

Schedule of Main Modifications to the Fareham Borough Local Plan Part 3

Representations

Introduction

Following the public examination of the Welborne Plan, a number of points were raised by the Inspector and as a result 22 Main Modifications were proposed by the Council to address those points. The public were invited to comment on each of them on the grounds of legal compliance and soundness. Please find below my comments on items MM2, MM3, MM4, MM10 and MM23.

MM2 Policy WEL 2

Reason for change : To emphasise the relationship between Welborne and Fareham to the south, and for grammatical clarity

These two changes do nothing to answer the obvious concerns that arise when a large new community is added to the edge of an existing one. The plans to date have emphasised that Welborne will be a self contained community however the statement that in reality "the new development.....will form a functional part of Fareham and the wider South Hampshire" shows completely the opposite view. This admission makes the questions about access to Fareham and the effect on local roads highly relevant and it is therefore crucial that they be examined in detail.

Firstly, the 'key component' of reliance on the Bus Rapid Transit. The BRT is dependent upon a subsidy which is by no means certain especially as Hampshire County Council have recently reduced the £4.7 million it currently spends on subsidising passenger transport across its jurisdiction, including Fareham and Gosport.

The plan also calls for "*Carefully designed transport interventions to minimise the traffic impacts on the local and strategic road network and mitigate any environmental impacts;*"

However not one, let alone several, examples are quoted of what a 'typical intervention' might actually be and the bottlenecks they would address. This is vital information because the local road network is already overcrowded. This is certain to be exacerbated by the late arrival of new schools because the consultation process which preceded HCC's decision to reduce bus subsidies, showed that currently just three per cent of bus journeys were made by pupils travelling to school, college etc.

It is also difficult to envisage what can be done, given that :

- the additional Welborne traffic heading into Fareham can only travel south along the A32 Wickham Road; a road where it is difficult in places for single cars to pass in opposite directions and impossible for bigger vehicles. And

- the alternative to Wickham Road is North Hill which is the access point for vehicles intending to enter Kiln Road to eventually journey to all points West and South East of Fareham via Highlands Road, as well as the major residential areas of North Fareham itself. However this junction is controlled by four way traffic lights and situated on the top of a hill with houses on all sides, so meaningful 'transport interventions' to this junction appear to be impossible. Furthermore it is where long queues already occur during every morning and evening peak and any road works or other incident e.g. an accident or a lorry unloading, immediately creates chaos in Kiln Road or Highlands Road.

It is also not possible to comment on the 'mitigation of environmental impacts' since the proposal to modify Junction 10 of the M27 has yet to be defined. However it is obvious that whatever the detail, it is indisputable that the environmental impact of creating a two lane west bound access road up a gradient to the M27 will require a large area of the designated open space at Fareham Common as well as creating additional noise and pollution across a much wider area than is currently the case. Whilst it is a laudable sentiment to "mitigate any environmental impacts", it is doubtful that this undertaking can be delivered in any meaningful way.

Conclusion : With no information about the "carefully designed transport interventions" or the proposed measures to "mitigate any environmental impacts" it is not possible to determine if the Plan is sound and consequently the plan must remain 'unsound' at this stage.

MM3 Policy WEL 5

Reason for Change : To provide clarification on settlement buffers to decision-makers and applicants as to when a settlement buffer of more than 50 metres may be required.

The proposal to incorporate a requirement that applications include site sections demonstrating that visual & physical separation will be achieved, has been accompanied by 2 statements that are meaningless as proposed.

Point ii should contain a statement of the permitted noise levels and required distances - clearly the greater the noise the further the distance and point iii, when read as a follow on from the introductory sentence for this section, simply doesn't make grammatical sense.

Also, it should be made clear where any buffer distance is to be measured from, for example is it the back of the building line or the back fence of adjacent properties?

Conclusion : The vision for Welborne set out in the Welborne Plan and paragraph 1.1 of the SPD is to 'seek to create a 21st century Garden Community that is 'distinct' 'new', and 'set apart' from Fareham' and recent FBC communications still talk about a 'garden city'. The development likely to be delivered as a result of the definitions of the buffer zones "explained" in this paragraph however, fall very short of what a garden community should be. So until the distance between settlements is clearly matched to FBC's vision of Welborne as set out in various documents, this modification to the plan cannot be understood, justified or be described as 'fit for purpose' and consequently it remains 'unsound'.

MM4 Policy WEL 6: Noise. Light Pollution and Air Quality

Reason for change : To ensure noise, light pollution and air quality are considered in the design principles.

The plan considers that Junction 10 of the M27 will become an 'all directions' access point. At present limited information is available as to how this will be achieved. From what is known currently however it appears that southbound traffic entering or leaving Welborne or just passing through, will have to go through Welborne to access the A32 into Fareham. This will create air pollution as the motorway will be at the lowest point of Welborne, with the embankment to the south also acting as a barrier. This will result in polluted air building up within the development exacerbated by the fact that the

various road junctions that will be necessary, will cause traffic to stop and restart which is when they are emitting maximum pollution.

Additionally, traffic joining the M27 to go west will have to climb a gradient to join the motorway. HGV's etc will again be emitting most noise and exhaust pollution at this point.

Conclusion : Whilst it is laudable that noise, light pollution and air quality are considered in the design, it is an indisputable fact that making junction 10 an 'all ways' junction in whatever form will introduce more noise, light pollution and air quality issues to the detrimental effect of everyone living in the wider surrounding area. A plan which knowingly & deliberately inflicts these effects on residents must be regarded as 'unsound' and possibly illegal too.

MM10 Policy Wel 18: Affordable Housing Provision

Reason for change : To remove reference of JVHC from policy and provide clearer guidance on Council's approach to delivering affordable housing.

Welborne has always been justified as a means of meeting the need for affordable and particularly social housing in the Borough. It should therefore be at the forefront of the planning process.

The Welborne Plan (Paragraph 6.30) says that such housing will form between 10% and 40% of the total but the newly formulated Policy (Wel18) sets out an initial requirement to meet the target of 30% affordable housing provision in each residential phase "unless a robust and transparent viability appraisal proving this not to be possible is accepted by the Council". Where it is agreed that a shortfall in the number of affordable homes will be accepted, the developer will be expected to make this up during subsequent phases.

However experience elsewhere has shown that in order to meet the higher infrastructure charges that will occur during the early phases of a development, builders will seek to make early agreements to reduce the number of affordable houses on the grounds of viability or reduce the numbers being built at any one time to 10 or less, thereby avoiding such obligations all together. As a consequence, affordable housing tends to be delivered towards the later phases of a development and lead to a degree of social imbalance in such areas. Furthermore, from Fareham's point of view, such agreements reduce certainty and the flexibility & benefits are all in favour of the landowners and developers because, unlike Council Legal teams, they have all the contract negotiation expertise and loophole knowledge.

Conclusion : As a consequence it is unlikely that the target of 30% affordable housing will be met and therefore the plan remains "unsound" at this stage without further safeguards.

MM23: Monitoring and Review

Reason for change : To reflect the Inspector's concern that the Monitoring and Review section of the Plan should be made clearer, the Council has made significant modifications which set out the key elements of the monitoring and review mechanism for the project.

The FBC response promises a "key outcomes and critical infrastructure list" and that any risk to the deliverables will be reported as an entry in the Delivery Risk Register which will be reviewed at the Group meetings.

This is insufficient. With any multi-million pound contract, it must always be an upfront requirement to create a Programme-level risk register to be monitored by those responsible, plus independent people. Then as each sub phase begins that too should create and maintain its own risk register. It does not appear that any such documents are proposed for Welborne. Is there a requirement for the maintenance of such register(s) ? If not, there most certainly should be, together with a clear requirement for regular review meetings (a minimum of 12 per year) so that where the risks are deemed likely to impact the programme overall, they can be identified, jointly discussed and containment actions agreed in a timely manner.

Finally, there isn't any mention of Performance Standards and their imposition on developers such that should they fail to meet them, they are required to put them right at their expense. For example the housing at Welborne will probably have a greater than average proportion of children. If the developer is confident that their proposed mix of housing at various points will 'only' generate xxx children and therefore the school they are proposing will be sufficient, impose a requirement on them to put matters right if they are subsequently proved to be wrong.

Similar criteria could be applied throughout the process e.g. If the proposed road changes at the Kiln Road / North Hill junction don't keep northbound rush hour queues to an average of 2 minutes then they must pay to make them so.

In other words if there is a problem, someone other than the local authority has to pay to put right the error / agreed standard that they defined but then failed to meet.

Conclusion : Since there is no mention of the availability of Performance Standards and the use of them to ensure delivery at other than the taxpayers expense, nor any promise of proper Risk Registers, nor to any commitment to a monitoring process with regular reviews, the plan is not justified and must remain unsound at this stage.