

Council's position on a statement of intent or policy relating to an early Local Plan review.

This matter arose during discussions on housing need in Matter 2 and whether the Council's contribution to unmet need was sufficient at this current time. Discussions referred to the PfSH work to identify Strategic Development Opportunity Areas to meet unmet need through the upcoming Joint Strategy work.

The question was put to the Council whether it would consider adding in a policy or a statement of intent relating to an early review should the PfSH work identify the need for a greater unmet need contribution from Fareham.

Having discussed the matter of policy vs statement of intent with the legal team, our view is that a policy is not required.

The principal purpose of the local plan is to provide policies against which applications for planning permission can be assessed: the main statutory function deriving from section 70 TCPA 1990 (and the connected duty under section 38(6) PCPA 2004). Section 17(3) states that "*The local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area*" [Council emphasis underlined]. The definition of what a Local Plan is set out in the 2012 Regulations as meaning "*any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section (7)(a) of the Act these documents are prescribed as development plan documents.*"

Regulation 5 is set out overleaf:

5 Local development documents

(1) For the purposes of section 17(7)(za) of the Act the documents which are to be prepared as local development documents are-

(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following-

(i) the development and use of land which the local planning authority wish to encourage during any specified period;

(ii) the allocation of sites for a particular type of development or use;

(iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and

(iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

(b) where a document mentioned in sub-paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, any map which accompanies that document and which shows how the adopted policies map would be amended by the document, if it were adopted.

(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are-

(a) any document which-

(i) relates only to part of the area of the local planning authority;

(ii) identifies that area as an area of significant change or special conservation; and

(iii) contains the local planning authority's policies in relation to the area; and

(b) any other document which includes a site allocation policy.

Having regard to the above relevant criteria, the Council does not consider that it is appropriate to include a policy in the Local Plan which commits the council to a further review.

The NPPF does not require planning policies to commit to a further review but sets out at paragraph 33 when reviews should be carried out (reflecting the Council's statutory duty) and circumstances when a Council ought to review its policies. The absence of a policy is not considered to be inconsistent with national policy under paragraph 35(d). Given the Council decisions (both by the Executive and the Council) required to be made in accordance with local government and planning legislation as part of the review and promotion of any revisions to the Local Plan, it is considered inappropriate to commit the Council to a review process.

That said, the Council would be happy to add a Statement of Intent on Local Plan review to cover the scenario that the PfSH SDOA work concludes an additional unmet need contribution is necessary from the Borough. Given that the Council's SOCG with PfSH (FBC003 para 4.13) already says '*Should the Joint Strategy work identify sites not considered suitable for development in the Fareham Local Plan technical evidence, this would be a matter for the Local Plan review*', the Council could consider additional text to paragraph 4.5 of the Plan outlining the process of the PfSH SDOA work, its progress at the time of writing and our intention to review the Local Plan at the earliest opportunity should it conclude that there is a greater unmet need contribution which should be made.

For information, the PfSH work is slipping at least nine months behind schedule which means, as things currently stand, there would not be an outcome of the work until at least Summer 2023.

April 2022

Gayle Wootton

Fareham Borough Council