



# FAREHAM BOROUGH LOCAL PLAN 2037

## Hearing Statement

### Written Statement relating to Matter 2

#### Development Strategy

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Prepared on behalf of Persimmon Homes (South Coast)



February, 2022

## 1 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our client Persimmon Homes (South Coast), in response to the Revised Publication Fareham Local Plan (CD001). Our client previously made representations to the Publication Local Plan in December 2020 and also to the Revised Publication Local Plan in June 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 the proposed development strategy is not considered to be justified in light of how the evidence base has been used to inform policies. There are concerns as to the effectiveness of policy throughout the duration of the plan-period and its ability to meet Fareham's housing and development needs. The proposed local plan is not considered consistent with national policy in that it goes far beyond the requirements of paragraph 174 in providing an excessive level of protection to areas through the transposition of broad and indicative evidence base data directly into policy. The draft local plan is not in accordance with paragraph 85 of the NPPF in that there is clear potential to exploit opportunities to make well-related edge of settlement areas more sustainable which are impeded by the inappropriate delineation of strategic gaps and the application of an unnecessarily excessive landscape protection policy. These draft policies in their current form create a significant barrier to Fareham being able to meet its need for housing and infrastructure over the plan-period.
- 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 8th March 2022 (PM) in relation to Matter 2 (Development Strategy, Landscape and Strategic Gaps).

## 2 POLICIES DS1 TO 3

### ***Q1. Does the development strategy in the Fareham Local Plan reflect the vision and strategic priorities set out in the plan?***

- 2.1 No. Strategic Priority 2 concerns countryside and landscape assets. The first part of this priority seeks to maximise development within the urban area, which is in accordance with national policy. However, the second part, which seeks to protect settlement definition is not fully reflected by the development strategy, as Policy DS2 informs the delineation of a strategic gap in the areas such as the west of Stubbington and west of the newly constructed Stubbington Bypass (see our answer to Question 12 below). These areas do not serve a purpose in preserving settlement definition and preventing the coalescence of existing settlements. The Vision also repeats this commitment by advocating measures to retain the identity of individual settlements within the borough. Again, it is considered that the proposed extent of the strategic gap goes beyond what is required to do this and in turn hinders the prospect of delivering the Council's vision of accommodating development to address the need for new homes and employment space, which is also the main focus of Strategic Priority 1.
- 2.2 Strategic Priority 2 states; '**In the first instance** maximise development within the urban areas and **away from the wider countryside** (our emphasis). 'In the first instance' suggests a sequential approach in which the focus of development should be considered, thereby seeing development outside of the settlement boundary as being a priority in the latter instance thereafter. But given the expansive and constrictive arrangement of the proposed strategic gaps, we consider that this objective would be difficult to deliver. We note also that the strategic priority uses the term 'wider countryside'. Whilst 'wider countryside' is considered to be an ambiguous term. We are led to assume that this wouldn't include the areas which abut existing

settlement boundaries which can potentially be considered sustainable locations for development.

### 3 STRATEGIC POLICY DS1 – DEVELOPMENT IN THE COUNTRYSIDE

***Q6. Is the approach to development in the countryside justified, effective and consistent with national policy supporting a prosperous rural economy?***

- 3.1 Paragraph 85 of the NPPF requires planning policies to recognise that sites to meet community needs in rural areas may have to be found adjacent to or beyond existing settlements and to exploit any opportunity to make a location more sustainable. The NPPF also encourages the use of sites that are physically well-related to existing settlements and that this should be encouraged where a suitable opportunity exists.
- 3.2 Schools serve a critical role in supporting the wellbeing and needs of communities, particularly in rural areas. Criterion d) is well-intentioned to provide flexibility in order to improve or maintain the standards within existing educational facilities. However, this criterion falls short of facilitating opportunities to maximise the benefits provided by an educational facility in a strategic sense, particularly when such a clear opportunity exists to be exploited in Stubbington.
- 3.3 Persimmon Homes (South Coast) made clear in their representations submitted in December 2020 as part of the Publication Local Plan consultation (CD007) that there are concerns relating to criterion d) in that it is too limited and unnecessarily restricted to existing educational sites. Persimmon Homes are working with Meoncross School in Stubbington to facilitate improvements to constrained parking arrangements over the short term. However, there is a clear recognition that, beyond the above minor improvements, the School does not have the space to expand further. Therefore, consideration is being made of the potential to relocate the school and to include it as part of a potential sustainable development site at Cuckoo Lane, adjacent to the west of the defined settlement boundary to Stubbington.
- 3.4 This site lies both within the proposed strategic gap and Area of Special Landscape Quality (ASQL) designations, as commented on in response to Questions 12, 13 and 14 below. The potential to exploit any opportunities to provide a more sustainable location for both the school and for additional housing, in accordance with paragraph 85 of the NPPF (2021), needs to be taken into account in light of the discussions between Persimmon Homes and Meoncross School. This acknowledged position should be fully realised and criterion d) amended as to support and facilitate this potential.

### 4 STRATEGIC POLICY DS2 – DEVELOPMENT IN STRATEGIC GAPS

***Q12. Has the Technical Review of the Strategic Gaps followed a robust process? Are the boundaries identified appropriate and justified?***

- 4.1 The supporting text relating to Strategic Policy DS2, namely paragraphs 3.43 – 3.45 (CD001), recognise the importance of strategic gaps and their primary purpose preventing coalescence of settlements and helping to maintain distinct community identities. Reference to strategic gaps specifically as mechanisms to prevent settlement coalescence is absent within the NPPF, although the concept of these gaps is broadly consistent with NPPF and it is clear how Fareham's proposed strategy is attempting to apply this based on a long-standing use of this policy mechanism over the past few decades.
- 4.2 We consider that the process in which the designation and delineation of these gaps are proposed within the plan appears to inappropriately rely heavily on factors which are addressed elsewhere in the plan. The methodology applied in forming these gap designations derives from the Technical Review of Areas of Special Landscape Quality and Strategic Gaps 2020 produced by Hampshire CC (DS003). As part of its methodology the Technical Review adopts 'primary measures' of physical and visual separation which apply a general rule, and therefore an assumption, that these gaps should be free from urban development, particularly residential development. However, the methodology also applies secondary measures, being 'Green Infrastructure Provision' and how this influences the purpose and quality of a strategic gap. It

is these secondary measures which are considered to go beyond what is appropriate and necessary to inform the delineation of a gap designation.

- 4.3 Draft Policy NE9 specifically addresses Green Infrastructure (GI) which explicitly encourages development proposals to provide and integrate GI provision. We believe that the relationship between the methodology which considers GI provision (secondary measures) to inform delineation of gap boundaries and the draft policy requirement for development to provide GI to be fully integrated needs to be reviewed and revised to ensure that the extent of strategic gaps is no greater than it needs to be given their primary purpose.
- 4.4 There are two delineated areas which designate strategic gaps as shown on the policies map (CD002) and specified by Draft Policy DS2, these being 1) Fareham / Stubbington and the Western Wards (Meon Gap); and 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap). Persimmon Homes have interests in areas covered by both of these designations and we summarise below the implications of each in turn.

#### The Fareham/ Stubbington Gap

- 4.5 This covers an area which was once proposed within the Reg 18 local plan consultation as a potential 'strategic growth area' (SGA) located to the south of the Stubbington Bypass to accommodate development needs. Given the clear willingness of FBC to see the boundary of the strategic gap moved to the logical defensible position demarked by the Stubbington Bypass, it is surprising that the delineated boundaries are now proposed so close to the existing settlement boundary of Stubbington, preventing much-needed development from coming forward. We consider that since it was previously deemed by FBC appropriate to accommodate growth between the bypass and Stubbington, then this solution to meeting housing needs should logically be revisited and explored further in light of our arguments elsewhere in the statements that insufficient new housing is planned for over the plan period.
- 4.6 It is also surprising that the Draft Policies Map (CD002) does not show the alignment of the Stubbington Bypass, which lies within the strategic gap, even though the road is in its final stages of construction and close to completion.
- 4.7 The alignment of the bypass cuts through the southern part of the strategic gap and has now made a significant change to the existing landscape character of the area although this has yet to be fully assessed. Whilst the bypass has inevitably harmed the openness and tranquillity of the strategic gap, its presence does provide a clear opportunity to delineate the gap at its southern end, maintaining a clear physical and visual separation between Fareham and Stubbington.
- 4.8 The Technical Review (DS003) states clearly in Chapter 4 (paragraph 13, page 109) that "it is strongly recommended that once the road [the Stubbington bypass] is fully operational that a review of the relevant Landscape Character Areas are carried out". In light of the advanced, and near-finished stage of the bypass it is considered that such a review of the landscape character within this section of the gap is required.
- 4.9 Paragraph 10 (Page 108) of the Technical Review accepts there are opportunities for development to be absorbed within the edges of the gap, "*subject to scale and future detailed design without compromising its function combined with **mitigation measures that can support GI enhancement***". Our emphasis here reverts back to the point made above that GI enhancements can appropriately be provided as part of any relevant proposed scheme in accordance with Draft Policy NE9. We stress therefore that there is no need whatsoever to rely on secondary measures (GI) to inform the delineation of the strategic gaps when this is adequately covered by a separate draft policy (NE9).
- 4.10 The approach adopted by the Technical Review is based upon two key sources of evidence (Chapter 2 Paragraph 17, Page 31), one of which is the PUSH Spatial Position Statement 2016 (DS005). The same position statement was used as part of the recent examination of neighbouring Eastleigh Borough Council's Local Plan. In that instance, the Inspector summarised, through post-hearing advice in April 2020, that when delineating gap boundaries, the following would be considered an appropriate approach:

- i) **gaps should not include more land than is necessary to prevent the coalescence of settlements** and;
  - ii) land to be included should perform an important role in defining settlement character and separating **settlements at risk of coalescence**. (our emphasis).
- 4.11 This minimum land-take principle should be considered in Fareham's case and in light of the opportunity to accommodate much-needed growth, particularly within areas to the south and west of the newly constructed bypass, while ensuring effective GI provision is fully integrated in accordance with Draft Policy NE9.
- The Meon Gap
- 4.12 This gap extends from the south, west of Hill Head, and broadly tracks the River Meon valley alignment, which forms part of the proposed Area of Special Landscape Quality (Draft Policy DS3). The gap then extends north where it provides separation between Titchfield and Heathfield (Fareham) settlement areas.
- 4.13 Following the Eastleigh Local Plan Planning Inspector's recent view on the delineation of strategic gaps, it is considered that the southern part of this gap would not be considered an appropriate area to designate. This section of the gap does not perform its role in preventing the coalescence of settlement character as there is no settlement beyond the gap to the west, other than Warsash, which is approximately 5km further to the west. There is clearly no risk of coalescence of settlements here, given the significant distances involved. Therefore, the delineation of the gap boundaries is considered to include much more land than is necessary to prevent coalescence and this cannot be considered an appropriate approach to delineation of the gap. Furthermore, the Meon valley area is already subject to a number of policies which ensure it is afforded the requisite level of protection from development. This includes the designation of areas to protect landscape and habitats covered by Draft Policies DS3 and NE1 respectively. The southern section of this gap, particularly the western fringes of the Stubbington settlement area, is not considered necessary for the Meon Valley Strategic Gap to perform its function and should be removed.
- 4.14 Overall the general approach by FBC to delineating strategic gaps is demonstratively over constrictive. During much of the period since the adoption of the Fareham Core Strategy in 2011, FBC has been unable to demonstrate sufficient housing land supply. The extent of the strategic gap delineation has, in our view contributed to an overly constrictive approach to development in sustainable locations at the settlement edges. The current delineation of strategic gaps, as shown on the Draft Policies Map (CD002) cannot therefore be considered effective throughout the plan period, nor justified in that it doesn't follow an appropriate strategy or take into account reasonable alternatives.

## 5 STRATEGIC POLICY DS3 – LANDSCAPE

### ***Q13. Is the identification of Areas of Special Landscape Quality (ASLQ) justified, effective and consistent with national policy, in particular paragraph 174 of the Framework?***

- 5.1 The draft policy recognises the potential for development proposals to add value to and enhance the intrinsic character and beauty of the countryside and is not considered restrictive in this sense.
- 5.2 The provision of an ASLQ is a new insertion into the development plan regime for Fareham. Its need and extent are considered unnecessary in light of the Council's successful record in defending Appeal decisions on landscape grounds within the proposed ASLQ, even before it was proposed. The proposed ASLQ (Draft Policy DS3) is informed by the Technical Review of Areas of Special Landscape Quality and Strategic Gaps 2020 produced by Hampshire CC (DS003). Figure 3.2 of this sets out criteria to which landscape value is scored, with areas scoring a 'good' or 'high' match being considered eligible as being part of the proposed ASLQ.
- 5.3 We consider there to be a need to review the broad application of and delineation of the ASLQ as it may be considered superfluous and seeks to impose protections beyond the measures

envisaged by the NPPF, which seeks to protect 'valued' landscapes of intrinsic character and beauty. While some areas identified within the ASLQ could potentially meet this description, the broad application of the ASLQ is considered to include areas which may not meet the NPPF criteria, particularly areas which abut settlements and highly trafficked highway routes. It is not considered an appropriate approach to simply transpose the indicative overview of a broad landscape character assessment into a restrictive local plan policy. It is considered ineffective, unjustified and not consistent with national policy.

***Q14. Has the Technical Review of ASLQ followed a robust process? Are the boundaries identified appropriate and justified?***

- 5.4 Figure 3.2 of the Technical Review (DS003) sets out criteria to which landscape value is scored, with areas scoring a 'good' or 'high' match being considered eligible to form part of the proposed ASLQ.
- 5.5 The area within the ASLQ which abuts the settlement boundary of Stubbington and primary routes, such as Titchfield Road (B3334), is assessed and characterised under 06.1C within the Technical Review as a 'good match' and is described as having relatively high scenic quality and condition with some detracting influences which do not generally intrude. However, we consider it questionable as to the how these areas are judged as a 'good match' given the various urban fringe intrusive features within this area such as the plant nursery and the equestrian uses.
- 5.6 We consider that these areas, which abut the west of Stubbington should be excluded from the ASLQ, since including them would is not considered justified in light of the evidence available evidence. These areas could reasonably be regarded as 'good but unexceptional' in the scale used by the Technical Review and should fall into the 'fair match' category and are therefore scoped out of the ASLQ delineation.
- 5.7 The overall approach adopted by Draft Policy DS3 is considered ineffective, unjustified and not consistent with national policy. An alternative approach can be to continue as before without a defined ASLQ area. Recent experience shows that this approach was just as effective in protecting the higher quality landscapes based on the Council's successful record of defending refusals at Appeal for applications within these areas.