

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

## **Matter 2 Development Strategy (Strategic Policies DS1-3)**

### **1. Does the development strategy in the Fareham Local Plan reflect the vision and strategic priorities set out in the plan?**

- 1.1 The development strategy is set out in paragraphs 3.6- 3.18 and the vision and strategic priorities are set out in para 2.10 and 2.12 respectively of the Plan. The two are linked where appropriate, for example the vision talks about meeting the housing and employment need, which is referenced in para 3.16, and also describes the retention of settlement identity which is included in paragraph 3.10 of the Development Strategy. The strategic priorities are also linked to the development strategy, such as the importance of town centres, creating places that encourage healthy lifestyles and protecting and enhancing the Borough's valued landscapes (referenced in paragraphs 3.15, 3.12 and 3.9). It is therefore considered that the development strategy is the spatial expression of the vision and strategic priorities.

### **2. Is the development strategy for the location and nature of development in Fareham, justified as the most appropriate strategy for the sustainable development of the borough, when considered against the reasonable alternatives? What alternative strategies were considered by the Council in terms of the options for the spatial distribution of development and why were these rejected?**

- 2.1 Paragraph 20 of the Framework states the strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and the definition of justified in the Framework's glossary is 'an appropriate strategy'. There is a difference between an appropriate strategy and the most appropriate strategy. That said, the Sustainability Appraisal (CD003) considered reasonable alternatives (section 4.4, pages 26-37) and alighted on the development strategy focussing on realistic regeneration sites in the town centre and at other brownfield sites in the Borough, greenfield clusters and a spread of urban fringe sites across the Borough, as set out in paragraph 3.21 of the Plan.
- 2.2 Other reasonable alternatives (options 1A, 1B, 2A-E, 3A-C in the Sustainability Appraisal) demonstrate the other alternatives considered and the reasons for discounting.

## ***Settlement Boundaries***

### **3. What is the justification for defining settlement boundaries?**

- 3.1 Settlement boundaries have historically been used by the Council and have been updated in the Settlement Boundary Review Background Paper (DS002) to inform the Plan's development strategy. Settlement boundaries are an appropriate and proven effective policy tool enabling the correct application of relevant policies in the Plan and is an appropriate response to the presumption in favour of sustainable development for plan making (paragraph 11(a) 2021 Framework) by promoting a "sustainable pattern of development". They are also in line with the 2021 Framework in that they protect settlement character.

- 3.2 Settlement boundaries are currently used to assess planning applications through Policy CS6 of the Adopted Local Plan. The Plan distinguishes between the countryside and urban areas using settlement boundaries (referred to in the Plan and shown on the Policies Map as “Urban Area Boundary”), the principle of which is set out in Policy DS1 and illustrated on the Policies Map (CD002). Furthermore, several policies (HP1, HP2, HP3, HP4, HP6, HP8 and HP9) in the Plan refer to the Urban Area boundary, and therefore the use of settlement boundaries is required to assess speculative planning applications.
- 3.3 There is a presumption in favour of development within settlement boundaries (Policy HP1), whereas outside of settlement boundaries, development will not normally be permitted other than in the circumstances set out in policies related to the countryside (Policy DS1). They prevent unplanned expansion of settlements, ensuring development is located in the most sustainable locations in line with the spatial strategy, and protecting sensitive areas from excessive or inappropriate development which is highlighted in para 3.31 of the Plan. Settlement boundaries offers certainty for those involved in the planning process and in particular local residents and are clearly shown on the Policies Map (CD002).

**4. Has the approach to reviewing and defining boundaries followed a robust process?**

- 4.1 The Council is satisfied that the settlement boundaries proposed in the Plan are well-reasoned and justified by the methodology set out in the Settlement Boundary Review Background Paper (DS002). Consultation took place on the Background Paper during the 2017 Regulation 18 draft Plan, the 2020 Regulation 19 Publication Local Plan and the 2021 Regulation 19 Revised Publication Local Plan consultations. Chapter 4 of DS002 sets out the approach for reviewing and defining boundaries and the principles and criteria for undertaking the review which have been applied consistently throughout the borough. In addition, Appendix 1 of DS002, provides detailed maps of the full range of amendments to the settlement boundaries.
- 4.2 The initial stage in the detailed review of the settlement boundaries involved a review of growth that had occurred due to implemented planning permissions since the Local Plan Review 2000. There were a number of factors considered in the assessment of the borough settlement boundaries that are set out in para 4.4, page 6 of DS002. This includes taking account of the growth that has occurred since settlement boundaries were last defined. It is also worth highlighting that factors a and g) allows for a common sense approach to the drawing of boundaries along defined physical features such as walls, hedges, roads etc.
- 4.3 In combination, the factors outlined in Chapter 4 of the Settlement Boundary Review methodology have enabled the settlement boundaries to be redefined and expanded in order to deliver the growth identified in the Plan’s development strategy. The revised boundaries ensure that the different forms and characters of the settlements are respected, and that new development is well-related, which has been used as a tool to assess a number of appeals in the borough, including recently at Land at Newgate Lane (para 16, APP/A1720/W/20/3252180).

**5. Will the settlement boundaries, combined with other policies and allocations, enable the Plan to meet the need for housing and employment whilst providing sufficient flexibility to adapt to change?**

- 5.1 By accommodating allocated sites, that have defensible boundaries, to meet the borough’s housing and employment requirement, and excluding land which is otherwise part of the countryside and not required to those needs, the settlement boundaries are positively

prepared. They are consistent with the NPPF in achieving sustainable development (Chapter 2), supporting growth in defined locations to ensure the needs of the borough are met whilst taking account of the different roles and characters of areas (Para 9) and recognising the intrinsic character and beauty of the countryside (Para 174b). They offer increased certainty over the location of development and provide stronger protection for the surrounding countryside, i.e. the Council have already taken allocations into the urban area where they have defensible boundaries to demonstrate the acceptability of the principle of development.

- 5.2 Representations have been submitted that the proposed settlement boundaries have been drawn too tightly, precluding sustainable development and constraining growth and insufficient to allow for the delivery of district's future housing requirements. As stated above, the boundaries have been drawn to include existing housing and employment commitments and the proposed allocations that have defensible boundaries in the Plan in order to demonstrate the acceptability of the principle of development. There are a number of allocations that haven't been included because of the lack of defensible boundary e.g., HA55. It is the Council's intention to review these boundaries for the next Local Plan.
- 5.3 The Plan's development strategy is to promote development in the urban area where possible, and therefore manage development more appropriately outside the urban area. The aim of the policies referenced in Matter 2, question 3 is to manage appropriate types and levels of development where a need has been demonstrated amongst other policy criteria. Should development proposals come forward outside of the urban area, there are a range of policies that would determine their suitability, such as DS1 which is positively prepared and supports development herein, HP1, HP2 which supports residential development outside of the urban area and E5 which allows for intensification of land for employment uses in the Existing Employment Areas. Furthermore, if housing delivery falls behind the Council's 5-year housing requirement Policy HP4 would be applied to developments to allow the appropriate release of land outside the urban area boundaries to address the housing shortfall. The Council considers that the revised settlement boundaries proposed are sufficient to meet the Plan housing and employment requirements for the plan period sought by paragraph 61 of the NPPF whilst balancing the need to protect the countryside. Their use is justified, effective and consistent with national policy in enabling the delivery of sustainable development and the development strategy of the Plan, whilst respecting and protecting the countryside around the settlements.

### ***Strategic Policy DS1 – Development in the Countryside***

#### **6. Is the approach to development in the countryside justified, effective and consistent with national policy supporting a prosperous rural economy?**

- 6.1 The starting point for this policy is paragraph 174 of the Framework which requires that planning policies should contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside' as referenced in paragraph 3.30 of the Plan. DS1 is a strategic policy in response to paragraph 20 of the Framework helping to set out the overall strategy for the pattern and scale of development in the Borough. Paragraph 11a of the Framework requires plans to make effective use of land in urban areas and, read as a whole, the Framework makes a distinction with rural areas where more restrictive policies on development can be applied.
- 6.2 As a strategic policy, Policy DS1 importantly provides the policy link to the settlement boundaries, as shown on the Policies map, and provides the criteria through which development would be permitted, in line with paragraph 84 of the Framework. Criteria a-h

provide links to other policies in the Plan which provide more detail on development form, etc, but, for example, criterion e establishes the policy framework for residential development outside the defined urban areas. Similarly, criterion f provides the framework for determining applications for employment use outside of the urban areas.

- 6.3 As explored in Matter 4 question 1, the Council does not consider that the Borough is a rural area, specifically a designated rural area as defined in the glossary of the Framework. However, recognising the semi-rural nature of part of the Borough, the Council considers that policy DS1 is supportive of a prosperous rural economy by setting out what forms of development would be considered acceptable, including the re-use of previously developed land, retail, leisure or tourism uses where there is a need, additional or replacement buildings in educational establishments, of which the Borough benefits from several outside of the defined urban areas, and employment use, either on existing employment areas (with reference to policy E5) or new employment use to re-use redundant or derelict structures.
- 6.4 Therefore, the Council considers that policy DS1 is in line with paragraph 84 of the Framework.

**7. Is the requirement for development to be on previously developed land in criteria b) too restrictive?**

- 7.1 Criteria b of DS1 provides support for development outside of the urban areas on previously developed land which is appropriate for the proposed use. This is in line with paragraph 85 of the Framework which suggests that the use of previously developed land should be encourage where suitable opportunities exist, and with Chapter 11 which supports the effective use of land, and specifically paragraph 119 requiring strategic policies to set out ways to maximise the use of previously developed land.
- 7.2 It is considered that the policy is in line with the Framework and in no way, too restrictive.

**8. Criteria i) – m) apply to all proposals but criteria a)-h) are mutually exclusive. Is the policy effective in this regard?**

- 8.1 It is considered that the use of the word ‘or’ at the end of criterion a-g and the use of the word ‘and’ at the end of criterion i-l makes the policy clear is how it should be read. This has been tested through consultation and with Development Management Officers who will be utilising this policy on a daily basis once the Plan is adopted. Although it is recognised as one of the more strategic policies in the plan, and by its nature complex, it is considered that the policy is carefully worded and effective.

**9.Criteria e) and f) link to the housing and employment development policies. Is there potential for conflict between these policies and unintended development in the countryside?**

- 9.1 DS1 is a strategic policy in response to paragraph 20 of the Framework helping to set out the overall strategy for the pattern and scale of development in the Borough. Both criterion e and f link to other policies in the Plan which establish the detailed policies to be applied to applications.
- 9.2 For example, together policies HP1, HP2, HP4, HP5, HP6 and HP11 set out that residential development would be acceptable in the borough outside of urban areas where it is linked to a conversion or replacement dwelling, of a small scale, for affordable housing, on an exception site, for Gypsies, Travellers and Travelling Showpeople, or where the Council cannot demonstrate a five year housing land supply.

- 9.3 Criterion f similarly provides detail of the situations through which employment development would be deemed acceptable outside of the urban areas.
- 9.4 It is not considered that there is potential for conflict between these criteria and unintended development, more that the policies would be applied to determine whether the development could be deemed suitable or not, outside of the specific site allocations in the Plan. In all cases, compliance with the Framework's requirement to recognise the intrinsic character and beauty of the countryside.

**10.Is it clear to decision-makers, developers and local communities how proposals should demonstrate the requirement for a location outside of an urban area?**

- 10.1 Given the strategic nature of the policy, and the vast array of potential applications that could be determined in accordance with it, it is not considered that a comprehensive guide to decision-makers, developers and local communities could be provided in the supporting text of the Plan. Several examples of potential uses are provided in paragraph 3.32 including in the leisure and tourism sector and for community uses such as cemeteries.
- 10.2 Instead, it is considered that the words 'proposals will need to demonstrate that they require a location outside of the urban area' provides sufficient clarity that the onus is on the applicant to provide evidence that the location is essential to the use proposed.

**11.Is the requirement that proposals should not be on best and most versatile agricultural land in criteria m) consistent with the Framework?**

- 11.1 Paragraph 174b of the Framework requires planning policies to recognise the intrinsic character and beauty of the countryside including the economic and other benefits of the best of most versatile agricultural land, as defined in the glossary. Criterion m is consistent with this paragraph in that proposals for development in the countryside would need to demonstrate that they are not on best and most versatile land, which by application, affords protections to those areas of land, as explained in paragraph 3.35 of the Plan.

***Strategic Policy DS2 – Development in Strategic Gaps.***

**12.Has the Technical Review of the Strategic Gaps followed a robust process? Are the boundaries identified appropriate and justified?**

- 12.1 There is no set methodology for reviewing Strategic Gaps and the Technical Review has applied a robust and extremely thorough method reviewing this existing policy designation. This policy has been applied in the Borough since the 2000 Plan and aligns with the Countryside Gap policy of the Partnership for South Hampshire Joint Strategy (2016) (see paragraph 2.2.10 of NE008). The boundaries are reviewed with each iteration of the Local Plan, and this review follows the methodology used by previous reviews, such as that of David Hare in 2012 and the Fareham Landscape Character Assessment 2017, and in comparison, with that used in other Local Plans, namely Eastleigh and Basingstoke.
- 12.2 The methodology for the review is a robust process and is set out on pages 18-25 of DS003. A first filter was applied to the study area based on the definition of a gap as designated countryside between identifiable settlement edges (para 35 of DS003), development pressure was then considered and then tested against a series of measures including physical and visual separation and the ability of the development to bring with it green infrastructure to ameliorate any harm. Paragraph 38 of DS003 states that, while there is no prescribed minimum width for Strategic Gaps, the determining of an appropriate width is

location specific and is based on the overall identity of the countryside (based on a number of measures) within the gap; the location of key routes through the gap and the clarity of the settlement edges, although distances lower than 400m between settlement boundaries would be of concern, whilst gap distances between 600-1.8m appears to be a good average range in the Borough that enable most users of key routes through the 'gap' to have sufficient time to experience the sense leaving a settlement, travelling through a distinct countryside space before joining another settlement. This experience of travelling through the gap conforms to the principals of legibility (or wayfinding). To have a distinct identity Strategic Gaps should generally have an absence of built form, feel tranquil and have a sense of leaving a settlement, travelling through a tract of countryside before entering a different settlement. Each segment of strategic gap (taken from the Landscape Character Areas) is scored against these measures, and these are presented in appendix 5 of the report.

- 12.3 The Technical Review has been used as evidence by the Council since publication in planning appeals to defend refusals for speculative applications in the Fareham-Stubbington Strategic Gap. In both cases, harm to the strategic gap was concluded (see paragraph 34 of Appeal Decision for APP/A1720/W/20 3252180 and 3252185, examination library reference FBC030, and paragraph 33 of Appeal Decision for APP/J1725/W/20/3265860 and 3269030, examination library reference FBC030a).
- 12.4 Turning to the boundaries themselves, the report justifies the boundaries which broadly align with the existing boundaries of the adopted Plan with three notable differences which are already proposed in the submitted Plan;
- The boundary to the north of HA54 is redrawn to follow the road, Oakcroft Lane – this is justified in paragraph 8, page 98 of DS003
  - There is a minor change around HMS Collingwood – again, justified in paragraph 11, page 108 of DS003
  - There is an expansion of the Strategic Gap south of Funtley -justified in paragraph 7, page 89 of DS003
- 12.5 The Council has noted that paragraph 3.46 incorrectly states that no changes have been made to the Strategic Gap between Fareham and Stubbington. This is proposed as a minor change to reflect the alteration at HA54, and HMS Collingwood noted above.
- 12.6 The Council therefore consider the methodology followed to be robust, resulting in justified and appropriate boundaries.

### **Strategic Policy DS3 – Landscape**

#### **13.Is the identification of Areas of Special Landscape Quality (ASLQ) justified, effective and consistent with national policy, in particular paragraph 174 of the Framework?**

- 13.1 The Framework makes a clear commitment to conserving and enhancing the natural environment, including landscape, and recognises that it has a key role to play in the achievement of sustainable development. This is set out in paragraph 174 of the Framework which states that “Planning policies and decisions should contribute to and enhance the natural and local environment.” The Framework advises that valued landscapes should be protected “*in a manner commensurate with their statutory status or identified quality in the development plan*”, underlining the purpose of the Technical Review. Planning Practice Guidance (Paragraph: 036 Reference ID: 8-036-20190721), states that policies should provide for the conservation and enhancement of landscapes, and that this can include

nationally and locally designated landscapes but also the wider countryside. The Framework offers no guidance on how to identify landscapes where local designation would be appropriate but does suggest that valued landscapes can be identified in Local Plans.

- 13.2 The previous adopted plan of 2000 aimed to protect the distinctive character and sense of place of the remaining countryside within the borough, based upon the fourteen predominantly rural Landscape Character Areas identified within the Fareham Landscape Assessment 1996. In addition, the 2000 Local Plan also contained policy C9 which specifically sought to protect six areas of distinctive character, known as Areas of Special Landscape Character (ASLC): Upper Hamble Valley, Lower Hamble Valley, Hook Valley, Meon Valley, Forest of Bere and Portsdown Hill. These areas were identified within the 1996 Landscape Assessment as those considered of particular value for their scenic quality and other valued attributes, based on criteria agreed jointly with the County Councils and other Hampshire authorities. The current adopted Fareham Local Plan (Parts 1, 2 and 3) has now replaced the policies of the 2000 Local Plan and did not include a local landscape designation, relying instead on countryside policies which apply across all of the land outside of the 'defined urban settlement boundaries' (DUSB) and do not have any specific designated areas attached to them.
- 13.3 One important driver for the designation of ASLQs in the submitted Plan is the Council's experience of two planning appeal decisions which demonstrated how the argument of valued landscapes could help to determine planning decisions. Both decisions were on sites located in the Lower Meon Valley (Land west of Old Street, Stubbington (APP/A1720/W/18/3200409) and Land east of Posbrook Lane, Titchfield (APP/A1720/W/18/3199119)) and the Inspectors recognised the high-quality of the landscape concluding themselves that the Lower Meon is a valued landscape. With this in mind and specifically wishing to address paragraph 174a of the Framework, which provides for valued landscapes to be identified in a development plan, the Council proposed the designation of valued landscapes as part of the Draft Local Plan Update consultation (Issues and Options) in the summer of 2019 (page 12, Draft Local Plan Update (FBC025)) and commissioned the Landscape Advice Service at Hampshire County Council, to undertake a technical review to inform proposed areas of special landscape quality. The areas and their boundaries were reviewed against the landscape character areas defined in the Landscape Character Assessment (2017) (DS001), and current national thinking on valued landscapes, being tested through Local Plan examinations and planning appeals.
- 13.4 The Framework offers no guidance on how to identify landscapes where local designation would be appropriate, and Natural England encourages a landscape character based 'all-landscapes' approach rather than designation. Therefore, in terms of the approach taken, the Technical Review, undertaken during March to July 2020, reviewed recent relevant documents and developed an appropriate and concise methodology for determining Areas of Special Landscape Quality (or ASLQ), based primarily on criteria from the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3), Box. 5.1, supported by other examples of good practice and case law. This was considered to be a robust approach to justify the ASLQ designations in line with Paragraph 174a of the Framework. The designation of ASLQs does not devalue the intrinsic beauty of the countryside, all areas of the borough can have landscape value, but the plan is seeking to identify the most valued, which directly aligns to the methodology of selecting those areas with good match to GLVIA criteria, and not those with a partial match (see the Council's response to Natter 2 Question 14). The Landscape Assessment (insert ref) identified sensitivities in each Local Character Area.

**14. Has the Technical Review of ASLQ followed a robust process? Are the boundaries identified appropriate and justified?**

- 14.1 The justification for the policy is set out in Matter 2 Question 13. Although the Framework states that valued landscapes should be protected *'in a manner commensurate with their statutory status or identified quality in the development plan'*, it does not define valued landscapes, nor does it offer guidance on how to assess and identify these areas. The methodology for the Technical Review (DS003) adopted a three stage assessment, primarily based on the GLVIA3 Box 5.1 criteria referred to above, as set out in figure 1.3 on page 15, which has become a widely accepted method of identifying 'valued landscapes'.
- 14.2 The Review focussed on the borough's fourteen Landscape Character Areas (LCAs) as identified in the DS001 Fareham Landscape Assessment (LDA 2017). This was carried out through desk-top studies followed by field surveys. It started by looking at how closely each of the LCAs matched this set of criteria. There were then a further two stages of refinement, the methodology for which is set out on pages 16-17 of the Technical Review. Therefore, the boundaries have been identified through/derived by a robust process, have been available for consultation twice and are appropriate and justified. Representations were received on the proposed ASLQ boundaries, some in support and some requesting changes. However, as set out above, the boundaries are based on a robust approach and justifications have been provided in our Regulation 22 Statement of Consultation (CD005).

**15. Is it clear to decision makers, developers, and the local community what schemes are defined as major development proposals? Is the policy and supporting text effective in explaining the landscape assessment requirements for non-major developments?**

- 15.1 Yes, the term major development is defined in the glossary of the Plan and the Framework as being development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).
- 15.2 In terms of non-major development, it is considered that the policy is clear that points a) to g) refer to all development proposals in the countryside regardless of scale and references the Framework's requirement at paragraph 174, for planning policies and decisions to recognise the intrinsic character and beauty of the countryside (not restricted to 'valued landscapes'). The requirement to provide a comprehensive landscaping mitigation and enhancement scheme is an additional requirement for all major development proposals. The supporting text at paragraph 3.57 of the Plan requires a proportionate Landscape Assessment for development proposals within the ASLQs, regardless of scale. It is considered that this text is clear on the requirements for non-major developments.

**16. As the criteria in the policy are based on the Guidelines for Landscape and Visual Impact Assessment, should the supporting text in para 3.57 clarify that a Landscape and Visual Impact Assessment would be required, not simply a Landscape Assessment?**

- 16.1 A Landscape Assessment is considered a more flexible term than a Landscape and Visual Impact Assessment (LVIA) and therefore, it could include a LVIA. The supporting text at paragraph 3.57 does say that the Landscape Assessment should be proportionate and



dependent on the Council's Landscape Sensitivity Assessment for the character area in which the development would be located.

**17. What is the justification for landscaping schemes to be 'in accordance' with the Council's Landscape Sensitivity Assessment? Is this a development plan document?**

- 17.1 As the Council's Landscape Sensitivity Assessment is not a DPD, the Council suggests that 'in accordance' could be changed to 'have regard to' as a minor change to the policy.