

Fareham Borough Council Local Plan Examination **Council's Response to Inspector's Matters and Issues**

Matter 1- Compliance with the Act and Regulations, the Habitats Regulations and the Public Sector Equality Duty

Duty to Cooperate

1. What strategic, cross-border matters have arisen through the preparation of the Plan and what cooperation took place to resolve them?

- 1.1 A number of cross-border, strategic matters were identified through the duty to cooperate process; housing; nature conversation; provision of infrastructure; employment; landscape; and transport.
- 1.2 Strategic cross-border matters are summarised in the Council's Statement of Compliance with the Duty to Co-operate (GEN002). This summarises the duty to cooperate process undertaken with neighbouring authorities and other prescribed bodies¹. In addition, the Council has jointly prepared a number of Statements of Common Ground with its neighbouring authorities as well as statutory bodies. The following Statements of Common Ground with neighbouring authorities are contained within the examination library:
 - Winchester City Council Statement of Common Ground (SCG001)
 - Eastleigh Borough Council Statement of Common Ground (SCG002)
 - Portsmouth City Council Statement of Common Ground (SCG003)
 - Gosport Borough Council Statement of Common ground (FBC015, superceded by FBC040)
- 1.3 The Council has also agreed a Statement of Common Ground with the other authorities within the Partnership for South Hampshire (FBC003) and as a member of PfSH is aware of and contributing to the wider PfSH SOCG workstreams, as referenced in paragraph 3.17 of the Plan.

2. Has the cooperation between neighbouring authorities been constructive and proactive?

- 2.1 Yes. All of the Statements of Common Ground (listed in Q1) which the Council has agreed with neighbouring authorities refer to the constructive nature of discussions and refer to changes made to the emerging Plan as a result of discussions. Appendix 1 of the Statement of Compliance with the Duty to Cooperate Statement (GEN003) evidences the ongoing liaison with neighbouring authorities through the Plan process, as well as a summary of the outcome. This is further evidenced in individual Statements of Common Ground. With regards to neighbouring authorities, cooperation was undertaken through bilateral discussions, as well as in a PfSH environment involving all neighbouring authorities together.

3. What specific actions were identified as a result of dialogue with neighbouring authorities? What were the outcomes and how did they shape the preparation of the Plan?

¹ section 33A(1)(c) of the Planning and Compulsory Purchase Act 2004 as Town and Country Planning (Local Planning (England) Regulations as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012.

- 3.1 Paragraph 2.5 (page 6) of the Statement of Compliance with the Duty to Cooperate (GEN003) summarises the cross-border matters that have arisen as a result of dialogue with neighbouring authorities and that are contained within the SoCGs. As members of PfSH, all four neighbouring authorities have been keen to ensure that the development of the Local Plan supports the aspirations of the partnership and the work it is undertaking, whilst supporting the advancement of individual authorities' Local Plans.
- 3.2 Constructive and proactive cooperation with neighbours can be evidenced through specific outcomes agreed with neighbours. The new Gosport Statement of Common Ground (FBC039-040) evidences the additional work on the Transport Assessment to further analyse the impacts on the peninsula undertaken in agreement with Gosport Borough Council to allay concerns and overcome an objection. Through the Duty to Cooperate process, the Council was able to provide GBC with sufficient analysis to enable them to reassure members and rescind their objection.
- 3.3 The inclusion of an unmet need contribution in the Local Plan housing requirement is a direct consequence of Duty to Cooperate engagement with Portsmouth City Council, and the formal request made following constructive Duty to Cooperate meetings. This can be found in paragraphs 3.11 to 3.13 of the Statement of Common Ground (SCG003) and is further detailed in the answer to Matter 1 question 5.
- 3.4 Paragraph 3.25 of the SoCG with Winchester City Council (SCG001) evidences the agreement between the two authorities with regards to the mitigation works proposed through the Strategic Transport Assessment for the Leafy Lane junction which is within Winchester's boundary. This cooperation led directly to the inclusion of additional text in paragraph 10.16 of the Revised Publication Local Plan.
- 3.5 Owing to the functional geography of the PfSH area, Fareham is an eastward looking location with many linkages and cross-boundary issues with neighbouring authorities in that area. Paragraphs 3.12 to 3.14 of the Statement of Common Ground (SCG002) covers the River Hamble Moorings. The River Hamble lies to the west of the Fareham Borough and forms the border for Fareham Borough Council and Eastleigh Borough Council. Both Councils support the ongoing work of the River Hamble Harbour Authority and have included policies in the Local Plans in relation to the River Hamble.
- 3.6 These examples evidence how the dialogue with neighbouring authorities has helped to shape the plan.

4. Aside from Portsmouth, have any other neighbouring authorities approached the Council with a request to accommodate unmet housing (or employment) needs?

- 4.1 The Council have been approached by both Elmbridge Borough Council and Chichester District Council with requests to accommodate unmet housing need (April 2020 and October 2021; December 2021 respectively). Both these authorities are within different housing market areas and therefore it is considered that given the level of unmet need arising from PfSH authorities, any capacity within Fareham Borough would need to meet unmet need within in the HMA first and foremost. No authority has approached the Council with a request to accommodate unmet employment needs.

5. What process did the Council follow in seeking to address unmet housing needs arising from Portsmouth? Has the process been constructive and proactive?

- 5.1 The process by which the Council taken in addressing the issue of unmet housing needs arising from neighbouring authorities is set out in the Statement of Compliance with the Duty to Co-operate (GEN003) and Portsmouth City Council Statement of Common Ground

(SCG003). The Council met with Portsmouth City Council on a number of occasions in a proactive and constructive manner to address strategic cross-boundary issues in July 2019, December 2019, February 2020, August 2020 and June 2021. During the discussions in July 2019, PCC informed the Council that it was likely to have a housing supply shortfall versus need. This was confirmed in February 2020 when PCC City Council formally requested Fareham accommodate 1,000 dwellings of its unmet need. This request was made in response to the Council's Local Plan Supplement consultation (January 2020). The City Council informed the Council in August 2020 that it was also conducting Duty to Cooperate discussions on the matter with other neighbouring authorities in the Portsmouth Housing Market Area as it recognised that the distribution of housing need is broader than the PCC and FBC authority areas and will require consideration and co-operation at the sub regional scale. PCC reiterated their request in December 2020 under the Regulation 19 consultation and in July 2021 in response to the Revised Publication Local Plan.

- 5.2 In both their July 2021 response and the SoCG signed in September 2021, Portsmouth City Council welcomed the Council's inclusion of an identified contribution to unmet need of 1000 (900 dwellings (+11% contingency)) in the Revised Publication Local Plan, with the acknowledgement of PCC's previous requests to include a contribution of 1,000 dwellings to its unmet need in the Local Plan housing supply. PCC acknowledged the contribution of 1,000 dwellings in their 2021 Regulation 18 consultation document.
- 5.3 It is considered that the process to address unmet housing need from Portsmouth has been constructive and proactive.

6. In collaboration with Partnership for South Hampshire, what process is the Council following to seek to address the unmet housing need in the sub region?

- 6.1 The Council's collaboration with PfSH on all matters is set out in the Updated Statement of Common Ground between FBC and PfSH (FBC003). The agreed position is set out in paragraph 4.9 of the SoCG. FBC is continuing to support the ongoing partnership working on housing need and unmet need being delivered through the PfSH Statement of Common Ground (FBC002).
- 6.2 PfSH is in the process of undertaking work to identify the level of unmet need within the PfSH authorities. This work, which is not yet in the public domain, is likely to identify a number of Strategic Development Opportunity Areas (SDOA's) and different development scenarios which could be selected through Local Plans to address identified unmet need in the PfSH sub-region. To date the Council has been an active party in discussions and will continue to be. However, as paragraph 3.17 of the Plan shows, this work is running behind its original schedule and the Council considered it unnecessary to delay the development of its own Plan in order to wait for the outcome of the PfSH work. With a formal request for 1,000 homes from Portsmouth City Council and awareness of the potential scale of unmet need in the sub-region, as set out in FBC022, it is considered expedient to move ahead.
- 6.3 Paragraph 4.13 of the FBC003 states that PfSH acknowledges that the unmet need position changes as other Councils prepare their plans and that Fareham's Revised Publication Local Plan has identified sufficient sites in its Borough that will allow the Plan to meet Fareham's need and make a contribution to the unmet need. PfSH recognise the contribution to unmet need and continued work in the partnership. Importantly for the examination of the submitted Plan, in that SoCG, both parties agreed that should the Joint Strategy work identify sites not considered suitable for development in this Plan, this would be a matter for the Local Plan review. The intention behind this agreement is not to hinder the progression of the submitted Plan through examination.

Statement of Community Involvement

7. Has the Plan been prepared in accordance with the Council’s Statement of Community Involvement at the relevant time and met the minimum consultation requirements in the 2012 Regulations? What evidence is there that representations submitted in response to the Draft Local Plan have been taken into account as required by Regulation 18(3)?

- 7.1 The Council considers that the Plan has been prepared in accordance with the Council’s Statement of Community Involvement (SCI) and met the minimum consultation requirements in the Regulations.
- 7.2 In accordance with the 2012 regulations, each round of consultation in relation to the Local Plan, as set out in the table below, was undertaken for a minimum of 6 weeks, with all key documents available for inspection by the public on the Council’s website and in the Civic Offices, being the Council’s principal office as set out in Regulation 35. In addition, where consultations were not impacted by Covid 19 restrictions, copies of key documents were made available in libraries, being places that the Council consider appropriate, and Council-run exhibitions across the Borough. The first Regulation 19 Consultation was impacted by Covid 19 restrictions and therefore was undertaken in accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 No 731. This meant that copies of the key consultation documents were still available on the Council’s website and at the Civic Offices by appointment, but not at libraries or exhibitions.

Table 1 – Local Plan Consultation Type

Dates of Consultation	Type of Consultation	Coronavirus Regulations 2020 applied
25 th October 2017 to 8 th December 2017	Regulation 18 Draft Plan Consultation	No
10 th June 2019 to 26 th July 2019	Regulation 18 Issues & Options Consultation	No
13 th January 2020 to 1 st March 2020	Regulation 18 Draft Local Plan Supplement Consultation	No
2 nd November 2020 to 14 th December 2020	Regulation 19 Publication Plan Consultation	Yes
18 th June 2021 to 30 th July 2021	Regulation 19 Revised Publication Plan Consultation	No

- 7.3 For each round of consultation, direct mailing was undertaken to parties on the Planning Strategy consultation database which included the bodies or persons set out in Regulations 2 and 4 of the Town and Country Planning Act 2012 regulations being general consultation bodies and specific consultation bodies as well as any individuals or organisations who wished to be kept informed of Local Plan progress.
- 7.4 The Council’s SCI sets out a range of methods and tools which could be used to engage and consult with interested parties and identifies that the approaches the Council would use depends on the needs of the groups who wish to get involved. The Council would also highlight the response to the Inspector’s initial questions which sets out how the council considers the plan has been prepared in accordance with the SCI.

7.5 Details of the methods used for each round of consultation are set out in the Regulation 22 Statement of Consultation which also provides evidence that all representations submitted in response to the Draft Local Plan consultations have been taken into account as required by Regulation 18(3). This is set out in Appendices 2 and 3 which provide a summary of each representation to the consultation and the Council's response and where appropriate set out the changes proposed to be made to address points raised.

8. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?

8.1 The Council considers that adequate opportunities were given for participants to access the Plan and other documents and to respond to the consultations. This is demonstrated in the Council's response to the Inspector's initial question 1 (FBC001) which summarises how the Plan could be accessed and commented upon during both Regulation 19 consultations, including specific reference to how the Council ensured those sections of the community without access to the internet could engage. Measures to promote the consultations included:

- Publication of a (hard copy) special edition of the Council's Fareham Today magazine, sent to all residential addresses across the borough (see page 110 of CD005 Regulation 22 Statement of Consultation)
- Direct mailing either by email (over 200) or posted letter (over 100) to parties on the Planning Strategy consultation database without an email address, or who expressed a preference for communication by letter.
- Bus stop posters across the borough.
- A1 posters on FBC poster sites in car parks. A pull-up banner in the reception of the Council's office and three A0 poster boards outside the entrance.
- Posters in 45 noticeboards across the borough.
- Community Action Team meetings and exhibitions across the borough with the exception of the first Regulation 19 consultation due to Covid restrictions (publicised in the Fareham Today magazine)
- Consultation responses accepted via online form, by email and by post.

8.2 In addition to the points summarised in the Council's earlier response, with the exception of the first Regulation 19 Consultation due to Covid 19 restrictions, key documents were made available in hard copy form at libraries across the Borough and in neighbouring Gosport. For all consultations, arrangements were made to ensure documents were available for viewing in person at the Civic Offices, including during the first Regulation 19 consultation, with appropriate safety measures put into place due to the Covid-19 restrictions. It is of note that this option was taken up as set out in the Council's response to the Inspector's initial question 1.

Sustainability Appraisal (SA)

9. Has the Plan's formulation been based on a sound process of SA in accordance with the regulations and relevant guidance, including the testing and/or consideration of reasonable alternatives for the overall strategy for growth, site allocations and all policies in the Plan?

9.1 This response has been prepared for the Council by Urban Edge Environmental Consulting Ltd ("UEEC"), an independent ecological and environmental planning consultancy which assisted the Council in producing the environmental assessments. The report author is Nicholas Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM, Director at UEEC, and a

Chartered Environmentalist with over fifteen years' professional practice in environmental planning, ecological survey and impact assessment.

9.2 Yes, the Plan's formulation has been based on a sound process of SA in accordance with the regulations and relevant guidance.

9.3 In summary the key stages of SA have comprised:

- February – March 2016: Consultation on the Scoping Report (ISLP003);
- October – December 2017: Consultation on the Regulation 18 Draft Local Plan and accompanying SA Report (ISLP004);
- January – March 2020: Consultation on the Regulation 18 Supplement to the Draft Local Plan and accompanying Interim SA Report (ISLP005);
- November – December 2020: Consultation on the Regulation 19 Publication Local Plan and accompanying SA Report (ISLP006); and
- June – July 2021: Consultation on the Regulation 19 Revised Publication Local Plan and accompanying SA Report (CD003).

9.4 The baseline evidence informing the SA was periodically updated throughout this time and re-published as part of each SA Report for each consultation, providing further opportunities for statutory consultation bodies to comment on its contents if they wished.

9.5 The assessment of reasonable alternatives for the overall strategy for growth, site allocations and Plan policies was a critical element of each iteration of the SA. In 2017 the Council identified a long list of 174 developable sites that could help to meet identified housing and employment land needs. The long-listed sites were supplied to the SA team to carry out the initial spatial and high-level assessments. This process was carried out iteratively as the Council continued to identify all potentially available sites, with the results fed back to the Council in November 2016 and January, March, June and September 2017. Alongside this, eleven reasonable alternatives for a preferred residential development strategy were devised by the Council, formed of three main options each with a series of sub-options, together with six strategic alternatives to employment development. Residential development alternative 2F and employment development alternative 6 were selected as the preferred options².

9.6 To help inform the Plan's preparation and specifically to address higher housing numbers, in January 2020 the interim SA assessed nine potential areas of growth which had been identified by the Council as possible locations for meeting the increased housing needs generated by introduction of the standard methodology. It also provided high level and detailed assessments of the additional policies and site allocations included in the Regulation 18 Supplement consultation document which had been selected to align with strategy 2F, including the Strategic Growth Areas. The interim SA included a Site Options Assessment Report presenting updated high-level assessments of all 266 potential sites listed in the Strategic Housing & Employment Land Availability Assessment at the time. This included the development allocations proposed by policies in the 2017 Draft Plan and those additional site allocations set out in the Regulation 18 Supplement consultation document.

² Preferred residential option 2F can be described as: Maximises developable sites in the urban area; Focuses on regeneration and redevelopment opportunities in Fareham Town Centre; Focuses on larger developable housing sites (typically 400-700 homes in size) that are better placed (by virtue of their scale) to achieve place making and wider benefits whilst also being distributed in different areas of the Borough; A preference towards those sites that have lower landscape sensitivity; Provides a mix of site sizes; and A preference towards urban extension sites that provide a logical extension to the existing urban area and/or a defensible urban edge for the future.

Preferred employment option 6 can be described as: Maximises developable sites in the urban area, in or adjacent to existing employment areas; A preference towards those sites that have lower landscape sensitivity; and Provides a mix of site sizes.

No additional employment sites were proposed as the existing sites were considered sufficient to meet the borough's needs.

- 9.7 In November 2020 the Publication Plan SA assessed a number of additional sites for residential development which came forward during the Supplement to the Draft Local Plan consultation earlier in 2020. All were subject to high level and, where necessary, detailed assessments, and 17 additional sites which continued to align with the preferred residential development strategy 2F were added into the Publication Plan Development Strategy. Conversely, to respond to further proposed changes to Government policy on housing need, six sites and parts of the Strategic Growth Areas which performed more adversely in sustainability terms were removed from the Publication Plan Development Strategy due to their constraints and uncertainties regarding deliverability. No additional employment sites were proposed as the existing sites were considered sufficient to meet the borough's needs.
- 9.8 Shortly before the end of consultation on the Publication Plan SA the Government decided not to progress with changes to the standard method for calculating housing need, resulting in a significant increase in the borough's annual need. The supply of allocation sites was reviewed again, alongside new sites proposed during consultation on the Publication Plan. All of these were subject to high level and, where necessary, detailed assessment as part of the SA. The results informed the selection of 14 additional allocation sites and one Broad Location for Growth which continued to align with the preferred residential development strategy 2F. On this occasion the borough's employment needs had also evolved and four new sites were selected for allocation because they aligned with the preferred employment development strategy 6 and were the highest scoring sites in sustainability terms.
- 9.9 During each iterative stage of SA the currently proposed Plan policies were also subject to high level and, where necessary, detailed assessment.

10. Are the likely environmental, social and economic effects of the Plan adequately and appropriately assessed by the SA? Is the SA adequate in terms of its assessment of the likely effects of the plan's policies and allocations; its consideration of reasonable alternatives; and its explanation of why the preferred strategy and policies were selected and others were rejected?

- 10.1 This response has been prepared for the Council by Urban Edge Environmental Consulting Ltd ("UEEC"), an independent ecological and environmental planning consultancy which assisted the Council in producing the environmental assessments. The report author is Nicholas Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM, Director at UEEC, and a Chartered Environmentalist with over fifteen years' professional practice in environmental planning, ecological survey and impact assessment.
- 10.2 Yes, the likely environmental, social and economic effects of the Plan are adequately and appropriately assessed by the SA.

Likely significant effects

- 10.3 The SA is adequate in terms of its assessment of the likely effects of the plan's policies and allocations. During the SA/SEA scoping stage (described in Chapter 3 of CD003 and equivalent sections of previous iterations) a themed series of receptors of positive or negative effects are defined. The themes incorporate the environmental receptors derived from Schedule 2(6) of the SEA Regulations: biodiversity, flora and fauna, population, human health, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), landscape and the interrelationship between

these factors. These were expanded to reflect the purpose of a SA for example through the addition of economic development, education, demographic and deprivation indicators.

10.4 In line with the requirements of the SEA regulations and methodological guidance on SEA and SA³, the assessment focused on identifying effects which were both likely and significant. Likely significant effects were identified through a four-stage process of assessment which can be summarised as follows:

- Spatial site assessment (potential site allocations only): Each potential site allocation was assessed against a range of spatial constraints data to ensure consistency in approach between the assessment of individual sites and robustness in site selection. The assessment was carried out in ArcGIS 10.7 using 53 separate geo-environmental datasets.
- High-level assessment: Undertaken for potential site allocations, strategic alternatives and policy options, the high-level assessment used the review of plans, programmes and policies and baseline data to assess each option against the SA Framework. In the case of potential site allocations, the results of the spatial site assessments were also used to inform the high-level assessment of each site option. The main function of the high-level assessment was to identify whether or not the long list of sites considered for allocation, the strategic alternatives and the policy options were likely to bring positive, negative or uncertain effects in relation to the SA Objectives. This helped identify at a strategic level whether or not the assessment required a more detailed examination or whether satisfactory conclusions could be drawn from the high-level assessment, without the need for further detailed analysis of a particular site or policy option.
- Detailed assessment: Where potential negative effects or uncertainties were identified through the high-level assessment in association with a particular policy, option or site, a secondary level of assessment was undertaken to examine the proposal in more detail. This process used Detailed Assessment Matrices, contained in the appendices to the SA Reports, to scrutinise potential negative or uncertain effects identified by the high-level assessment. Detailed Assessment Matrices addressed the range of criteria identified in Schedule 1 of the SEA Regulations when determining the likely (positive or negative) significance of effects.
- Cumulative effects assessment. Identification of cumulative and synergistic effects.

10.5 The approach described above ensures that every proposal of the plan is appraised in a rigorous and consistent manner, sifts out proposals resulting in insignificant effects, and focuses detailed analysis on the elements most likely to result in significant effects.

Reasonable alternatives

10.6 The SA is adequate in terms of its consideration of reasonable alternatives. This is discussed further under Question 9 above.

Rationale for selection and rejection

10.7 The SA is adequate in terms of its explanation of why the preferred strategy and policies were selected and others were rejected. Chapter 4 of the Revised Publication Plan SA (CD003, paragraphs 4.4.1 to 4.8.5) gives a detailed account of the way in which reasonable alternatives were derived, building on the equivalent sections of previous iterations. It includes Tables 4.3 and 4.4 which provide clear and concise reasons for the selection of

³ For example: Office of the Deputy Prime Minister (ODPM; 2005a): *A Practical Guide to the SEA Directive*. MHCLG (2015): *Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal Paragraph 013*. Reference ID: 11-013-20140306. Updated 31/12/2020.

strategic alternatives for residential and employment development, alongside the reasons for rejection of alternatives which were not preferred. The preferred alternatives are then embodied in the proposed policies.

- 10.8 The rationale for selection or rejection of potential site allocations is included at Appendix G of CD003 (and equivalent sections of previous iterations). This provides a clear audit trail for all sites considered and is expanded upon by Tables 4.5 and 4.6 of CD003 which provide the reasons for allocating additional sites proposed in the Publication and Revised Public Local Plans.

Habitats Regulations Assessment

11. Is the Plan legally compliant with respect to the Habitats Regulations⁴ and Habitats Directive, as interpreted by recent case law⁵, and any requirement for appropriate assessment? Does the Habitats Regulations Assessment (HRA), ensure compliance? Are further main modifications to the Plan necessary to ensure it would not have any likely significant impacts in the light of the HRA?

- 11.1 This response has been prepared for the Council by Urban Edge Environmental Consulting Ltd (“UEEC”), an independent ecological and environmental planning consultancy which assisted the Council in producing the environmental assessments. The report author is Nicholas Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM, Director at UEEC, and a Chartered Environmentalist with over fifteen years’ professional practice in environmental planning, ecological survey and impact assessment.

Application of the Regulations, Directive and case law

- 11.2 Yes, the Plan is legally compliant with respect to the Habitats Regulations and Habitats Directive, as interpreted by recent case law. An HRA has been undertaken during preparation of the Local Plan and has been published alongside each main stage of consultation on the Plan including:
- October – December 2017: Consultation on the Regulation 18 Draft Local Plan and accompanying HRA Screening Report (ISLP007);
 - November – December 2020: Consultation on the Regulation 19 Publication Local Plan and accompanying HRA Report (ISLP008); and
 - June – July 2021: Consultation on the Regulation 19 Revised Publication Local Plan and accompanying HRA Report (CD004).
- 11.3 At each stage of its production the HRA has been updated to reflect recent changes in the evidence base, guidance, legislation or case law, including the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, and judgements from the Court of Justice of the European Union including *People Over Wind* and the Dutch nitrogen case⁶. No reliance has been placed on mitigation measures at the screening stage.

⁴ Conservation of Habitats and Species Regulations 2017

⁵ *People over Wind & Sweetman v Coillte Teoranta* C-323/17

⁶ Joined Cases C-293/17 and C-294/17, CJEU (2018): *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others*.

Legal compliance and main modifications

- 11.4 Yes, the HRA ensures compliance with the Habitats Regulations. The Council has a Statement of Common Ground with Natural England where it has been agreed by both parties that the HRA accompanying the Plan is legally compliant having been prepared in accordance with the relevant legislation (Paragraph 5.9 of the SCG006).
- 11.5 The Council does not consider any further main modifications are necessary to the plan to ensure it would not have any likely significant or adverse effects on the relevant designated sites. The Council would like to draw the Inspector's attention to Policy NE1 which will not permit development that is identified as having a potential adverse impact on designated sites. In addition, Policy TIN4 Infrastructure Delivery, requires development (excluding householder applications) to provide and contribute towards the delivery of other mitigation, to mitigate the impacts of the development. Paragraph 10.29 in the supporting text makes clear that other mitigation, other than infrastructure, and including financial contributions, may be required to make the development acceptable. Policy TIN4 is designed to be flexible to react to any future impact pathways that may arise throughout the lifetime of the plan ensuring there is a policy provision to require appropriate mitigation if required. However, it is recognised that HRA is an iterative process and in response to the representation made by Natural England to the Revised Regulation 19 Publication Plan consultation, slight changes to the HRA are considered necessary to reflect that all net new overnight accommodation within 15km of the New Forest may cause recreational disturbance impacts to the New Forest SPA/SAC/Ramsar.
- 11.6 The following sections in the HRA (CD004) are proposed to be amended to ensure the HRA has fully considered the recreational disturbance impacts to the New Forest issue:
- Table 5.1 on incorporated mitigation measures will be updated to show how the Council's Interim New Forest Mitigation Scheme (FBC018) can be secured by existing proposed policy TIN4 Infrastructure Delivery, and to make it clear that it will apply all proposals resulting in an increase in overnight accommodation within 13.8km of the New Forest designated sites (noting that proposals within 13.8km to 15km will need to screen the impact into the project-level HRA and provide mitigation if an adverse effect on integrity is identified);
 - Paragraphs 6.4.16 to 6.4.22: general updates to reflect the existing situation as regards the New Forest, and latest updates to the evidence base;
 - In particular, at paragraph 6.4.19 references to “large developments of around 200 or more dwellings” will be deleted and replaced with “all net new overnight accommodation”;
 - Paragraphs 7.4.7 and 7.5.7 will be amended to show the source of strategic disturbance impacts as now including all proposals resulting in an increase in overnight accommodation within 15km of the New Forest;
 - Tables 7.3 and 7.4: references to “large developments of around 200 or more dwellings” will be deleted and replaced with “all net new overnight accommodation”; and
 - Equivalent changes to be made to HRA Appendix II (screening matrix) and any other sections referring to overnight accommodation in addition to dwellings.

11.7 The proposed changes would ensure the Plan is legally compliant with the Habitats Regulations in respect to its contribution to the New Forest recreational disturbance impact pathway. However, it is recognised that HRA is an iterative process and further updates to the HRA (CD004) may be required to account for any further changes arising from the examination process.

12. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the plan?

12.1 This response has been prepared for the Council by Urban Edge Environmental Consulting Ltd (“UEEC”), an independent ecological and environmental planning consultancy which assisted the Council in producing the environmental assessments. The report author is Nicholas Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM, Director at UEEC, and a Chartered Environmentalist with over fifteen years’ professional practice in environmental planning, ecological survey and impact assessment.

12.2 Yes, the requirement for SEA has been met. The Regulation 18 Draft Local Plan SA (ISLP004), Regulation 19 Publication Local Plan SA (ISLP006), and the Regulation 19 Revised Publication Local Plan SA (CD003) all included the full requirements for an Environmental Report under the SEA Regulations⁷. All three reports include a checklist at Appendix A showing how the requirements of the SEA Regulations have been met.

12.3 The cumulative effects of the Plan were assessed by each of these iterative stages and are presented at section 6.15 of each report.

Local Development Scheme

13. Has the Plan been prepared in accordance with the Council’s Local Development Scheme?

13.1 The Council considers that the Plan has been prepared in accordance with the Local Development Scheme (LDS). The Local Plan preparation period was extensive and therefore as it progressed, timetables changed. In order that the LDS reflected the changes to the Local Plan preparation timetable, the Council ensured the LDS was updated appropriately and in a timely manner, with each update approved by the Council’s Executive. The updates were made in accordance with the table below and were undertaken ahead of consultation periods where an update was required to ensure the Plan’s preparation was in compliance.

Table 2 – Local Plan Consultation Dates

Update	Consultation	Consultation Dates
July 2017	18 Draft Local Plan	Oct – Dec 2017
March 2019	18 Issues & Options	Jun – Jul 2019
	18 Draft Local Plan Supplement	Jan – Mar 2020
August 2020	19 Publication Plan	Nov – Dec 2020
June 2021	19 Revised Publication Plan	Jun – Jul 2021

13.2 The Council ensured each update to the LDS was published on the Council’s website, to enable interested parties to keep track of the progress of Local Plan preparation.

⁷ Environmental Assessment of Plans and Programmes Regulations 2004.

Equality Impact Assessment and Public Sector Equality Duty ('PSED')

14. In what way does the plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

- 14.1 The Plan seeks to ensure that due regard is had to the aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic by following a formal process of completing an Equalities Impact Assessment (GEN004). One of the duties relates to 'advancing equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it' and the Plan achieves this through a number of policies such as those on accessibility standards (HP7) and older persons housing (HP8). For each protected characteristic, an assessment has been made as to how the Plan contributes towards this characteristic in meeting the three main duties set out in the Equality Act 2010. All plan policies have been subjected to individual assessment, and, where necessary, adjustment, in order to promote better equality. The EqIA sets out the process and outcomes in detail. Furthermore, the PSED is a general duty that the Council apply to decision making regardless.
- 14.2 The conclusion of the EqIA highlights that policies in the Plan will mostly make positive and neutral contributions towards achieving the aims of the PSED, particularly the age, disability and race characteristics. For example, in respect of the disability protected characteristic the Plan makes a positive contribution through the inclusion of policies HP7, NE9, TIN, the IDP (the list is not exhaustive). Policy HP7 supports adaptable and accessible housing provision which will have a positive effect on housing quality for people with disabilities. It is therefore considered that the Plan has had due regard to the three main duties of the Equality Act 2010.

15. Is the Equality Impact Assessment of the Plan robust? Does it demonstrate whether the policies and allocations of the Plan would have any negative effects on people with protected characteristics in Fareham? Are further mitigation measures required?

- 15.1 The Equalities Impact Assessment (EqIA) - Revised (GEN004) of the Plan is robust. As stated in the Council's response to the Inspectors Initial Questions (INSP001) the Council actively sought advice from the Council's lead officer responsible for equalities in the preparation of the Plan. The equalities officer has knowledge and experience of equalities issues and acted as a critical friend in supporting the Council's compliance with the Public Sector Equality Duty (PSED). The EqIA demonstrates that the Plan has been prepared with due regard to the Public Sector Equality Duty.
- 15.2 The EqIA demonstrates that policies including the housing allocations in the Plan would not have a negative impact on people with protected characteristics. The Council consider that there are a number of policies that mitigate potential negative impacts and therefore make a neutral or positive contribution to the PSED. For example, policy NE8 (Air Quality) ensures that development does not negatively impact on people with long term health problems by including mitigation in relation to the impact of speculative development proposals on air quality such as the requirement for EV charging points and contributing toward the Council's Air Quality Action Plan. In the Council's assessment of the 'age' characteristic the Plan makes a positive contribution through the retention of older persons and specialist housing in Policy HP8 and the allocation of sites for sheltered housing in policies HA42, HA43 and HA44 in the Plan. The EqIA, particularly the conclusion, highlights that that the Plan would have positive and neutral contributions on people with protected characteristics in Fareham.
- 15.3 The Council considers no further mitigation measures are required.