ensuring the ecological interests at this adjoining site are protected and enhanced. Initial site capacity assessment indicated that the site is capable of delivering between c. 10-30 new homes. Were the Council minded to allocate the site for residential development, it could provide an important contribution towards its small-medium site housing allowance as required by Paragraph 68 of the NPPF.

Site 5: Land West of Cuckoo Lane

This site adjoins the settlement boundary of Stubbington to its north-eastern boundary. It is characterised by a substantial arable field that is well-contained in the north by the built form of Stubbington and substantial woodland. Initial capacity testing of this site, which has allowed for a substantial ecological buffer to the woodland, strategic planting to contain the site from the wider Meon Valley, land for a new school and new parkland further south, indicates that it is capable of delivering around 150-200 new homes.

This site is assessed in the SHELAA as being undeliverable due to being located within a *'highly sensitive landscape (based on the Fareham Landscape Assessment) and within an Area of Special Landscape Quality. Significant ecological constraints associated with the adjacent SPA/SSSI affect the suitability of the site.'* The SHELAA ascribes a capacity of 240 dwellings to the site. Whilst the ecological and landscape challenges associated with this site are recognised, they are not insurmountable. Although not a consideration for the SHELAA per se, the site provides the opportunity to deliver substantial ecological and recreation benefits, alongside community benefits, including new education provision and allotments.

Site 6: Land at Oakcroft Lane

Similar to Sites 1 and 3, the Oakcroft Lane site can be delivered outside of or as part of the SGA process (should the Council revisit this project). However, as demonstrated through the planning application, the site is deliverable now as a standalone development site. Technical issues associated with the development have been resolved and Persimmon are currently awaiting determination of the application by the Council. The site is capable of delivering 209 new homes alongside a considerable area of space to the north of the housing and to the south of the by-pass for ecological purposes. The Site Plan is attached to these representations at Appendix 1.

The SHELAA 2019 concluded that Site 3 (SHELAA Ref: 3141) was a deliverable housing site. However, in the SHELAA 2020 the Council considers the site to be undeliverable due to the site to be undeliverable due to the site being classified as a Low Use Brent Geese and Solent Waders site with no evidence of a strategy compliant solution. The Council ascribes a capacity of 200 dwellings to the site. It is unclear how the Council has reached these conclusions given its assessment of the site undertaken just nine months prior, and considering the site-specific mitigation strategy for protected birds has the support of Natural England and the Council's ecologist via the planning application process.

Appendix 1: Oakcroft Lane Site Layout



Rev	Date	Revision Details	Dr	Ch
E	22.04.20	Bypass junction amended	br	db
D	25.02.20	see planning cover note	br	db
C	05.11.19	see planning cover note	br	db
B	20.09.19	see planning cover note	br	db
A	22.07.19	see planning cover note dated 23 July	br	db


PERSIMMON
 Together, we make a home

Job Title
Oakcroft Lane, Stubbington

Drawing Title
Site Layout

Job No	Drawing No	Rev
220	A-02-015-SL	E
Drawn	Checked	Date
BR	DB	March '19

Scale
1:1000 @ A1 / 1:2000 @ A3

Status
PLANNING

Appendix 2 Omission Site Location Plans



Site 1 Location Plan: Burnt House Lane, Stubbington

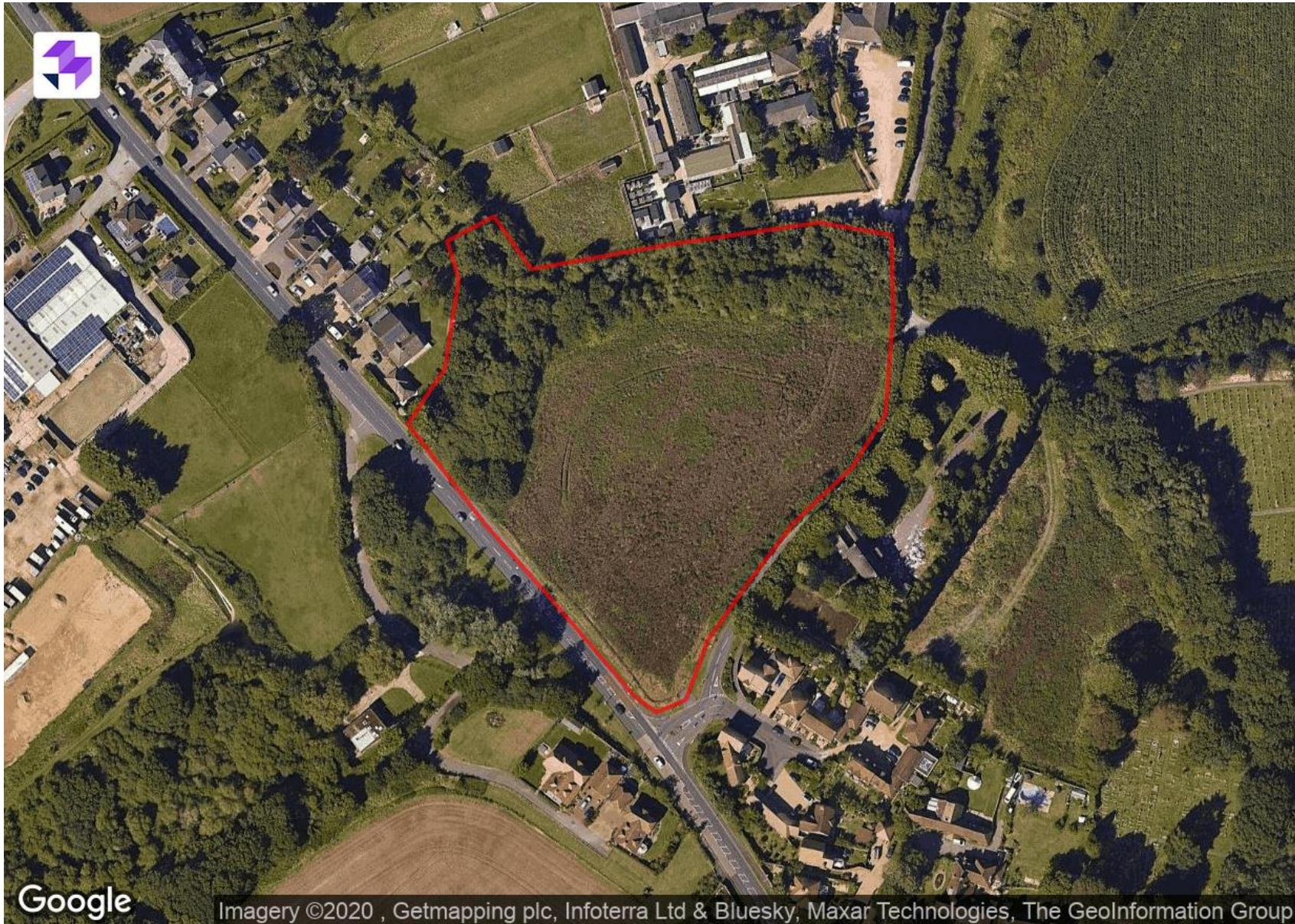




Site 2 Location Plan: West of Peak Lane, Stubbington



OFFICIAL PARTNER



Site 3 Location Plan: North of Titchfield Road, Stubbington



OFFICIAL PARTNER



Site 4 Location Plan: South of Titchfield Road, Stubbington



OFFICIAL PARTNER



Site 5 Location Plan: West of Cuckoo Lane, Stubbington



OFFICIAL PARTNER



A	22.07.19	see planning cover note dated 23 July	br	db
Rev	Date	Revision Details	Dr	Ch



Job Title
Oakcroft Lane, Stubbington

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220	A-02-015-SL	A
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Status
PLANNING