

# FAREHAM

## BOROUGH COUNCIL

### Report to Council

**Date**                    **8 June 2015**

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

**Subject:**              **ADOPTION OF LOCAL PLAN PART 2: DEVELOPMENT SITES AND POLICIES PLAN**

#### SUMMARY

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

#### RECOMMENDATIONS

That the Council approves:

- (a) that the Development Sites and Policies Plan and the Fareham Policies Map be adopted, as attached at Appendix 3 and which incorporates:
  - i. the Inspector's main modifications to the Development Sites and Policies Plan (Appendix 1); and
  - ii. the minor modifications (Appendix 2 – Part 1) and subsequent minor changes (Appendix 2 – Part 2) to the Development Sites and Policies 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 Development Sites and Policies Plan, as soon as reasonably practicable after adoption.

## INTRODUCTION

1. The Development Sites and Policies Plan (DSP Plan) is the second document in the Fareham Local Plan. Together with the adopted Core Strategy (adopted August 2011) and the Welborne 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 DSP 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 DSP Plan in June 2014 to the Planning Inspectorate for Examination. The Inspector conducted hearing sessions between 11 November 2014 and 19 November 2014 where various matters of concern to a number of parties were debated.
6. In January 2015 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 DSP Plan.
7. At a special meeting of the Council on 10 February 2015, the Council subsequently authorised for a schedule of main modifications to the DSP 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 14 April 2015 that the schedule of main modifications to the DSP 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 10 February 2015 Council meeting, the Council also authorised for a schedule of minor modifications to the DSP 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 DSP 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 DSP Plan provides an appropriate basis for the planning of the Borough, 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, 34 main modifications are listed by the Inspector. They include –
  - A commitment to a Review of the Local Plan;
  - Clarification of the Council's approach to frontage infill outside defined settlement boundaries;
  - Clarification of the Council's approach to the change of use of land outside the settlement boundaries to garden land;
  - A new policy on Affordable Housing Exception Sites;
  - Portchester District Centre; include reference to foodstore floorspace and retaining parking levels and boundary change to remove residential properties and community facilities and amendment to supporting text;
  - Increasing the flexibility in the delivery of housing;
  - Housing site H7 – Fleet End Road, Warsash; amend plan to show only one access point (Shorewood Close);
  - Housing site H11 – Heath Road, Locks Heath; amend plan to include two potential access points;
  - Refer to support for self-build scheme (sites H12 Land at Stubbington Lane and H13 Land at Sea Lane)
  - Clarification of the Council's approach to facilitating development for older people;
  - Updates on Newgate Lane, Peel Common roundabout and Stubbington by-pass and consequential changes to the Policy Map;

- Up-date housing figures; and
  - Revise the monitoring section of the Plan.
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 DSP 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 10 February 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 DAM11. 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 DSP 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 DSP 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 DSP 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 within the Borough (but excluding the area covered by the Welborne Plan) will need to be made in accordance with the DSP Plan, any other relevant Development Plan policies, and national planning policy.

## **RISK ASSESSMENT**

20. If the Council decided not to adopt the DSP Plan it must withdraw the plan and there would be a number of consequences.
21. Failure to deliver a sound DSP Plan would mean that the vision for development in the Borough, as set out in the adopted Core Strategy would not be completed. The Development Sites and Policies Plan is required to set out how the Council will meet the

development expectations of the Council, as set out in the Core Strategy. The Plan also sets out a range of Policies which seek to guide and manage development proposals, which will enable Development Management to make robust decisions on individual applications. Without the Plan the Council will be at risk of being unable to resist unnecessary and undesirable development in the Borough.

22. The risk associated with adoption of the DSP 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 DSP Plan meets those that he is required to consider (see paragraph 66 of the Inspector's Report).

## **SUMMARY**

23. The Council should agree to adopt the DSP 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: Development Sites and Policies Plan (Adoption Version)

Appendix 4: Sustainability Appraisal adoption report for the DSP 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)