



FAREHAM BOROUGH LOCAL PLAN 2037

Hearing Statement

Written Statement relating to Matter 12
Climate Change, Design and Historic Environment

Prepared on behalf of Persimmon Homes (South Coast)



February, 2022

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of Persimmon Homes (South Coast) in response to the Revised Publication Fareham Local Plan (CDC001). Our client previously made representations to the Publication Local Plan in December 2020 and also to the Revised Publication Local Plan in July 2021.
- 1.2 Persimmon Homes have land interests within Fareham Borough and in particular at the edge of Stubbington which includes (but is not limited to) the site south of Oakcroft Lane (Site HA54) which was recently granted planning permission on appeal.
- 1.3 This statement has been prepared in accordance with the prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF), July 2021 and the Planning Practice Guidance (PPG). It expands on our client's previous representations and argues that several of the climate change and design policies are not 'sound' as currently drafted as they are unjustified and/or inconsistent with national planning policy and guidance.
- 1.4 Paris Smith LLP, on behalf of Persimmon Homes (South Coast) wish to take a full and active part in the Hearing to be held on Tuesday 5th April 2022 in relation to Matter 12 (Climate Change, Design and Historic Environment).

2. POLICY CC1- CLIMATE CHANGE

1. Are the requirements of the policy clearly articulated and would it be effective? How would this policy be applied in practice? Would it be clear to a developer what is required? Does it overlap with other policies of the plan?

- 2.1 We consider that the way in which Policy CC1 is drafted makes it unclear how it is intended to be implemented. For example, is the policy focussed on guiding the Council's actions in relation to their own activities, or is it intended to place expectations on private sector development within the Borough? If it is the latter, the nature of the expectations and how these can be met would need to be clarified.
- 2.2 We would be content for this policy to be reframed so that it supports and encourages good sustainability practice in all development. However, as currently drafted, we are concerned at how this could be interpreted by Officers in the course of evaluating planning applications and at the potential for statements such as "*exceeding building regulations*"¹ to be misinterpreted as a policy requirement.

3. POLICY CC2 MANAGING FLOOD RISK AND SUSTAINABLE DRAINAGE SYSTEMS.

3. Is the policy clear in explaining which developments will be required to incorporate Suds? How would this be assessed? Will this be appropriate in all cases and in all locations? How does it accord with paragraph 169 of the Framework?

- 3.1 Policy CC2 is not clear on which developments will be required to incorporate SuDs and so the policy does not accord with paragraph 169 of the NPPF, which clearly refers to '*major developments*'. It is also the case that paragraph 169 of the NPPF provides for an exception where there is evidence that SuDs would be inappropriate in a particular case. We consider that Policy CC2 should be revised to accord with this element of national planning policy.

¹ See part e) of Policy CC1.

4. Are the criteria i to iv of the policy consistent with paragraph 169 of the Framework? Should reference be made to the provision of multi-functional benefits where possible?

- 3.2 Criterion i. states that SuDs shall be designed “*in accordance with the CIRIA C753 SuDs Manual or equivalent national or local guidance*”. We consider that this goes beyond national planning policy and is not justified. Whilst the CIRIA SuDs Manual is recognised as best practice, there are various situations where it may be appropriate for the design of SuDs not to follow the CIRIA guidance fully in all areas, as long as there is a good reason for this deviation from the guidance. This should be reflected in Policy CC2 criterion i. which should be revised as follows:

“i. They are designed ~~in accordance with~~ taking account of the CIRIA C753 SuDs Manual or equivalent national or local guidance; and”

4. POLICY D1 HIGH QUALITY DESIGN AND PLACE MAKING

10. Is the Policy consistent with the Framework and effective?

- 4.1 Policy D1 is not consistent with national planning policy in that it does not focus on setting a clear design vision and expectations, but rather focuses inappropriately on matters of detail that would be better left to a design guide or design code SPD. The policy does this mainly by cross-referring to paragraphs 11.5 to 11.27 of the supporting text, which effectively imports this text into the policy itself. At the very least, this reference to supporting text should be removed from the policy. Further, and to achieve consistency with paragraphs 127 and 128 of the NPPF, we consider that paragraphs 11.5 to 11.27 of the supporting text should also be removed and replaced with a commitment to prepare appropriate design guidance or code(s) in consultation with the local community and the development industry.

5. POLICY D3 COORDINATION OF DEVELOPMENT AND PIECEMEAL PROPOSALS

13. Is it clear how development proposals seeking to evade infrastructure will be identified? How will the maximisation of the use of a site be assessed? Is the policy effective?

- 5.1 This policy is based on Policy DSP4 in the adopted Development Sites and Policies DPD. However, Policy D3 seeks to go significantly further than Policy DSP4 in ways that are unjustified and which duplicate other parts of the Revised Publication Local Plan. We are particularly concerned at how individual applications would be able to sufficiently demonstrate to the Council how their proposals will avoid prejudicing the appropriate development of the adjoining site(s).
- 5.2 The second paragraph of Policy D3 mirrors the existing adopted policy (DSP4) in expecting applicants for schemes on sites forming part of larger sites to enter into a legal agreement. Whilst, we appreciate that the Council wants to ensure coordination of larger development schemes, we are concerned as to how this could be achieved through a legal agreement and what would happen if a third party refused to enter into an agreement. Based on the existing Policy DSP4, is the Council able to demonstrate how this approach has worked in the past to allow smaller schemes on larger sites to come forward? In the absence of and clear evidence on how this approach would work in practice, we are concerned that this policy simply increases the level of uncertainty and risk for applicants and does not facilitate the delivery of much-needed new homes in the Borough.
- 5.3 Policy D3 also strays into areas covered by other parts of the local plan in seeking to ensure that development will maximise connectivity, permeability and efficiency opportunities and address mitigation and infrastructure needs relating to the wider development. These areas are covered by Policies D3 and TIN4 respectively.

- 5.4 The final paragraph of Policy D3 is also concerning as it is unclear how it could be demonstrated to the Council that an application is not seeking to evade infrastructure provision and is fully maximising the use of the site. There are potential inconsistencies here between this part of Policy D3 and the design principles set out in Policy D1 and the need to ensure good environmental conditions set out in Policy D2. We consider that the final paragraph of this policy should be deleted.

6. POLICY D5 INTERNAL SPACE STANDARDS.

15. Is this policy supported by robust evidence? How have need and viability been assessed?

- 6.1 Our client made some detailed points about this policy in their representations to the Publication Local Plan in December 2020. We would like to elaborate further on a few points here. The evidence base for Policy D5 is set out within the Specialist Housing Background Paper (HOP003). Whilst this did consider a sample of recently permitted schemes and one scheme under consideration, almost all of the schemes selected were found to be meeting the nationally described space standards. With regard to the few schemes where there were dwellings below these standards, this applied to only a small number of dwellings in each case. Further, we do not consider that the scheme under consideration (reference 02/20) should have been included as the Council had not resolved to permit that development and indeed, went on to refuse the application (which was later permitted on appeal). Once scheme 02/20 is removed, there is scant evidence of any need to impose this set of space standards.
- 6.2 We also note that no evidence has been provided on the effect of Policy D5 on meeting the demand for starter homes in the Borough. Therefore, the policy is not consistent with the first bullet point of the relevant Planning Practice Guidance (PPG).²
- 6.3 The viability considerations took the form of using the nationally described space standards as a basis for the viability appraisals carried out in the 2019 Viability Assessment (VIA001). Whilst this meets the first part of the second bullet point in paragraph 20 of the PPG, no consideration was given by FBC, or by their viability consultants, of the impacts of Policy D5 on the affordability of new homes.
- 6.4 Finally, FBC summarily dismissed any notion that a transition period should be introduced to ensure that applicants and developers had time to adjust to the impacts of the new internal space standards. The only reason provided for denying a transition period is the conclusion that the policy would not impact on viability. This misses the point made in the third bullet point of h 20the PPG (paragraph 20), that there will be a cost to developers to comply with this policy (even if this does not amount to a viability issue) and as such, at least some time would be reasonable to adjust to the introduction of this change. For example, applications that are being prepared at the time that the new local plan is adopted may need to be revised with new viability work undertaken. This may well delay planning applications for much-needed new homes in Fareham. Therefore, if Policy D5 remains in the local plan, we consider that a transition period of a minimum of one year after adoption of the local plan would be required to allow for this adjustment without unnecessarily delaying planning applications.
- 6.5 Overall, we consider that Policy D5 is neither justified nor is it consistent with relevant Planning Practice Guidance and, in the absence of additional robust evidence, it should be deleted from the local plan. If the policy does remain in the local plan, we urge that a reasonable transition period is provided to facilitate adjustment to the new space standards.

² Paragraph: 020 Reference ID: 56-020-20150327