

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 03 April 2023

Portfolio:	Planning and Development
Subject:	Adoption of the Fareham Local Plan 2037
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 resolve to adopt the Fareham Local Plan 2037, with the Main Modifications recommended by the Inspector and Additional Modifications.

Executive summary:

The Fareham Borough Local Plan 2037 ('the plan') seeks to meet housing and employment needs for the borough on a range of sites whilst adopting a sound development strategy which protects important landscapes and settlement gaps. Policies within the plan aim to enhance biodiversity through development, ensure high quality design and provide housing choices through promoting the opportunity for residents to build their own homes. The plan, once adopted, would replace two parts of the extant development plan for the borough, namely Local Plan Part 1 Core Strategy and Local Plan Part 2 Development Sites and Policies. Local Plan Part 3 the Welborne Plan would not be replaced and would still form part of the development plan for the borough.

The Local Plan was submitted to the Secretary of State in September 2021 with a Planning Inspector appointed shortly after to conduct the examination. There are three possible findings that an Inspector can make as a result of an examination; an unsound plan, a sound plan, or recommendations to make main modifications such that the plan could be found sound. Main modifications are changes that materially affect one or more of the plan's policies.

During the examination, the Inspector requested a number of main modifications to the plan where she felt they were needed to make the plan sound. These main modifications were the subject to public consultation from 31st October until 12th December 2022 as part of the Examination process. The responses to the consultation have been shared with the Inspector as part of the examination process.

The Council received the Planning Inspector's report on 23rd March 2023 on the Local Plan which concludes the examination process (see Appendix 1). In the report, the Inspector has concluded that the Fareham Local Plan 2037 provides an appropriate basis for planning of the Borough, subject to the inclusion of the main modifications identified and consulted upon, the plan in her view is sound and capable of adoption.

Now that the examination into the plan has concluded, the Council is able to consider adopting the Fareham Local Plan 2037 in accordance with the Inspector's recommendations.

Recommendation:

It is recommended that the Executive notes the Planning Inspector's report on the examination of the Local Plan and recommends to Council that:

- (a) Council resolves to adopt the adoption version of the Fareham Local Plan 2037 (see Appendix 2) which incorporates:
 - the Main Modifications recommended by the Inspector (as set out in Appendix 1), and
 - the Additional Modifications (see Appendix 3 Part 1), and a list of further minor changes since October 2022 (see Appendix 3 Part 2);
- (b) Council adopts the Policies Map as set out in Appendix 4;
- (c) the Director of Planning and Regeneration, following 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 Adoption Statement (see Appendix 5) and the adopted version of the Fareham Local Plan 2037, as soon as reasonably practicable after adoption.

Reason:

To conclude the examination and adopt the Fareham Local Plan 2037.

Cost of proposals:

The costs of adoption are covered within the existing budgets.

Appendices:

- 1) Inspector's report on the Examination, including the Main Modifications
- 2) Fareham Local Plan 2037 (Adoption Version)
- 3) Schedule of Additional Modifications Parts 1 and 2
- 4) Updated Policies Map (Adoption Version)
- 5) Sustainability Appraisal Adoption Statement
- 6) Sustainability Appraisal/Strategic Environmental Assessment Adoption Version
- 7) Habitats Regulations Assessment Adoption Version
- 8) EQIA (Equalities Impact Assessment) Adoption Version

Background papers: None

Reference papers: Local Plan 2037 Submission Version
Schedule of Main Modifications (October 2022)
Schedule of Additional Modifications (October 2022)

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BOROUGH COUNCIL

Executive Briefing Paper

Date:	03 April 2023
Subject:	Adoption of the Fareham Local Plan 2037
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. The Council has a responsibility to produce an up-to-date Local Plan. Local Plans guide decisions on new development and are the primary document(s) used to determine planning applications. For Fareham, the extant Local Plan is in three parts. Local Plan Part 1 is the Core Strategy, adopted in 2011. Local Plan Part 2 is the Development Sites and Policies plan, adopted in 2015, and Local Plan Part 3 is the Welborne Plan, which was also adopted in 2015.
2. The Council has been preparing a new Local Plan since 2017 when it consulted on a Draft Local Plan. Since then, there have been four further consultations as the plan evolved before it was submitted for examination.
3. The examination into the soundness of the Fareham Local Plan 2037 ('the plan') was conducted by Planning Inspector Helen Hockenhull. The process began in September 2021 with examination hearings held in March and April 2022. The examination has recently concluded with the issue of the Inspector's report. This report sets out the findings of the Planning Inspector and addresses the next step that the Council can take, whether to adopt the plan.

THE EXAMINATION PROCESS

4. The examination started when the plan was submitted with hearings conducted in March and April 2022. Following the conclusion of the hearings, the Inspector wrote twice to the Council, first in a Post Hearings Letter in June 2022 and subsequently in a Further Post Hearings Letter in September 2022. These letters expressed her views on a range of topics and requested further work, most notably the production of topic papers and a focused consultation which was the subject of a report to the Executive in July 2022.
5. There were three possible outcomes to the examination: an unsound plan, a sound plan, or the Inspector recommends that the plan can be found sound albeit with some changes. These changes are known as 'main modifications'.

6. During the hearings and in those letters, the Inspector requested several main modifications to the plan where she felt they were needed to make the plan sound. In her September 2022 letter, she invited the Council to draw up a 'schedule of main modifications'. This schedule was the subject of a report to Council on 27th October 2022 who approved it for public consultation. This public consultation ran from 31st October until 12th December 2022 and was a requirement of the Examination process.
7. The Council received 38 responses to this consultation. All responses, including the Council's response to representations, were passed to the Inspector for her to consider whilst completing her report.
8. The Inspector has now issued her report setting out her final conclusions and recommendations based on the material she has heard and read throughout the examination process. The receipt of the Inspector's report concludes the examination process.

THE INSPECTOR'S REPORT

9. The Inspector's report was received on 23rd March 2023. In accordance with the Town and Country Planning (Local Planning) Regulations 2012, the Council was obliged to publish the report 'as soon as reasonably practicable' as well as to notify those participants of the examination who had requested to be notified of its publication.
10. The report concludes that the Fareham Local Plan 2037 provides an appropriate basis for the planning of the Borough, providing that the main modifications identified by the Inspector are made to the plan. A copy of the Inspector's final report, which includes the list of main modifications required, is available at Appendix 1.
11. In total, 157 main modifications are listed by the Inspector. There are no new main modifications from the schedule that was consulted upon in autumn 2022, which was the subject of Council approval in October 2022. For information, the main modifications include as examples:
 - Changes to Policy H1 to provide for at least 9,560 new homes in line with a stepped trajectory.
 - Commitment to an early review of the plan if required following the outcome of the Partnership for South Hampshire (PfSH) work to assess the sub regional unmet housing need and/or the monitoring of housing delivery.
 - Deletion of site allocations FTC3 Fareham Station East and FTC4 Fareham Station West.
 - Amendments to the boundaries of the Areas of Strategic Landscape Quality (ASLQ) to ensure they are justified.
 - Amendments to the site-specific requirements to a number of site allocations to achieve sustainable development.
 - Modification to Policy HA55 Land South of Longfield Avenue to include the addition of an agreed Masterplan and Supporting Principles in a new Appendix D and amendment to the Strategic Gap boundary within the site.
 - Changes to Policy HP5 to ensure it is effective in providing affordable housing.
 - Changes to Policy HP9 to ensure the policy approach to the provision of self build and custom build homes is effective.

- Changes to Policy HP11 so that the requirements for Gypsy Traveller and Travelling Show people accommodation are clearly set out and the policy criteria accord with the Planning Policy for Traveller Sites (PPTS).
 - Changes to various policies to set out a positive strategy for the mitigation of climate change and the protection and enhancement of the natural and historic environments.
 - A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.
12. As stated throughout the Inspector's report, without the inclusion of the main modifications, the plan cannot be found sound and therefore it is not available to the Council to adopt without all of these modifications.
 13. The Inspector has made some minor amendments to the detailed wording of some of the main modifications that were considered by the Executive and Council at their respective meetings in October 2022 and which were subsequently published for public consultation. The main modifications that have been amended by the Inspector are MM008, MM014, MM018 and MM074 and the reasons for making the amendments to these main modifications are stated in the Inspector's final report (see paragraphs 50, 69, 162 and 138, of Appendix 1).
 14. MM008 now refers to 'poorer quality agricultural land' rather than 'lower quality'. MM014 and MM018 now states that the Council will undertake an early review of the plan, rather than will consider an early review. The reference in MM014 relates to the development of the PfSH Joint Strategy work whilst the reference in MM018 refers to the need for a review if the Council's own housing monitoring indicates that the delivery of housing is not meeting the requirement. MM074 simplifies that a Design Code will be required to inform detailed design at the reserved matters stage of the planning application(s) for HA55 Land South of Longfield Avenue.
 15. As clarified in the report, none of the amendments significantly alter the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal/Habitats Regulations Assessment that has been undertaken.
 16. On the basis of the recommendations and conclusions contained within the Inspector's report, this report proposes that the Executive notes the report and recommends to Council to resolve to adopt the adoption version of the Fareham Local Plan 2037 as its new Local Plan.
 17. If the Council decided not to adopt the plan, it must withdraw the plan and begin the plan-making process again. This would put the Council's decision-making ability at risk. In terms of planning policy, the Council would, in such circumstances, have to rely on existing local plan policies which are becoming increasingly out-of-date. Under those circumstances, the Council would continue to face speculative planning applications which are often difficult to resist. The Council would continue to be involved in an unsatisfactorily high number of planning appeals which would be difficult to defend, particularly in terms of demonstrating a five-year supply of housing. Such a situation could increase the risk of the Council failing to meet Government 'special measures' targets in respect of the quality of decision making. This could result in the loss of control of

decision-making powers, enabling planning applications to be determined by the Planning Inspectorate.

18. Adoption of a Local Plan which meets the test of soundness would provide the Council as Planning Authority with the opportunity to proactively manage development with the Borough. The Council would have an up-to date Local Plan and be in a position to positively shape the Borough, both in terms of development within it and as a place for the future. Adopting the Local Plan would also mean that the Council is able to move forward with its review of the Community Infrastructure Levy (CIL), which helps fund necessary infrastructure to support growth.

ADOPTION VERSION OF THE FAREHAM LOCAL PLAN 2037

19. The 'Adoption version' of the plan contains all of the main modifications referred to in the Inspector's report.
20. In addition, the Council may, when it adopts the Plan, make additional modifications provided these do not materially affect the policies of the Plan as modified by the main modifications. These additional modifications include correcting or updating references to other strategies, policy cross references, typographical errors and grammar; reordering of text; changing terminology or organisational names; and other minor detailed points of clarity, definition or factual updates. The Council approved a Schedule of Additional Modifications in October 2022 (see Appendix 3 Part 1). These modifications have been made to the adoption version of the plan.
21. In addition to those additional modifications identified in October 2022, a number of further minor changes have been identified and made to the adoption version of the plan. As with the additional 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 further minor changes is presented at Appendix 3 Part 2.

ASSOCIATED DOCUMENTATION

22. A new Policies Map has been produced to take into account the policies within the adoption version of the plan (see Appendix 4). The new Policies Map will wholly replace the existing adopted Development Sites and Policies Plan (2015) Policies Map for the borough.
23. The Council is also required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) to produce a Sustainability Appraisal Adoption Statement to accompany the adoption of the Local Plan. This statement explains how environmental and sustainability considerations and consultation comments were taken into account by the Council and informed the preparation of the plan (see Appendix 5).
24. An adoption version of the Sustainability Appraisal report, an adoption version of the Habitats Regulations Assessment report, and an adoption version of the Equalities Impact Assessment have also been produced and are available as appendices to this report (see Appendices 6-8). In reference to the Sustainability Appraisal (SA) carried out on the Local Plan, the Inspector has stated that a

robust and proportionate SA has been undertaken, which has assessed the likely environmental, social and economic effects of the Plan incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004. Regarding the Habitats Regulations Assessment (HRA) of the Plan, the Inspector states that she is satisfied that the HRA accompanying the Local Plan is fully compliant with the relevant legislation and has fully considered all qualifying features of the designated sites. The Council can therefore be satisfied that the Fareham Local Plan 2037 will have no adverse effect on integrity of designated sites.

NEXT STEPS

25. Subject to approval by Council, the adoption version of the plan will be adopted, together with the policies map. From this point onwards, decisions on planning applications within the borough will be made in reference to the Fareham Local Plan 2037, except the area covered by Local Plan Part 3, the Welborne Plan.
26. As mentioned in paragraph 1, the existing Local Plan for Fareham is in three parts. As required under the Town and Country Planning (Local Planning) (England) Regulations 2012, the Fareham Local Plan 2037 states that the old policies in Local Plan Part 1: Core Strategy (2011) and the Local Plan Part 2: Development Sites and Policies (2015) will be superseded by the new policies in the Fareham Local Plan 2037. The Local Plan Part 3: The Welborne Plan, has not been reviewed and will remain in place to guide the development of the Garden Village.
27. As soon as possible after adoption of the plan, the Council must make the adopted version of the plan, together with an Adoption Statement and the Sustainability Appraisal Adoption Statement available at the Civic Offices and at other appropriate locations (such as libraries) within the borough. The Council must also publish these three documents on the Council's website, send copies to the Secretary of State and to all persons who asked to be notified of the adoption.

CONCLUSION

28. It is recommended that Executive notes the recommendations and conclusions set out the Inspector's report and makes the recommendation to Council that the adoption version of the Fareham Local Plan 2037, and the Policies map, be adopted by the Council.

Enquiries:

For further information on this report please contact Gayle Wootton, Head of Planning Strategy and Economic Development. (Ext. 4328)