

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 12 October 2020

Portfolio:	Planning and Development
Subject:	Publication (Regulation 19) Local Plan
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Maintain and Extend Prosperity

Purpose:

To seek endorsement and a recommendation to Council to approve the Publication Local Plan for consultation and subsequent submission to the Secretary of State for independent Examination.

Executive summary:

This report proposes a consultation on the publication version of the Local Plan, hereafter termed the 'Publication Local Plan'. The Publication Local Plan sets out the Council's approach to managing and delivering development for the Borough to 2037. Once adopted it will replace the Core Strategy (2011) and the Development Sites and Policies Plan (2015), but will not replace the Welborne Plan (2015).

The Publication Plan identified sites for housing and employment and set policies for future determination of planning applications in topics such as retail, community facilities, and the protection of natural and historic environments in the Borough.

Once adopted, the policies and proposals contained within the Local Plan will form part of Fareham's statutory development plan and will be used to determine planning applications.

Recommendation:

It is recommended that the Executive endorse and recommend to Council for approval:

- (a) that the Publication Local Plan, as set out at Appendix A to the report, be published for a six-week period of public consultation, together with supporting documents included at Appendix B to G and listed as background papers;

- (b) that the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, be authorised to make any necessary minor amendments to the documents, prior to publication, provided these do not change the overall direction, shape or emphasis of the document and do not raise any significant new issues prior to the document being submitted to the Secretary of State;
- (c) that the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, be authorised, following the completion of the consultation period, to submit the Plan to the Secretary of State (together with any necessary minor modifications or that are required to ensure legal compliance and/or 'soundness'); and
- (d) that the Publication Local Plan, be a material consideration to be afforded due weight in the determination of planning applications.

Reason:

To publish the Publication Local Plan under Regulation 19 of the Town and Country Planning (England) Regulations 2012 for consultation and subsequent submission, in order to maintain and ensure an up-to-date Local Plan for the Borough for the period to 2037.

Cost of proposals:

The costs of publication are covered within the existing budgets.

Appendices:

A: Draft text of the Publication (Regulation 19) Local Plan

B: Policies Map

C: Sustainability Appraisal (incorporating the Strategic Environmental Assessment)

D: Habitats Regulations Assessment

E: Equalities Impact Assessment

F: Statement of Consultation

G: Duty to Co-operate statement

Background papers:

Strategic Housing and Employment Land Availability Assessment 2020

Strategic Transport Assessment 2020

Landscape Assessment 2017

Landscape and Strategic Gap Study 2020

Viability Assessment 2019
Ricardo Air Quality Assessment 2020
Fareham Retail and Commercial Leisure Study 2017
Fareham Retail and Commercial Leisure Study 2020 Update
Playing Pitch Strategy 2020
Indoor Facilities Study 2020
Strategic Flood Risk Assessment for Fareham 2020
Hampshire Gypsy, Traveller and Travelling Showpeople Accommodation
Assessment 2017
Business Needs, Site Assessments and Employment Land Study 2019
Infrastructure Delivery Plan 2020
Local Greenspace background paper
Self and Custom Build background paper
Renewable and Low Carbon Energy Capacity Study
Health background paper
Open Space background paper
Accessibility background paper
Settlement boundary review
Housing Windfall Projections background paper
Historic Environment background paper
Specialist Housing Needs background paper

Reference papers:

Local Development Scheme 2020
Statement of Community Involvement 2017

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BOROUGH COUNCIL

Executive Briefing Paper

Date:	12 October 2020
Subject:	Publication (Regulation 19) Local Plan
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. The Town and Country Planning Act (Local Planning) (England) Regulations 2012 set out the stages of Plan preparation and what is required at each stage. Following consultation on the Supplement in early 2020, Fareham Borough Council is now at the Regulation 19 stage of the process. Regulation 19 represents the second stage of the consultation process when forming a Local Plan and comprises the version of the Plan intended to be submitted to the Planning Inspectorate for independent examination.
2. This phase of the consultation process provides local communities, businesses and other interested parties with the opportunity to comment on the content of the Publication Local Plan, within the parameters of the 'Tests of Soundness' and points of legal compliance, as set out in National Planning Policy Framework.

BACKGROUND

3. The purpose of the Local Plan is to plan effectively for growth over the long term, in this case to 2037. The Local Plan sets out the long-term spatial strategy for the Borough and includes development policies against which future planning applications will be assessed. The Local Plan establishes the housing requirement up until 2037 and also takes into account the need to support economic growth and deliver affordable housing. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to ensure they have an up-to-date Local Plan. Once adopted, this Local Plan would supersede the Core Strategy (2011) and the Development Sites and Policies Plan (2015) but not the Welborne Plan (2015).
4. As members are aware the Council have embarked on three previous consultations on the Local Plan as it has been prepared, all at 'Regulation 18' stage. First, a Draft Local Plan was subject to consultation in the autumn of 2017. This was followed by changes to national policy on the housing need and the introduction of the standard methodology. As a consequence of the changes required to meet new national policy, the Council undertook an 'Issues and Options' consultation in the summer of 2019, followed by a Local Plan Supplement consultation in early 2020. The Supplement contained a revised Development Strategy, proposals for additional housing sites and

new policies on development and the natural environment. This was the third 'Regulation 18' consultation carried out as part of the plan process. The results of these consultations have informed the Publication (Regulation 19) Local Plan and the Regulation 22 Consultation statement presented as Appendix F provides summaries of the main issues raised in these three consultations as well as the Council's response to the points raised.

5. The Publication Plan is the version of the Local Plan which the Council would submit to the Secretary of State for independent examination, and would become the adopted Local Plan, subject to the findings of the examination. In line with national regulations the Council will seek representations through a period of public consultation on the Publication Plan. The public and other consultees will be asked to make representations by considering whether the Publication version of the Local Plan is 'sound' based upon the criteria as set out in the NPPF.
6. The Publication Plan is supported by a substantial suite of evidence documents which will be available to view as part of the consultation. These include documents required by legislation, presented at Appendix B-G including the Sustainability Appraisal/Strategic Environmental Assessment, Habitats Regulations Assessment and Equalities Impact Assessment, and many more technical documents available as Background papers, including the Strategic Housing and Employment Land Availability Assessment (SHELAA) and Strategic Transport Assessment.

KEY ISSUES ADDRESSED IN THE PUBLICATION PLAN

Housing Need

7. The Government has proposed large scale changes to the planning system through the White Paper Planning for the Future¹. The changes proposed to the planning system are substantial and would change the nature of Local Plans and Development Management. These proposed changes are currently out for consultation. Alongside the White Paper, the Government has also published a Technical Consultation on proposed changes to the Standard Methodology for calculating housing need which sets the housing requirement for Local Planning Authorities. The consultation runs until the 1st October 2020. The changes would result in amendments to the Planning Policy Guidance rather than legislation, and as such could be implemented before the end of the year.
8. As referred to in paragraph 4, the Local Plan process was paused in 2017 following the consultation on the Draft Local Plan. This timetable adjustment was done in response to a Government consultation on and the eventual introduction of the Standard Methodology to calculate housing need which resulted in an annual housing number for the borough higher than had been proposed in the 2017 draft Local Plan. The latter two consultations (Issues and Options and the Supplement) were focussed on how the Local Plan could address that higher housing need.
9. The current Standard Methodology takes account of population growth and housing affordability. However, through national policy, Local Authorities were instructed to use household projections based in 2014, rather than more up to date housing projections. This was the subject of much debate but Local Authorities had to gather evidence of exceptional circumstances to base their housing need figure on any other data. The proposed amendments to the methodology changes this, and would introduce the

¹ <https://www.gov.uk/government/consultations/planning-for-the-future>

option of using either a percentage of the Borough's existing housing stock as the calculation's starting point or the most up-to-date household projections, whichever is the higher, before an affordability uplift is applied. The consequence of these proposed amendments for Fareham is a reduction in the annual housing requirement for the borough from 514 under the current methodology to 403 homes per annum.

10. With the proposed introduction of a new Standard Methodology that would provide for a lower level of housing growth based on up to date data, provides the Council with the opportunity to plan for a lower, more appropriate, level of growth for the Borough.
11. Policy H1 of the Publication Local Plan sets out the overall growth level for the Borough until 2037 of around 8,389 new dwellings, which uses the proposed new lower need figure as its base. This level of growth proposed across the Plan period seeks to respond to the Government's proposed changes to the Standard Methodology but includes a prudent 'buffer' of 15% to address any potential slippages in delivery and makes a contribution towards unmet need from neighbouring authorities.
12. The consultation on the proposed changes to the Standard Methodology does not include any timescales for implementation. There is no certainty as to when and in what form, the changes to the PPG will be made, however it is widely expected to occur within a few months of the Government consultation ending on 1st October. The consultation includes proposed wording around transition arrangements for Local Plans and in response to the suggested wording of the new policy, it is proposed that the consultation process will take place prior to the publication of the new methodology, but submission of the Plan to the Planning Inspectorate will take place at such a time to allow the Plan to be examined against the new Standard Methodology. This approach is in line with the Local Development Scheme of September 2020.
13. This approach means that the Council is mindful of the risks around consulting on a level of housing need lower than the current standard methodology dictates, but in the knowledge that the proposed changes to using the most up to date data for calculating housing need provides a strong justification of such an approach which plans for lower levels of housing need.

Plan period

14. Given that the NPPF requires the strategic policies to have a lifespan of at least 15 years from the date of adoption, it is considered prudent to shift the plan period from 2020-2036 to 2021-2037. National guidance states that the housing numbers are fixed at the point of submission for a period of up to two years to allow for the examination of the Local Plan. Given that the plan will be submitted in 2021, this marks the start of the revised plan period. This change does not affect the total housing number.

Duty to Cooperate and Unmet Housing Need

15. Local Planning Authorities have a legal duty to cooperate with a range of national organisations, such as Highways England, and their neighbouring planning authorities. The purpose of the duty is to discuss and address strategic cross-boundary issues. A Duty to Co-operate Statement is presented at Appendix G which sets out the evidence of this ongoing engagement and where agreement has been reached. It is proposed that this is further evidenced through the submission and examination process by a series of Statements of Common Ground with organisations such as the Highways Authority, Highways England, Natural England, the Environment Agency and a number of neighbouring authorities.

16. One of the most significant objectives for these discussions is the need to determine whether there is any unmet need arising from the preparation of other Local Plans. There is no assumption that unmet need arising from other authorities should automatically be adopted into other Local plans, but national policy dictates that planning authorities should 'take account of' unmet need arising from other Local Authorities. Council Officers have engaged in discussions with neighbouring Authorities both bilaterally and through the Partnership for South Hampshire (PfSH) over the course of the plan preparation.
17. Fareham Borough Council is part of the Partnership for South Hampshire (PfSH). The Partnership continues to progress work on the revised Spatial Position Statement, a significant component of which is the consideration of unmet need across the sub-region. It is understood that there is a current shortfall in the region of 10,750 homes across the sub-region with Gosport (2,500) and Portsmouth (700) of most relevance to Fareham as neighbours. These numbers are based on the existing Standard Methodology for calculating housing need, and do not take into account housing sites that are not yet in the public domain and which could be proposed in emerging Local Plans. These numbers are therefore likely to alter as plans emerge within the sub-region. This Local Plan proposes to make a contribution of 847 (or 974 including a 15% buffer) homes to meeting PfSH unmet need, in addition to the 403 homes per annum (463 including a 15% buffer) required to meet the needs of Fareham.

Petitions

18. Consultation on the Regulation 18 Supplement in 2020 included a small number of proposed housing allocations into the Plan that were not part of the Draft Local Plan in 2017, and two proposed 'Strategic Growth Areas' at South of Fareham and North of Downend that were not allocations but areas that could be subject to a Council-led masterplan process. The petitions submitted in respect of "Fareham and Gosport residents against the development in the Strategic Gap" comprised:
 - a) FBC 'hosted' ePetition with 133 signatures
 - b) Change.org Petition with 1,075 signatures (867 signatures have been verified as from people who live/work/study in the Borough)
 - c) Paper Petition with 171 signatures
19. Due to the length of time it would take to double check b) against c) to establish if duplicate signatures exist, this has not been carried out. A sheet of comments was also submitted with the petition and these have been considered as part of the consultation process within the Regulation 22 Consultation Statement presented at Appendix F.
20. The Lead Petitioner also submitted to the Council a hard copy of a Petition which he wanted to include with his numbers. This Petition referred to a planning application on land between Longfield Avenue, Rowans Way and Stubbington. This is an exact copy of a Petition received from Cllr Keeble in June 2014. That Petition was passed to the relevant planning services to be considered at the time. It is recommended therefore that this additional petition should be precluded from the "Fareham and Gosport residents against the development in the strategic gap" petition as it was verified and accepted in 2014.
21. Since the Council started the process of preparing the Local Plan in 2015, other petitions related to the Local Plan that have been received since 2015 are summarised below.

Date	Title of petition	Number of signatures
October 2017	Development in Portchester	471 Expressions of Support 262 signatures (unverified)
October 2017	Development in Portchester	701 (verified)
November 2017	Development in Warsash and Western Wards	26 Expressions of support
November 2017	Wallington	122 Expressions of support
December 2017	Development in Warsash and Western Wards	2390 Expressions of support
August 2019	Stop building in the Fareham/Gosport Strategic Gap (two planning applications referenced and potential allocation East of Newgate lane)	1,061 accepted signatures

Equalities Impact Assessment (EqIA)

22. When exercising its functions, in accordance with the Equalities Act 2010, the council must have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
23. Assessment of the impacts of the policies in the Publication Local Plan has been undertaken on an ongoing basis. An Equalities Impact Assessment (EqIA) was undertaken in respect of the Draft Local Plan 2017 prior to public consultation.
24. An updated EqIA has been undertaken in respect of the policies in the Publication Local Plan and is included in Appendix E to this Report. The EqIA concludes that overall the proposed policies in the Publication Local Plan have the potential to either have a positive or neutral impact on the protected characteristics such as those with disabilities and some younger and older people.

APPROACH TO CONSULTATION

25. This consultation falls within Regulation 19 of the Town and Country Planning (local

planning) (England) Regulations 2012. The key purpose of the 'Regulation 19' consultation stage is to allow consultees the opportunity to make representations on the 'soundness' and 'legal compliance' of the Local Plan.

26. If approved by Council, the consultation on the Publication Local Plan would take place shortly thereafter for a period of six weeks. The Publication Local Plan will form the basis of the consultation and a consultation form and guidance will be prepared to help consultees respond.
27. Some elements of the consultation will need to be run in a manner which acknowledges the current Coronavirus restrictions, and any restrictions which are introduced in advance of, or during the consultation. Consultation arrangements must also meet the requirements of the Council's Statement of Community Involvement (SCI), which is sufficiently flexible to accommodate procedures that may be required, or not permissible, in light of Coronavirus restrictions.
28. The consultation will be focused around the 'Have Your Say' approach used by the authority in all its public consultations. Whilst officers will endeavour to hold the well-attended and valued public CAT meetings and pop-up exhibitions, these will need to be governed by the Covid 19 restrictions at the time and so may not be able to take place. It is therefore proposed that the Council will run a virtual public exhibition throughout the consultation. This will include short films, virtual display boards and opportunities to ask questions of planning officers online. A video presentation of the Plan will illustrate some of the key aspects and explain the points on which feedback is being sought.
29. Whilst the Regulations normally require the provision of hard copies of the consultation documents in public venues, such as libraries, for the period of the consultation, the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 amend this requirement to simply require documents to be made available on the Council's website.

NEXT STEPS IN PREPARING THE LOCAL PLAN

30. In response to this consultation, and in line with the published Local Development Scheme, the Council proposes to follow the timescale as set out below:

Autumn 2020	Consultation on Publication Local Plan
Winter 2020/2021	Submission of Plan to Secretary of State (dependent on publication of the changes to the PPG re. Standard Methodology)
Estimated: Spring/Summer 2021	Examination
Estimated: Autumn/Winter 2021	Adoption

31. Following consultation on the Publication Local Plan the plan will then be submitted to the Secretary of State. At the examination in public, the subsequent stage of the process, there will be an opportunity for people who have outstanding issues with the Local Plan and subsequent changes submitted by the Council to represent their views to the Inspector.
32. Following the examination, the Council will then receive a report from the Inspector on the Local Plan, and if found sound, would be adopted by the Council as soon as reasonably practical, as the new adopted Local Plan, superseding the current Core Strategy (2011) and the Development Sites and Policies Plan (2015).

Enquiries:

For further information on this report please contact Gayle Wootton (Ext. 4328)