
Fareham Local Plan Part 2: Development Sites and Policies

Hearing Statement
On behalf of Hallam Land Management Ltd

Issue 1:
The Duty to Cooperate, Legal Requirements,
Sustainable Development (DSP1) and the Relationship between LP2,
the Core Strategy and Other Planning Documents

October 2014

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Prepared by:	Gemma Care	Gemma Care	Gemma Care
Checked by:	Robin Shepherd	Robin Shepherd	Robin Shepherd

The Blade,
Abbey Square,
Reading,
Berkshire. RG1 3BE

Tel: 0118 943 0000
Fax: 0118 943 0001
Email: planning@bartonwillmore.co.uk

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ISSUE 1: THE DUTY TO COOPERATE, LEGAL REQUIREMENTS, SUSTAINABLE DEVELOPMENT (DSP1) AND THE RELATIONSHIP BETWEEN LP2, THE CORE STRATEGY AND OTHER PLANNING DOCUMENTS

This statement is submitted to the Examination into the Fareham Local Plan Part 2: Development Sites and Policies (LP2) (June 2014) ('the Examination') on behalf of Hallam Land Management Ltd (HLM). This statement refers to the following Issue:

Issue 1: The Duty to Cooperate, Legal Requirements, Sustainable Development (DSP1) and the Relationship between LP2, the Core Strategy and Other Planning Documents.

1.0 Has the Duty to Cooperate been complied with?

Paragraph 1.8 of LP2 states that the plan has:

'...drawn upon the increased levels of housing and employment set out within the South Hampshire Strategy: A Framework to Guide Sustainable Development and Change to 2026, which was published in October 2012, following the adoption of the Core Strategy. While the South Hampshire Strategy is not a statutory plan, it has been formulated on sound evidence including demographic and economic projections. It provides a framework to inform and support the preparation of statutory local plan. Its preparation jointly by the PUSH authorities largely fulfils the 'duty to cooperate'.

HLM are of the view that the Council has not yet fully complied with the Duty to Cooperate ('the duty') on strategic matters, in particular in terms of the requisite level of housing growth for the area. We acknowledge that paragraphs 1.9 - 1.11 of the Plan that the Council recognises the need for an early review of the Local Plan following adoption of LP2, that the review of the South Hampshire Strategy (SHS) to 2036 will inform it and that 'This is considered to be the most sound and robust approach to taking account of new evidence, including the SHMA, whilst ensuring the Council fulfils the duty to cooperate,' however we suggest that there is a significant amount of additional work still to be done in this respect.

HLM are of the view that in terms of objectively assessed needs and the duty, in addition to delivering an increased housing requirement to take account of its own needs, a proportion of Southampton and Portsmouth's unmet growth needs will inevitably need to take place outside of the city and accommodated within the surrounding authorities that comprise part of their Housing Market Areas (HMAs), including Fareham. There is clear need for the Council to continue to work with the PUSH authorities to ensure that a positive and ongoing partnership is fostered and maintained, thereby enabling the South Coast region as a whole to be more effective in addressing and delivering on strategic issue, and to prevent the economic growth of this area from being hindered further. The Borough cannot simply hide behind PUSH as means of demonstrating that it has complied with the duty; it must demonstrate how Fareham's own objectively assessed needs are to be met including any overspill from its neighbours. Linked with this is the issue of the significant housing need arising from London – the Council must consider how it intends to cooperate with the Mayor in accommodating some of this overspill given its location within the wider South East.

Our overall assessment of the duty to cooperate issue is that the Council has clearly been mindful of the principles of the duty to some degree, but we would suggest that much more needs to be done in order for the Council to be able to effectively demonstrate ongoing and constructive engagement with the surrounding authorities, as encouraged by the NPPF and National Planning Policy Guidance (PPG). It is the only way of ensuring the full objectively assessed needs for housing are both met and delivered on the ground and to this end we welcome the Council's commitment at paragraphs 1.9 – 1.11 to an early review, without prejudice to the comments made in our statement for Issue 7 regarding the appropriateness of this approach and the soundness of the plan as a whole.

On the basis that the duty is intended as an ongoing and collaborative process, we would emphasise that, should LP2 be found sound and an early review confirmed as a policy within the plan, such a review must set out clear details and a framework for how it plans to deliver Fareham's forecast housing needs across the Plan period, whilst ensuring that the Plan is subject to ongoing review and monitoring to ensure that the spatial location of new housing is planned for appropriately and at the correct time.

Have any cross-boundary strategic priorities or issues been identified? If so are they clearly identified in LP2?

No. There are no clearly identified cross boundary strategic priorities or issues identified within LP2. The only apparent reference to any form of cross boundary consideration is at paragraph 4.36 in relation to biodiversity enhancements, wherein it states that the Council will seek to encourage biodiversity gains through cross boundary initiatives. There is passing text at paragraph 4.50 to a number of studies that have been undertaken with partner organisations such as the Eastern Solent Coastal Partnership (ESCP) and the Partnership for Urban South Hampshire (PUSH) (in respect of predicted impacts of physical changes to the coast), and to similar (now outdated) work with the same in respect of employment, housing and transport, but it is fair to say that LP2 is lacking in terms of identifying specific priorities or issues.

The lack of any reference to cross boundary matters within LP2 is surprising, given the content of the adopted CS which, at paragraphs 1.8 - 1.12 deals with sub-regional and cross boundary initiatives, noting that Fareham is a member of PUSH¹ who are '...working together to tackle and overcome the economic challenges the area faces. The key driver for development in South Hampshire is to improve economic performance (we consider this issue further in the context of housing requirements in our statement for Issue 7) which, the CS advises, is required to support approximately 80,000 dwellings across South Hampshire.² Fareham is identified as a key growth centre, expected to play a complementary role to the main centres of Portsmouth and Southampton.

Paragraph 1.11 of the CS advises that the Council:

'...is working closely with adjoining authorities to identify and achieve sub-regional infrastructure schemes, including green infrastructure'

and goes on in paragraph 1.12 to state that due to the Borough's location within the sub-region:

¹ Made up of the 11 authorities in the sub region including New Forest District Council, Test Valley Borough Council, Southampton City Council, Eastleigh Borough Council, Winchester City Council, Fareham Borough Council, Gosport Borough Council, Portsmouth City Council, Havant Borough Council, East Hampshire District Council and Hampshire County Council.

² As submitted to the South East Regional Spatial Strategy examination by PUSH

'...there are several cross boundary issues and development proposals which the Council is addressing or promoting in conjunction with neighbours and stakeholders.'

Six issues are then identified ranging from the protection of the Borough's natural assets to the redevelopment of Daedalus Airfield in association with Gosport Borough Council.

The role of LP2 is to set out the Council's approach to managing and delivering development identified in the CS for the Borough to 2026. It should assist in meeting the Vision and Strategic Objectives for Fareham set out in the CS and is recognised by the Council at 1.3 of the document as being:

'...a key document in the future planning of the area, and in the determination of planning applications.'

Paragraph 1.3 of the CS also states that other development plan documents (DPDS) in the LDF will 'take the lead' from the CS to ensure that they are in conformity

'...with its vision, spatial strategy and policies'.

Given the roles of the CS and LP2, it is surprising that the cross boundary issues explicitly referred to within the CS are not clearly addressed within LP2. We would have expected, at the very least, an update in respect of the issues and/or a clear explanation as to how the Council anticipates progressing these items to ensure that they are delivered over the remainder of the plan period. The Inspector will be fully aware that a key test of soundness is that the plan is effective, i.e. deliverable over its period and based on effective joint working on cross-boundary strategic priorities (including housing, which, as noted, is dealt with comprehensively in our statement for Issue 7): as it stands there is some significant doubt as to whether this requirement has been properly complied with and some concern that the Council has failed to take all appropriate steps to explore all of the available options within their planning strategy for addressing cross boundary issues. On this basis, we submit that the Plan is potentially unsound on the basis that it is not effective.

Has LP2 been prepared in accordance with:

- **The local development scheme**

- **The Council's Statement of Community Involvement and public consultation requirements (SCI)**
- **National policy in the NPPF**
- **The Sustainable Community Strategy**
- **The Public Sector Equality Duty**

Local Development Scheme

The Council's Local Development Scheme (LDS) was revised as recently as September 2014. The first document in the schedule at Appendix 1 is LP2. The LDS notes that hearings will take place in Winter 2014 and envisages adoption Spring 2014. Assuming LP2 is found sound this appears reasonable and HLM have no further comment to make.

National Planning Policy Framework (the Framework)

There are a number of areas within LP2 that HLM do not consider to be consistent with the Framework. Our statements in respect of Issues 2, 3 and 7 (as well as our response to question 1.1) cover these matters in requisite detail and in the interests of conciseness and avoiding duplication we do not consider it necessary to rehearse the position in response to question 1.3.

Statement of Community Involvement, Sustainable Community Strategy, Public Sector Equality Duty

HLM has no comment to make in respect of the Sustainable Community Strategy or the Public Sector Equality Duty.

- 1.4 Is LP2 based on a sound process of sustainability appraisal and testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances? Has the site selection process been objective and based on appropriate criteria? Is there clear evidence detailing how and why the preferred strategy was selected? Will the policies and proposals in the plan contribute to the sustainable growth of the borough?**

No. LP2 is not considered to be based on a sound process of sustainability appraisal and testing of reasonable alternatives (i.e. alternative growth scenario) and is not

considered to represent the most appropriate strategy in the circumstances. HLM has grave concerns regarding the failure of the Council to review settlement boundaries as per the commitment in the adopted CS (our statement for Issue 3 refers). While we acknowledge that a wholesale review of housing requirements may not – in legal terms at least – be deemed a requirement as part of the LP2 process (our statement for Issue 7 refers), and that the soundness of LP2 is not necessarily conditional upon identifying the full, objectively assessed needs for market and affordable housing for the purposes of paragraph 47 of the Framework, the very fact that the Council has neglected to fulfil an earlier commitment to review settlement boundaries as part of the LP2 process is indicative of the approach it is likely to take towards an early review of the Plan and the need for additional allocations. The approach is entirely reflective of Fareham's clear reluctance to accept the inevitable increase in housing growth and delaying the need to provide for a higher figure, notwithstanding the wide reaching implications.

1.5 Have the requirements of the Habitats Regulations been satisfied?

HLM do not wish to make any comment on this matter.

1.6 Is the relationship between LP2 and the adopted Core Strategy (CS) sufficiently clear? Is the plan consistent with the overall objectives of the CS?

Yes, the relationship is sufficiently clear. Paragraph 1.6 of LP2 explains the intended role of both the CS and LP2 and HLM have no further comment to make in this respect.

1.7 The Design SPD is not scheduled for publication until later in the year. Nevertheless there are a number of references to it in the policies of LP2. Firstly is it appropriate to refer to a document which has not been published? Secondly, even if a reference is justified, this SPD will have less weight than LP2 when adopted because it has not been through the same statutory process and therefore would it be more appropriate for any specific references to the 'non-statutory' document to be made within the supporting text rather than within a 'statutory' policy?

HLM do not wish to make any comment on this matter.