

**Fareham Local Plan 2037
Revised**

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

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Prepared on behalf of Raymond Brown Rookery Properties

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1.0 **Introduction**

- 1.1 This Statement has been prepared by Southern Planning Practice Ltd on behalf of Raymond Brown Rookery Properties who own land at Rookery Farm, Botley Road, Swanwick which was allocated for residential development in the Supplement to the Draft Local Plan in January 2020; however, it was subsequently removed as an allocation from the Regulation 19 Submission Version of the Local Plan. This Statement is prepared in response to the Inspector's Matters, Issues and Questions.
- 1.2 It is pertinent to note that representations have been made on behalf of our client, Raymond Brown Rookery Properties throughout the preparation of the emerging Local Plan. Whilst this statement is not a duplication of the contents of representations previously submitted to the emerging Local Plan, this statement draws on previous responses where necessary. We would like to highlight that all of our comments made in our December 2020 representations to the Regulation 19 version of the Local Plan as well as our July 2021 to the Revised Regulation 19 version of the Plan are still relevant and should be considered as part of the Examination.
- 1.3 These representations respond to the Inspector's questions within Matter 1 - Compliance with the Act and Regulations, the Habitats Regulations and the Public Sector Equality Duty. This Statement does not respond to all of the questions raised under Matter 1 as most are procedural and directed at the Council.
- 1.4 The answers to the Inspector's questions have been considered in the context of the tests of 'soundness' as required by paragraph 35 of the National Planning Policy Framework (NPPF).
- 1.5 This Examination Statement focuses on two of the subject areas under Matter 1; Section 2 addresses the Duty to Cooperate and Section 3 the Sustainability Appraisal. The statement has been prepared to assist the Inspector in seeking to answer the questions posed under Matter of the Inspector's Matters, Issues and Questions.



2.0 Duty to Co-Operate

- 2.1 The questions posed by the Inspector in respect of this matter are primarily directed to the Council regarding the procedures that the Council has followed under the Duty to Co-operate. It is noted that relevant issues are also raised under Matter 3 - Housing Need and Supply and in particular questions 3, 4, 5, 6 and 7.
- 2.2 The Inspector's questions relating to Matter 3 go to the very core of whether Fareham has properly responded to the requirements of the Duty to Co-operate and it is intended to address these concerns under that Matter in detail.
- 2.3 The main strategic, cross-border matter which has arisen through the preparation of the Local Plan is the Duty to Co-operate on the housing need and supply in the sub-region. In particular, the need to accommodate unmet housing need arising from neighbouring authorities.
- 2.4 It is clear from the post-submission SOCG between Fareham Borough Council and PFSH which was updated in October 2021 (FBC003) to include an updated position on unmet need, that the position on unmet need in the sub region is worsening. It is pertinent to note that in the updated SOCG, based on standardised plan periods of 2021-2036, there is a predicted shortfall in the region of some 13,000 homes across the sub-region, compared to 10,750 homes in the 2020 SOCG. The previous figure of 10,750 homes is also included in the Local Plan.
- 2.5 PFSH has also sought to identify any key strategic issues and suggest solutions to ensure cooperation between neighbouring local authorities. Portsmouth City Council wrote to Fareham Borough Council during the Local Plan preparation to request 1,000 homes to be included within the housing requirement of the Local Plan to help meet Portsmouth's unmet need which was both constructive and proactive. However, in the Revised Local Plan, Fareham have only included 900 dwellings in the total housing requirement to contribute to the unmet need of neighbouring authorities when in reality the need is far greater. Therefore, the cooperation from Fareham Borough Council to meet neighbouring unmet needs has not been overly proactive, more reactive and the requested level of homes to help meet Portsmouth's unmet need have not been appropriately or positively planned for. The housing requirement will be discussed in more detail in response to the following questions as well as



being focused on in our responses to the Inspector's Questions in Matter 3 (Housing Need and Supply).

- 2.6 It is understood from the documents within the Examination Library and previous reviews of the Local Plan evidence base that Portsmouth City Council were the only neighbouring authority to directly approach Fareham Borough Council with a request to provide additional housing in their Local Plan to accommodate unmet housing needs arising from the city. However, whilst direct requests have not been made, neighbouring authorities have looked to PfSH to help find a strategy to accommodate unmet need. Gosport Borough Council have acknowledged this in their SOCG with Fareham Borough Council. Paragraph 3.9 confirms *“GBC has highlighted these figures to PfSH as part of the ongoing study and has not requested any single local authority to meet its unmet need until such times as the PfSH evidence has been reported. GBC recognise that the distribution of housing need is broader than the GBC and FBC authority areas and will require consideration and co-operation at the sub regional scale.”*
- 2.7 It should be noted that in the updated SOCG between PfSH and Fareham Borough Council (October 2021), based on standardised plan periods of 2021-2036, there is a predicted shortfall in the region of some 13,000 homes across the sub-region, compared to 10,750 homes in the 2020 SOCG.
- 2.8 Whilst it is acknowledged that the Local Plan has come ahead of the PfSH work on Strategic Development Opportunity Areas, given the increase in unmet need in the sub-region, Fareham's housing requirement should look to be flexible to seek to accommodate a greater share of this shortfall. As such, Fareham, as one of the more unconstrained districts in the PfSH area, must look to increase the housing requirement over the plan period to accommodate additional unmet housing need arising from neighbouring authorities. The Local Plan's housing requirement will be discussed in more detail in our responses to the Inspector's questions set out in Matter 3.
- 2.9 It is contended that notwithstanding procedures in place by Fareham to undertake its Duty to Co-operate with neighbouring authorities and PfSH, the Council has actually failed to meet its Duty to Co-operate in terms of the amount of housing it has added to its housing numbers as a contribution to unmet need in neighbouring authorities.



2.10 The Duty to Co-operate is addressed in more detail in response to Matter 3.

3.0 Sustainability Appraisal

3.1 These comments are primarily based on the Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 (Sustainability Report for the Revised Publication Local Plan) (May 2021) (SA), being the document that relates to the most recent version of the draft Local Plan. This document is CD003.

3.2 The PPG provides guidance on Strategic environmental assessment and sustainability appraisals in relation to plan development.

The PPG is clear that in terms of responsibility:

The local planning authority is responsible for ensuring that the sustainability appraisal has been carried out in accordance with the relevant planning and environmental assessment legislation.

Paragraph: 010 Reference ID: 11-010-20140306

Revision date: 06 03 2014

3.3 The questions posed by the Inspector are therefore primarily directed to the Council but on behalf of Raymond Brown Rookery Properties Ltd, we wish to raise concerns that the process has not been thorough, transparent and detailed at every stage; it is not clear how and why some proposed allocations have been included and justified, particularly at this final stage and how they have been assessed.

3.4 Many of the concerns interrelate to the selected Development Strategy and whether all of the selected sites accord with the Development Strategy, which are addressed separately in response to that Matter. Further concerns are raised in respect of a number of specific site allocations and again there is an interrelationship between the submitted representations and further statements submitted in respect of those sites.



- 3.5 In response to the Inspector's questions under 9 and 10, the principal concerns we wish to raise addresses whether the SA is 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. Our consideration is primarily directed to the selection and assessment of sites for allocation for residential development.
- 3.6 First in the High Level Assessments under the Strategic Housing Options there is no clear explanation of why particular sites were included or excluded in the individual options (Table 4.3 on page 30 relating to initial 2017 Plan and Appendix H). One example is ID 46 Rookery Farm which was only included in Option 2C but not in any of the other options, all of which supposedly focus on brownfield land.
- 3.7 Paragraph 1.2.3 of the SA repeats the spatial development strategy for the Local Plan and bullet point 4 confirms the strategy for development allocations on previously developed land where available. The bullet point in full states:
Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas.
- 3.8 All the Strategic Housing Options tested, from which Option 2F was selected, indicate that they focus on previously developed land. However, it is not explained or justified why the various options, including the selected Option 2F, did not include the main opportunities for including previously developed land, such as ID46 Rookery Farm.
- 3.9 The second concern relates to the lack of thorough assessment and justification for the selection of sites in terms of landscape impact.
- 3.10 The SA at para 4.5.8 states that residential option 2F has been adopted, one of the reasons for which is a *preference towards those sites that have lower landscape sensitivity*. However, in the final selection of allocated sites and which are now being proposed for allocation, there are a number of sites which are very sensitive in landscape terms, including HA55 Land South of Longfield Avenue and HA56 Land West of Downend Road.



- 3.11 Table 4.6 simply states in respect of both these sites that the reasons for allocation are:
Falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F.
- 3.12 Both sites are further considered at paragraphs 6.6.3 (Downend Road sites) and 5.6.7 (Land South of Longfield Avenue) and in respect of both harmful landscape impact is identified. It is not justified that such sites are suitable for allocation when measured against the SA objectives in terms of a preference towards those sites that have lower landscape sensitivity (4.5.8). Furthermore, in respect of Land South of Longfield Avenue, there is scant regard to the fact that the site lies within a Strategic Gap and no assessment of the impact in this regard.
- 3.13 It is also noted that paragraph 4.5.8 of the SA does not fully reflect Table 4.3 and the reasons set out for the selection of Option 2F.

These reasons include:

- ‘ maximise brownfield development’ and
- ‘ prioritise Cranleigh Road/ Romsey Avenue over Downend Road thereby reducing overall greenfield development at Porchester.

- 3.14 However the way in which the Local Plan has developed and further sites allocated, including the introduction of HA56 Land at Downend Road, simply does not reflect the Residential Option Selected. In addition, there is no robust analysis of the process and an assessment of the impact of the sites selected and those discounted and whether they accord with the selected strategy.
- 3.15 Two site examples illustrate this:

ID 46 Rookery Farm –

This site is previously developed land and was added to the preferred Residential Strategy 2F in the Supplement to the Draft Local Plan which was consulted on between January and March 2020. Paragraph 4.6.7 of the SA states



Within the 'Land around Swanwick Station' potential area for growth, site 46 Rookery Farm, Sarisbury was considered the only additional site not currently allocated which provided opportunity for sustainable development. Given that the indicative residential yield for site 46 is 150 dwellings (at the time of consultation), it was deemed more appropriate to take this forward as an individual site allocation as opposed to designating the whole potential area for growth as an SGA. Site 46 met the criteria for detailed assessment (section 2.3.4) and this was undertaken and provided as an appendix to the Interim SA report¹⁴.

However, Site ID46 was then dropped at the Publication Stage when the Council attempted to reduce its numbers significantly. There is no reasoned justification for this, particularly as it is previously developed land and a site which the SA concludes provides an opportunity for sustainable development.

- 3.16 Even more critically when the Local Plan was further amended at the Revised Publication Stage a number of greenfield sites were added in (such as HA55 (ID3153) Land south of Longfield Avenue and HA56 (ID 3009) Land West of Downend Road) and others that had been previously added and then excluded were not further included (for example ID46 Rookery Farm). Yet there is no detailed and thorough assessment of how these new greenfield sites would accord with selected Development Strategy 2F; simply a high level statement that they are in alignment with the Strategy in Table 4.6.
- 3.17 In terms of the reasons for rejecting ID46 in Appendix G (Reasons for Site Selection/Rejection) these reasons are not valid in terms of the site having been seen as being previously worthy of allocation and in terms of the reasons for allocating the site in the Supplement to the Draft Plan in January 2020. Furthermore, the process is not transparent as the reasons given for selecting HA56 Land at Downend Road (ID3009) is simply stated *Selected – Suitable Site*.
- 3.18 The above points are limited examples but demonstrate and in direct response to the Inspector's questions that the SA is NOT 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.