

FAREHAM

BOROUGH COUNCIL

Report to Council

Date **8 June 2015**

Report of: **Director of Planning and Development**

Subject: **ADOPTION OF LOCAL PLAN PART 3: THE WELBORNE PLAN**

SUMMARY

The Welborne Plan Examination has been concluded with the provision of the Planning Inspector's report to the Council. The Inspector has concluded that the Welborne Plan provides an appropriate basis for the planning of the new community. The Inspector found that a limited number of main modifications are needed to the Welborne Plan in order to make the plan sound and capable of adoption. The Council may now adopt the Welborne Plan in accordance with the Inspector's recommendations.

RECOMMENDATIONS

That the Council approves:

- (a) that the Welborne Plan and the Welborne Policies Map be adopted, as attached at Appendix 3 and which incorporates:
 - i. the Inspector's main modifications to the Welborne Plan (Appendix 1); and
 - ii. the minor modifications (Appendix 2 – Part 1) and subsequent minor changes (Appendix 2 – Part 2) to the Welborne Plan.
- (b) that the Director of Planning and Development, in consultation with the Executive Member for Planning and Development, be authorised to publish and circulate in accordance with the statutory requirements, an adoption notice, a sustainability appraisal report (Appendix 4) and the adopted version of the Welborne Plan, as soon as reasonably practicable after adoption.

INTRODUCTION

1. The Welborne Plan is the third document in the Fareham Local Plan. Together with the adopted Core Strategy (adopted August 2011) and the Development Sites and Policies Plan it forms the Local Plan for Fareham Borough. It has now reached the stage when, following the receipt of the Planning Inspector's Report, the Council may resolve to adopt the Plan.
2. The preparation of the plan has taken a number of years. The plan is based on the findings from evidence studies, the sustainability appraisal, the habitats regulations assessment, and the responses to the various consultations undertaken by the Council and as part of the Examination process.
3. The Examination process is an independent assessment carried out by an inspector into whether the Plan is sound, whether the Plan has been prepared in accordance with the Duty to Cooperate, and legal and procedural requirements.
4. The National Planning Policy Framework (NPPF) states that for a Plan to be “sound”, it should be:
 - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
5. Following approval by the Council on 13 February 2014 the Pre-Submission Draft Welborne Plan was published for representations from 28 February 2014 until 11 April 2014. The representations received, together with all the supporting background evidence, were submitted with the Draft Welborne Plan in June 2014 to the Planning Inspectorate for Examination. The Inspector conducted hearing sessions between 15 October 2014 and 23 October 2014 where various matters of concern to a number of parties were debated.
6. In December 2014 the Council received the Inspector's Preliminary Findings letter. This letter identified a number of shortcomings within the plan which related directly to soundness, and as a result, the Council was requested by the Inspector to address these shortcomings through a series of main modifications to the Welborne Plan.
7. At a special meeting of the Council on 21 January 2015, the Council subsequently authorised for a schedule of main modifications to the Welborne Plan to be published for a six-week period of public consultation. In addition, the Council also authorised for the submission of the main modifications to the Inspector, following completion of the six-week consultation period. All Council members were informed on 24 March 2015 that the schedule of main modifications to the Welborne Plan, as authorised by the

Council, had been submitted to the Inspector alongside the consultation responses and the Council's response to Representations on the main modifications.

8. In addition to main modifications, at the 21 January 2015 Council meeting, the Council also authorised for a schedule of minor modifications to the Welborne Plan to be published for a six-week period of public consultation. Minor modifications were not requested by the Inspector as they do not directly relate to soundness, but are made for the purpose of correcting typographical errors or to provide additional clarity within the Welborne Plan. The schedule of minor modifications was not formally requested by the Inspector, however for complete clarity, the schedule of minor modifications was submitted to the Inspector on conclusion of the consultation period.

INSPECTOR'S REPORT AND RECOMMENDATIONS

9. The Inspector's report was received on 12 May 2015. The report concludes that the Welborne Plan provides an appropriate basis for the planning of Welborne, providing that all of the Council's main modifications are made to the plan. A copy of the Inspector's Report, together with the main modifications appendix to his report, is attached at Appendix 1.
10. The Inspector's Report was published on the Council's website on 13 May 2015.
11. In total, 23 main modifications are listed by the Inspector. They include –
 - A commitment to a Review of the Local Plan;
 - The allocation of a single site for a secondary school close to the District Centre;
 - Directing the provision of the new Household Waste Recycling Centre in the employment area in the southern part of the site to the west of the A32, rather than leaving the location undetermined;
 - Production of a new Phasing Plan to be included within Chapter 10 of the Plan;
 - Removal of references to the deferral of infrastructure provision; and
 - Clarification regarding monitoring and review.
12. The Inspector concluded that without inclusion of the main modifications, the plan would not be sound and/or legally compliant. As such, the Council requested that the Inspector recommended main modifications to make the Plan sound and legally compliant, and therefore capable of adoption.
13. All of the main modifications to the Welborne Plan, as recommended by the Inspector, must be included in order for the Plan to be sound. All of the main modifications are unchanged from the main modifications that were considered by the Council at its meeting of 21 January 2015 and which were subsequently published for public consultation. All of the responses to the consultation were taken into account by the Inspector in reaching his decision.
14. In respect to minor modifications, these are not an issue of soundness and the Inspector's Report makes reference only to minor modification AM49. The schedule of minor modifications is attached at Appendix 2 – Part 1.

15. In addition to the minor modifications, a number of additional minor changes have been made to the Welborne Plan. As with the minor modifications, these correct only typographical, grammatical or consistency errors and do not change the overall direction, shape or emphasis of the documents or raise any significant new issues. The list of changes is presented at Appendix 2 – Part 2.
16. A new Policies Map for the complete Fareham Borough Local Plan (Core Strategy, DSP Plan and Welborne Plan) will be produced to take into account the adopted policies in both the DSP Plan and the Welborne Plan. The Local Plan Policies Map will fully replace the existing adopted Local Plan Review 2000 Proposals Map for the Borough.
17. The Welborne Plan and Policies Map as proposed to be adopted and incorporating the Inspector's main modifications, the minor modifications and the additional minor changes is attached at Appendix 3.
18. As soon as possible after adoption of the Welborne Plan, the Council must make the adopted version of the Plan, together with an adoption statement and the sustainability appraisal report available at the Civic Offices and at other appropriate locations (libraries) within the Borough. The adoption statement must also be published on the Council's website, sent to the Inspector and sent to all persons who asked to be notified of the adoption. The sustainability appraisal adoption report is attached at Appendix 4.
19. Decisions on planning applications for Welborne will need to be made in accordance with the Welborne Plan, any other relevant Development Plan policies and national planning policy.

RISK ASSESSMENT

20. If the Council decided not to adopt the Welborne Plan it must withdraw the plan and there would be a number of consequences.
21. Failure to deliver a sound Welborne Plan would mean that the vision for development in the Borough, as set out in the adopted Core Strategy would not be completed. The Welborne Plan is required to set out the expectations of the Council and other key bodies when considering future planning applications for Welborne. In addition to determining applications at Welborne, an up to date planning strategy will assist the Council in resisting unnecessary and undesirable development elsewhere in the Borough.
22. The risk associated with adoption of the Welborne Plan is the potential for a legal challenge in the High Court. Such a challenge could not be to the content of the plan but that a procedural requirement was not complied with when the plan was prepared or adopted. Legal advice has been taken during the process of plan making, to ensure that the risks are minimised. The Inspector is also required to check that the plan has complied with legislation and he has concluded that the Welborne Plan meets those that he is required to consider (see paragraph 85 of the Inspector's Report).

SUMMARY

23. The Council should agree to adopt the Welborne Plan and Policies Map, incorporating all main modifications, as recommended by the Planning Inspector, as well as all minor modifications and all minor changes for the reasons set out in the report. The Council should also carry out the statutory requirements associated with adoption of the plan.

Appendices:

Appendix 1: Inspector's Report (including the Main Modifications Appendix)

Appendix 2 – Part 1: Schedule of Minor Modifications

Appendix 2 – Part 2: Additional Minor Changes

Appendix 3: The Welborne Plan (Adoption Version)

Appendix 4: Sustainability Appraisal adoption report for the Welborne Plan

Reference Papers: None.

Background Papers: None.

Enquiries:

For further information on this report please contact Claire Burnett (Ext 4330) or Adam Collier (Ext 4328).