

UPDATES

for Committee Meeting to be held on 10 October 2018

UPDATE TO ITEM 6 – Consideration of Planning Applications on this Agenda

A letter has been received from Harrison Grant Solicitors dated the 9th October, on behalf of 'Save Warsash and the Western Wards'. The letter requests that Item 6 along with all the planning applications are removed from the Agenda, until the following four main points have been addressed and rectified.

1. Planning Officers should set out the details and conclusions of each appropriate assessment, so that the Planning Committee can adequately consider the acceptability of the appropriate assessment (AA) and the planning application.
2. It is unclear whether adequate levels of consultation was undertaken with Natural England on the AA and the report does not mention relevant documents in the background papers. The Council has failed to consider whether to take the opinion of the general public for the purposes of the AA.
3. It is not clear that each planning application has been reconsidered in full in light of all the changes in policy and law.
4. The second report contains inaccurate references to development plan policies. For example, policy DSP40 is referred to as Housing Allocations, when in fact it is the Fareham Local Biodiversity Action Plan Review.

Following consultation with the Council's planning Solicitors, Officers are satisfied that the reports are legally and procedurally robust. In specific response to the four main points raised:

1. As explained in paragraph 8 of the report of 12 September 2018 (page 22 of this agenda), under regulation 63 of the Conservation of Habitats and Species Regulations 2017 the council (and therefore members) "may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site". A summary of the conclusions of the relevant appropriate assessment has been set out in each report. Members have before them a copy of the appropriate assessment for each application site. The appropriate assessments have been on the council website for each application.
2. Natural England's position is summarised in each individual report. Their letter states "In cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is fully in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's Appropriate Assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation." There is no legal requirement to consult

members of the public on the appropriate assessment. Members of the public have had the opportunity to make representations on each application and these have been taken into account. Further, it is noted that the Solent Recreation Mitigation Strategy was the subject of public consultation at the time. In view of the SRMS, the conclusions in each appropriate assessment, the likely effects of development and the proposed mitigation, which is secured through planning obligations, it is not considered appropriate to consult members of the public further on the appropriate assessment.

3. Officers are satisfied that all relevant considerations (having regard to changes in policy and law) are set out the reports in front of members.
4. The report correctly refers to policy DSP40 as Housing Allocations.

ZONE 1 – WESTERN WARDS

(1) P/17/1317/OA – SARISBURY WARD

Land East of Bye Road, Lower Swanwick

One further letter of objection has been received regarding the application, highlighting that due to the nature of the proposal (self/custom build), the build-out period would be likely to be protracted, resulted in an extended period of disruption for neighbours.

The Local Planning Authority is not able to restrict the timeframe for the completion of developments, but conditions have been imposed to ensure any disruption to neighbours during the construction period is minimised.

(3) P/17/0746/OA – WARSASH

Land to the East of Brook Lane and South of Brookside Drive, Warsash

One further letter of objection has been received commenting that FBC and the Planning Committee has a duty to the residents of Warsash to wait until the NPPF and outcome of the new housing supply figures are published as it may have implications regarding the application.

As no reports from Natural England have been obtained in any of the Warsash cluster applications, the applications need to be refused or rescinded as necessary until one has been obtained.

Officer response: An update on the Five Year Housing Land Supply Position including reference to the publication by the Government of the Housing Delivery Test result in November has been reported elsewhere on this agenda.

Natural England's approach since the CJEU judgement is reflected in the officer report.

Other matters raised which include traffic and education impacts and lack of mitigation have been already discussed within the officer report.

(4) **P/17/0845/OA - WARSASH**

Brook Lane – land to the East of – Warsash

Two further letters of objection have been received. FBC and the Planning Committee has a duty to the residents of Warsash to wait until the NPPF and outcome of the new housing supply figures are published as it may have implications regarding the application.

As no reports from Natural England have been obtained in any of the Warsash cluster applications, the applications need to be refused or rescinded as necessary until one has been obtained.

Officer response: An update on the Five Year Housing Land Supply Position including reference to the publication by the Government of the Housing Delivery Test result in November has been reported elsewhere on this agenda.

Natural England's approach since the CJEU judgement is reflected in the committee report. In this case Natural England's specific comment is set out in the officer report.

Other matters raised which include traffic and education impacts, highway safety and lack of mitigation have been already discussed within the officer report.

(5) **P/17/0752/OA – WARSASH**

Land East of Brook Lane, North of Warsash Road, Brook Lane, Warsash

One further letter of objection has been received commenting that FBC and the Planning Committee has a duty to the residents of Warsash to wait until the NPPF and outcome of the new housing supply figures are published as it may have implications regarding the application.

As no reports from Natural England have been obtained in any of the Warsash cluster applications, the applications need to be refused or rescinded as necessary until one has been obtained.

Officer response: An update on the Five Year Housing Land Supply Position including reference to the publication by the Government of the Housing Delivery Test result in November has been reported elsewhere on this agenda.

Natural England's approach since the CJEU judgement is reflected in the committee report. In this case Natural England's specific comment is set out in the officer report.

Other matters raised which include traffic and education impacts and lack of mitigation have been already discussed within the officer report.

(6) **P/17/0998/OA – WARSASH**

Land to the East of Brook Lane and West of Lockwood Road, Warsash

One further letter of objection has been received commenting that FBC and the Planning Committee has a duty to the residents of Warsash to wait until the NPPF and outcome of the new housing supply figures are published as it may have implications regarding the application.

As no reports from Natural England have been obtained in any of the Warsash cluster applications, the applications need to be refused or rescinded as necessary until one has been obtained.

Officer response: An update on the Five Year Housing Land Supply Position including reference to the publication by the Government of the Housing Delivery Test result in November has been reported elsewhere on this agenda.

Natural England's approach since the CJEU judgement is reflected in the committee report.

Other matters raised which include traffic and education impacts and lack of mitigation have been already discussed within the officer report.

(7) **P/18/0107/OA – WARSASH**

Land to the East and West of 79 Greenaway Lane, Warsash

One further letter of objection has been received commenting that FBC and the Planning Committee has a duty to the residents of Warsash to wait until the NPPF and outcome of the new housing supply figures are published as it may have implications regarding the application.

As no reports from Natural England have been obtained in any of the Warsash cluster applications, the applications need to be refused or rescinded as necessary until one has been obtained.

Officer response: An update on the Five Year Housing Land Supply Position including reference to the publication by the Government of the Housing Delivery Test result in November has been reported elsewhere on this agenda.

Officers have undertaken an Appropriate Assessment as already reported.

Other matters raised which include traffic and education impacts and lack of mitigation have been already discussed within the officer report.

ZONE 2 – FAREHAM

(9) P/18/0067/OA FAREHAM NORTH

Land to the South of Funtley Road, Funtley

Two further letters from the same person have been received in objection to this application raising concerns over access for railway contractors and the potential for mudslides.