

FAREHAM LOCAL PLAN 2037

MATTER 2:

DEVELOPMENT STRATEGY (INCORPORATING LANDSCAPE AND STRATEGIC GAPS)

STRATEGIC POLICIES DS1-3

ON BEHALF OF:

BARGATE HOMES

OLD STREET, STUBBINGTON

Pegasus Group

Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT
T: 01285 641717 | www.pegasusgroup.co.uk

Birmingham | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

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1. MATTER 2 – DEVELOPMENT STRATEGY (INCORPORATING LANDSCAPE AND STRATEGIC GAPS) (STRATEGIC POLICIES DS1-3)

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

1.1.1 The Fareham Local Plan 2037 Vision includes:

"...THE BOROUGH WILL ACCOMMODATE DEVELOPMENT TO ADDRESS THE NEED FOR NEW HOMES AND EMPLOYMENT SPACE IN FAREHAM BOROUGH. THE NEW HOUSING WILL ADDRESS THE PARTICULAR NEEDS IN THE BOROUGH, SUCH AS OUR GROWING HOUSING NEED AND AN AGEING POPULATION AND CREATING ATTRACTIVE PLACES TO LIVE...."

1.1.2 This is reflected in the Strategic Priorities:

"1. Address the housing and employment needs by the end of the plan period in an appropriate and sustainable manner, creating places people want to live or where businesses want to locate."

As confirmed in our Statement regarding Matter 3 Housing Needs and Supply, the Development Strategy does not meet the housing needs of the Borough by

- Failing to meet affordable housing needs;
- Failing to appropriately address the unmet needs of neighbouring authorities in the sub-region;
- Failing to address the severe and persistent backlog in housing delivery in the Borough, and;
- Perpetuating under-delivery in the short term by proposing a stepped housing requirement which is back-loaded to the latter part of the plan period, thereby failing to meet the Council's annual housing requirement in the short term which will worsen housing delivery.

1.1.3 Paragraphs 3.15 and 3.16 of the plan state:

"3.15 That said, the need to find sustainable locations for development that are accessible to local facilities and services runs throughout the Local Plan and the revised Development Strategy. Each growth scenario, each potential development area and then each site considered for development has been assessed against the sustainability objectives set by the Council in the Sustainability Appraisal.

"3.16 The final important factor that has influenced this proposed Development Strategy is the need to find sufficient suitable, available and achievable sites in order to meet the housing and employment need and to provide certainty to residents and businesses that the Council is working within a plan-led system for development that should not be undermined by speculative, unsuitable and unsustainable development. To do this, the Council needs to meet the requirements of the NPPF in terms of housing numbers and employment floorspace, and provide sufficient contingency within those numbers to avoid losing control of development management should sites fail to deliver as expected."

Paragraph 3.21 of the plan proposes that the development strategy includes provision for at least 9,556 new dwellings including at least 961 new dwellings in Fareham Town Centre. We have commented in our Statements on Matters 1 and 3 that the plan will fail to meet the housing needs of the area and that no housing completions can be expected or relied upon from the Site BL1 Fareham Town Centre allocation. In these circumstances, there is a need for the plan to allocate further sites for housing development.

In this context, our client's site west of Old Street, Stubbington (SHELAA ID: 31) should be allocated for the development of about 75 dwellings to help meet the area's housing needs. As set out in our representations on the Revised Publication Local Plan in July 2021, the site can be delivered as a sustainable extension to the settlement of Stubbington.

1.2 **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?**

1.2.1 See comments on Question 1 above.

Settlement Boundaries

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

1.3.1 No comment.

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

1.4.1 Settlement boundaries should be further reviewed to acknowledge planning permissions for housing development which have been granted by the Planning Inspectorate and which are not taken into account by the submitted plan including, but not limited to:

- Land East of Newgate Lane East (formerly Newgate Lane South) – up to 99 dwellings on the southern part of the former draft allocation site HA2 (dated 28th July 2021);
- Land East of Crofton Avenue and West of Peak Lane, Stubbington – 206 dwellings (dated 10th January 2022);
- Land South of Romsey Avenue, Fareham – 225 dwellings on former draft allocation site HA5 (dated 28th January 2022);
- Land east of Downend Road, Portchester – up to 350 dwellings on draft allocation site HA4 (dated October 2021).

1.4.2 The settlements boundaries shown on the proposals map and key diagram need to be amended to include these sites within urban area boundaries.

1.5 **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?**

1.5.1 No – see our Hearing Statements regarding Matters 3, 4, 6 and 7.

Strategic Policy DS1 – Development in the Countryside

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

1.6.1 No comment.

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

1.7.1 No comment.

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

1.8.1 The policy is not effective in its current form.

1.8.2 Considering the 'countryside', the overarching aim of the NPPF (as per NPPF Section 15) is to 'conserve and enhance the natural environment'. The NPPF sets out how this can be achieved, including:

1) 'protect and enhance' valued landscapes (amongst other considerations);
and

2) that the intrinsic character and beauty of the countryside should be 'recognised'.

1.8.3 Neither of these considerations preclude development in the countryside per se. They simply require a considered response to the landscape that can objectively determine priorities for the development plan that focusses growth toward the least sensitive parts of the Borough's landscape.

1.8.4 Consequently, the current policy prevents proposals coming forward which could readily meet criteria 'i to m' to a similar standard (or even a higher one) if those proposals were to fail in respect of criteria 'a to h'.

1.8.5 In a Borough where the majority of the landscape is either included in a proposed locally designated landscape, determined to be of 'high sensitivity' (refer to additional comments on the evidence base), or in a strategic gap, this approach is considered to be unduly protective and restrictive, rather than proactively seeking opportunities to focus growth on the least sensitive parts of the Borough's landscapes.

1.8.6 Furthermore, the supporting text suggests that (**CD001, para 3.37**) 'only developments that can demonstrate no harm to the intrinsic character and beauty of the countryside will be supported'. All development proposals on a greenfield site will lead to some degree of landscape and visual impact, and consequently this part of the supporting text is contradictory; a moderated approach should be adopted where the aim of the policy is to 'minimise or avoid' potential impacts and any consequent harm.

1.8.7 Such an approach can then easily be judged and understood by decision-makers, developers and local communities, through use of appropriate

landscape character assessment, both published and undertaken at a more specific local scale. This approach can both 'recognise' landscape character, and, subsequently inform decisions to protect and enhance landscapes (or landscape components) consequently conserving and enhancing the countryside.

- 1.9 **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?**
- 1.9.1 There is potential for conflict between these policies.
- 1.9.2 Taking employment as an example, Policy E1 sets out the required provision of new employment floorspace and proposed allocated sites. However, with reference to Policy DS1, these sites may not be considered acceptable in respect of criteria 'i to m' and as a consequence, would not be brought forward.
- 1.9.3 In particular, the nature of employment development will potentially have an inherent conflict with criteria 'j and k'. With reference to previous responses in respect of Question 8, this highlights the importance of an approach which recognises developments which can demonstrate that they 'minimise or avoid' potential impacts.

1.10 **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?**

1.10.1 No comment.

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

- 1.11.1 No. A majority of the rural parts of Fareham's Borough is BMV land so loss of some BMV land to development is unavoidable. As drafted, criterion m) would prevent the majority of otherwise acceptable development in the countryside from coming forward. The loss of BMV land must be assessed in reaching a judgement on the planning balance of the merits of each case. For example, the assessment of a housing proposal which complies with Policy HP4 (in circumstances where the presumption in favour of sustainable development under Framework paragraph 11d applies) and which involves the loss of BMV land will include an assessment of whether, *inter alia*, the loss of BMV land would significantly and demonstrably outweigh the benefits of housing delivery.

Strategic Policy DS2 – Development in Strategic Gaps

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

1.12.1 The Technical Review of the Strategic Gaps appears to be comprehensive. However, the overall conclusions do not follow from the analysis of the study, and consequently are not considered to be robust.

1.12.2 The aims of the study include a review of the function of the strategic gaps in the Borough, but also to consider their boundaries. The study includes the necessary analysis to present a clear evidence base for amending boundaries in parts of the strategic gap.

1.12.3 However, despite the study recognising that some areas could accommodate development, amendments to the boundaries of the strategic gap are only summarised as broad recommendations, and specific changes are not taken forward to the proposals map. As a result, the conclusions are non-specific and open to interpretation, which is not considered to be a robust or transparent approach.

1.12.4 Furthermore, notwithstanding that the gap study appears to be comprehensive, the conclusions therein should be read alongside conclusions reached by Planning Inspectors in s78 appeal cases. For example, Land West of Old Street, Stubbington (SHEELA ID:31) was the subject of an appeal proposing up to 150 dwellings which was determined on 23rd March, 2018. With regard to the scheme's impact on the Strategic Gap, the Inspector concluded:

"I appreciate that a review of gap boundaries was undertaken in 2012 and that no changes were recommended in relation to the land immediately adjacent to Stubbington. However, for the reasons I have given I do not consider that the proposed development of the appeal site would adversely affect the integrity of the Meon Gap".

1.12.5 The Technical Review of the Strategic Gap did not acknowledge this finding. For this reason, the boundaries of the Strategic Gap are not considered to be appropriate or justified.

Strategic Policy DS3 – Landscape

1.13 **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?**

1.13.1 The use of ASQLs as a local landscape designation is consistent with PPG (Paragraph: 036 Reference ID: 8-036-20190721) in so far as the PPG recognises that local strategic policies should provide for the conservation and enhancement of landscapes and this can include locally-designated landscapes. The PPG also acknowledges that provision for conservation and enhancement of the landscape can also include 'the wider countryside'.

1.13.2 However, it is important to note that the continued use of the local landscape designation is not consistent with the recommendations of the evidence base, namely the Fareham Landscape Assessment (2017) (**DS001**). This document advocates a correctly applied 'whole countryside policy', as this approach would give 'much greater accuracy and rigour' and 'should render any additional local designation as unnecessary' (**DS001, Section 3, pages 25 and 26**).

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

1.14.1 The Technical Review of ASLQ and Strategic Gaps (**DS003**) is broadly comprehensive, but has some weaknesses, and consequently is not considered to be robust overall.

1.14.2 For example, the document treats landscape quality as being synonymous with valued landscapes. In respect of landscape and visual matters, these are separate considerations and their determining factors are not necessarily reciprocal.

1.14.3 The supporting text to the policy states that the policy criteria 'provide applicants with an indication of how landscape value could be argued for any part of the Borough' (**CD001, para 3.49**).

1.14.4 This umbrella approach does not move away from the generic (and now well established) consideration that 'all landscapes have some value' and that for a landscape to be a 'valued landscape' it should be distinct and out of the ordinary.

1.14.5 On the current proposals and evidence base, the majority of the Borough is included within an ASLQ, alternatively defined as high sensitivity by the FLA, or within the Strategic Gap.

1.14.6 Overall, this is not consistent with the aim of strategic policies in respect of determining priorities for development and use of land in the Borough and the justification for the boundaries is consequently weak.

1.15 **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?**

1.15.1 The policy does not clearly state what is considered as major development proposals. Nor does the policy (or its supporting text) adequately describe the assessment requirements for development proposals in general. This is because:

i) For major development, within the policy text, there is no requirement for an assessment, only a 'comprehensive landscape mitigation and enhancement scheme';

ii) No explanation is given for the assessment requirements for non-major development; and

iii) Where an assessment is required for development proposals within ASLQs, this is described as a 'Landscape Assessment' omitting consideration of visual impacts.

1.16 **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?**

1.16.1 Prior to addressing the form of assessment, it is important to consider the criteria and reference to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3). Key points include:

i) Firstly, the policy criteria 'a to g' are said to be derived from the GLVIA, however no specific reference is given. The GLVIA3 is an extensive document that sets out the need for an objective and transparent process. Without additional detail as to how and where the criteria have been developed, the policy is not considered to be transparent

ii) Secondly, the GLVIA3 has since been supplemented by a series of technical guidance notes (TGN) which have sought to add further clarification and guidance on specific matters. One such TGN (TGN 02/21) relates to 'Assessing Landscape Value Outside National Designations'. This document expands considerably on the GLVIA3 in respect of the criteria, procedures and detail for determining landscape value which is a key consideration in respect of the proposals to designate ASLQ.

1.16.2 In respect of the assessment requirements, if the aim of the policy is to ensure that a proportionate assessment of landscape and visual impacts is completed, the policy should be amended to read "landscape and visual impact assessment", and not just "landscape assessment".

1.16.3 However, there are two important considerations:

i. Firstly that LVIA is a process, not just the end report. The application of LVIA will ensure that development proposals respond appropriately to their landscape context and incorporate adequate and appropriate mitigation. The resulting document then, essentially, forms a site/proposal specific evidence base which demonstrate how a development proposal has 'recognised' intrinsic character and taken steps to 'conserve, protect and enhance' the character and appearance of an area.

ii. Secondly (and also pertinent to Question 15), GLVIA3, on which all LVIA should be based, advocates a proportionate approach. Not all proposed developments require detailed landscape and visual impact assessments; in

some instances an 'appraisal' may be sufficient, and this should be acknowledged in the policy.

1.16.4 There are also issue in respect of the robustness of the Policy criteria themselves, given that there is substantial overlap and duplication of these. For example:

b) 'visual setting including to/from key views' is equivalent to 'c) important views to/from settlements';

c) 'landscape as a setting for settlements' overlaps with 'd) local character and setting of building and settlements'; and

e) 'historic significance' creates duplication between landscape matters and heritage matters, which should remain distinct.

1.16.5 Overall the policy criteria should be refined.

- 1.17 **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?**
- 1.17.1 Aside from the status of the Fareham Landscape Assessment (FLA) (**DS001**), it is considered that the FLA requires a comprehensive review to ensure that it forms a robust part of the evidence base which is both 'adequate and up to date', as required by the NPPF.
- 1.17.2 The FLA was published in 2017, its preparation and publication presumably aligned to the publication of the Draft Regulation 18 Plan (October 2017).
- 1.17.3 The FLA is now nearly five years older and the baseline landscape upon which the report is based has evolved considerably. Around Fareham this includes various developments for infrastructure, renewable energy and emerging residential and commercial development. These will have a considerable influence on the baseline landscape and judgements regarding landscape sensitivity.
- 1.17.4 For example, the highways infrastructure of Newgate Lane East and the Stubbington Bypass represent significant development and change which is essential to be captured in the analysis; HMS Daedalus continues to be developed; renewable energy schemes (including battery storage close to HMS Collingwood) are in construction.
- 1.17.5 It is not the suggestion that the FLA be a 'live document' that captures each and every change, however, a comprehensive review that brings the FLA up to date and aligns it with the proposed plan period, is essential.
- 1.17.6 In respect of requirements for 'landscaping schemes' (as referenced in Question 17, above) the FLA sets out a list of 'development criteria and enhancement opportunities'. This is set out as part of the sensitivity assessment for each defined landscape character area (Part Two of the FLA).
- 1.17.7 The lists are extensive and there is a risk that all developments will be expected to meet all criteria. Clearly this is not the intended approach or outcome of the evidence document which, in reality, would need to be pragmatic about which criteria would be most appropriate in respect of different types of development (i.e. development and enhancement opportunities cannot adopt a 'one size fits all' approach). The development

criteria can be appropriately refined to distinguish between primary and secondary measures, or to address which measures are more or less suitable for different types of development.