

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

**Matter 12 Climate Change/Design/Historic Environment
(Policies CC1-CC4, D1-D5 and HE1-HE6)**

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?

- 1.1 In relation to climate change, paragraph 20 of the Framework states that strategic policies should set out the planning measures to address climate change mitigation and adaptation. Policy CC1 is included in the Plan as a strategic policy that fulfils this requirement as set out by the Framework. The implementation of the policy is linked to policies such as CC2, NE2, NE8, NE9, TIN1, D1, D4 and the development strategy itself.

Policy CC2 Managing Flood Risk and Sustainable Drainage Systems.

2.Do any of the sites allocated for development in the Plan fall within Flood Zones 2 or 3 (or have significant areas falling within Flood Zones 2 or 3)? If so, are the allocations and policies consistent with paragraph 161 of the Framework which states that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change?

- 2.1 Evidence document CC003 Strategic Flood Risk Assessment for Fareham – Revised, details those allocations in the plan that are within or partly within Flood Zones 2 or 3 and how their allocation in the Plan is consistent with paragraph 161 in terms of following the sequential test locating development in areas that avoid flood risk and taking account of the impacts of climate change. Where the sequential test could not be passed, in accordance with the Framework the exemption test has been applied to demonstrate that safe development can occur this has been the case for allocations such as HA44 Assheton Court.
- 2.2 In instances where flood risk is applicable to the allocation, the site-specific policies are clear that development shall employ appropriate measures such as avoiding the areas which lie within flood risk. The Council has a Statement of Common Ground (SoCG) with the Environment Agency on flood Risk (SCG009). Notwithstanding paragraph 5.1 in section 5 Area of Further Work in the SoCG, agreement has been reached between the Council and the Environment Agency that the Sequential and Exception Tests have been appropriately applied and, where a residual flood risk has been identified, sufficient mitigation, appropriate to the strategic scale and nature of the Local Plan and its SFRA, has been identified.

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 Paragraph 8.24 in the Plan explains that whether SuDS should be considered is dependent on the risk of flooding now and in the future. However, it also states that all major developments should include SuDS unless there is clear evidence that this would be inappropriate. This is consistent with paragraph 169 of the Framework. In response to comments made in formulating the Local Plan (See CD005Ap2 page 322) by Hampshire County Council as Lead Local Flood Authority (LLFA), paragraph 8.24 also encourages the provision of SuDS for all non-major development as well. Paragraph 8.25 of the Plan states that developers should consult the Council, the LLFA and the Environment Agency as appropriate about their drainage proposals. The Council's view is that the policy, and its supporting text, is clear which developments will be required to incorporate SuDS and how, in consultation with the LLFA and the EA, it would be assessed/determined to be appropriate. It does not duplicate the wording of paragraph 169 of the Framework but does accord with it.

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?

- 4.1 The Council considers the criteria i to iv of the policy to be consistent with paragraph 169 of the Framework. Criteria i), ii) and iii) of the policy is consistent with criteria a) of paragraph 169 of the Framework in that in their formulation, advice from the LLFA was accepted as evidenced in the Regulation 22 Statement of Consultation (CD005Ap2 page 322) reflecting the County Council's latest Local Flood Risk Management Strategy (FBC060) Criteria i) is also consistent with criteria b and d) of the Framework. By requiring SuDS to be designed in accordance with the CIRIA C753 SuDs Manual (or equivalent national or local guidance) this ensures there are proposed minimum operational standards and through adhering to guidance such as the CIRIA C753 SuDs Manual this ensures SuDS are designed to provide multifunctional benefits. Paragraph 8.23 in the Plan refers to the multi-functional benefits of SuDS such providing recreational, amenity and wildlife benefits. Criteria iv) of Policy CC2 requiring details for future maintenance over the lifetime of the development accords with criteria c) of paragraph 169 of the Framework which states SuDS should have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Policy CC3 Coastal Change Management Areas

5. Is the policy consistent with the Framework and effective?

- 5.1 The Council considers the policy to be consistent with the Framework in particular paragraphs 170, 171 and 172. The Council has consulted with the Marine Management Organisation, and paragraphs 8.57-8.59 of the Plan refers to the South Marine Plan and the need to engage with the MMO when considering development proposals. The policy sets out the areas likely to be affected by physical changes to

the coast and what development will and will not be appropriate in those areas. The Council does not consider it necessary to formally allocate land in the Plan for relocation of infrastructure and development in accordance with paragraph 171 b) of the framework. Instead, the Plan as a whole is considered suitable to determine any proposals for the relocation of development/infrastructure. Paragraph 8.39 of the Plan explains how the requirement of a Change Vulnerability Assessment demonstrates how development meets the criteria set out in paragraph 172 of the Framework. The Council considers the policy effective and consulted its internal coastal management team, Coastal Partners (referred to in the Plan by their old name of Eastern Solent Coastal Partnerships) and the MMO has had opportunities to comment at the various stages in the development of the policy.

6. Noting the objectives of the Coastal Change Management Areas, in considering the acceptability of a development proposal, should reference to safeguarding infrastructure and protecting and enhancing biodiversity be included in the policy criteria?

- 6.1 The policy makes clear only essential infrastructure that requires a coastal location may be permitted within the CCMA provided impacts on coastal change are managed. It should be noted that the Local Plan contains other policies that protect and enhance biodiversity and that the acceptability of a development proposal is judged against the policies in the plan as a whole.

Policy CC4 Renewable and Low Carbon Energy

7. Is the policy justified, consistent with the Framework and effective?

- 7.1 Yes, the Council considers the policy to be consistent with the Framework and provides an appropriate strategy and is therefore justified. Section 19(1A) of the Planning and Compulsory Purchase Act 2004¹ requires local planning authorities to include in their Local Plans policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. In addition, the Framework paragraph 153 states plans should mitigate and adapt to climate change in line with the objectives and provisions of the Climate Change Act 2008. This policy as well as other aspects of the Plan is evidence demonstrating the Plan's compliance with the Framework and legislation. The Policy also follows paragraph 155 of the Framework in that it provides a positive strategy for renewable and low carbon energy whilst ensuring adverse impacts are satisfactorily addressed. The policy and its supporting text points towards the Council's evidence base which identifies suitable areas for renewable and low carbon energy development consistent with paragraph 155 b). Furthermore, the policy and the plan as a whole supports the transition to a low carbon future, contributing to the aim of radical reductions in greenhouse gas and mitigating for climate change, consistent with paragraphs 152 and 153 of the Framework.
- 7.2 Due to the variety of renewable and low carbon technologies that could be considered for the Borough (as identified within CC006), the Council decided on a generalised criteria-based policy relating to the major constraints that exist in the Borough rather than focusing on each individual technology.

¹ [Section 19\(1A\) of the Planning and Compulsory Purchase Act 2004](#)

- 7.3 The policy is similar to DSP56 in the adopted Development Sites and Policies Plan which has been shown to be deliverable in its use in determining an application for a battery storage facility at Tanners Lane (P/19/1019/FP November 2019).
- 7.4 Policy CC4 is based upon the Renewable and Low Carbon Energy Capacity Study (CC006) and was first consulted on in the Draft Plan in 2017 with no objections to the overall principle of the policy supporting renewable energy development in the Borough. Comments were raised about policy not stating any carbon reduction targets however, the Council is content that there is no legal or other requirement for the plan to set targets for carbon reductions. This is backed up by a legal opinion supplied to the Council from the Local Government Association (FBC061).

8. What is the justification for the policy not including wind turbines?

- 8.1 The ministerial statement referred to in paragraph 8.68 of the Local Plan and footnote 54 of the Framework refers to the grant of planning permission for wind development involving one or more wind turbines only being acceptable where the development site is in an area identified as suitable for wind energy development. The Council's Renewable and Low Carbon Energy Study (CC006) undertook a capacity assessment for onshore wind development in the Borough, producing a map showing suitable areas for onshore wind energy development. The assessment did not identify any suitable areas for onshore wind power development due to the number of constraints in the Borough. As a result of this, onshore wind development in Fareham is considered not feasible and has not been included within the Plan.

9. The Framework in paragraph 155 sets out what plans should do to help increase the use and supply of renewable and low carbon energy and heat. How does the plan address paragraph 155 c) , 'identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co locating potential heat customers and suppliers'?

- 9.1 The Renewable and Low Carbon Energy Capacity Study (CC006) undertook a capacity assessment for technologies such as Combined Heat and power and District Heating. Paragraphs 6.23-6.25 in the study provide a summary of the results which state denser town/district centre areas of Fareham such as in Portchester, Fareham Town, Locks Heath and Stubbington where there are a mix of residential, retail and business uses in a compact area offer the greatest opportunities for decentralised, renewable/low carbon heat/energy systems. However, the plan does not expressly refer to these opportunities. To give greater clarity as to where such development may be appropriate and to be more consistent with the Framework, the Council proposes (as set out below) to include some minor wording at the end of paragraph 8.67 of the supporting text referring to the results of the capacity assessment for technologies such as Combined Heat and power and District Heating within CC006 Renewable and Low Carbon Energy Capacity Study. Proposed additional wording to read "The updated Renewable and Low Carbon Energy Study also provides a capacity assessment for other renewable and low carbon technologies such as Combined Heat and power and District Heating. The study should be referred to, to gain a high-level understanding of the potential for these types of renewable and low carbon energy technologies in the borough"

Policy D1 High Quality Design and Place Making

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

- 10.1 Policy D1 has been prepared utilising the same key principles of good design and place making as set out in the National Design Guide (NDG) and supported by the New Model Design Code (NMDC). The policy was developed throughout the plan preparation process including local communities and stakeholders. The NDG and NMDC documents have been produced by government to help interpret and deliver on paragraphs 126-136 of the NPPF, entitled 'Achieving well-designed places.' The Council considers therefore policy D1 to be consistent as a result. The effectiveness of the policy will be subject to the development management process ensuring that the principles are adhered to. In addition, the Council is committed to utilising the principles in the future production of new and revised design guidance and codes for the borough and as part of the monitoring of delivered schemes.

Policy D2 Ensuring Good Environmental Conditions

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

- 11.1 The Framework (para 38) requires Councils to work with applicants to secure development that will improve the economic, social and environmental conditions of the area. Para 119 identifies the need to ensure healthy living conditions and para 125c identifies the legitimate concerns of adequate sunlight and daylight to provide for 'acceptable' living standards. Policy D2 and supporting text identifies when and where good environmental conditions need to be addressed, the type of circumstances that will apply and how applications will therefore be considered. The Council considers this approach to be consistent and effective.

12. Is it clear what is meant by 'good environmental conditions' and 'environmental impacts'? Should these terms be better articulated in the policy for effectiveness?

- 12.1 Policy D2 a) to c) identifies the circumstances where the policy applies, the issues that need to be considered and that these need to be met to be acceptable. It is felt that there is sufficient definition of good environmental conditions in paragraph 11.38 of the Plan, and paragraph 11.43 identifies examples of 'adverse environmental impacts'
- 12.2 In addition, the footnotes to the section (126-129) identify documents and methodologies to aid judgement as to what are good conditions.

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?

- 13.1 The Council considers that further wording to the supporting text could help to make the issue clearer. Whilst paragraph 11.45 and the policy identify circumstances where coordination of development is necessary, it does not directly address the issue of evasion linked to efficiency or maximising the use of sites.
- 13.2 The Council therefore suggests the following additional supporting text:

“The Council requires, through policy and relevant SPDs, delivery of open space, affordable housing and other infrastructure and / or financial contributions resulting from the number of residential units proposed. The Council will consider and advise applicants as to whether the scale, design, layout and mix of units within a planning application, having regard to Policy D1 and the context of the site, is of an appropriate level to ensure the effective use of land and not result in the avoidance of financial and other contributions required by the Development Plan”

Policy D4 Water Quality and Resources

14. Is the standard of 110 litres/person/day justified on available, up-to-date evidence? Have the costs associated with this requirement been taken into account as part of the Council’s assessment of viability?

- 14.1 Yes. Planning Practice Guidance states “where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day”. The two drinking water providers that serve Fareham Borough (Portsmouth Water and Southern Water) operate within areas classified as ‘areas of serious water stress’ as identified by the Environment Agency’s Water stressed areas – final classification 2021 (FBC062). As a result, and in line with the Planning Practice Guidance, there is a clear and evidenced need to reduce the water usage in the borough. This policy position is in line with the aims and objectives of the 25 Year Environment Plan and the Policy paper ‘Meeting our future water needs: a national framework for water resources’. The Environment Agency, Natural England, Portsmouth Water and Southern Water in their responses to the Local Plan consultation all support the policy position to require new development to meet the tighter Building Regulations optional requirement of 110 litres/person/day.
- 14.2 Furthermore, to achieve nutrient neutrality following the methodology as set out by Natural England (FBC057) new residential development has to adopt the standard of 110 litres/person/day.
- 14.3 The costs associated with this requirement have been taken into account as part of the Viability Assessment (2019) (VIA001) within paragraph 5.3.8 and Table 5.10 and within paragraph 2.5.4 of the Viability Assessment Addendum (2021) (VIA003) under the requirement of nitrogen offsetting. This was done with the understanding that to

achieve nutrient neutrality using the Natural England methodology requires the adoption of the 110l/p/d standard.

Policy D5 Internal Space Standards.

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

- 15.1 The Council's Specialist Housing Background Paper (HO003) assesses 33 planning applications between 2018 and 2020 that have full planning permission or are prior approvals. Viability testing in VIA001 includes sizes within the range set out the standards. The viability work concluded that the inclusion of a policy that requires the standard can be supported without making development unviable.
- 15.2 Introduction of a minimum space standard that is recognised by Government as an appropriate size of home to provide accommodation fit for habitation is therefore considered of key importance to the Council. It is additionally noted that Government has changed the guidance for homes created under permitted development rights that they are required to comply with the NDSS. It is therefore sensible in the Council's view for the same standards to be required for homes delivered through a planning application.
- 15.3 The past years of the Covid-19 pandemic has further highlighted the need to ensure that everyone has access to a home that is of a suitable size and standard. It is not yet known what the long-term impacts will be for education in terms of studying from home, and the economy in terms of working from home and young people being able to access employment and move into their own homes. However, it is reasonable to assume that having a decent appropriately sized home will continue to be important and impactful to people's mental health and wellbeing.

16. Is the policy effective. What is the justification for the policy approach to subdivision and conversions? Is this appropriate in all cases eg heritage assets?

- 16.1 The Council considers that the Policy must seek to ensure that all new dwellings meet minimum space standards so as to provide occupants with reasonable living space. It recognises in para 11.61 that there may be circumstances in which achieving full compliance may be difficult and that a minor reduction would bring overriding planning and/or heritage benefits. The Council cannot foresee and set out all the circumstances in which a minor adjustment could be accepted, either in the supporting text or the policy itself. The Council consider that it is for the applicant to submit relevant evidence and for the LPA to determine the application, as a matter of fact and degree, a balanced judgement. The Council uses the example of a heritage asset in para 11.61 to demonstrate where there is national and local encouragement and support in principle for potential use of a heritage asset for residential purposes, but that it must not result in an inappropriate impact upon the character or fabric integrity of the asset. A minor adjustment in space standards in such circumstances may therefore be appropriate.

Policy HE1 Historic Environment and Heritage Assets

17. Is the policy effective? Is it clear how the Council will take appropriate and positive steps?

- 17.1 The Council considers policy HE1, prepared in consultation with Historic England, is effective as it sets out an overall strategy for the conservation and enhancement of the historic environment in accordance with paragraph 20(d) of the Framework. Paragraph 12.14 of supporting text sets out clearly the positive and appropriate steps the Council will take to ensure the conservation of the historic environment within the Borough.

Policy HE2 Conservation Areas

18. Is the policy consistent with the Framework?

- 18.1 Policy HE2, has been prepared in consultation with Historic England, as set out in paragraph 3.4 of the Statement of Common Ground between the Council and Historic England (SCG004). HE2 is consistent with the Framework in that it forms part of the Council's positive strategy to conserve the historic environment through the preservation and enhancement of Conservation Areas. In line with paragraph 201 of the Framework, the policy requires that proposals which would cause substantial harm to the Conservation Area will not be permitted unless the applicant can provide clear justification by demonstrating that the harm would be outweighed by substantial public benefits. In line with paragraph 202 of the Framework, the policy sets out that proposals which would cause less than substantial harm will be considered against the public benefits to be gained. In line with paragraph 206 of the Framework, the policy identifies that proposals should preserve or enhance Conservation Areas through the retention of features which make a positive contribution and through high quality, appropriate design. The policy is therefore considered consistent with the Framework.

19. Is it clear which criteria in Policy HE3 would be considered in relation to the loss of a building or structure?

- 19.1 The Council believes this question relates to Policy HE2 not HE3 as written.
- 19.2 The second paragraph of policy HE2 sets out how proposals which would result in the loss of a building or structure will be considered. If it is considered that this is unclear, an addition to the supporting text to policy HE2 setting out which relevant paragraph of policy HE3 applies could be made under minor modification upon adoption of the Plan.

Policy HE3 Listed Buildings and Structures and /or their Settings

20. Is the policy consistent with the Framework?

- 20.1 Policy HE3, prepared in consultation with Historic England, is consistent with the Framework in that the policy requires the provision of a Heritage Statement which identifies the significance of the heritage asset in accordance with paragraph 195 of the NPPF. In line with paragraph 201 of the Framework, the policy requires that proposals which would cause substantial harm to a historic asset will not be

permitted unless the applicant can provide clear justification by demonstrating that the harm would be outweighed by substantial public benefits. In line with paragraph 202, the policy sets out that proposals which would cause less than substantial harm will be considered against the public benefits to be gained. The policy is therefore considered consistent with the Framework as agreed with Historic England as set out in paragraph 3.4 of the Statement of Common Ground between the Council and Historic England (SCG004).

21.Are the policy requirements clear, justified and would they be effective?

- 21.1 The policy requirements of HE3, prepared in consultation with Historic England, are clearly set out and justified in requiring appropriate evidence to demonstrate why any potential harm to or loss of the Borough's valued heritage assets would provide substantial public benefits which may outweigh the harm or loss. The requirements are considered effective in that they accord with paragraphs 201 and 202 of the NPPF, setting out how such development proposals will be considered, and the evidence which is required. This forms part of the Council's positive strategy to conserve and enhance the Borough's historic environment.

Policy HE4 Archaeology

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

- 22.1 Policy HE4, prepared in consultation with Historic England, is consistent with the Framework in that the policy states that development which would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site, must meet the tests set out in the Framework. In accordance with paragraph 194, the policy requires the submission of desk-based assessment and field evaluation as appropriate. The policy is considered effective in that it provides clear guidance on the requirements for development proposals to record and preserve the Borough's archaeological remains and forms part of the Council's positive strategy for the conservation of the historic environment.

Policy HE5 Locally listed buildings and Non designated assets.

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

- 23.1 Policy HE5, prepared in consultation with Historic England, is consistent with the Framework in that the policy provides information about this aspect of the borough's historic environment in line with Framework paragraph 193, and in accordance with paragraph 205, requires the recording of the significance of the heritage assets. The policy is considered effective in that it accords with paragraphs 201 and 202 of the Framework, setting out how such development proposals will be considered, and the evidence which is required. This forms part of the Council's positive strategy to conserve and enhance the Borough's historic environment.

Policy HE6 Heritage at Risk

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

- 24.1 Policy HE6, prepared in consultation with Historic England, is consistent with the Framework in that, in accordance with paragraph 190 of the Framework, it sets out a positive strategy for the borough's heritage assets which are most at risk through neglect or decay. It is considered effective in that it clearly sets out how development affecting such at risk assets will be considered by the Council and the steps the Council will take to conserve the buildings and other historic assets which fall within the heritage at risk classification.