

# **The Development Sites and Policies Plan**

## **Issue 2: The Existing Settlements (DSP2 – DSP6)**

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Actions arising from hearing session

November 2014

**DCD-20**

## Introduction

Chapter 3 of the Development Sites & Policies Plan deals with the Existing Settlements in the Borough, and covers issues such as Strategic Gaps, Design and the Historic Environment. At the Development Sites & Policies Examination hearing session on Issue 2: The Existing Settlements (DSP2 – DSP6), a number of pieces of work were requested by the Inspector and some additional work was offered by the Council to address the points raised at the hearing session. These are set out in this note.

Specifically, this note addresses the following;

1. Council to explain the suitability of the methodology in the Fareham Borough Gap Review (DNE05).
2. Council to re-consider wording on Policy DSP5 regarding Ransom Strips.
3. Council to insert of reference to the Grace Dieu in Policy DSP54: New Moorings.

### **1. The suitability of the methodology in the Fareham Borough Gap Review (DNE05).**

- 1.1 The Council considers the Fareham Borough Gap Review to be a robust assessment of the Strategic Gaps in the Borough, based on the requirements set out in Policy CS22 of the Core Strategy. Concerns were raised at the hearing session on the Existing Settlements regarding the justification of the methodology of the Gap Review. To demonstrate the suitability of the proposed methodology the Council requested further explanation and justification from the authors of the Gap Review (David Hares Landscape Architecture). The response received from David Hares Landscape Architecture is set out in full in Appendix 1. The Council is satisfied that this fully justifies the methodology used in the Study, and therefore the boundaries of the Strategic Gaps designated through LP2.

### **2. Wording on Policy DSP5 regarding Ransom Strips.**

- 2.1 The Council has a long standing Policy position that seeks to prevent any development which would prejudice the development of adjacent land which forms part of an identified larger site. The purpose of this Policy is to ensure that adjacent land is not unduly restrained by development that has come before it, where there are good planning reasons to do so. Policy DG2 of the Local Plan Review 2000 sets out the Council's current approach in this regard, stating that "*where piecemeal development could delay or prevent the provision of access to adjacent land, a legal agreement will be sought to prevent the use of land as a ransom strip*".
- 2.2 The Council maintains that a policy that seeks to enable continuous and progressive development of larger sites and prevent prejudice to neighbouring development is necessary, in appropriate cases, to make certain developments acceptable in planning terms. Policy CS15 of the Core Strategy states that "*development must not prejudice the development of a larger site*" and this supports the Council's approach which seeks to secure a comprehensive planning approach to the development of larger sites. Policy DSP5 which also supports this approach is, therefore, a mechanism for ensuring development can be made acceptable through securing a

legal agreement to ensure that approved development does not prevent the delivery of the larger site.

- 2.3 However, to reflect discussions at the hearing session the Council is suggesting a number of changes to the Policy DSP5 and supporting text to clarify its position. This involves removing specific references to “ransom strips” and referring instead to “preventing prejudice to the development of adjacent land”, which places the Policy more in line with the wording of Policy CS15. The Council is also recommending amending the wording of the Policy regarding legal agreements, changing from such agreements being “required” to being “sought”. This reflects that such agreements cannot be an absolute requirement by the Council but will be sought where material planning considerations support their use. However, where legal agreements are deemed necessary, but not subsequently achieved, proposed development may be refused in line with Policies CS15 and DSP5. The proposed modifications to the Plan are set out below with new text underlined and deleted text ~~struck through~~:

**'Ransom Strips' Preventing Prejudice to the Development of Adjacent Land**

In order to ensure that development makes the most efficient use of land, comprehensive schemes for larger sites will be encouraged where possible. The Council has a long-standing policy of seeking to ensure that any permitted development does not prejudice the development of adjacent land, where there are sound planning reasons to secure the development of a larger site, ~~prevent the establishment of ransom strips which by preventing access from the approved development to other areas of the larger site to adjacent land.~~ This ~~principle was re-emphasised~~ established in the Core Strategy Policy CS15: Sustainable Development and Climate Change, which states that *"Development must not prejudice the development of a larger site"*. Developers will be expected to enter into legal agreements to ensure prejudice to the development of adjacent land is avoided as smaller parcels of land are developed. Where legal agreements are deemed necessary, but not subsequently achieved, proposals may be refused in line with CS15 and DSP5.

**Policy DSP5: 'Ransom Strips' Prejudice to Adjacent Land**

**Where piecemeal development could delay or prevent the provision of access comprehensive development of a larger site to adjacent land, a legal agreement will be required sought, to ensure that any permitted development does not prejudice the development of adjacent land prevent the use of land as a 'ransom strip' and that highway access, pedestrian access and services to adjoining land are provided.**

**3. Reference to the Grace Dieu in Policy DSP54: New Moorings.**

- 3.1 The Council is committed to protecting heritage assets throughout the Borough. Policy DSP6: Protecting and Enhancing the Historic Environment, sets out how the Council will achieve this. However, there are also numerous references throughout the document which highlight specific historic assets that need to be protected in specific areas, such as conservation areas or listed buildings.
- 3.2 The Council is aware that the Grace Dieu, which is a protected wreck (under the

Protection of Wrecks Act 1973), is located on the boundary between Fareham and Eastleigh, along the River Hamble. Its current designation means that it is a criminal offence to tamper with the wreck or seabed without a license granted by the appropriate Secretary of State. However, for clarity, the Council considers that reference to the wreck should be made in the policy for New Moorings (DSP54) to emphasise its importance as a heritage assets. The Council's proposed modifications to Policy DSP54 and the supporting text are set out below, with new text underlined and deleted text ~~struck through~~:

### **Paragraph 6.58**

...The area's proximity to the Solent means that pressure for additional moorings is likely to increase in the future. However, this has to be balanced with the sensitive character of the Solent Special Protection Areas (SPAs). In addition, the River Hamble contains the Grace Dieu, which is a protected wreck site of archaeological and historical importance. This site will need to be taken into consideration, and any impacts assessed, when proposing to replace, relocate and/or create new mooring sites.

### **Policy DSP54: New Moorings**

**New Moorings will be permitted provided that they are located outside of the Mooring Restriction Areas, and where it can be demonstrated that they would not have an adverse impact on the Solent International Designated Sites or Sites of Archaeological and Historical Importance, in particular the Grace Dieu. Within the Mooring Restriction Areas the replacement or relocation of existing moorings will only be permitted where there are no alternative locations outside these areas and the proposal will improve navigation and the overall appearance of the area.**

## Appendix 1 Justification of Fareham Borough Strategic Gap Review Methodology

David Hares Landscape Architecture

### Fareham Borough Strategic Gap Review Methodology

#### Response to Inspector's query regarding methodology.

Fareham Borough Council has asked us to address a question raised by the Inspector during the Fareham Local Plan Part 2; Development Sites and Policies Plan Examination regarding details of the methodology used for reviewing the Strategic Gap policy area in the Fareham Gap Study.

**Inspector's Question 2.2: Is the review of Strategic Gap boundaries sufficiently robust? Have the appropriate criteria been used in the assessment. Were proposed road schemes taken into account?**

The following statement should help the inspector to understand the background to the study and that the methodology is sound and the evidence is sufficiently robust to define the boundaries of the strategic gap in Fareham.

#### Background

David Hares Landscape Architecture was commissioned in 2012 by Fareham Borough Council to review gap policy designations to assist with the preparation of its Sites Allocation and Development Management Development Plan Document (SADM DPD), which has since been renamed the Development Sites & Policies Plan. (The full brief is set out in Appendix 1 of the Fareham Gap Review and summarised on page 4 of the report).

As planning and landscape consultants we were commissioned based on our experience of preparing various landscape and land use reports for LDF's and giving evidence to planning inquiries. Specifically we have worked on landscape assessments, land capability surveys, and with a Torbay Council team on strategic site identification, Luton Borough Council on the review of their green belt boundaries, Gravesend Borough on housing site identification, and the South Downs National Park and Winchester City Council on green infrastructure plans and strategies. We have also given evidence for developers on strategic gap policies at inquiry.

#### The Brief

The brief for the Fareham Borough Gap Review(DNE05) followed on from recommendations by the Inspector in his report on the Fareham Core Strategy (20<sup>th</sup> July 2011), which supported strategic gap policy CS22 but suggested that additional criteria should be added to give clearer guidance in identifying strategic gap boundaries.

The Core Strategy Inspector (Mr M Hetherington) agreed that the Gap policy was adequately justified and said :-

***I accept the Council's argument that the broad identification of strategic gaps in the Core Strategy can play a useful role in guiding its intended review of settlement boundaries. Furthermore, and with reference to the Government's localism agenda, it is clear that there is strong local support for preventing coalescence between identified settlements. In principle therefore, the policy is adequately justified – although the detailed boundaries of the gaps themselves remain to be reviewed in the SADM DPD. The Council accepts that policy CS22 could provide clearer guidance for that review, and suggests that criteria be added in line with the PUSH Policy Framework for Gaps 13 [6.8]. I endorse this change for soundness reasons.***

The policy for strategic gaps is set out in the Adopted Core Strategy as follows:

**Policy CS22 Development in Strategic Gaps**

***Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.***

The criteria linked to the adopted policy for the definition of gaps is based on the PUSH Policy Framework for Gaps (Partnership for Urban South Hampshire 2008 [http://www.push.gov.uk/push\\_policy\\_framework\\_for\\_gaps.pdf](http://www.push.gov.uk/push_policy_framework_for_gaps.pdf)) which states:

- a) The open nature and sense of separation between settlements cannot be retained by other policy designations;***
- b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence.***
- c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.***

The brief also required the review to analyse the functionality of the strategic gaps in providing physical and visual separation between settlements, and should also consider the prevention of coalescence between settlements and urban areas within Fareham Borough and in neighbouring authorities.

The brief additionally required the re-evaluation of local gaps Policy C12 (Local Gaps) from Fareham's Local Plan Review (2000) to establish if the designation of local gaps were needed in the light of other designations.

**Approach to the Review**

**Procedure**

The initial part of the study was to look more closely at the purpose of strategic and local gaps and the evolution of these policies (Pages 5, 6, 10 to 16 of the Strategic Gap Review).

To summarise, strategic and local gaps are a planning designation which have been used in county and district planning documents for over 30 years. Strategic gap policies have been extensively used in the SE of England and have been promoted by the Partnership for Urban South Hampshire (PUSH) in their Policy Framework for Gaps 2008. The Framework identified four cross authority sub-regional gaps, two of which affect Fareham. The Meon gap, and the Fareham/Gosport and Stubbington/Lee-on-Solent strategic gaps were the primary areas to be reviewed as part of the Fareham Gap Review.

An initial meeting to refine the brief and approve the methodology of the study was held with officers from Fareham, Winchester, Gosport Borough Councils, and Hampshire County Council (some being officers on the PUSH steering group). As the review progressed separate meetings were held with the neighbouring authorities, Gosport and Winchester, to facilitate cooperation across local authority boundaries to ensure consistency of approach to gap policy boundaries.

A further meeting with adjoining local authorities and the steering group of the Fareham Gap Review was held when the draft findings were presented, to ensure that the methodology and application of the criteria was robust and the proposed gap boundaries were compatible with the adjoining areas. At this time it was accepted that the analysis and methodology for defining the Strategic gap boundaries was sound.

### **Purpose of Strategic Gaps**

Clarification of the purposes of gaps has been provided by Fareham Borough Council within the glossary to the DSP1 Development Sites and Policies Plan Publication Version

This explains that the primary purpose of strategic gaps are:

***Areas of open land/countryside between existing settlements, with the aim to protect the setting and separate identity of settlements, and to avoid coalescence; retain the existing settlement pattern by maintaining the openness of the land. The term 'strategic gaps' is generally synonymous with 'settlement gaps'.***

The principal purpose of the gap is clearly, therefore, to protect the setting and the openness of land between settlements and prevent their coalescence. Policy CS22 also refers to the integrity of the gap.

Gap designations are intended to increase the level of constraint on development, over and above the level of restraint by normal countryside policies, primarily to prevent coalescence of settlements

In addition to the primary purpose, the Push Policy Framework for Gaps also makes it clear that Gaps provide further benefits as follows:

***Gaps can have other positive aspects: in retaining open land adjacent to urban areas which can be used for new/enhanced recreation and other green infrastructure purposes.***

This is, therefore, a secondary purpose of gaps but one which Fareham Borough Council asked us to also consider in the Gap Study. In the study we have classified these as factors of green infrastructure value.

In order to review the gap policy area we sought to identify factors which contributed to both primary and secondary purposes. The two primary factors being the physical separation / prevention of coalescence and visual separation, whilst the secondary factors were the functioning of the gap in relation to providing recreation and other green infrastructure purposes.

## **Methodology**

In summary our approach to the study focussed on a survey and analysis of the countryside within the Borough and whether it met the Core Strategy Policy CS22 criteria to be designated a gap. This was firstly assessed in the field using a structured method based on the completion of a survey pro forma. Different factors which contributed both to the primary and secondary purposes of a gap were identified and recorded. This information was subsequently analysed in association with other relevant information using an analysis matrix to assess suitability of land to be included within a gap, and the broad level of functionality which the land provided in relation to the gap criteria.

In order to consider the whole of the study area in a structured way it was first subdivided into 41 sub areas. The boundaries of the sub areas were taken from the Fareham Landscape Character Assessment (undertaken by the Council in 1996), which subdivided the borough into different landscape character areas. We used these sub-areas on the premise that landscape character influenced the visual separation across the gap. It meant that there were a total of 41 sub areas considered separately in order to build up a picture of how each different part of the gap functioned in contributing to gap purposes. Each was subject to survey and analysis following a standard procedure based on the use of a pro forma.

The survey provided the data and information for the analysis of the factors by which the land parcels contributed to the primary and secondary purposes of the gap. The information gathered was used to produce analysis matrices (Appendix 4 of DNE05) which incorporated the criteria from Policy CS22. Factors influencing the primary purpose (coalescence/visual separation) as well as the secondary purpose (green infrastructure value) were included in the assessment. Evaluation of the matrices, and other relevant information was then undertaken to assess the suitability of each sub area for inclusion within the strategic gap and to assess the broad functionality which the sub-areas provided in relation to the Policy CS22 criteria.

Table 1 shows the factors considered and explains how we believe these contribute to the primary and secondary gap purposes.



**TABLE 1 showing factors considered & how they contribute to the strategic gap.**

<b>1. Prevention of coalescence: a primary consideration</b>		
<b>Factors influencing risk of coalescence</b>	<b>Relevant part of CS22 policy</b>	<b>Comment</b>
Low density of existing buildings	<b>'separating settlements at risk of coalescence.'</b>	An indicator of openness, and whether <i>cumulative development</i> is taking place
Significance of distance across gap at narrowest point	<b>'separating settlements at risk of coalescence.'</b>	A measure of physical separation between settlements
Few past planning applications	Helps define <b>'risk of coalescence'</b>	An indicator of cumulative threat of development
Coherent apparent ownership pattern	Helps define <b>'risk of coalescence'</b>	Land which is within one ownership is generally less vulnerable to cumulative / incremental development
Clearly defined coherent boundary	Defining a clear boundary helps to provide a more robust gap and maintain <b>'physical separation'</b>	E.g a permanent feature rather than a fence across an open field.
<b>2. Visual separation: a primary consideration</b>		
<b>Factors influencing visual separation</b>	<b>Relevant part of CS22 policy</b>	
Separation of areas of distinctive settlement character	<i>'defining the settlement character of the area'</i>	There need to be changes in settlement character for separation to be required
Density of vegetation screening urban edge	<i>'visual separation'</i>	Urban edge vegetation can help to contribute to visual separation
Sense of separation due to topography and density of vegetation across gap	<i>'visual separation'</i>	These are other factors which influence the visual separation across the gap.
<b>3. Green space value : a secondary consideration</b>		
<b>Factors contributing to green space value</b>	Relevant part of Push criteria only	
Levels of permitted public access	new/enhanced recreation	
Amount of recreational facilities	new/enhanced recreation	

Intactness / integrity of landscape character	other green infrastructure purposes	
Landscape designation	other green infrastructure purposes	
Scenic beauty/quality	other green infrastructure purposes	
Tranquillity	other green infrastructure purposes	
Cultural heritage / Historic association value	other green infrastructure purposes	
Nature conservation / Earth science value	other green infrastructure purposes	
Flood attenuation	other green infrastructure purposes	
Agricultural productivity	other green infrastructure purposes	
Prominence of area within wider landscape	other green infrastructure purposes	

Each of the sub areas of the study area were assessed for the factors which contributed to gap purposes. An analysis of each areas potential contribution to a gap policy area was then made and given a weighting. The analysis protocol is found at Appendix 3 of the Gap Review report (DNE05)

This was followed by a strategic assessment of how the gap might function given the disposition of settlements, the distances between them and the other primary purposes listed within policy CS22.

Areas were omitted from the Gap where it was felt that the Policy CS22 part C required that :

***'no more land than is necessary to prevent the coalescence of settlements should be included'***

The area west of the Meon Valley and south of the Warsash Road did not meet the criteria for inclusion and has been removed from the strategic gap as defined in the Fareham policies Map. In addition the local gap designations have been removed, which is consistent with the recommendations of the review and is in accordance with Policy CS22.

We consider that the method we have used for reviewing the gap has been based on a sound methodology and that the process we have followed has provided the council with a robust review of the gap, meeting the criteria for the review listed in the second part of policy CS22.

Fareham Borough Council considers that the review of the Borough's Strategic and Local Gaps has provided a robust basis on which to inform the changes made to the definition of the Strategic Gap on the Fareham Policies Map

### **Were Proposed Road Schemes Taken into Account?**

At the time of the Fareham Gap Review in 2012 there were no priority road schemes to consider although we were aware of possible future road improvements in the Stubbington area. Since then Hampshire County Council has decided to prioritise some road infrastructure improvements. Although the Fareham Gap Review did not specifically take into account the Stubbington Bypass and realignment of the southern portion of Newgate Lane we do not think these proposals would alter our recommendations for the boundary of the strategic gap in this part of the Borough. The strategic gap between Fareham and Stubbington is vital to maintain the separate identities of the two settlements and the new road improvements should not compromise this. We support the Council's request that the environmental assessment undertaken by Hampshire County Council on the alignment of the Stubbington Bypass gives careful consideration on the impacts on the Strategic Gap.

Lynnette Leeson MRTPI

David Hares Landscape Architecture      11th December 2014