

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

P 6 Local Plan Special - P 9 of same

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

HA1

B1c Which part of the Policies Map ?

Town Centre + Edged Town

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

Portland Chambers West Street HA55

B1e Which new or revised evidence base document ? E.g. Viability Assessment

Nitrate offset storm drainage

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Portland Chambers is a prominent historic building - facade must be retained & access to any flats must be at rear
Fareham only achieved limited nitrate offset & would not be able to meet government requirement if major development allowed
Raw sewage has been released into Solent and Peel Common
sewage works would not cope with large development drainage

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Fareham Council to maintain policy to prevent development South of Longfield Avenue to retain 'lung' between Fareham and Stubbington

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would be in accordance with the wishes of the majority of local voters

B4c Your suggested revised wording of any policy or text:

No development shall be permitted until all infrastructure is in place

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Respondent: Mr Colin Grice (127-481515)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

1200 new houses South of Longfield Avenue will attract in excess of 1200 more cars as most households have more than one vehicle. Currently, as congestion in peak times is so significant it can take up to 90 minutes to get to Winchester which is only 25 miles away. It is likely that the majority of these cars will not use the new Stubbington By Pass as they already live north of it, creating even more backlog at the major pinch points such as the roads approaching Segensworth Roundabout, traffic lights at the top of peak lane where it meets the Avenue and the Market Roundabout. Simply put, the roads cannot cope now, let alone introducing this additional load. There is a national shortage of General Practitioners as well as National Health Dentists. The surgeries locally are already overworked and nearing capacity. Even if provision is made for a Doctors Surgery, it is unlikely it will be manned by permanent staff as locums will have to be employed. The building of the by pass has seemingly put the whole strategic gap in the "for sale" category and nothing is being done to fight it. Significant members of Fareham Council stated that the Gap was safe. This should still be the case. I expect that all the boxes will be ticked to ensure compliance with whatever is needed to get what is wanted and it is all too convenient to hide behind the Government. Once this land is built on, that is it and if you are going to let this scheme go ahead then you may as well build on all of it as what is left will be of no use to anyone. I would have thought that in this new age of Brexit and self sufficiency, we would need as much land to grow food on as we could get our hands on, not handing it over to developers to build on. I hope that common sense prevails. Please save the green space between Stubbington and Fareham.

What modification(s) is necessary to make the Revised Pub...

The plan has to be legally compliant I would hope to get published. Morally the plan is unsound due to the numbers of houses proposed and what the actual effect on the locality will be.

How would the modification(s) you propose make the Revise...

Remove the developments in the strategic gap to preserve the farm land and enable continued food production

Your suggested revised wording of any policy or text:

None

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



LRM
PLANNING
LIMITED

FAREHAM LOCAL PLAN 2037

Revised Regulation 19 Publication Draft

Response prepared on behalf of Hallam Land Management Limited

July 2021



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Appendix 1: Schedule of Representations Submitted to 2020 Regulation 19 and current status

Appendix 2: Suggested Masterplan and Design Code Structure

Appendix 3: Alternative delineation of Strategic Gap

Appendix 4: Housing Mix evidence



Executive Summary

Hallam Land Management Limited ('Hallam') control a substantial tract of land to the South of Fareham, south of Longfield Avenue, west of HMS Collingwood and to the north of Stubbington Bypass, the construction of which has recently commenced and is due to be completed in Spring 2022.

In successive representations to the Local Plan Review we have drawn attention to the merits and advantages of locating development to the South of Fareham and how this would achieve the Borough Council's objective of *Good Growth*.

In this Revised Regulation 19 Plan, Policy H1 has rightly been amended to accord with the Government's Standard Method for calculating local housing need as required by the NPPF. As a matter of principle, we agree with this approach.

For various reasons set out herein, it is right that Policy H1 is framed in the terms "at least 9,560 new homes" as this is the minimum justifiable amount of new housing needed in the Borough.

Whilst additional housing allocations have been proposed, it remains the case that the Plan's housing supply strategy provides very little flexibility to deal with different circumstances that might arise to those assumptions that it is based upon. This underscores the need for the additional housing allocations as a matter of principle and for them to be delivered with alacrity.

Policy H1 includes as an additional proposed allocation land south of Longfield Avenue to provide 1250 new homes and associated uses. Hallam control the overwhelming majority of the site area shown on the Plan on page 146 of the consultation document.

This land was previously identified in the 2020 Local Plan Supplement as a potential *Strategic Growth Area*. Whilst the 2020 Regulation 19 Plan did not carry this forward because it proposed a lower level of housing, this allocation is a continuation of that earlier approach and the assessment work undertaken at that time. Importantly, this proposed allocation is entirely consistent with and supports delivery of the Plan's *Vision, Strategic Priorities* and the *Development Strategy*.

It is evident from the above that development in accordance with Policy HA55 would deliver positive *social and economic benefits*. As is often the case, there are conversely *negative environmental effects* associated with greenfield development. Importantly, as the Sustainability Appraisal and Habitats Regulations Assessment both acknowledge, mitigation measures will be achieved either by embedded elements in the scheme or by measures secured pursuant to other Local Plan policies that will minimise these potential negative effects.

Policy HA55 lists site-specific requirements that development proposals should meet. It is important to recognise that these criteria will be those that are used to assess future development proposals at the Development Management stage. In this regard, we are mindful of the requirement in paragraph 16(d) of the NPPF for policies "*to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*".

In the context of comments on various of the Policy's criterion we have prepared alternative policy wording which we consider better meets the NPPF's requirements whilst retaining the thrust of the policy's intended outcomes.



Whilst we support the inclusion of an Illustrative Land Use Framework Plan on page 148 of the consultation document, our representations have drawn attention to important considerations; firstly, the extent of green infrastructure not related to the development proposals, and secondly, the potential constraint in achieving the overarching policy requirement of 1250 new homes and associated uses by the way the developable area is delineated.

Finally, the delineation of the Strategic Gap south of Fareham should be amended to exclude the proposed allocation HA55. The southern boundary of the allocation should be drawn at Tanners Lane, rather than extending south and across open fields.



1 Introduction

- 1.1 Hallam Land Management Limited ('Hallam') control a substantial tract of land to the South of Fareham, south of Longfield Avenue, west of HMS Collingwood and to the north of Stubbington Bypass, the construction of which has recently commenced and is due to be completed in Spring 2022.
- 1.2 In successive representations to the Local Plan Review we have drawn attention to the merits and advantages of locating development to the South of Fareham and how this would achieve the Borough Council's objective of *Good Growth*.
- 1.3 In the January 2020 Local Plan Supplement, this land, along with other parcels in this broad location, was identified by the Borough Council as a potential *Strategic Growth Area*. In June 2020, an outline planning application was submitted for development south of Longfield Avenue, reflecting the direction of travel of the Local Plan at that time. The LPA has yet to determine this application.
- 1.4 In the November 2020 Regulation 19 Plan, such an allocation was not carried forward because the Council were proposing a level of housing that was different to and lower than the Government's published Standard Methodology for calculating housing need.
- 1.5 By now, the Council has rightly reverted to calculating its housing need by reference to the Standard Method consistent with the NPPF. This has increased the overall housing requirement and led to additional proposed allocations to meet this.
- 1.6 In this context, Policy HA55 proposes the allocation of a new urban extension to the South of Fareham for 1250 new homes and associated uses. Hallam support the principle of this proposed allocation.
- 1.7 Land South of Fareham is an eminently suitable and sustainable location for future development. In the context of the Borough Council's *Good Growth* principles that underpin the Plan's Development Strategy, the development proposals will achieve the high-level development principles and requirements set out in the Local Plan.
- 1.8 Development at South Fareham can be brought forward to provide new homes and associated community and commercial facilities within an overall scheme that provides accessible green infrastructure and open space, enabling residents and visitors to experience a high quality of life and well-being. The accessibility of this location can be capitalised upon with investment in new sustainable and active modes of travel. By locating new development here, valued landscapes and natural environments elsewhere in the Borough will be preserved.
- 1.9 It is especially significant that the Borough Council's assessment of Strategic Gaps has drawn the conclusion that new development can be located south of Longfield Avenue without harming the integral purpose of this earlier designation. We agree with this conclusion, which accords with our previous submissions that carefully planned development will not result in the coalescence of Fareham and Stubbington and that the separate identities of these settlements can be retained. That said, we disagree with the way in which the Key Diagram and Policies Map continue to define land proposed for development as being within the Strategic Gap; the delineation of the Strategic Gap should be amended accordingly to provide the plan reader an



unambiguous explanation of its intentions.

- 1.10 In the following Sections we comment on the changes proposed in this current version of the Regulation 19 Plan – the Revised Plan. Certain of our previous representations have been superseded by these changes, however, a number of others remain and we have not repeated those on this occasion. For convenience we have prepared a Schedule at *Appendix 1* which identifies those earlier representations that remain relevant and those that have been superseded and are no longer relevant.
- 1.11 In one instance we draw attention to how Policy HP9 should have been amended to reflect the fact that the overall amount of housing to be provided has increased.
- 1.12 In summary, our representations are as follows:
- a. We support the reversion to the Government’s published Standard Methodology - the minimum housing requirement should be defined by reference to 540 dwellings per annum;
 - b. Whilst the strategic housing requirement has been increased to “at least 9,556 additional dwellings” for the period 2021 to 2037, for various reasons this represents the minimum housing level:
 - No account has been taken of the low level of completions from 2018 onwards compared to the level of local housing need;
 - The nominal 900 dwellings identified to meet unmet need is only a small proportion of the estimated shortfall across the sub-region;
 - c. Whilst assumptions about the delivery of new housing at Welborne have been revisited and revised down, it remains the case that the Plan is very dependant of delivery from this one large site;
 - d. No further evidence has been provided to justify the windfall allowance;
 - e. The level of flexibility or contingency has reduced in the overall housing supply strategy;
 - f. These considerations underscore, as a matter of principle, the need for the additional allocations made in the Revised Plan, and in particular Policy HA55 (land south of Longfield Avenue) given its importance in contributing to the Plan’s *Vision, Strategic Priorities and Development Strategy*.
 - g. To ensure that the text relating to Policy HA55 is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”, we have proposed alternative wording.
 - h. The Illustrative Framework Plan as presently drawn is not supported:
 - firstly, the extent of green infrastructure shown is not related to the development proposals, and
 - secondly, the potential constraint imposed by the delineation of the extent of built development in achieving the overarching policy requirement of 1250 new homes and associated uses.
 - i. Separate from the allocation of land South of Fareham, the boundary of the Strategic Gap south of Longfield Avenue and west of HMS Collingwood should be amended so as not to



include the land identified by the Borough Council's *Technical Assessment* that is not considered integral to the Gap function.



2 Policy H1: Addressing housing needs by the end of the plan period in an appropriate and sustainable manner

2.1 In this Section we consider the revision to Policy H1 which increases the housing requirement to “at least 9,560 dwellings” and the housing supply strategy proposed to achieve the provision of this number of new homes within the plan period.

Housing Requirement

2.2 Policy H1 has been amended so as to accord with the Government’s Standard Method for calculating local housing need as required by the NPPF, absent any exceptional circumstances to justify a different approach. As a matter of principle, we agree with this approach.

2.3 However, it is important to consider the adequacy of Policy H1 in the context of the Plan’s Vision and Strategic Priorities.

2.4 The Borough Council’s Vision as set out in the consultation document intends that it:

- *“will accommodate development to address the need for new homes and employment space in Fareham Borough; and*
- *new housing will address the particular needs in the Borough, such as our growing housing need and an ageing population and creating attractive places to live”.*

2.5 Set within this Vision, the Plan’s first Strategic Priority is to:

- *address the housing and employment needs by the end of the plan period in an appropriate and sustainable manner, creating places people want to live or where businesses want to locate.*

2.6 In this context, it is instructive to consider the key housing issues identified in the Sustainability Appraisal in its Baseline Report:

- a. House prices in Fareham, whilst lower than Hampshire and South East averages, are higher than other authorities (e.g. Havant and Gosport) in south east Hampshire;
- b. Affordability of housing is a key issue for Fareham; the ratio between median earnings and house prices in the Borough remains in excess of 9 times earnings;
- c. Annual housing completions in the Borough have fallen since the highs for 2006-07 and 2007-08, but have recovered to more than 250 per annum over the last five years;
- d. An ageing population in the borough will increase the demand for certain types of housing.

(para 9.9.1 refers)



- 2.7 Moreover, it identifies that, without a new Local Plan, the supply of housing would not be sufficient to meet identified needs. Hence the importance that Policy H1 is prepared with the objective of contributing to the achievement of sustainable development and is prepared positively, in a way that is aspirational but deliverable.
- 2.8 As amended, Policy H1 requires the **“provision of at least 9,560 new homes across the Borough between 2021 and 2037”**. Table 4.1 of the consultation document provides the genesis for this, which for convenience has been reproduced below:

Local Plan Housing Requirement	
Fareham Annual Housing Need	541
Plan Period 2021-2037	16 years
Total Housing Need	8,656
Contribution to unmet need from Neighbouring authorities	900
Total Housing Requirement	9,556

- 2.9 There are four observations to make in relation to this.

Providing for objectively assessed needs for housing as a minimum

- 2.10 The NPPF’s presumption in favour of sustainable development requires that a local plan’s strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.
- 2.11 Only if, by reference to policies in the NPPF that protect areas or assets of particular importance, there exists strong reasons for restricting the scale of overall development, or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, would there be a justifiable reason not to provide for such a level of new housing.
- 2.12 No such reasoned justification exists in this instance. Neither the Sustainability Appraisal nor the Habitat Regulations Assessment suggest that this scale of development is close to exceeding any identifiable environmental threshold.

Past completions

- 2.13 The way in which the plan period has been defined, covering the period from 2021 onwards, does not recognise past housing delivery relative to the established level of housing need. We drew attention to this in our previous representations and set out a comparison between past completions at that time and have updated this below:

Year	Number of Completions	Level of Local Housing Need	Shortfall
2018/2019	290	520	230
2019/2020	285	520	235
2020/2021*	214	541	327

*Projected housing supply Five Year Land Supply Position February 2021

- 2.14 On this basis, the number of new homes built (or projected to be built) in the years since plan making commenced and the Government’s Standard Method was first published, is some 800 less than is shown to be required.



Unmet need from adjoining authorities

- 2.15 Section 33A of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to cooperate with, *inter alia*, other local planning authorities, and engage constructively, actively and on an ongoing basis in the preparation development plan documents, so far as relating to strategic matters. Paragraph 25 of the NPPF says '*strategic policy making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans*'.
- 2.16 In this regard, the 'plan-making' section of the PPG provides guidance in relation to the duty to cooperate. Paragraph 022 states that strategic policy making authorities are expected to have addressed key strategic matters through effective joint working, and not deferred them while relying on an inspector to direct them. It states "*[An] Authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved; this will be thoroughly tested at the plan examination.*"
- 2.17 Fareham is part of the Partnership for South Hampshire (PfSH) area and a Joint Committee structure exists to inform consideration of strategic matters across this sub-region. In 2016, it produced a Position Statement which identified a distribution of new housing across the constituent local authority areas. More recent work was undertaken by PfSH in 2020 to reflect the requirement to calculate local housing need by reference to the Standard Method¹.
- 2.18 Reflecting this 2020 work, the consultation document acknowledges that there is "*a significant likelihood of a substantial level of unmet need in the sub-region*" (para 4.4) and that over the plan period the level of unmet need in the sub-region could be circa 10,750 new homes.
- 2.19 In this context the consultation document makes an allowance of an additional 900 dwellings houses as a contribution to meeting unmet need from Fareham's Neighbouring Authorities; (increased from 847 previously).
- 2.20 There is no evidence of how this figure has been derived. All that is evident from the earlier passages of paragraph 4.4 is the very unclear picture that exists and which is subject to additional work by PfSH. Consequently, the proposed contribution of 900 dwellings - less than 10% of the possible unmet need - doesn't appear to have any basis in a full and proper assessment of future housing requirements and supply across the sub-region.
- 2.21 In comparison, the request from Portsmouth City Council in response to the emerging Local Plan in February 2020 was for Fareham to accommodate 1000 new homes which is approximately a third of the City's unmet need. Moreover, it is understood that there is expected to be an unmet need of in the order of 2,500 homes from Gosport. Similarly, Southampton's local housing need calculation is now based on the Cities uplift which would not have been accounted for in the September 2020 PfSH work, and the unmet need is therefore likely to be greater still.

¹ This figure originates from the September 2020 Partnership for South Hampshire Joint Committee Paper entitled 'Statement of Common Ground – Revisions and Update' and which is referred to in the Council's 'Statement of Compliance with the Duty to Co-operate'.



The minimum 15-year plan period

- 2.22 The current consultation document is based on the plan period 2021-2037, but in reality the plan will not be adopted until 2022, meaning it would cover the minimum period of ‘at least 15 years’. This provides little “flexibility to adapt to rapid change”.

Summary

- 2.23 Each of the above reasons indicate that the housing requirement in Policy H1 is the minimum justifiable amount necessary. This underpins why Policy H1 refers to this as a minimum requirement, with the term “at least”. Equally, it demonstrates why the land supply strategy, and the additional land allocated to meet this higher housing requirement is, as a matter of principle, necessary.

Housing Supply

- 2.24 Having considered the housing requirement in the preceding paragraphs, it is also important to consider the Plan’s housing supply strategy (i.e. how it intends to provide the number of new homes specified in Policy H1). We make three observations in respect of this.

Delivery at Welborne

- 2.25 The consultation document’s housing strategy is still heavily reliant on housing delivery at Welborne, which was previously identified to meet sub-regional requirements. Table 4.2 of the consultation document indicates that some 3,600 new homes are to be built at Welborne by 2037 to meet Fareham Borough’s local housing need. Whilst this is some 400 less than was suggested in the 2020 consultation document, it is still a significant amount on housing.
- 2.26 It has been readily apparent for some time that past delivery assumptions at Welborne could not be achieved. Despite the Core Strategy and the Welborne Plan assuming a significant number of new homes would have been built at Welborne by the present time, there is still no outline planning permission some 21 months after the Borough Council’s Planning Committee first resolved to grant permission (P/17/0266/OA) in October 2019. Indeed, planning obligations have needed to be renegotiated.
- 2.27 A number of housing trajectories have been proposed for Welborne at different stages. We understand the most recent to have been published is that prepared by Lichfields². This concludes at paragraph 5.7 that “Taking account of the above evidence, Lichfields and the Council believe that a delivery rate of c250 homes per annum (following a two year bedding in period) is the realistic maximum annual rate of delivery that can be supported by evidence at this juncture”. Later it suggests that this could increase to 275 dwellings per annum whilst the site promoter believes 300+ dpa could be achieved.
- 2.28 Assuming that development commences in 2023/2024, on the basis of the “realistic build rate”, this would mean little more than 3,000 completions by 2037.
- 2.29 Only if the higher build rate of 300dpa is achieved would the Plan’s assumption of 3,600 new

² Welborne Garden Village: A Delivery Trajectory for Welborne



homes be realised.

Windfall

- 2.30 In our previous representations we commented on the evidence to support the windfall estimate in Table 4.2 of 1,224 new homes between 2021 and 2037. We do not repeat that here.
- 2.31 It is important to recognise that windfall opportunities are finite. Opportunities to redevelop vacant or redundant land will have largely been exhausted by the present time because of planning policies that have prioritised such sources of supply for the past decade and longer. Consequently, future windfall over the plan period will rely to a much greater extent on recycling of land (i.e. existing uses being changed). This is inevitable a less certain source of housing supply.
- 2.32 By the present time the Council has included a Town Centre Broad Location to deliver some 600 new homes, in addition to the various other allocations made in the town centre (FTC3 - FTC9). It is not clear whether in fact housing in the Broad Location would have been part of the windfall assumption otherwise and in the fact double counting has arisen.

Flexibility

- 2.33 Paragraph 4.12 of the consultation document refers to the flexibility that the Council propose within its housing supply strategy. As indicated previously we agree with this as a matter of principle.
- 2.34 The Council state: "*A minimum of 10% additional supply is suggested by the Planning Inspectorate but given the reliance on large sites within the supply, a more precautionary 11% is proposed*". The additional 1% precautionary allowance over and above the 10% that is suggested to be standard practice amounts to an additional 83 dwellings. We note that in the 2020 Regulation 19 Plan the level of additional flexibility proposed was 15%.

Summary

- 2.35 Whilst additional housing land has been identified in the new Regulation 19 plan, it remains the case that, as set out previously, the Plan's housing supply strategy provides very little flexibility to deal with different circumstances that might arise to those assumptions that it is based upon. This underscores the need for the additional housing allocations as a matter of principle and for them to be delivered delivered with alacrity.



3 Policy HA55: Land South of Longfield Avenue

- 3.1 Policy H1 includes as a proposed allocation to meet the Borough's housing requirement, land south of Longfield Avenue to provide 1250 new homes and associated uses. Hallam control the overwhelming majority of the site area shown on the Plan on page 146 of the consultation document.
- 3.2 This land was previously identified in the 2020 Local Plan Supplement as a potential *Strategic Growth Area*. Whilst the 2020 Regulation 19 Plan did not carry this forward because it proposed a lower level of housing, this allocation is a continuation of the Council's earlier approach and the assessment work undertaken at that time.
- 3.3 It is evident from the previous Section concerning Policy H1 and the amount of housing the Plan proposes and its assumptions as to how this will be met, that the Longfield Avenue site is an extremely important part of the housing supply strategy. Significantly, it can provide housing land over the plan period, both in the short term and continuity over the long term.
- 3.4 In this Section we describe the following:
- the consistency of this proposed allocation with the Local Plan's Development Strategy,
 - the merits and benefits of development in this location, and
 - the findings of the Sustainability Appraisal and the Habitats Regulations Assessment.
- 3.5 We also comment on the Site-Specific considerations set out in the Policy and the Land Use Framework Plan and suggest alternative wording in some instances to aid with its clarity and practical application at the development management stage in the context of Section 38(6) of the Act.

Development Strategy

- 3.6 This proposed allocation is entirely consistent with and will contribute towards the Plan's Development Strategy.
- 3.7 The Council's Development Strategy is explained in its *Sustainability Appraisal* on page 29. Having considered a range of potential alternative strategies, **Residential Option 2F** is comprised of a number of elements:
- priority is afforded in the first instance to maximising developable sites in the urban area with a focus on regeneration and redevelopment opportunities in Fareham Town Centre
 - to supplement this, there is a focus on larger sites to achieve place making and wider benefits with a range of other sites as a portfolio approach
 - new development is distributed across the Borough relative to accessibility considerations
 - there is an identified preference for locations that have lower landscape sensitivity and sites that provide a logical extension to the existing urban area and / or defensible urban edge



for the future.

- 3.8 Plainly it is not possible for all of the Borough’s future development needs to be met within the urban areas or on previously developed land; as such greenfield sites, such as HA55, are a legitimate and necessary part of the housing land supply strategy.

Locational Merits

- 3.9 Fareham is a sub-regional centre and is the main focus for facilities and services in the Borough. The town is the largest in the Borough with a population of around 37,300. It follows that development which adjoins the existing urban area will benefit from accessibility and connectivity to these facilities and services, enhancing opportunities for active travel and supporting the vibrancy and vitality of the town.
- 3.10 Fareham is also an important economic centre, which has developed further over recent years with the success of The Solent Enterprise Zone at Daedalus to the south of the town supported by significant investment in infrastructure improvements including improvements to Newgate Lane and the Peel Common Roundabout.
- 3.11 In this context, a new, mixed use masterplanned development to the South of Fareham benefits from its proximity to the town centre, Daedalus, the railway station and existing local services and amenities with good access to walking, cycling and public transport links. These are locational merits that align with the Plan’s intention to achieve *Good Growth*.
- 3.12 The accessibility advantages of this location, coupled with the intended mix of uses proposed as part of the development, enables positive promotion of active travel.
- 3.13 The *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* identifies that the land south of Longfield Avenue and west of HMS Collingwood could accommodate new development without a significant adverse effect on the objectives of the Strategic Gap designation. This land is not identified as a ‘special landscape area’.
- 3.14 The Stubbington Bypass is being constructed to connect Gosport Road, Peak Lane and Titchfield Road. This is located immediately south of the proposed allocation HA55 as is shown on various plans including the Key Diagram on page 23 of the consultation document. This built infrastructure will inevitably change the character of this location and create an urbanising influence through the centre of the existing Strategic Gap between Fareham and Stubbington. Development to the south of Fareham would assist in assimilating the bypass and soften the impact of the road beyond what could be achieved from constructing the bypass alone.

Sustainability Appraisal

- 3.15 Appendix K of the Sustainability Appraisal provides commentary regarding land south of Longfield Avenue. In summary form its conclusions are also shown at Appendix F and are reproduced for convenience below:

SEA Objective	
SA1	To provide good quality and sustainable housing for all
SA2	To conserve and enhance built and cultural heritage
SA3	To conserve and enhance the character of the landscape



SEA Objective		
SA4	To promote accessibility and encourage travel by sustainable means	Minor Mixed
SA5	To minimise carbon emissions and promote adaptation to climate change	Minor Negative
SA6	To minimise air, water, light and noise pollution	Minor Negative
SA7	To conserve and enhance biodiversity	Minor Negative
SA8	To conserve and manage natural resources	Moderate Negative
SA9	To strengthen the local economy and provide accessible jobs	Minor Positive
SA10	To enhance the vitality and viability of centres and respect the settlement hierarchy	Minor Positive
SA11	To create a healthy and safe community	Moderate Positive

- 3.16 It is evident from the above that development in accordance with HA55 would deliver positive *social and economic benefits*. As is often the case, there are, conversely, negative environmental effects associated with greenfield development. Importantly, as the Sustainability Appraisal and Habitats Regulations Assessment both acknowledge, mitigation measures will be achieved either by embedded elements in the scheme or by measures secured pursuant to other Local Plan policies that will minimise these potential negative effects.
- 3.17 In this regard various of the Plan's policies provide a framework for ensuring that individual development proposals provide the necessary and associated mitigation.³ In certain instances the site-specific policies reflect the need for mitigation measures also. The site-specific criteria are discussed at paragraphs 3.30 – 3.59.

Habitats Regulation Assessment

- 3.18 Development of the land south of Longfield Avenue has been considered to have a *potential* effect on various European designated sites as explained in the Habitats Regulation Assessment. Section 2 of the HRA lists and describes the various Special Protection Areas, Special Areas of Conservation, and Ramsar Sites in the locality. Site HA55 has the *potential* to impact on the River Itchen SAC, Solent Maritime SAC, New Forest SAC/Ramsar, New Forest SPA, Porsmouth Harbour SPA/Ramsar, Solent & Dorest Coast SPA, Solent & Southampton SPA/Ramsar. This proposed allocation is not unique in this sense; the HRA identifies that all proposed housing allocations, namely HA1 to HA56, FTC3 to 9 and BL1, give rise to *potential* effects for various reasons.
- 3.19 Of particular relevance to HA55 are the following *potential* impacts:
- a) nitrate levels and water quality;
 - b) disturbance to breeding birds / overwintering birds either through loss of or displacement from functionally-linked habitat; and
 - c) increased recreational pressure.
- 3.20 These potential impacts are discussed in the following paragraphs.

³ Policies HE1 to HE6 and D1 in respect of Heritage, Policies DS3 in respect of landscape, Policies TIN1 and TIN3 in respect of travel, Policies D1, NE6 and NE8 in respect of climate emissions and adaptation to climate change, Policies NE1 to NE6 in respect of the natural environment, Policies D1 to D5 in respect of Design and environmental performance.



Nitrates

- 3.21 The land is located directly west of the edge of urban area that forms part of the designated Chichester, Langstone and Portsmouth Harbours Eutrophic NVZ (TraC) (Nitrate Vulnerable Zone). The land is currently predominantly arable farmland; intense farming with fertilization with natural manures will lead to nitrate leaching into the surrounding surface water and ground water environment.
- 3.22 With development of the land, the leeching of nitrates through farming activities will be curtailed. Appendix III of the HRA indicates that development of Site HA55 will have a positive effect on the nutrient budget (i.e. reducing the *kg/TN/year* compared to the current situation). This is clearly a beneficial aspect of Site HA55 being developed for housing.
- 3.23 Peel Common Wastewater Treatment Works, which are close to Site HA55 but serves a very wide catchment area extending to Eastleigh, Gosport, Test Valley and Winchester, is predicated to reach capacity by 2025 at which point a review of the N permit will be required. Importantly, given that HA55 has been assessed as nutrient negative, its development will not exacerbate the nutrient load but will rather enable other development to be accommodated that would otherwise increase the nutrient load at the WWTW. In other words, HA55 creates additional capacity within the nutrient budget.

Breeding Birds / Overwintering Birds

- 3.24 The Policies Map includes designations relating to Waders and Brent Geese that are associated with Policy NE5. This designation covers four categories of land – Core and Primary Support Areas, Secondary Support Areas, Low Use Areas and Candidate Areas. As it relates to the HA55 area, this is shown as *BG&W Classification 4 - low use*.
- 3.25 Previously we commented on this illustration in the context of Policy NE5 and that representation remains. To delineate these areas in the manner shown on a Policies Map, which affords permanence to the designation, fails to take account of the potential changes in circumstance and is not sound as a matter of principle.
- 3.26 Development at HA55 could potentially lead to an adverse effect on breeding birds and overwintering birds as a consequence of the loss of this low use functionally linked habitat. However, as the HRA acknowledges, Policy NE5 provides a counteracting measure by requiring on-site mitigation or off-site enhancement and/or financial contribution consistent with the approach taken to mitigating and off-setting adverse effects. In the instance of HA55, the Policy proposes that an area of land west of Peak Lane is 'retained, enhanced and managed to provide sufficient habitat to mitigate the proposed development'. This is considered to effectively avoid and mitigate the potential impact.

Increased Recreational Pressure

- 3.27 Site HA55 is within the 5.6km zone associated with various designated sites and will give rise to an increase in population that could cause a greater recreational pressure in those areas. This increased activity could cause trampling of vegetation, soil compaction and erosion and displacement of birds from otherwise suitable feeding or roosting habitats.
- 3.28 Again, as the HRA acknowledges, Policy NE3 provides a counteracting measure, devised in



conjunction with Natural England as part of the *Solent Recreation Mitigation Partnership* which is considered likely to effectively avoid and mitigate such an impact.

HRA Conclusions

- 3.29 The HRA concludes that the proposed allocation (and the Plan as a whole) is not likely to cause significant effects on the various European designated sites and is therefore compliant with the Habitat Regulations.

Site-Specific Criteria

- 3.30 Policy HA55 lists site-specific requirements that development proposals should meet. It is important to recognise that these criteria will be those that are used to assess future development proposals at the Development Management stage. In this regard, we are mindful of the requirement in paragraph 16(d) of the NPPF for policies “to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. We comment on these criteria in the following paragraphs.

Criterion A. Masterplan and Design Code

- 3.31 We agree that the development proposals should be based upon a Masterplan. This accords with NPPF para 75(c). We interpret this to be similar to that set out on Figure 11 of the National Model Design Code (page 15).
- 3.32 In our experience, the preparation of such a Masterplan is best served by this being a collaborative exercise rather than Council led to ensure that its content is properly informed by a range of considerations.
- 3.33 We do not understand what is intended by an “appropriate policy tool such as a supplementary planning document” as this implies a particular statutory process defined by Regulations. We do not consider such a statutory process to be necessary and the same outcome, a collaborative process with appropriate engagement, can be satisfactorily achieved without being a formal SPD.
- 3.34 Lastly, the phrase “in accordance with the HA55 Strategic Land Use Framework Plan” gives the statutory weight of the development plan to this Illustrative Plan on page 148 of the consultation document. We disagree with this approach.
- 3.35 Rather, the masterplanning process must be allowed to develop that Illustrative Framework Plan through rigorous testing of development and land use objectives to arrive at:
- A landscape strategy, taking account of existing natural features of the site and wider area, biodiversity and new structural elements.
 - Green infrastructure including the amount and position of open space provision.
 - The number, type and tenure of homes and other uses (from the local plan allocation).
 - The points of access and connection to the wider street network.
 - The broad position of the primary and secondary streets but not local streets.



- The position of the local centre, primary school and sports hubs.
 - The area types that will apply to different parts of the site (which will in turn reference rules on density, height, street building line etc.)
 - Sustainability measures and supportive design in respect of masterplanning
- 3.36 This process could result in a different arrangement of development. For example, the extent of the flexible development edge may not be sufficient to achieve the place making objectives, land use requirements and other planning policy and masterplanning considerations. We propose an alternative form of words at para 3.59.
- 3.37 We also agree that a Design Code would be an appropriate tool to guide future detailed development proposals, given its scale and likely delivery period. In our opinion there is an important distinction to be drawn between a Site Wide design code which establish design 'rules' at a strategic level (rules on density, height, street building line etc.) as compared with a much finer grain Code that is focused on the individual character areas. It would not be necessary or appropriate to require such a level of detail as suggested by Stage 3A in the National Model Design Code prior to the submission of an outline planning application.
- 3.38 The scale of development concerned is such that it will be delivered over a long term – some ten years – and it is critically important that the design coding process can adapt to circumstances that exist at different points in the development programme as reserved matters applications are prepared and determined. To fix detailed design rules at the outset and for them to endure for some ten years will not allow for those changes in circumstance. For example, implementation of the Future Homes Standards will give rise to changes in housebuilding both in terms of layout and appearance. Similarly adaptation strategies for climate change will evolve over time as best practice changes. It is imperative that the design coding process allows for adaptability over time.
- 3.39 In this context, we see a Strategic Level Design Code being required at the outline planning application stage as part of the Masterplan but that more detailed Area Level Design Codes are required pursuant to a planning condition. We understand a similar two stage approach is proposed at Welborne. We have set out at *Appendix 2* what we consider to be a suitable structure for this design cascade.

Criterion B. Built form, its location and arrangement to protect integrity of the Strategic Gap

- 3.40 In earlier representations we have drawn attention to the conflict between (a) the proposed allocation at South Fareham and (b) retaining the Strategic Gap designation across all of the undeveloped land between Fareham and Stubbington on the Policies Map. We discuss this in detail in Section 5, however, we consider that the boundary of the Strategic Gap should be redrawn at Tanners Lane to accord with the Plan at *Appendix 3*.
- 3.41 It is inevitable that there will be a change in the character and appearance of the land that is to be developed; new housing and associated uses will replace open countryside. Importantly the analysis undertaken on behalf of the Council and set out in the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* draws the significant conclusion that development in this location can be accommodated without significant adverse effect on the function of the



Strategic Gap.

- 3.42 There will continue to be undeveloped land between the new urban edge of Fareham and the northern extents of Stubbington such that the settlements do not coalesce, and their separate identities will be retained. It is important to recognise that north of Tanners Lane there is a substantial existing belt of woodland planting that to a large extent encloses the land to the north thereby limiting ones viewing opportunity and experience from this Public Right of Way. Moreover, the Stubbington bypass results in urban infrastructure between Tanners Lane and Stubbington alongside existing farm buildings associated with Newlands Farm. Each of these features has a material effect on the actual sense of openness between the two settlements and, together with new planting limit inter-visibility and intra-visibility between the new development and Stubbington is minimised if not avoided altogether.
- 3.43 In this context, it is not clear what this criterion is seeking to achieve, other than ensuring a sensitive landscape edge to the new development is maintained or created, the principle of which is unobjectionable. We have proposed alternative wording in the following section.

Criterion C. West of Peak Lane.

- 3.44 We agree with the concept of focusing built development east of Peak Lane and, as with the Land Use Framework Plan in the consultation document, land west of Peak Lane should provide green infrastructure. The land west of Peak Lane is already subject to informal recreational use, either by means of the existing Public Right of Way between Peak Lane and Ranvilles Lane or by well used informal (and unauthorised) routes within Oxley's Coppice and fields to the south and west of existing woodland.
- 3.45 Criterion H also concerns the land west of Peak Lane and suggests that all of this land should be provided as habitat to mitigate the site's existing *BG&W low use classification*. The creation of new habitat on-site is a counteracting measure that Policy NE5 permits for low-use classification land. The alternative is off-site enhancement and/or financial contribution consistent with the approach taken to mitigating and off-setting adverse effects.
- 3.46 We interpret this criterion as requiring the creation of an area of more suitable habitat that could encourage 'higher use' to compensate for the loss of larger areas of 'low use'. It is important to recognise that in fact the evidence of Brent Geese and Waders using the land concerned is extremely sparse and successive surveys has not substantiated the use of this land by any of the target species in recent years. Some of the land east of peak lane remains in low use by golden plover, with a small number using localised parts of the site on a semi-regular basis.
- 3.47 Whilst the land west of Peak Lane has the potential to perform this function and suitable habitats could be provided in the forms of short open grassland, wetland and *scrapes*, its potential utility is influenced by its character and that of its surroundings which in this instance includes the proximity of Peak Lane, the proximity of Stubbington bypass, the substantial vegetation associated with Oxley's Coppice, existing hedgerows, the Public Right of Way that runs east-west in this location and the informal (and unauthorised) public access across the land. A portion of the land will need to be fenced, and some sections screened, to provide a permanent undisturbed areas of wader habitat, but it will be possible to create a space that incorporates public access and mitigation.



- 3.48 This land can at the same time provide an important recreational and educational opportunity by regularising and formalizing public access. This would reduce recreational pressure at the nearby designated sites in accordance with Policy NE3. This would be consistent with criterion G.
- 3.49 In reality, therefore, land west of Peak Lane has the potential to serve as a multifunctional greenspace and the policy wording should allow this flexibility. We have proposed alternative wording in the following section.

Criterion D. Walkable Neighbourhoods.

- 3.50 We agree that development in this location should prioritise walking and cycling as a means of movement with the development capitalising on the mix of uses that will be provided and that exist locally. Integral to the design is a permeable neighbourhood which priorities walking and cycling, and which provides easy access to public transport services. To improve the clarity of this criterion, especially the reference to the Rapid Transit uniquely in the opening line from other destinations in the final line, we have proposed alternative wording in the following section.

Criterion E. Access from Longfield Avenue and Peak Lane.

- 3.51 We agree that pedestrian, cycle, public transport and vehicular access should be provided from two points of access: Longfield Avenue and Peak Lane. None of the highway assessment work conducted by the Council or Hallam has suggested that an access on to Stubbington bypass is necessary.

Criterion F. Pedestrian and cycle links and Rapid Transport.

- 3.52 We agree that the proposed development should be served by an internal network of footways and access arrangements that can be utilised by both pedestrians and cyclists. The site is surrounded by Public Rights of Way that in turn can serve as connections from the site to other destinations in its vicinity. These will be maintained and improved in order to encourage an alternative sustainable modes of travel.
- 3.53 Bus based public transport is also a feasible means of sustainable travel from this location. The scale of development proposed is sufficient to deliver dedicated public transport coverage between the Site and key destinations that will have the frequency and reliability to attract patronage to secure long term viability. Any improvement will be discussed with the necessary stakeholders, but it is envisaged that the development will support the introduction of new services.
- 3.54 The Eclipse Busway - a Bus Rapid Transport scheme between Fareham and Gosport opened in 2012 providing a priority public transport route connecting the two towns – operates to the east of the Site. As part of off-site walking and cycle improvements, connectivity with the Busway could be improved.
- 3.55 In many respects this criterion overlaps with Criterion C in terms of accessibility and connectivity, and we have proposed an alternative wording in the following section.



Criterion G. Publically accessible and managed green infrastructure.

- 3.56 We agree that an important part of place making and maximising the assets of this location is the creation of publicly accessible greenspace. There are identifiable opportunities to create a new linear park along the southern edge of the proposed development that can serve both as public open space for the new and existing communities whilst also achieve new and sensitive landscaped edge to the town. Again, a similar opportunity exists west of Peak Lane to achieve a carefully placed recreational route alongside new habitat creation as part of a multifunctional greenspace offer. There is overlap between criteria B, C and G and we have proposed alternative wording in the following section.

Criteria H. Solent Wader and Brent Goose habitat.

- 3.57 We have discussed this in the context of Criterion C above.

Criteria I. Construction Environmental Management Plan.

- 3.58 We have no comments in relation to this Criterion; it replicates custom and practice and is a counter measures identified in the HRA.

Criterion J. Infrastructure Provision

- 3.59 **Primary school.** We agree a new primary school is required to accommodate primary school children from the proposed development.
- 3.60 **Mixed use local centre.** We agree that a mixed-use local centre will provide local services and facilities to support the new community. Moreover, such provision will complement that available to the existing community at *inter alia* Broadlaw Walk.
- 3.61 **Sports Hub.** The requirement for the Sports Hub emanates from the Council's Playing Pitch Strategy undertaken by WYG on behalf of the Council (February 2021). This Study identified that, firstly, there are existing deficiencies and shortfalls in the available playing pitches for various sports in the Borough that would, secondly, be exacerbated with future population growth. It follows that, whilst the proposed development will give rise to new sports provision requirements, the Sports Hub is not directly related to just this proposed allocation and is required in any event. Whilst the proposed allocation can make land available for this use, the delivery mechanism will need to be discussed with the Council reflecting its wider role and purpose.
- 3.62 **Extra Care.** As is explained in the supporting text to Policy HP8, there is an identified need for elderly persons and specialist housing provision. This type of provision extends more widely than Extra Care. The Background Paper entitled *Specialist Housing* draws the overarching conclusion that "*there is a shortfall of 'housing with care; - accommodation which allows older people to live independently with access to care and support – rather than a shortfall of any specific model'*". (Para 2.22 refers)
- 3.63 In effect, a flexible approach is required at this stage. Accordingly, we believe the policy requirement in this instance should be broadened to allow this wider definition of housing – comprised of both C2 and C3 accommodation - to be provided. Moreover, as is suggested in the Background Paper certain of the specialist housing is required as part of the affordable housing



element and could contribute to the overall proportion that is sought.

Self and Custom Housing

- 3.64 Policy HP9 requires 10% of all dwellings on sites of 40 or more to be provided as plots for sale to address local self or custom build. It is instructive that this proportion has not changed between the 2020 Plan and the current plan yet the overall amount of new housing to be provided has increased (i.e. the total number of self or custom build houses provided under Policy HP9 would now be greater). The addition of new allocated sites increases the number of self or custom build by 261, of which 125 would be provided at HA55. It is not obvious how the evidence supporting the principle of self or custom build houses has changed to justify the increase in provision by the application of a constant %.
- 3.65 The Background Paper entitled *Self or Custom Build* suggests that for a three year period since 2016 the average register list was 41. On the basis that this remains similar over the 16 year plan period that amounts to a demand for circa 200 self or custom build houses.⁴
- 3.66 On this basis, the total potential supply of self or custom build is significantly greater than that level of demand.
- 3.67 Moreover, it is not obvious that 125 self or custom build houses concentrated in a single location in fact reflects the evidence.
- 3.68 For these reasons, and reflecting the fact that a lower proportion of self or custom build housing is required at Welborne because of its overall scale, we propose that a specific criterion as applied to HA55 seeking 3% of the total number of new homes to be provided as self or custom build. This would be broadly equivalent to one delivery period.

Alternative Policy Wording

- 3.69 In the context of the preceding paragraphs we have prepared the following alternative policy wording which we consider better meets the requirements of paragraph 16(d) of the NPPF.

Within the area identified South of Longfield Avenue, a mixed-use development will be delivered that meets the following site-specific requirements:

- a. delivery of 1,250 dwellings of which 40% shall be affordable housing in accordance with Policy HP5;*
- b. specialist elderly persons care accommodation of between 50 – 100 units;*
- c. residential densities shall reflect the existing character of the Site's surroundings with an average range of between 30 and 50 dwellings per hectare to reflect the predominant mix of family sized homes;*
- d. development to be located to the north and east of the site in order to respect the landscape sensitivity of the wider site and to retain undeveloped land between Fareham and Stubbington*

⁴ 16 year plan / 3 year delivery period = 5 periods * 40 per period = 213



- e. *the creation of accesses for pedestrians, cyclists, public transport and vehicles from Longfield Avenue and Peak Lane with additional sustainable transport improvements to off-site routes to the town centre, bus routes and other local destinations;*
- f. *provision of a new 2-form entry primary school on site;*
- g. *provision of a mixed-use local centre providing flexible commercial floorspace (c.1500sq.m) to meet the day to day needs of the neighbourhood, together with a healthcare facility and community space;*
- h. *land for a sports hub to provide new playing pitches and associated facilities to meet existing and future demands;*
- i. *a network of green infrastructure that will:*
 - *provide a new landscaped edge to the north of Stubbington bypass to mitigate the visual impact of new development in important views*
 - *conserve the landscape setting of Peak Lodge to protect its residential amenity*
 - *strengthen boundary planting adjacent to HMS Collingwood*
 - *establish new ecological habitats and achieve a biodiversity net gain*
 - *mitigate the increased recreational pressure on nearby sensitive wildlife sites*
 - *provide a new linear parkland or equivalent area of multifunction greenspace*
- j. *Land west of Peak Lane shall be laid out to provide informal recreational space and Solent Wader & Brent Goose Habitat to mitigate the effects of the development in accordance with policy NE3 and Policy NE5*
- k. *Further infrastructure improvements will be delivered in accordance with an Infrastructure Delivery Plan; and*
- l. *provision of 3% self and custom build houses.*

A Site Wide Masterplan that reflects the principles of the Local Plan's Illustrative Land Use Framework shall be prepared collaboratively between the applicant and the Council and development proposals shall be consistent with this. A Design Code shall also be required as part of the development process.

- 3.70 *These amendments are considered necessary to ensure that the policy is positively prepared, justified, effective and consistent with national policy, and thus in accordance with the tests of soundness required by the NPPF (para 35).*



Land Use Framework Plan

- 3.71 In broad terms we support the Illustrative Land Use Framework Plan on page 148 of the consultation document in how it interprets the spatial aspects of the development criteria, but would draw attention to the following considerations.
- 3.72 It identifies areas of land for *green infrastructure* which are outside of the area of the allocation shown in the preceding page of the consultation document:
- land south of the Stubbington Bypass which is associated with Housing allocation HA54 and not this proposed allocation, and
 - existing areas of amenity space at Bishopsfield Road, Lasham Walk and Dunstable Walk which are associated with existing housing.
- 3.73 We consider this to be a graphical error but could be wrongly interpreted as being areas of green infrastructure associated with future development proposals pursuant to the allocation.
- 3.74 The NPPF requires that the design of new places and buildings should be *inter alia* grounded in an understanding and evaluation of each area's defining characteristics. This underscores the importance of the masterplanning process being allowed to fully explore how best to arrange new development and associated uses in the context of the wide range of planning objectives listed in paragraph 130 of the NPPF to strike the appropriate balance.
- 3.75 In this context, the Illustrative Land Use Framework Plan should not be afforded a status that predetermines the masterplan process. Reflecting its indicative nature, the extent of the developable area shown by the solid colour block and the flexible development edge, should only be seen in that term and should not be interpreted as definitive. To do otherwise, could present an unnecessary risk to the ability to achieve the various development requirements, and the ability to adapt through the masterplan process should not be undermined.
- 3.76 For example a relevant considerations in the masterplanning process will be the predominant character of the existing urban environment which is two storey housing; only along Bishopfield Avenue is there more dense flatted accommodation. Equally, evidence of housing mix at *Appendix 4* suggests that the proposed development will need to be primarily for family housing. The masterplanning process must be able to achieve these legitimate planning objectives without being fettered by the a Illustrative Land Use Plan.
- 3.77 As indicated in paragraph 3.69 we have proposed to amend the manner in which the Illustrative Land Use Framework Plan is referred to. This amendment is considered necessary to ensure that the policy is *positively prepared, justified and effective*, and thus in accordance with the tests of soundness required by the NPPF (para 35).

Trajectory

- 3.78 The outline planning application submitted in 2020 referred to a construction programme extending from 2022 to 2036 as a basis for the Environmental Impact Assessment. To deliver 1250 new homes within the plan period would require some 125 houses built per annum over a ten-year period. This is both achievable and credible and represents half of the realistic build rate suggested for Welborne.

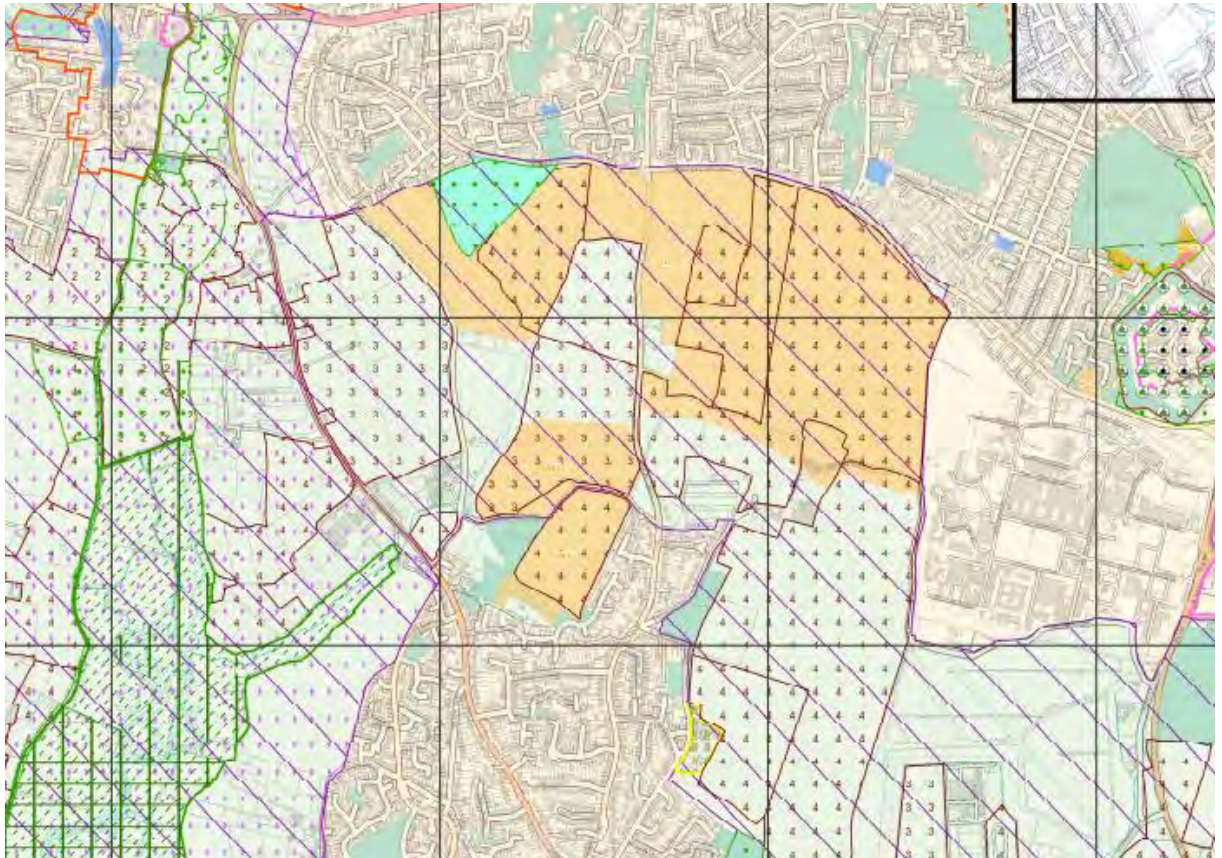


- 3.79 At the present time it is anticipated that outline planning permission could be granted in 2022, reflecting the fact the current application is likely to be amended to reflect Policy HA55. Allowing for a further two-year period to address planning conditions and reserved matters approvals for an initial phase, development would commence in 2024. Assuming the build rate averaging 125, development would be complete within the plan period. There is strategic infrastructure required to enable development in this location.



4 Policies Map

4.1 An extract from the consultation document's Policies Map is included below.



4.2 We have two comments to make in relation to this:

Delineation of the Strategic Gap

4.3 The blue diagonal hatch illustrates the land that is subject to the Strategic Gap Designation, which, as can be seen, extends across the area of land identified as HA55. There are two observations to make in relation to this.

4.4 Firstly, there is an unnecessary conflict between land being shown on the Policies Map both as a major housing allocation and subject to specific provision in Policy HA55 and at the same time the requirements of the Strategic Gap policy. The *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* draws the significant conclusion that development in this location can be accommodated without significant adverse effect on the function of the Strategic Gap. It follows that this land is not an integral part of the Fareham and Stubbington Gap.

4.5 Put simply, such a designation should not include more land than is necessary to achieve its



purpose. As such the Strategic Gap should not extend across this land, as this would add a policy restriction that ought not apply on the basis of the published evidence.

- 4.6 Secondly, the Plan is inconsistent in how it is delineating allocations within the Strategic Gap. Also shown on the extract is the proposed allocation at HA54 (land east of Crofton Cemetery and west of Peak Lane). Whilst the Inset Map (no.10) published in the adopted Local Plan Part 2 Development Sites and Policies includes this land within the Strategic Gap, on the extract it is proposed to amend the boundary of the designation to exclude this future development site.
- 4.7 For these reasons, and for the Local Plan to be justified, and to be sound, the delineation of the Strategic Gap south of Fareham should be amended to exclude the proposed allocation HA55. This amendment is considered necessary to ensure that the policy is *positively prepared, justified and effective*, and thus in accordance with the tests of soundness required by the NPPF (para 35).

Southern extent of the allocation

- 4.8 East of Peak Lane, the southern extent of the allocation extends south of Tanners Lane. Tanners Lane represents an entirely appropriate southern extent, particular where any boundary beyond that is only partially provided by the Stubbington bypass and otherwise crosses through an open field. The Policies Map should be amended to accord with *Appendix 3*. This amendment is considered necessary to ensure that the policy is *positively prepared, justified and effective*, and thus in accordance with the tests of soundness required by the NPPF (para 35).



5 Summary

- 5.1 These Representations have been prepared on behalf of Hallam Land Management Limited (Hallam), who control a substantial tract of land to the South of Fareham, south of Longfield Avenue, west of HMS Collingwood and adjoining the Stubbington Bypass, the construction of which has recently commenced and is due to be open in Spring 2022.
- 5.2 In successive representations to the Local Plan Review we have drawn attention to the merits and advantages of locating development to the South of Fareham and how this would achieve the Borough Council's objective of *Good Growth*.
- 5.3 In this Revised Regulation 19 Plan, Policy H1 has rightly been amended to accord with the Government's Standard Method for calculating local housing need as required by the NPPF. As a matter of principle, we agree with this approach.
- 5.4 For various reasons set out herein, it is right that Policy H1 is framed in the terms "at least 9,560 new homes" as this is the minimum justifiable amount of new housing needed in the Borough.
- 5.5 Whilst additional housing allocations have been proposed, it remains the case that the Plan's housing supply strategy provides very little flexibility to deal with different circumstances that might arise to those assumptions that it is based upon. This underscores the need for the additional housing allocations as a matter of principle and for them to be delivered with alacrity.
- 5.6 Policy H1 includes as an additional proposed allocation land south of Longfield Avenue to provide 1250 new homes and associated uses. Hallam control the overwhelming majority of the site area shown on the Plan on page 146 of the consultation document.
- 5.7 This land was previously identified in the 2020 Local Plan Supplement as a potential Strategic Growth Area. Whilst the 2020 Regulation 19 Plan did not carry this forward because it proposed a lower level of housing, this allocation is a continuation of that earlier approach and the assessment work undertaken at that time. Importantly, this proposed allocation is entirely consistent with and supports delivery of the Plan's Vision, Strategic Priorities the Development Strategy.
- 5.8 It is evident from the above that development in accordance with Policy HA55 would deliver positive social and economic benefits. As is often the case, there are, conversely, negative environmental effects associated with greenfield development. Importantly, as the Sustainability Appraisal and Habitats Regulations Assessment both acknowledge, mitigation measures will be achieved either by embedded elements in the scheme or by measures secured pursuant to other Local Plan policies that will minimise these potential negative effects.
- 5.9 Policy HA55 lists site-specific requirements that development proposals should meet. It is important to recognise that these criteria will be those that are used to assess future development proposals at the Development Management stage. In this regard, we are mindful of the requirement in paragraph 16(d) of the NPPF for policies "to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".
- 5.10 In the context of comments on various of the Policy's criterion we have prepared alternative policy wording which we consider better meets the NPPF's requirements whilst retaining the



thrust of the policy's intended outcomes.

- 5.11 Whilst we support the inclusion of an Illustrative Land Use Framework Plan on page 148 of the consultation document, our representations have drawn attention to important considerations; firstly, the extent of green infrastructure not related to the development proposals, and secondly, the potential constraint in achieving the overarching policy requirement of 1250 new homes and associated uses by the way the developable area is delineated.
- 5.12 Finally, the delineation of the Strategic Gap south of Fareham should be amended to exclude the proposed allocation HA55. The southern boundary of the allocation should be drawn at Tanners Lane, rather than extending south and across open fields.

LRM Planning Limited
29th July 2021



Appendix 1: Schedule of Representations Submitted to 2020 Regulation 19 and current status

2020 Regulation 19 Plan Reference	Summary of Representations	Present Status
The Vision	The Plan overall is not Positively Prepared. The approach to housing was not aligned with the Vision where the need for new homes would be addressed. Housing supply assumptions misjudged likely delivery. Sub-regional role of Fareham not properly acknowledged.	The use of the Government’s Standard Method as the basis of local housing need and Policy H1 is welcomed; this is better aligned with the Vision and leans more towards a positively prepared plan. Representations in relation to Policy H1 herein explain why this is the minimum level of provision and also why supply assumptions remain an important consideration in ensuring that the housing strategy and Vision are suitably aligned.
Strategic Priorities	The Plan overall is not Positively Prepared. The approach to housing was not aligned with the Plan’s Strategic Priority where the need for new homes would be addressed. Housing supply assumptions misjudged likely delivery. Sub-regional role of Fareham not properly acknowledged.	The use of the Government’s Standard Method as the basis of local housing need and Policy H1 is welcomed; this is better aligned with the Plan’s Strategic Priorities and leans more towards a positively prepared plan. Representations in relation to Policy H1 herein explain why this is the minimum level of provision and also why supply assumptions remain an important consideration in ensuring that the housing strategy and Vision are suitably aligned.
Development Strategy	Good Growth	No further comments – the proposed allocation of land south of Longfield Avenue (HA55) would contribute to <i>Good Growth</i> .
	Landscape and Countryside	No further comments – the proposed allocation of land south of Longfield Avenue is consistent with the Council’s evidence which identifies the most sensitive landscape areas.
	Settlement Boundaries	No further comments – the proposed allocation of land south of Longfield Avenue will require the settlement



		boundary on the Proposals Map to be amended.
	Settlement Identity	See representations in the relation to the delineation of the Strategic Gap in Section 4.
	Climate Change	No further comments
	Protected areas for nature conservation	No further comments
	Transport corridors and opportunities to encourage more active travel	No further comments
	Need to encourage diversity in the housing market	No further comments
	Sustainability and accessibility to services	No further comments
	Requirement to meet housing and employment needs	See comments in respect of Policy H1
	Spatial Interpretation	See comments in respect of Development Strategy in Section 3
Policy DS1	Development in the Countryside – Criterion v Best and Most Versatile Land	Representation remains as no change proposed to the wording of the Policy.
Policy DS2	Development in Strategic Gaps	Policy HA55 now allocates land to the South of Fareham but does not amend the extent of the Strategic Gap in this location. See representations at Section 4.
Policy DS3	Landscape	No further comments
Policy H1	Housing	Previous comments to be read in the conjunction with Section 2 herein. The use of the Government's Standard Method as the basis of local housing need and Policy H1 is welcomed and leans more towards a positively prepared plan. Representations explain why this is the minimum level of provision and also why supply assumptions remain an important consideration in ensuring that the achievement of Policy H1.
Omission of land south of Fareham		Previous comments to be read in conjunction with Section 3 which allocates land in this location as Policy HA55.
Policy NE5	Delineation of Brent Goose and Wader Bird classification.	No further comments



Appendix 2: Suggested Design Code Structure

Land south of Longfield Avenue Masterplan and Strategic Design Code Skeleton

- 1. Introduction –**
 - a. Background – Local Plan proposed allocation HA55
 - b. purpose of the Masterplan and Strategic Design Code
 - c. content and structure

- 2. Context -**
 - a. the location of the development and the attributes of its immediate and, local surroundings
 - b. baseline characteristics – environmental considerations
 - c. an understanding of the context, history and the cultural characteristics of a site, neighbourhood and region influences the location, siting and design of new developments.

- 3. Vision and Identity –**
 - a. The place we aspire to create

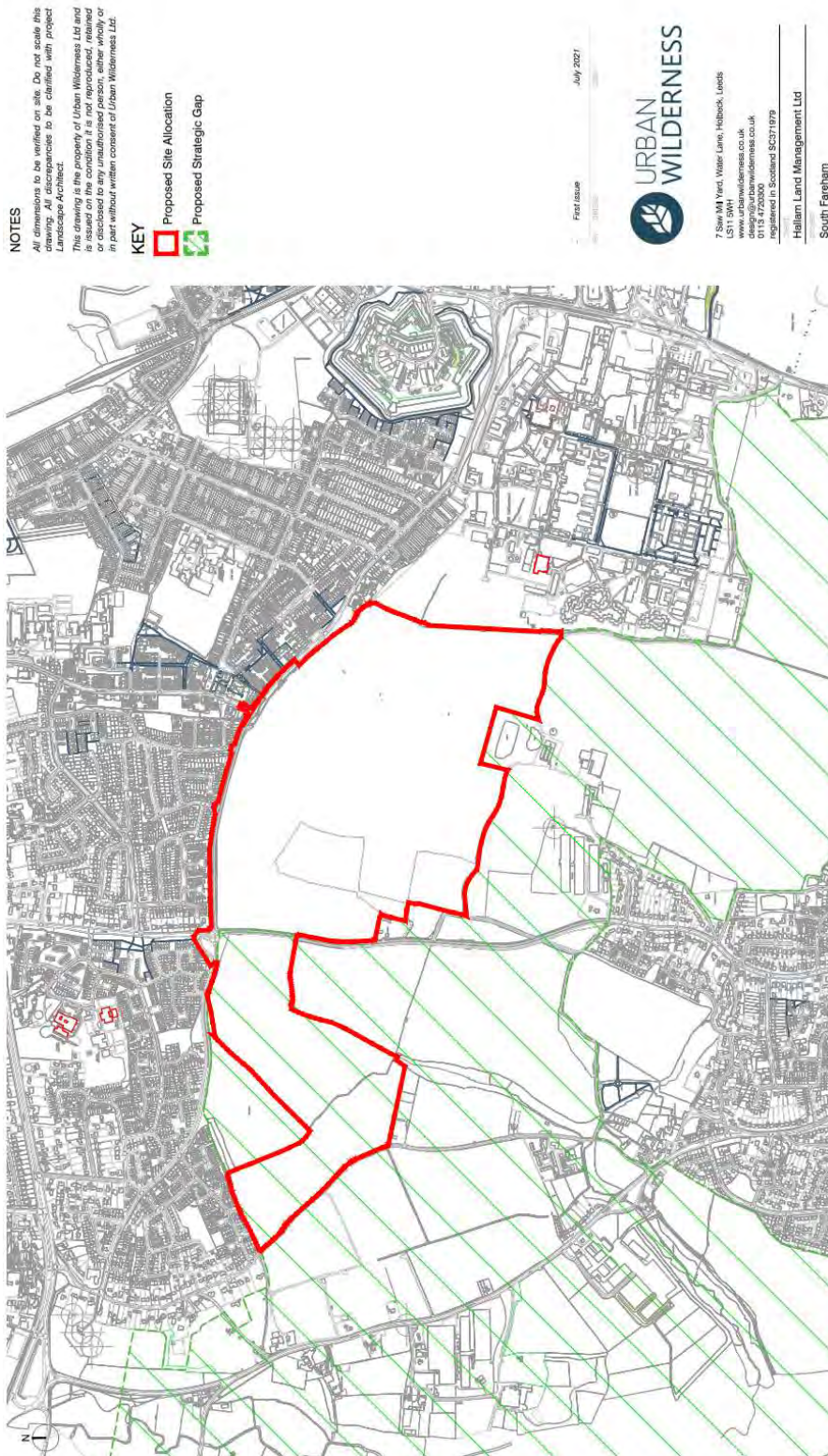
- 4. Place making strategies**
 - a. Built Form
 - b. Movement
 - c. Nature
 - d. Public Spaces
 - e. Uses
 - f. Homes and Buildings
 - g. Resource efficiency and resilience
 - h. An enduring place – governance and stewardship

- 5. Whole Site Framework Masterplan – spatial information**
 - a. The landscape strategy
 - b. The amount and positioning of open space
 - c. The number of homes and other uses
 - d. The points of access and connection to the wider street network
 - e. The primary and secondary streets
 - f. The position of the local centre and primary school
 - g. The area types that will apply to different parts of the site

- 6. Strategic Design Code**
 - a. Developing the area typologies
 - b. Defining the key parameters (the rules rules on density, height, street building line etc)



Appendix 3: Alternative Plan





Appendix 4: Housing Mix

1. Germane to the form and density of the development is the housing mix that should be delivered from this proposed allocation. In the following paragraphs we consider the various assessments of housing mix to understand its implications as to the nature of the proposed development.

Strategic Housing Market Assessment

2. The 2016 Strategic Housing Market Assessment records various estimates of the necessary future housing mix. For Fareham East this proposes the following:

	1 bed	2 bed	3 bed	4 bed
Affordable	51.0%	31.1%	16.5%	1.5%
Market	12.3%	40.6%	44.4%	2.8%

3. For the HMA as a whole this is expressed in the following terms:

	1 bed	2 bed	3 bed	4 bed
Affordable	35-40%	30-35%	20-35	5-10%
Market	5-10%	30-35%	40-45%	15-20%

4. Assuming this mid-point for each of these and applying this to the proposed number of new homes, the mix would suggest the following:

	1 bed	2 bed	3 bed	4 bed
market	56	244	319	131
affordable	188	163	113	38
Total	244	406	431	169

5. Paragraphs 9.4.0 and 9.4.1 provide important context in interpreting these figures.

"Our strategic conclusions in the affordable sector recognise the role which delivery of larger family homes can play in releasing supply of smaller properties for other households. It is however important to recognise that smaller properties (i.e. one bedroom homes) typically offer limited flexibility in accommodating the changing requirements of households which can feed through into high turnover". (Para 9.40)

"In the market sector, we would expect the focus of housing need to be on two and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay."



Market evidence

6. Market facing assessments suggests demand for the following mix:

	1 bed	2 bed	3 bed	4 bed
Market facing assessment	5	25-30	40-45	25-30

7. In comparison with the SHMA, this indicates a greater demand for 4 bed properties and less for 2 bed properties. However, for the purpose of the assessment herein we have employed only the SHMA figures.

Affordable Housing Provision

8. More recently, the Council's Affordable Housing Strategic Lead provided the following response to the submitted planning application:

"Fareham South is one of our higher areas of affordable housing need in the Borough. In terms of the starting point for the mix I would expect the Social/Affordable Rent to sit at approximately 35% 1 bed, 20% 2 bed, 40% 3 bed and 5% 4 bed....Other points of note:-

- *The 2 beds should include a good proportion of 4 person 2-bed housing (as opposed to predominantly flats)*
- *Within all property sizes there should be a range on m² to include the larger of each type (i.e. 4bed 6 person etc.)*
- *Affordable housing should be appropriately distributed in small cluster, in particular 1-bed flats should be carefully considered so as to avoid excessive concentration of this property type.*

The affordable home ownership products (shared ownership etc) are less prescriptive as this is partly market driven. As an indication the mix should include 20-25% 1-bed, 45-55% 2 bed, 25-35% 3 bed and 0-5% 4bed."

A blended approach

9. Applying the above SHMA assumption for market housing and the advice of the Council's housing officer in respect of affordable housing, a blended approach yields the following:

	1 bed	2 bed	3 bed	4 bed	
market	56	244	319	131	750
affordable social/affordable rent	114	65	130	16	325
affordable home ownership	38	85	50	3	175
	208	394	499	150	1250
%	17	31	40	12	

10. The above analysis points clearly to family housing being the predominant housing type required:

- Nearly twice as many 2 bed houses are suggested as opposed to 1 bed
- The 2 bed houses should, in the main, comprise houses, rather than flats



- 3 and 4 bedroom houses amount to over half of the new homes

11. In turn, this contributes to the character of the proposed development and it being a neighbourhood for new families. We have proposed an amendment to Policy HA55 to reflect this.

12. If the market facing demand indicator was employed this would further emphasize the family housing nature of the proposed development.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Hallam Land Management Ltd

c/o Agent

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

Mr

First Name:

Owen

Last Name:

Jones

Job Title: (where relevant)

Organisation: (where relevant)

LRM Planning Ltd

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Please see the attached Representations.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

Provide a sound policy.

B4c Your suggested revised wording of any policy or text:

Please see the attached Representations.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The issues raised in the Representations are important to the achievement of a sound Local Plan and the delivery of housing to meet identified need.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL



*Economy, Transport and Environment Department
Elizabeth II Court West, The Castle
Winchester, Hampshire SO23 8UD*

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The Consultation Team,
Fareham Borough Council,
Civic Offices,
Civic Way,
Fareham,
PO16 7AZ

<i>Enquiries to</i>	Neil Massie	<i>My reference</i>	FBCLPReg19
<i>Direct Line</i>	[REDACTED]	<i>Your reference</i>	Reg19Consultation
<i>Date</i>	29 July 2021	<i>Email</i>	[REDACTED]

Sent by email to: PlanningPolicy@fareham.gov.uk

For the attention of Gayle Wootton

Dear Sir,

Thank you for consulting the County Council on the Revised Publication Local Plan (Regulation 19 consultation). This response is provided in the County Council's capacity as the local highway authority, local education authority, lead local flood authority and the minerals and waste planning authority.

Local Highway Authority

The County Council is the local highway authority (LHA) for all roads in Hampshire, except for motorways and trunk roads, and this response is concerned with the potential highway and transportation impacts of the land use proposals set out by the Borough Council on the local road network. The County Council's primary concern as local highway authority is the efficient use, management and maintenance of the local highway network. Ensuring that all new development mitigates its impact on the Hampshire network is the function of the local highway authority.

The LHA submitted comments in December 2017 and February 2020 in response to the Draft Local Plan Regulation 18 consultations, and more recently in December 2020 in response to the Regulation 19 consultation. These comments remain valid and should be considered in conjunction with this response.

The LHA's comments in response to the changes proposed in the Revised Publication Local Plan (June 2021) are set out below.

Transport Assessment

The strategic transport assessment (TA) evidence base for this consultation is the September 2020 version submitted as part of the evidence base for the Publication Plan consultation in November 2020. Before the publication of the TA there were several changes to the growth scenarios which have resulted in alterations to the number and location of the development sites. These changes are reflected in the previous consultations on the draft local plan.

The SRTM Modelling report (May 2020) and TA use the growth scenario and housing number of 12,169 dwellings which includes the two proposed Strategic Growth Areas (SGAs). This housing number with the SGA proposals represents the growth scenario with the highest housing number and was not proposed in any of the versions of the draft local plan. The growth scenario in the Publication Plan (2020) represents the lowest housing number of 8,389 dwellings. Whereas the growth scenario in this Revised Publication Plan (2021) is 10,594 dwellings.

The SRTM modelling report (May 2020) sets out the Baseline, the Do Minimum (with local plan development) scenario and the Do Something (with mitigation) model runs. As the proposed Strategic Growth Areas were included in the Do Minimum scenario the strategic modelling used a higher housing number than is currently proposed in the June 2021 Revised Publication Plan. A Technical Note (2021) in support of the Revised Publication Plan was produced to provide a high-level assessment of the potential differences between the development scenario modelled in the TA and the development scenario within the Revised Publication Plan. The report concludes in paragraph 4.1.2 that *'Given the quantum of allocated development proposed is now lower than previously tested, it is anticipated that the overall transport impacts of the proposed allocations are likely to be capable of mitigation.'* The report also concedes that *'There may be additional mitigation requirements, particularly in localities where development has increased, and further work will be undertaken to assess this.'*

The LHA would have preferred to see the results of an additional strategic model run which more accurately assessed the differences between the development scenario modelled in the TA and the development scenario within the Revised Publication Plan. In the absence of such evidence the LHA is unable to form an "evidence led" view of the likely impact of the development scenario presented in the Revised Publication Plan.

The LHA notes that the Revised Publication Local Plan reduces the overall amount of housing development compared to the development scenario in the TA. The reduction is principally as a result of the removal of the formerly proposed SGAs although the level of reduction is offset by new site allocations (e.g. west of Down End and south of Longfield Avenue) and by increases in proposed allocations at a number of other sites

(e.g. Fareham town centre). This means the revised development proposals represent a different development scenario to that tested under the TA. The LHA note that there is no updated evidence to show the impact on the highway network of the development scenario presented in the Revised Publication Local Plan. The consequence of this is that localised impacts of development subject to the plan revisions have not been fully tested. Whilst the LHA do not contend that this makes the plan invalid or undeliverable it will mean there is a risk that some transport issues and the need for additional mitigation will be identified in latter stages of the plan making process and through site specific transport assessments.

Development strategy

The LHA acknowledges that the Revised Publication Local Plan proposes a higher housing need than in the previous draft Publication Plan. This higher housing need is in response to a higher level of housing growth proposed by Government in December 2020. The consequence of a higher housing need is a change to the development strategy with the inclusion of new housing sites and increases in proposed allocations at several other sites.

South of Fareham Strategic Growth Area

The LHA previously submitted an objection (Regulation 18 consultation in Feb 2020) to the principle of the designation of a South Fareham SGA and the possible detrimental impact on Stubbington bypass resulting from development in the SGA. The Revised Publication Plan proposes a new development strategy which replaces the South of Fareham SGA with two new allocations (HA54 and HA55). The two allocations (HA54 and HA55) are proposed as extensions to the urban area with no direct access on to Stubbington bypass.

The LHA supports the removal of the SGA which straddled Stubbington Bypass and supports new policy HA55e for Land South of Longfield Avenue which states the site should have 'no direct access onto the Stubbington bypass'. This allocation focuses development with access to the north towards Fareham and existing transport and community facilities which will reduce the potential impact on the local highway network around Stubbington. For these reasons the LHA removes the previous objection to the SGA and is content with the change in the development strategy and new policy wording.

However, through the next stages of the plan making process and site-specific transport assessments the LHA will need to be reassured that the edge of town allocations HA54 and HA55 will not impact the local highway network including Stubbington Bypass and that any impact on the network can be adequately mitigated. In this way the LHA will be able to make an informed and evidence-led decision on the scale of impact on Stubbington Bypass.

Edge of town sites replacing Strategic Growth Areas

The LHA acknowledges that the SGAs (totalling 2,150 houses) have been replaced with 3 new housing site allocations on the edge of the built-up areas (totalling 1,980 houses). In the case of the North of Fareham SGA this has in effect been replaced with a new allocation HA56 Downend Road West which together with the existing HA4 Downend Road East allocation (of 350 houses) totals 900 houses. The South of Fareham SGA has been replaced with new allocations HA55 South of Longfield Avenue on the southern edge of Fareham and HA54 East of Crofton Cemetery on the northern edge of Stubbington which together total 1,430 houses.

This development strategy assumes that the new allocations on the edge of town will have easy access to existing facilities with the opportunity to use sustainable and active travel modes. To achieve this aspiration requires a master-planning approach to the individual sites which considers the location of existing facilities and the integration of existing non-car infrastructure (e.g. bus/cycle/pedestrian routes) with the new on-site infrastructure in order to improve accessibility for all and provide travel choice without the need to use the car. This is the opportunity to provide good quality cycle infrastructure which encourages cycling for the short trips which would otherwise be made by car.

Site-specific TAs will be required at the planning application stage to fully assess the impact of the edge of town development sites and to apply the sequential approach to assessing the mitigation measures required starting with active travel and public transport options before considering highway capacity options as set out in amended policy TIN2 Highway Safety and road network.

Development allocations

HA54 Land east of Crofton cemetery

This is a new housing site allocation which previously formed part of the South of Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas. The HA54 policy text is vague and does not mention the requirement for cycle and walking connections to the site.

The LHA recommend that new policy text is added to specifically refer to the requirement: for walking and cycling routes from the site to existing local shops, Fareham and Stubbington village.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport to ensure the site can be accessed by non-car modes.

HA55 Land south of Longfield avenue

This is a new housing allocation which previously formed part of the South of Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas.

The HA55f text for walking and cycling provision in policy is unclear and muddled and does not refer to the cycle routes. The LHA recommend that new policy text is added to specifically refer to: the provision of cycle routes from the site to key destinations including the existing local shops, Fareham railway station and Stubbington village.

The LHA recommends that HA55j policy text needs to include the following additional text: off-site highway improvement works and contributions to the A27 corridor for walking, cycling and public transport schemes.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport and ensure the site can be accessed by non-car modes.

HA56 Land west of Downend

This is a new housing site allocation which previously formed part of the North Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas.

The LHA recommends that HA56j policy text needs to include the following additional text: off-site highway improvement works and contributions to the A27 transport corridor for walking, cycling and public transport schemes.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport to ensure the site can be accessed by non-car modes.

Policy TIN1 sustainable transport

The LHA supports the amendments to this policy. In addition, the LHA recommend that the supporting text should add that: new cycle routes within and off-site should comply with the latest DfT cycle design guidance LTN 1/20 and should include improvements to existing cycle routes where the existing provision is substandard.

TIN2 Highway Safety and road network

The LHA supports the policy amendment and supporting text to reflect the sequential approach to assessing the mitigation measures required for a development site.

This sequential approach should also be applied to the highway mitigation schemes identified in the TA and listed in paragraph 10.15. There are other solutions for mitigating the transport impacts from local plan development which are more in line with the Government's new policy agenda on decarbonising transport and the County Council's emerging Local Transport Plan 4.

The LHA supports the amendment to paragraph 10.16 which recognises that the Parkway/Leafy Lane junction identified in the Strategic Transport Assessment does not warrant a mitigation scheme for increased junction capacity but a scheme more in line with its traffic management role in a residential area.

Bus Rapid Transit - Policy TIN3 Safeguarded Routes

The LHA supports the new supporting text in paragraph 10.24 which now refers to the future extensions of the SEHRT.

Climate and Air quality

In view of the newly released government Transport decarbonisation plan (14 July 2021) and the emerging Hampshire Local Transport Plan 4 the LHA wishes to be reassured that Fareham Borough Council is satisfied that the Revised Publication Plan goes far enough in supporting the Government and County Council's policies on climate change that have been announced during the local plan preparation process.

This is in respect of Hampshire County Council's adopted climate change strategy (July 2020) and targets to be carbon neutral by 2050 and resilient to a two degree rise in temperature. For Hampshire to meet these targets, which are in line with Government legal requirements, land-use planning and transport policies at the local district level need to play a strong role and are likely to be most effective at the plan making stage.

The Revised Publication Plan identifies road transport emissions as the main source of air pollution therefore given the connection between road transport, local plan allocations, air quality and health, the LHA recommend that there needs to be cross-referencing on air quality within the Climate, Natural Environment and Transport chapters to reinforce the message.

Lead Local Flood Authority

The County Council is pleased to note the inclusion of Strategic Policy number 11 which explains how the Fareham Borough Council plans to respond to predictions of climate change, particularly in relation to the risk of flooding and coastal erosion. The County Council also notes that policies CC1 and CC2 which set out the use of Strategic Flood Risk Assessments, sequential testing, the use of green/blue infrastructure and Sustainable Drainage Systems. Additionally, the County Council notes that Flood Risk Maps have been consulted for each of the sites in the plan.

However, the Local Plan does not mention whether Hampshire County Council's Local Flood and Water Management Strategy has been consulted, and it would obviously be beneficial for the borough council to be aware of the Hampshire wide strategy for flood risk. The County Council would recommend that that the strategy be referenced in the local plan, with the suggested wording set out as follows: 'This policy has been written in line with the principles of the [Lead Local Flood Authority for Hampshire's Local Flood and Water Management Strategy](#).

Minerals and Waste Planning Authority

The County Council is pleased to note the requirement for a Mineral Assessment as part of a development and employment site allocation has been included in the local plan. However, the County Council provides the following minor technical comment on the latest version of the Local Plan.

In relation to Policy E3: Swordfish Business Park, it has been identified that this particular site does not lie within Hampshire County Council's Minerals Consultation Area, and so neither a Mineral Assessment nor Mineral extraction need to be considered for development in this area, as noted under section m) of this policy.

The County Council however reaffirms that the other allocated employment site also on the Daedalus site, Policy E2: Faraday Business Park, is within Hampshire County Council's Minerals Consultation Area and so should keep its wording surrounding Mineral extraction, which has been added under section m) of this allocation.

I trust that these comments are of assistance to you. If you wish to discuss any of the comments raised, please do not hesitate to contact Neil Massie on 0370 779 2113 who provides the coordinating role for the County Council on Local Plan responses.

Yours faithfully,



Stuart Jarvis
Director of Economy, Transport and Environment

Respondent: Mrs Julie Harding (297-54164)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Whilst the location of housing to the south of Longfield Avenue seems to make some sense, the number of houses and therefore impact of traffic for the Fareham area is likely to be horrendous, even taking into account the Stubbington Bypass. With the 1250 houses proposed at Longfield, plus 180 East of Crofton Cemetery and 550 West of Downend, Market Way roundabout and Delme roundabout will be significantly impacted (as this number is almost 2000 residences; most families have at least two cars, which equals around 4,000 cars). Given that the roads are restricted by the viaduct, I think this is not sensible (and my understanding is that we already have problems with air quality there). I think we should avoid building in these 'edge of town' areas and in fact aim to upgrade the status of the 'Strategic Gap' to 'Area of Special Landscape Importance' to help the council fight building companies proposing to build on it. In addition, I wonder if the numbers are flawed - my guess is that Fareham Council's hands are tied on the number, but perhaps the government should review national needs now that more people seem to be choosing to live in the north of England now that many people are able to work from home or more flexibly? This would certainly make it fairer economically for the north of England and would mean that we would need less housing allocation required in the south.

What modification(s) is necessary to make the Revised Pub...

Build no new houses in the edge of town area, or if it really is necessary, introduce a light rail system (electric) that runs to towns and cities across the Solent so that fewer people use cars.

How would the modification(s) you propose make the Revise...

Build no new houses in the edge of town area, or if it really is necessary, introduce an electric light rail system that runs to towns and cities across the Solent so that fewer people use cars.

Your suggested revised wording of any policy or text:

Build no new houses in the edge of town area, or if it really is necessary, introduce an electric light rail system that runs to towns and cities across the Solent so that fewer people use cars.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Tim Haynes (307-58125)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I maintain that the plan, as currently drafted, fails to comply legally, is not soundly prepared and does not meet the criteria for the duty to cooperate. The plan does not comply with the Sustainability Appraisal (as shown below) which the council was obliged to provide as an assessment of the way in which the plan should meet environmental economic and social objectives. Specifically, the plan ignores sections of the SA relating to the integrity of the Fareham-Stubbington Strategic Gap. It also fails on soundness, on the same grounds. From the current Publication Plan: 1.41 Much of the Borough is countryside, providing a rich and varied pattern of landscape with well-established visual and physical separation between settlements, ensuring a sense of place and reinforcing local distinctiveness. These varied landscapes provide space for nature and biodiversity as well as leisure and recreation opportunities for people in the Borough, contributing to the quality of life and health of local residents. 1.45 Natural Environment: The Borough's natural environment is highly valued by residents and visitors. The value is reflected in the Borough's areas of special landscape quality, three main rivers, the woodlands and parks, six Sites of Special Scientific Interest (SSSIs), six Nature Reserves and the coastline. The Borough's coastal location results in some areas being affected by tidal flooding. In response to this, the Eastern Solent Coastal Partnership (ESCP) was formed in 2012 to deliver a series of coastal management services across the coastline, including Fareham Borough, with the overarching aim to reduce coastal flooding and erosion. 2.10 Fareham Borough will retain its identity, and the identity of individual settlements within the Borough, through measures that seek to retain the valued landscapes and settlement definition. 2.12 2. In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition. 3.6 The important factors that have helped shape the spatial expression of the development strategy are listed below; • Landscape and countryside • Settlement boundaries and the desire to respect settlement identity So important was the Fareham – Stubbington Gap deemed to be that Fareham Borough Council commissioned a report from Hampshire County Council - Technical Review of Areas of Special Landscape Quality and Strategic Gaps - 22/09/2020. Specifically referring to the Fareham – Stubbington Gap the review includes the following: 7. For this section of the Gap, this analysis agrees with the summary findings of LDA in Chapter 3 of the Fareham Borough Landscape Character Assessment 2017 - "The landscape performs a highly effective role in providing a 'sense' of separation and the experience of moving between one settlement and the other.Edges of Fareham and Stubbington are clearly defined by strong boundary vegetation and there is a clear distinction between 'town and country' there is a strong sense of leaving one urban area and moving through open countryside before entering another. Scale of the gap allows the time to appreciate sense of being in open countryside. Being able to see far across the gap and identify the edges, also strengthens the sense of separation." (page 41) . 8. However there exists the potential to make modifications to the settlement boundary of North Stubbington: to extend the boundary to run along Oakcroft Lane, as the isolated field that sits aside Crofton Cemetery, does not protrude into the landscape beyond the current Northern and Western edges of Stubbington. (Emphasis added.) Noting here that the author only suggests the possibility of changes to the boundary at Oakcroft Lane and the maintenance of the integrity of the Gap at the Longfield Avenue boundary. Given this, it seems perverse for the council to commission such a document and then, so conspicuously, ignore its recommendations. Further, in the supporting documentation to the plan the consultants, Urban Edge noted in September 2020 the following: Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – September 2020 / Sustainability Report for the Publication Plan: Appendix G: Rationale for Site Selection or Rejection Page 7/14 • ID 3008 Land South of Longfield Avenue, Fareham • Rejected - Development would have a detrimental impact on the Strategic Gap. Site is designated as a Brent Geese and Solent Waders Low Use site and no evidence of a strategy compliant solution. For the current plan they have revised the assessment: Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – May 2021 / Sustainability Report for the Revised Publication Local Plan: Appendix G Reasons for Site Selection / Rejection 7/17 • ID 3008 Land South of Longfield Avenue, Fareham • Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap. With this site ID3008 has become HA55, despite there being no evidence of a "... strategy compliant solution for Brent Geese and Wader designations": Policy NE5 has been amended to remove the provision for "an overall net gain to the Solent Wader and Brent Geese Network" ... and "off-site enhancement and/or a financial contribution (consistent with the approach taken to mitigating and off-setting adverse effects on the Solent Wader and Brent Geese Network) is provided towards a suitable identified site for Solent Waders and Brent Geese. " That is, some solution elsewhere to compensate for the loss of this site. ... or a "significant Green Infrastructure to ensure that it would not undermine the integrity of the Strategic Gap." In fact HA55 specifically does undermine the integrity of the Strategic Gap, by reducing it to a vestige of its current state; the promised "Green Infrastructure" areas even on paper will not compensate for the loss of the green space they replace or the additional occupants and dwellings there. The increase in housing need is around that yielded (1,250) by the inclusion of HA55 – Land South of Longfield Avenue in the provision. It's odd that this has been so strenuously resisted by FBC up to now, only to be incorporated as the council sees the need to include unmet need of 900 dwellings and a 20% margin, not required by the NPPF. This all follows FBC's decision pre-emptively to calculate housing demand, speculatively, on an unconfirmed change to the government algorithm. Reversing this has resulted in the need to backpedal and renege on promises to preserve the Fareham – Stubbington Strategic Gap. Elsewhere in the plan (1.45 – above) there are references to areas of special landscape quality ... rivers, woodland and parks as well as six SSSIs and six Nature Reserves. Given the Leader of the Council's public announcement of his long-term advocacy of a "Green Belt" for Fareham, it is puzzling that such a substantial green area as the Fareham – Stubbington Strategic Gap should not be a good candidate to form part of that Green Belt, or be provided with any meaningful protection against unrestrained development. Development along

Please provide details you have to support your answers a...

What modification(s) is necessary to make the Revised Pub...

Revision to remove HA55; this currently is in opposition to teh advice the council has commissioned for itself and is available in the Evidence Documents.

How would the modification(s) you propose make the Revise...

Removal of HA55 would satisfy the advice in the Technical Review of Areas of Special Landscape Quality and Strategic Gaps - 22/09/2020 that changeds to the Strtegic Gap boundary along Oakcroft Lane and toward Newgate Lane should be envisaged without their affecting the integrity f the Gap.

Your suggested revised wording of any policy or text:

Just remove it. And exhaust the Borough's brownfield sites before going for a soft target such as Newlands Farm.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

While I believe Fareham Borough council have undertaken to read and consider any comments and objections, I have little faith on their intention actually to do so, or in their willingness fully to reflect those objections in any evidence to hearings. Previous onjections have not appeared in full in supporting documentation, seemingly being edited before publication.



Historic England

By email only to: consultation@fareham.gov.uk, PDrake@Fareham.Gov.UK

Our ref: PL00049426

Your ref:



Date: 30/07/2021

Dear Mr Drake

Fareham Local Plan Regulation 19 (Revised Version)

Thank you for inviting Historic England to comment on the above document. We welcome a number of the changes made since the previous consultation. However, we are concerned that new policies BL1 and HA51 are **not sound**. We have suggested amended wording that would address our concerns for HA51, but not for BL1. Please see our comments on this, and other parts of the plan, in Appendix 1.

Yours sincerely

Edward Winter

Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA

Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Appendix 1: Historic England's detailed comments on Fareham Local Plan Regulation 19 (Revised Version June 2021)

Location	Historic England comments
Changes to the plan where we commented at the previous Regulation 19 stage.	
P14, 2.12, Strategic Priority 10.	We welcome the change of text as requested at the previous Reg 19 stage and therefore we no longer consider this part of the plan to be unsound.
HA7	We previously identified an issue of soundness in relation to potential impact on heritage assets. The changes made are welcome and we no longer consider this policy to be unsound.
HA42	We previously identified an issue of soundness in relation to potential impact on heritage assets. The changes made are welcome and we no longer consider this policy to be unsound.
New housing allocation policies (i.e. these did not form part of the previous Regulation 19 consultation)	
FTC7	The site lies within 50m of an area of known archaeological interest. While there is no specific policy requirement in respect of this, policy HE4 is considered to offer sufficient protection to archaeology.
FTC8	The site lies within 50m of an area of known archaeological interest. While there is no specific policy requirement in respect of this, policy HE4 is considered to offer sufficient protection to archaeology.
FTC9	The site lies within an area of known archaeological interest. While there is no specific policy requirement in respect of this, policy HE4 is considered to offer sufficient protection to archaeology.
HA46	The site lies within an area of known archaeological interest. While there is no specific policy requirement in respect of this, policy HE4 is considered to offer sufficient protection to archaeology. The site has also been granted prior approval.
HA47	No comment
HA48	No comment
HA49	No comment



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Location	Historic England comments
HA50	No comment
HA51 (Not sound)	<p>This site is located west of Fort Fareham, within its setting. However, existing housing in this area has already compromised the fort's setting to a degree. We consider that housing up to two stories in height, along with the requirement for a tree belt along south-eastern edge of the site, would not result in significant harm to the setting of the fort. However, we consider that in order to be consistent with national policy, and therefore sound, the policy should be tightened up to avoid harm to Fort Fareham from development taller than two stories. The addition of a new criterion, as suggested below, would remove our concern in this respect.</p> <p><i>"In order to protect the setting of Fort Fareham, development should be no more than two stories in height."</i></p>
HA52	No comment
HA53	No comment
HA54	No comment
HA55	<p>Parts of the site lie within an area of known archaeological interest. While there is no specific policy requirement in respect of this, policy HE4 is considered to offer sufficient protection to archaeology.</p>
HA56	No comment
BL1 (Not sound)	<p>BL1 is a new policy for this revised version of the plan, and identifies an area within Fareham town centre for around 620 dwellings and an undefined amount of commercial and retail development, to be delivered in the latter part of the plan period. A masterplan would be developed for the area, which is 10.5 hectares.</p> <p>In the previous iteration of the plan, Market Quay, a 1.48-hectare site was identified as having capacity for 100 dwellings, 400 sq m of commercial and retail space, a new town square and a new multi-storey car park. It was also identified as suitable, available and deliverable in the SHELAA.</p> <p>The wider area identified in BL1 does not appear to feature in the April 2021 SHELAA and the plan give little detail as to where and what form the 620 dwellings and other uses mentioned in the policy would be delivered within the allocation site. The SA offers no further detail. The new allocation is significantly larger than the Market Quay site previously proposed (9 hectares larger), with a much higher</p>

Location	Historic England comments
	<p>development requirement.</p> <p>Our concern is that we have not seen any evidence demonstrating that the whole 10.5-hectare site is available, or how the figure of 620 dwellings plus and undefined amount of other development has been arrived at. Without this detail, it is very difficult to assess potential impact. For example, if only part of the site is available, the site may need to include one or more tall buildings, to accommodate the levels of development identified. As the allocation diagram identifies, there are a number of heritage assets within and around the site, and these could be harmed by tall buildings, or other inappropriate forms or development. Currently, tall buildings are largely absent from views of the High Street conservation area and listed buildings therein. Any tall buildings protruding above the roofline of High Street (for example) would harm the significance of the conservation area and listed buildings located there.</p> <p>Without further detail on how the 620 dwellings and undefined quantum of commercial and retail development would be accommodated, it is difficult to assess impact. Therefore, we consider that this policy is not justified and consequently unsound.</p>



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Respondent: Mr Nigel Hoggett (227-491052)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Local residents have fought against development on this land more than once. The plan is not sound because it does not show why the council have chosen to go against the views of local residents.

What modification(s) is necessary to make the Revised Pub...

Given that local residents have fought against this development successfully more than once, this site should be removed from the plan. The plan does demonstrate the need for more housing allocation in the area, and therefore residents should be given the opportunity to comment on the choice of land a further time given the new information.

How would the modification(s) you propose make the Revise...

It would show that the council has responded to community consultation.

Your suggested revised wording of any policy or text:

This site should be removed from the plan.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

White, Lauren

Subject: FW: Building south of Longmont Avenue and north odCrofton Cemetary

From: fionaholt <[REDACTED]>

Sent: 30 July 2021 16:45

To: Consultation <Consultation@fareham.gov.uk>

Subject: Building south of Longmont Avenue and north odCrofton Cemetary

Sir,

Whilst I agree that new homes need to be built in Fareham, I must object to the number of proposed dwellings in the Stubbington strategic gap. I must stress that it is the number that I object to. I realise that, despite the promises made in the past about the strategic gap, the new bypass made it inevitable that the change of use to housing would happen - it was always only a matter of time.

The number of dwellings planned will swamp the local area and its amenities. I believe that it will also negate any benefits of the bypass, by leading to major tailbacks on both Peak and Mays Lane, which already happens now with the temporary lights. As a regular dog walker on the fields, I have also witnessed flooding of the fields numerous times over the last three winters. Where will this water go with so many structures blocking it seeping into the ground?

I would argue that building up to 700 houses south of Longmynd Avenue and 60 houses in the other development that is being proposed close to Crofton cemetery would be less impactful. It would also give a more balanced impact on Stubbington village.

May I propose that some of the balance of dwellings be placed where there was a recent proposal for Old Street in Hill Head? This would give a better balance to the village as a whole without all of the impact being shouldered by one area of the village.

I look forward to hearing from you in the near future.

Yours faithfully,

Fiona Holt (Mrs)

[REDACTED]

Respondent: Ms Sarah Jamieson (157-41348)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The plans to develop Longfield are not soundly made. The local residents have objected time after time to state that the fields between the areas of Fareham and Stubbington form a strategic gap which is important for the character of both areas. Once built on this gap is lost forever.

What modification(s) is necessary to make the Revised Pub...

Remove plans for development at Longfield avenue

How would the modification(s) you propose make the Revise...

A sound case has not been made for ignoring the strategic gap and building on this land.

Your suggested revised wording of any policy or text:

Removal of this plan. Seeking other areas for development.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Nicholas John (297-13127)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. An Introduction and Parts 1, 2 and 3 are already submitted, linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places. Parts 4 (below) & 5 are submitted separately against HP4 and HA54/55 as best available approximations] (NB the 'Review of ASLQ and Gaps' is not available for selection) PART 4: Core Values and The Strategic Gap One of the Core Strategies underpinning Planning in Fareham has always been to maintain the physical and visual separation of town and village settlements and their individual character. CS22 was set out as (1): "Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements." It was necessary to specify the Gap boundaries, as they are now shown on the Fareham Policies Map. For this purpose, the 'Review of Strategic Gap Boundaries' was commissioned by FBC and conducted by the David Hares independent consultants in the summer of 2012. In recent years, FBC has paid less than lip service to this, and now that other areas of the borough are under pressure, they seek to downsize the Gap. To justify new development therein, they say. "Strategic gaps have been retained but they have been re-defined in the Publication Plan to focus on preventing settlement coalescence." The implication here is that the Hares review was not sufficiently focussed on 'settlement coalescence'. This is a slippery red herring as the 2021 was definitely so focussed. It was challenged, re-validated and re-affirmed as entirely robust in this respect. Criteria and Methodology In 2014, as part of the Local Plan examination (3), 'Issues and Questions' were raised by the Inspector (Mr M Hetherington) regarding the Gap Review.) (2) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DCD06Issue2.pdf Specifically, he asked (Pf 2.2): 'Is the review of the boundaries sufficiently robust? Have appropriate criteria been used?'. FBC responded (2.2.2) that the Review focussed on 41 subdivisions on land and the boundaries were reviewed according to CS22, including the three criteria added to CS22 at the Planning Inspector's request. a) The open nature/sense of separation between settlements cannot be retained by other policy designations. b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence. c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation. One representation (2.2.3) suggested that inappropriate methodology was used, and that some assessments were heavily weighted on 'green infrastructure' rather than 'the minimum area needed to prevent coalescence'. FBC refuted this and (in 2.2.7) 'considers that the review has provided a robust basis to inform the definition of the strategic gap'. Further to this, (in 'Matters Arising' Nov 2014) the Inspector asked the Council to explain the suitability of the methodology (3). (3) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DCD20ActionsArisingFromIssue2.pdf FBC (See Pf 1.1) reaffirmed the Review to be 'a robust assessment of the Strategic Gaps' and to demonstrate this, FBC requested further explanation and justification from the report authors. In the Appendix, the David Hares' consultant explained that all 41 areas were assessed against the three additional criteria suggested by the Inspector, but some (west of the Meon, south of Warsash Road) had failed against the criteria [c] "no more land than is necessary to prevent the coalescence of settlements should be included" These were therefore excluded from the Strategic Gap. By contrast, the remaining areas, as represented by the Gap in the Policies Map, clearly PASSED this test, so are wholly and entirely necessary to prevent settlement coalescence. This would obviously include the land North AND SOUTH of Oakcroft Lane, and that South of Longfield Avenue. Effect of the By-Pass In relation to proposed new road schemes, The Hares Landscape Architect (Lynette Leeson) said: Although the Fareham Gap Review did not specifically take into account the Stubbington Bypass and realignment of the southern portion of Newgate Lane we do not think these proposals would alter our recommendations for the boundary of the strategic gap in this part of the Borough. The strategic gap between Fareham and Stubbington is vital to maintain the separate identities of the two settlements and the new road improvements should not compromise this. Furthermore, in relation to the effect of the Stubbington by-pass, the Planning Inspector (David Hogger) declared in his report of May 2015 (4) examining Fareham's Local Plan Part 2 (4) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DSPCCompleteInspectorsReport.pdf "Concerns were expressed regarding the delineation of the Strategic Gap boundaries and the methodology used in the Fareham Borough Gap Review. . . Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound." In ignoring the Hares Review and supplanting it with another, FBC's approach is distinctly UNSOUND 2020 Review of ASLQ Strategic Gaps (5) Having gone beyond the extra mile to assiduously test and uphold the David Hares analysis (at public expense), FBC is somewhat 'Hoisted by its own Petard' when it now tries to concoct a new 'Review of Strategic Gaps' which mysteriously comes to different conclusions. This 'Evidence' document cannot be disputed directly by the 'consultation' mechanism as it forms part of the original 'Published Plan'. However, its conclusions regarding the Gaps can be taken with a pinch of salt. Suggestions that (specifically and only) 'Land south of Oakcroft Lane' and 'Land south of Longfield Avenue' 'could be developed without compromising the Strategic Gap function' are manifestly contrived to correspond to existing development proposals that the council is keen to pursue. To suggest that these conclusions were uninfluenced by these proposals is ludicrous and disingenuous. The new Plan justifies this 2020 Review (3.10) by 'recent planning appeals where the function, and strength of, the strategic gaps were called into question'. We often hear that 'an inspector said we should consider the size of our Gaps'. These are more red herrings. The Appeals and comments were in relation to proposals off Old Street, extending into the MEON gap. Perhaps he considered that the obvious (flooded) flood plain and distance to Warsash negated the need to define that Gap to avoid settlement coalescence. Curiously, this report makes no changes to the Meon Gap (irrespective of its ASLQ designation) implying it is still wholly necessary for segregation but bits of

Please provide details you have to support your answers a...

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. An Introduction and Parts 1, 2 and 3 are already submitted, linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places. Parts 4 & 5 (see below) are submitted separately against HP4 and HA54/55 as best available approximations] (NB the 'Review of ASLQ and Gaps' is not available for selection) PART 5: Planning Proposals in the Strategic Gap (HA54 and HA55) What is Really Happening? FBC's main objective in this PLAN is to find some 'low hanging fruit' that can quickly be delivered, so to meet the 3YHDT and escape to 20% buffer. An understandable objective, but FBCs solutions are BAD. For reasons discussed, the Executive prefer to protect the Western Wards and Downend is not enough. So, they are trying to wriggle out of well-founded commitments and target the Gap for development, now and in the future. Hallam and Persimmon have been in discussion with FBC for some time, knowing their land is in the Gap but speculating that FBC will relent eventually. They are ready to start, and this is why FBC are now keen to engage. FBC now suggest that the Gap function only requires a green stripe on the map, and choose to forget its real purpose. To quote the independent LDA Design Land Review 2017 (part 3 p34): (6) (6) LDA_09_Submission_Plain_A4_P (fareham.gov.uk) "What is critical, however, is that there is a clear and distinctive experience of leaving one settlement behind, passing through another quite different area (the 'gap') before entering another separate settlement. This experience of travelling from out of one place into another can be both physical and visual. Importantly, the 'bit in between' needs to have integrity and distinct character as an entity or place in its own right, rather than simply be a physical space or feature, such as a field or a block of woodland etc., in order for the two settlements to feel distinct and separated" Oakcroft Lane and St Edmunds Church (HA54) The Housing Allocation HA54 corresponds directly to planning applications from Persimmon Homes, adjacent to Oakcroft Lane. This is one of the few remaining 'Country Lanes' in the borough, particularly on the eastern side. Ranvilles Lane and Tanners Lane are already compromised by the By-pass. It is important (see LDA above) that there are areas where one can 'experience' the countryside between the urban settlements. David Hares also understood that, and Oakcroft provides only because there is countryside on both sides. If HA54 proceeds, it will become a built-up settlement boundary and need various urbanising upgrades to handle the extra traffic, safety, etc. It also provides a quiet access to St Edmunds cemetery and forms its northern side. 'The Grange' development has already been given permission to the west of the church and cemetery. If HA54 proceeds the church and grounds (NB of Saxon origins) will no longer have any 'edge of village' ambience, instead it will be subsumed into suburban housing estates. This is a major degradation of the settlement character of the area' (see CS22 (b) above) and further explains why this land must remain in a protected Strategic Gap. The 180 homes proposed is not a modest development. The last major development on the northern edge of Stubbington was Marks Tey Road, which only contains 78 houses. Even with Discovery and Newton Close, etc, there are well under 100. The 180 proposed will be MUCH more densely packed and create a massive carbuncle extending way north of Stubbington. Any suggestion that this is 'rounding off' Stubbington should be dismissed. When Summerleigh, Three Ways and Farm House Close (and now The Grange) were proposed, forming 'spikes' out along the Stubbington northern access roads, it was vehemently denied that these would be an excuse to extend 'filling in' development along Oakcroft Lane. The Marks Tey development itself was undoubtedly opposed when originally proposed but placated at the time as being 'a natural reduction in housing density moving away from the village centre'. The HA54 plan cranks up the housing density – perhaps for eventual merging into Fareham? Unfortunately, FBC planning officers appear to be complicit in the U-turn in FBC favouring this development. Compare Peter Kneen's reports on Persimmon development applications in 2019 and 2021. In 2019 his report on the 261-home proposal gave 21 separate, strong reasons recommending the proposal be refused. In February this year (no doubt after the govt U-Turn on 2018 ONS stats) the FBC Executive clearly were in favour of building in the gap for purely numerical reasons. Dutifully, Mr Kneen's 2021 report on the 206 home re-submission reveals a completely different mindset, miraculously reversing his previous concerns and recommending approval. This does not represent objective planning consideration. Fortunately, enough councillors saw through this and rejected the application, against 'advice', leaving the Chairman grumbling about "having to fight expensive appeals". Reports commissioned by FBC need to be viewed with some scepticism. Sustainability and Local Resources (HA54) The clear reality is that the proposed site is too far from Stubbington Centre (or other facilities) for walking or cycling. New residents will need at least one car per home and there will be a lot more than this. Worse than that, it was pointed out by 'The Fareham Society' that vehicular access to Stubbington' is also lengthy. Residents will have to drive beyond the far northeast of the development, almost to the by-pass in order to turn back south onto Peak Lane to get into Stubbington. It will be easier to drive on to Fareham for shopping or recreation, which together with commuting, is going to add to Fareham's increasing Air Quality issues. Thus, the proposed development would not be part of the Stubbington community at all. Due to proximity, it will draw on the catchment of the schools and medical centre (overloading already overstretched capacity) but will not contribute to local businesses. With likely 200+ more children, the local Anne Dale and Crofton schools will need an additional Class for every school year. I don't believe this is sustainable on the school sites. The Medical Centre is at collapse already. In summary HA54 would be an ugly estate, inappropriately forced on to the natural edge of a village. It would really have no connection to the village community and would just be a commuter ghetto draining the village community facilities while taking a large chunk out of the Strategic Gap (and adding to the commuter traffic and air quality issues that are a serious concern through Fareham town). Peak Lane and the Stubbington By-pass (HA54 and HA55) The 2021 'Review of ASLQ and Gaps' (for example, see my PART 4) lists on p97 the vehicle routes where the Strategic Gap can be 'experienced'. Oakcroft Lane is not mentioned! It appears that this country lane was already written off in the author's mindset. It does mention Peak Lane, which will lose all of its 'Country Road' appeal if HA55 and HA54 go ahead. Travelling South, Peak lane would first see the fields on the left replaced by the HA55 housing estate, almost immediately hit the by-pass junction (which will be an acre of tarmac, traffic signals, etc), a few yards later meet the HA54 access road, then a

Please provide details you have to support your answers a...

What modification(s) is necessary to make the Revised Pub...

The '2020 Review of ASLQ and Gaps' should be withdrawn and the Review of the Stubbington – Fareham Gap should accept that the Davis Hares Reports is still valid in this respect, being fully focussed on settlement coalescence. The 'conclusions' that parts of this gap could be encroached without affecting the Gap function are fatuous and should be removed. The extent of the new Chilling-Brownwich ASLQ should also be reconsidered focussing on coastal areas only.

At the very least, both HA54 and HA55 cannot be included in the Plan. Even the dodgy 'Review of ASLQ and Gaps' does not actually say that both of these can be pursued without affecting the function of the Gap. Suggesting they can both proceed is a failure of common sense and clearly motivated by securing quick 'low hanging fruit' rather than any objective reasoning. The new policy C11 (not selectable!) that seems to replace CS22 should re-educate Planners about the true purpose of the Gap and the need to maintain an area where 'countryside' can be experienced in the Gap. The protection against development in the Gap must clearly be defined as equal or greater than ASLQ. I have already suggested, for example to Cllr Woodward that Take out the 180 designated for Persimmon and (if you really, really need the numbers) put back in the 150 originally planned for Rookery Farm (that you make great mention of below) which mysteriously remain reprieved, despite the renewed government pressure. That could provide a crumb of decency. You already have 16-homes granted permission at 'The Grange', inside the Gap, to help balance. Having approved The Grange, there will now be housing development along one side of St Edmunds church and cemetery. The Persimmon development on the other side, and the resulting destruction of the 'country lane' ambience of Oakcroft Lane, would subsume the church and grounds into a housing estate. The Gap is supposed to protect 'settlement character' as well as provide 'settlement segregation'. I have heard say that the Rookery Farm proposal was difficult due to access etc for emergency vehicles etc. This suggests a lack of imagination. There is an existing small bridge over the M27 that could allow additional access from Addison Road - if not upgradable for general traffic it could at least allow emergency vehicles.

How would the modification(s) you propose make the Revise...

It might remove the clear indication that the new Review has been influenced by particular interests to protect the Wester Wards

It might restore some common sense

Your suggested revised wording of any policy or text:

See above

see above

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

As mentioned in my representation I have prepared substantial concerns about the Plan and its evolution, which I would be happy to discuss with the Inspector. I also represent an informal group in my locality who have particular concerns about the Strategic Gap

As mentioned in my representation I have prepared substantial concerns about the Plan and its evolution, which I would be happy to discuss with the Inspector. I also represent an informal group in my locality who have particular concerns about the Strategic Gap

Respondent: Mrs Jacky Keyes (307-301031)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Building on the Strategic Gap goes against everything the local Conservative government assured us of in the run up to the local elections. They could have tried harder to protect that area, but assigning the 1.250 homes needed to be included in the Welbourne project of 6000 homes. Currently only 3,610 of those are considered in the plan, but if the plan ran to 2045, all of them would be included in the plan. There is no maximum period of 15 years for the plan.

The Sustainability Appraisal and Strategic Environment Assessment Sustainability Report for the Revised local plan states: Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap. Fareham Council are required to comply with the The Sustainability Appraisal and Strategic Environment Assessment

What modification(s) is necessary to make the Revised Pub...

Extend the plan and figures to 2045

Land South of Longfield avenue will not be included in the revised local plan

How would the modification(s) you propose make the Revise...

It would be sound because it is properly taking into consideration a very large development in the area already in progress

It will comply with the The Sustainability Appraisal and Strategic Environment Assessment Sustainability Report for the Revised local plan which states: Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap.

Your suggested revised wording of any policy or text:

This plan extends to 2045 in order to minimise the impact on the Strategic gap by properly including the whole of the Welbourne development in the plans.

Land South of Longfield avenue will not be included in the revised local plan

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

No, I don't want to take part in a hearing session

FAREHAM LOCAL PLAN REVISED 2037 – HA55 LAND SOUTH OF LONGFIELD AVENUE 1250 HOMES - SHELAA Ref. 3153

Objection By: The Lee Residents Association (LRA) objects to the inclusion of HA55 in the proposed Fareham Local Plan revised 2037 on the following grounds:

1. The proposed development is not in line with policy CS22 of the FBC adopted Local Plan in which it states the policy regarding the Strategic Gap. (Also, Strategic Policy DS2 in the 2037 proposed plan)
2. The detrimental impact on the road network both particularly on the A32 at Lower Quay and at other junctions with the A27 will be significant. This will be compounded as the Solent Economic Zone and any other developments within the Strategic Gap or to the south of it progress.
3. This development will unavoidably aggravate traffic congestion levels in the already over capacity Lower Quay Air Quality Management Zone, particularly as there are no other transport alternatives than by road.
4. That the proposed development P/20/0646/OA, yet to be determined, and the inclusion of HA55 is not in line with Fareham's adopted Local Plan and the revised Local Plan 2037.

Evidence: The above reasons follow Fareham's emerging Reg. 19 Local Plan that sets out the Boroughs plans for future development and embeds the latest iteration of the 5-year housing supply requirements. Within the published development strategy are stipulated 'Landscape and Countryside' as well as 'Settlement Boundary' guidelines. Policies that are specifically designed to respect settlement identity.

- Policy **DS1** states that any development should **"recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap."**
- **DS2** states: **"In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements. Strategic Gaps are identified as shown on the Policies Map between the following areas"**
 - Fareham/Stubbington and the Western Wards
 - Fareham/Bridgemary and Stubbington / Lee-on-the-Solent (Fareham/Stubbington Strategic Gap)

The policy also states that development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.

- **CS22** in the adopted Local Plan with reference to Development in Strategic Gaps states that **"development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of the settlements."**

Reasoning

Gaps between settlements particularly between Fareham and the Western Wards and Fareham and Stubbington, help define and maintain the separate identity of individual settlements and have strong local support. "The PifH authorities have agreed a joint policy framework which underpins the designation of settlement gaps in South Hampshire. In addition, the settlement Gap between Gosport/Fareham and Lee-on-the-Solent/Stubbington is considered of Sub regional importance as identified in the South Hampshire Strategy.

The LRA Case

The Lee Residents Association remains very concerned of the impact of any development within the Strategic Gap and for residents living or working in the Gosport/Fareham Peninsula to the South of the Strategic Gap.

These points listed are widely held views and are important enough to summarise as follows:

- The housing would significantly reduce the vital Strategic Gap between Fareham and the settlements in the Gosport peninsula
- It will cause further traffic congestion on all already overburdened routes on and off the Gosport Peninsula
- This particular application will cause significant through traffic on residential feeder roads
- The congestion and transport delays will damage the local economy and business to the south of the development including the Solent Enterprise Zone
- There will be a significant reduction in the quality of life on the roads that access this development area through congestion, noise and pollution
- It will unavoidably aggravate the Lower Quay Air Quality management area and increase the already damaging levels of pollution. It must be recognised that there are no other transport alternatives than by road

All these disadvantages will also apply equally to all the residents of the proposed new development. Neither does any development in the Strategic and Settlement Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington qualify as 'good growth' as defined in the National Planning Policy Framework. It should also be recognised this development will undermine recent and currently being constructed strategic transport routes. The improved routes, long overdue, have only been designed to relieve present traffic demands for the Gosport/Fareham peninsular. They were not designed to support additional development.

A recent Planning Inspectorate appeal concerning proposed that dismissed further development in the same strategic gap concluded with the following remarks:

"I consider that the main issues in these cases are: the effect of the proposals on the character and appearance of the area; the effect on highway safety; whether, with reference to accessibility, the schemes would be sustainably located; the effect on the spatial development strategy for the area; and, the effect on housing land supply."

The Planning Inspector also felt the massing of each development would affect the openness of the Local Land Character Area. He decided that overall, the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area. He stated:

"I consider overall that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of settlements, with particular reference to the experience of travellers along the Newgate Lane East section of the Newgate Lane East/B3334 Gosport Road key route, contrary to the aims of LP1 Policy CS22."

Recommendation: The LRA recommends that the proposed HA55 from FBC revised Local Plan 2037 should be removed from Fareham's 5-year housing projections. We wish also to object the non-determined Planning Application P/20/20/0646/OA.

For: Lee Residents Association

Respondent: Mrs Janet LETHBRIDGE (187-11914)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I have no doubt the plan is legally compliant but I also have no doubt that the majority of residents in Stubbington do not wish for this development on a number of fronts. The councillors involved therefore are not carrying out the wishes or opinions of the electorate. Stubbington village is surrounded in three directions by areas of green land, This development seeks to erode one of them preparing the way for further development in that area so that green space is reduced still further under the very dodgy title-'flexibility of development area shown on your plan'. I am very much against this development entirely and will seek to speak with my local councillor at the earliest opportunity.

What modification(s) is necessary to make the Revised Pub...

n/a

How would the modification(s) you propose make the Revise...

n/a

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Marshall (287-5188)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This allocation is in the Fareham/Stubbington Strategic Gap. For many years this Gap has long been recognized as essential in providing an effective physical and visual separation between Fareham and Stubbington and preventing urban sprawl. This is valued and has been strongly supported by the Fareham Society and by residents in the Borough. There has been support for this Gap in various Studies over the years and in previous Local Plan Inspector's reports. The Gap was supported by a study undertaken for the Council in 2012. Support was also given by the Fareham Landscape Study 2017 which says that the majority of open farmland in the Gap between Fareham and Stubbington is critical to maintaining the sense of separation between these settlements. The Inspector's report on the Fareham Borough Local Plan Part 2 (para 15) found that the Council was justified in taking the view that construction of the new Stubbington by-pass and ancillary works did not justify a revision to the Strategic Gap boundary. The proposed development of the scale indicated would be a substantial incursion into the Strategic Gap and the Fareham Society has objected, on these grounds, to a recent planning application for the residential development of the allocation site. Another concern of the Society is the impact of the proposed allocation on the road network in the surrounding area. Other than the suggested access point little is said about the transport implications of the proposal in the SHELAA or the text accompanying the allocation. However, clearly it would affect the existing area north of Longfield Avenue and place an additional burden on the Stubbington by-pass. The implications of this need to be made much clearer. The Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC) suggests that development on the allocation site could be visually absorbed into the Gap without compromising its function. This is difficult to reconcile with the findings of the previous studies. In any event even if added weight was given to the 2020 Review it should be noted that it contains significant caveats to the redrawing of the Strategic Gap boundary necessary to accommodate the allocation. The Review states that: "... such adjustment would be driven by more detailed testing of development forms, scale, landscape and GI interventions. Such work would also need to consider the potential reduction of tranquility and dark night skies ratings in the area. Establishing a GI Framework or Strategy is recommended." There is no indication within the Local Plan of any of the necessary detailed testing referred to above. There are, therefore, strong grounds to oppose this allocation. There would be some advantages with the allocation: the large-scale of development proposed would be capable of absorbing a significant amount of Fareham's housing needs, on a site with a good accessibility rating of 8/10, and spare other land in the Borough from development; the large scale of the development would have the potential to ensure a good provision of services; and it also has the potential to protect from future development substantial areas within the allocation labeled as Green Infrastructure areas. However, standing against the allocation, in addition to the absence of the detailed testing referred to above referred to above, is the absence of adequately set out reasons for the selection of sites and of housing being justified in a Statement of Common Ground. The Society has made observations on this in its statement on the Evidence base. These 3 considerations taken together outweigh the advantages referred to above and thus the allocation is unsound. The Society also wishes to draw the Inspector's attention to the following detailed concerns on the allocation. a) Whilst the proposed developable area would be reasonably well screened from Longfield and Peak Lane, at least in summer months, substantial additional screening would be required for an acceptable level of year-round screening. There is no evidence that this would be provided by Green Infrastructure belt shown on the Land Use Framework Plan. Any widening of this belt could potentially have an adverse impact on the suggested housing yield and place future pressure to add to the suggested developable area. b) The southern boundary of the allocation is not demarcated by any natural boundary. A substantial tree belt would be required to limit views from the south from the by-pass and to provide a clear edge to the development. The Society is concerned about the reference on the Framework Plan to a "Flexible development edge subject to master planning" on this boundary. This is not acceptable. A clear indication needs to be given at this stage on exactly how far to the south this boundary would extend. c) The Framework Plan says that within the Green Infrastructure, beyond the developable area, there could be a play space and sports hub and a 4 ha. area incorporating buildings and parking is proposed. Such uses/structures, and floodlighting often associated with them, would intrude unacceptably on the Strategic Gap. Any play space and sports hub would need to be within the developable area. Were the Inspector minded to allow the allocation he is urged to take these matters, also bearing upon soundness, into account.

What modification(s) is necessary to make the Revised Pub...

The lack of soundness could only be overcome with the Council: a) undertaking the work required on the selection of sites and the justification for housing referred to above; b) undertaking the detailed testing required in the Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC), as referred to above; and c) making the changes to the Land Use Framework Plan referred to above.

How would the modification(s) you propose make the Revise...

By ensuring that the allocation only remained in the Plan if it was justified on the basis of an appropriate strategy and protected the natural environment so as to meet the environmental objective of sustainable development.

Your suggested revised wording of any policy or text:

Not applicable at this stage.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others.

Respondent: Mrs Janet Matthews (296-32741)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The same arguments against this build are still relevant even with the new bypass being built. The roads, health services, nitrate levels, residents views and of course the displacement of local wildlife all show this is not a good site to build housing. The gap between Fareham and Stubbington will be gone even if a small park is made between them. Except for the park we will have no green space here. Now we have left the EU I am sure farm land will be necessary to help lower imported foods which countries will now tax us highly to import. I cannot understand why this farmland is being build on when there are other sites that are wasteland that could be used. Filling the gap between Fareham and Wickham should be enough for the moment. I feel the residents of Farehams comfort is not being taken into account. I do not want to live in a town full of housing and little else. It will no longer be a beautiful market town but a extention of the city. Please fight for us

What modification(s) is necessary to make the Revised Pub...

The land should stay as farmland

How would the modification(s) you propose make the Revise...

Leaving this site green will help fulfill some of the nitrate and wildlife issues the council is facing

Your suggested revised wording of any policy or text:

Because of the Nitrate and traffic issues the housing will be placed elsewhere

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

PERSONAL DETAILS

Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: MRS

First Name: SANDIE

Last Name: MCINTOSH

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph? Go to B1a
- A policy? Go to B1b
- The policies map? Go to B1c
- A new housing allocation site? Go to B1d
- The evidence base? Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

HA54 HA55

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue
land south of Oakcroft Lane
land south of Longfield Avenue .

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

I don't believe it is a sound plan to continue building in what was an established strategic gap further adding to the pollution on the A32 into Foreham; adding to already stretched GP practices etc and ignoring completely local opposition. The local plan has been drawn up without regard to the local population and meetings held little attention to local concerns to attend.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

remove HAS4 and HASS from the plan

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would support the individual communities of both Foreham and Stubbington which currently are protected by the strategic gap.

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If you've responded 'is essential' or 'important' you may be asked if necessary to participate in the examination hearing session(s).

Yes, I'd like to take part in a hearing session.

No, I don't want to take part in a hearing session.

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

PERSONAL DETAILS

A1 Is an Agent Appointed?

- Yes
- No

A2 Please provide your details below:

Title:

Mr

First Name:

Jim

Last Name:

MCINTOSH

Job Title: (where relevant)

/

Organisation: (where relevant)

/

Address:

[Redacted]

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

- | | Yes | No |
|--------------------------------------|-------------------------------------|-------------------------------------|
| Legally compliant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Complies with the duty to co-operate | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B3 Please provide details you have to support your answers above

The local Plan rides roughshod over the long established strategic gap between Stubbington + Fareham. The proposed housing allocation completely ignores the strength of local objection and is therefore unsound and fails in the duty to cooperate

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

To remove M25X and M25S from the housing allocation

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

The plan would reflect the wishes of the residents and protect the integrity of the precedent set in the strategic gap.

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

- Yes, I want to take part in a hearing session
 No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

I do not believe that the Council has sought proper representation and that the policy is flawed.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

White, Lauren

From: Keely, Lauren
Sent: 02 July 2021 09:20
To: Trott, Katherine
Cc: Drake, Pete; Younger, Emma
Subject: Representation - Future Development in Fareham.

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Katherine,

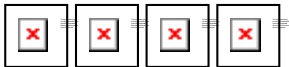
I hope you have had a lovely time off.

Please see below a representation we have received please can this be recorded.

Thank you

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601

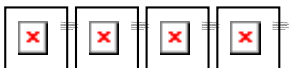


From: Development Management <devcontrol@fareham.gov.uk>
Sent: 01 July 2021 17:25
To: Planning Strategy <PlanningStrategy@fareham.gov.uk>
Subject: FW: Future Development in Fareham.

Good afternoon,
Please see below re "Future Development in Fareham".

Many thanks

Karen Watson
Business Support and CIL Administration Officer (Development Management)
Fareham Borough Council
01329824356



From: [REDACTED]
Date: Thursday, 1 July 2021, 14:41:45
To: customerservicecentre@fareham.gov.uk <customerservicecentre@fareham.gov.uk>
Subject: Future Development in Fareham.

Dear Sir/Madam, I have just received a copy of the above. I feel we have been betrayed. I understood that Welborne would take up the bulk of our housing requirements with additional brownfield sites. If 1250 homes are to be built south of Longfield Avenue we shall be surrounded by housing and extra traffic on already overcrowded roads. The next step will be more housing south of Paul's Hill meaning that Fareham will be one with Stubbington and Titchfield. It will mean the loss of an essential "Green lung" and all attendant wildlife. We have been "hoodwinked" in the false promise of Welborne which I think is doomed to failure.

Yours sincerely, G.Millener.

Sent from [Mail](#) for Windows 10

Respondent: Mr David Mugford (296-43164)

Legally compliant	Yes
Sound	Yes
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I wish only to comment on HA55. I am relieved to see the full plan shows about half the site left open for non-housing. The Fareham Today shows development right up to the by-pass with no green space between the new road and the land south of Longfield Avenue. This difference is troubling, but I can only assume the Local Plan detail is correct. However, I remain worried that development will eventually cover the whole site, and the Strategic Gap become a Strategic Development area and will eventually be lost to extensive development, and no green area will remain. This would be a big loss to Stubbington people, and Government pressure must be resisted, no matter the cost. We need a green corridor, with a wide area both sides of the new by-pass planted with trees and bushes.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Murphy (307-241937)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Stretching out on the edge of an urban area is contrary to Govt policy over the last twenty years. The efforts of FBC to build two storey buildings in the most densely populated area in the southeast except London, is no longer possible in 2023. The established written policy of FBC is to establish a green belt in the area part of which is on this site, and so is illegal. No proper provision of infrastructure which includes primary health care has been made. The brownfield sites in central Fareham can accommodate multistorey SELF FINANCING flats which are on land owned by FBC and so can provide social housing for rent to address the housing waiting list directly. Building companies and estate agents are not permitted to attend to the chronic lack of social housing which is the lowest in the area. Provision of central social housing also helps the centre which is at present a ghost town.

What modification(s) is necessary to make the Revised Pub...

Remove the contradictions

How would the modification(s) you propose make the Revise...

Building council homes on council land is achievable in the short term and increases both short term and long term income

Your suggested revised wording of any policy or text:

The document as a whole is so full of inconsistencies that it requires radical overhaul

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

More detail as required in the hearing session will be provided by me in order to break the plan down into small plots of land. As an active member of friends of the Earth and the Green party and a background in accountancy for a large property company , I can contribute ideas which are pertinent and realistic

Respondent: Mr Paul Needham (37-561341)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The Local Plan is not “sound” because it does not achieve sustainable development. Sustainability is defined as “using a resource so that the resource is not depleted or permanently damaged”. The proposed development will consume a significant proportion of the strategic gap (the resource) between Stubbington and Fareham. This resource provides local residents living either side of it, and many others in both boroughs, with the benefit of living near a beautiful countryside location whilst being part of a sustainable community. That is the description that Fareham Borough Council are using as a reason for accepting the development for the benefit of the 1250 new homes. It therefore follows that by building on this resource then the existing residents are suffering depletion and permanent damage to the resource. It is unsustainable. The strategic gap between Fareham and Stubbington has always been sacrosanct and Fareham Borough Council, in their proposals for the Stubbington By-Pass some 6 years ago stated:- However the route of the bypass is such that along the first half of the route the road follows the alignment of Titchfield Road and then broadly follows the northern edge of Stubbington. This leaves the open fields that comprise the northern extent of the gap up to Longfield Avenue open such that the landscape continues to operate in the manner the planning policy intends; preventing the coalescence of the settlements of Fareham and Stubbington. The development south of Longfield Avenue obviously contravenes this policy which must call into question both the legality of the Stubbington By Pass as well as the proposed housing. Sustainability is ensuring a resource is not permanently damaged. Another resource available to all local residents is the access to the M27 in the west of the borough and similar access to the east via Newgate Lane. No improvements to the highways supporting this access are indicated in the local plan. It therefore follows that 1250 homes which will generate at least 2000 extra vehicles into the traffic system must deplete this resource. Indeed, one only has to look at the nearest major supermarket (Asda) where it can take half an hour at present to gain access onto Newgate Lane. No doubt many of the residents from the new homes would use this supermarket due to its proximity to the development. Again, a depletion in the resource. One can surely accept that air quality is, or should be, a resource for residents in any area. Fareham Borough Council’s own report on air quality states “The air pollutants of concern in Fareham and Gosport are nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5). The main source of these pollutants is road traffic.” The addition of considerable numbers of cars associated with the development must therefore have a negative effect on air quality and thus that resource. Access to the countryside and associated wildlife have proved, not just during the pandemic, to be an invaluable resource for local residents. The area supports and sustains many different species of wildlife including pipistrel bats, 4 types of breeding raptors, various species of owl, badgers, foxes and deer as well as annual visits from Brent Geese and other migrating birds. 20/25% of this resource will disappear with these new homes (permanent damage) and the wildlife will therefore be restricted to a much smaller area (depletion) including a token “bird mitigation area”. It therefore follows that the resources identified, available to local residents, will be adversely affected by the proposed development either by way of depletion or permanent damage. As such, the proposal should be rejected in its entirety.

What modification(s) is necessary to make the Revised Pub...

Restrict any development in the strategic gap between Stubbington and Fareham

How would the modification(s) you propose make the Revise...

It would ensure that the local plan did not incorporate unsustainable development

Your suggested revised wording of any policy or text:

In developing the Fareham Borough Local Plan it is essential that the previous policy of maintaining the strategic gap between Fareham and Stubbington to ensure that it is fully retained and that any future attempts at developing, even a small section of it, are rejected to retain the separate characteristics of our towns, villages and urban areas.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Martin Oliver (147-24133)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The decision to permit housing in what has always been declared as a Strategic Gap is not sound as it contravenes previous policy, which was judged to be sound - and stated there would be no building in the strategic gap. The proposal is further unsound as it is contrary to the wishes of people who live in the area bordered by the Strategic Gap. Further, the proposal puts the vast majority of new builds in one area, which does not have any representation on the Planning Committee.

What modification(s) is necessary to make the Revised Pub...

Prevention of building in the Strategic Gap and spreading the load of new buildings evenly across the Borough.

How would the modification(s) you propose make the Revise...

It would make it sound as it would be protecting an important natural Gap.

Your suggested revised wording of any policy or text:

Remove the proposal to build in the Strategic Gap

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Alan PARROTT (287-31518)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Obviously legally compliant but not sound due to impact on the area which is already overcrowded and obviously complies with duty to co operate

What modification(s) is necessary to make the Revised Pub...

Not to build on this Strategic Gap I disagree with the building on this area of land which was promised to be protected as a gap between Fareham and Stubbington

How would the modification(s) you propose make the Revise...

It would honour the promise to keep the Fareham/Stubbington Strategic Gap

Your suggested revised wording of any policy or text:

If this development goes ahead it will clearly breach the promises given by Local Authorities over the years to keep this area free of buildings etc .

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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2.0 Completed Representations Form 2-20

APPENDICES:

**1.0 Landscape Response prepared by Terra Firma Consultancy including
Opportunities and Constraints Plan**

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has interests in Land adjacent to 75 Holly Hill Lane in Sarisbury (SHELAA ID: 1005).
- 1.2 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.3 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 11 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. Pegasus Group has calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP, then the supply of affordable home should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;
- Therefore, it is necessary for the RPLP to deliver a total of at least **13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

1.6 To be 'positively prepared' the Local Plan must:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- Be consistent with achieving sustainable development.*

To be 'justified', the Local Plan must:

- Provide an appropriate strategy, taking into account the reasonable alternatives; and*
- Be based on proportionate evidence.*

To be 'effective', the Local Plan must:

- Be deliverable over the plan period; and*
- Be based on effective joint working on cross-boundary strategic matters.*

To be 'consistent with national policy', the Local Plan must:

- Enable the delivery of sustainable development in accordance with the NPPF."*

The RPLP has not been positively prepared because it:

- Fails to meet the area's objectively assessed needs as described above;

- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

The RPLP is not justified because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough. This should include allocation of Land adjacent to 75 Holly Hill Lane for about 30 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. Pegasus Group are of the opinion that the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance includes:
 - (i) An assessment of the need for affordable housing over the plan period as required by paragraph 62 of the NPPF,
 - (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
 - (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 61 of the NPPF,
 - (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
 - (v) An assessment of how the out-of-date identified unmet needs are to be

distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 74 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 74 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welborne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54 Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue, both of which lie in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.

For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

This section of the RPLP is substantially focused on restricting development outside the existing settlement policy boundaries of urban areas. As part of the previous round of consultation on the Publication Local Plan, we submitted strong objections to the overly restrictive nature of the policies contained within this section of the Local Plan. No material changes have been made as part of the RPLP in response to those objections and so our key concerns are re-iterated below.

Paragraph 3.9 of the RPLP states:

"Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas." (our underlining)

Our client objects to the identification of the Areas of Special Landscape Quality (ASLQ) in the borough, and particularly to the presumption against development in ASLQ and against the allocation of any sites for development within these areas. This is discussed in detail in the section relating to Policy DS3: Landscape below.

Policy DS1: Development in the Countryside

For housing development which is brought forward in the absence of a 5-year housing land supply, Policy HP4 applies. This will necessarily introduce new built

form onto greenfield sites adjacent or well related to existing urban area boundaries. This will inevitably cause a change to the landscape character of the site and immediately adjacent land. Criteria ii) and iii) require proposals to "conserve and enhance landscapes" and "recognise the intrinsic character and beauty of the countryside". It is not clear which "landscapes" are being referred to – the spatial extent of 'landscapes' should be defined here to avoid ambiguity. While the landscape as a whole could be enhanced by carefully designed development proposals, the principle of landscape change within the site itself should be established. If this requirement to 'conserve and enhance landscapes' is applied to the landscape features and character of a potential development site, then this requirement is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. Either the spatial extent of 'landscapes' should be defined or the requirement to 'enhance landscapes' be removed from the policy.

Moreover, it is not clear how the extent to which a proposal has recognised "the intrinsic character of the beauty of the countryside" can be measured. After all, those attributes can be "recognised" but then disregarded. It is true that every area of countryside has a "character" but not that every area of countryside has "beauty".

Criterion v) should include an exception for development which is brought forward under Policy HP4, where the application of the "tilted balance" would allow the loss of BMVAL.

Paragraph 3.39 fails to explain how this policy works in relation to housing policies.

Policy DS3: Landscape

This draft policy designates about a quarter of the land area of the Borough as "Areas of Special Landscape Quality" (as shown on Figure 3.3).

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'.

Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

However, if it is held that Policy DS3 should not be deleted, the following comments apply.

Paragraph 3.55 states that "...all parts of the Borough have some landscape quality and may be sensitive to landscape change". This is ambiguous. All landscape will be of 'a quality' but quality (in GLVIA3 aligned with condition) is only one consideration of landscape sensitivity.

With regard to "How the policy works", paragraph 3.56 states that "The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.". The GLVIA3 is an extensive and diverse document and, if it is to be used as basis for this policy then a specific reference or explanation should be provided as to how points a-g have been derived.

Paragraph 3.57 refers to the submission of "...a proportionate Landscape Assessment". In the event that Policy DS3 is not deleted, this should be amended to require the submission of a 'Landscape and Visual Impact Assessment'. There are many applications of Landscape Assessment and several forms of reporting. Reference to LVIA would be specific and clear as to what is required (and incidentally relates better to the approaches set out in GLVIA3).

Having specific regard to our client's land interest adjacent to 75 Holly Hill Lane in Sarisbury, the site has previously been promoted through FBC's SHELAA, the latest version of which is dated April 2021 (Site ID 1005) and was discounted solely because it is located within an ASLQ. Consequently, our client has appointed Terra Firma Consultancy to review this matter and a Landscape Response is attached to these representations at Appendix 1, together with an Opportunities and Constraints Plan for the site.

In summary, it is considered that if Policy DS3 is not deleted, it should better allow

for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive small-scale development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane / DS2: Development in Strategic Gaps

There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

The executive summary of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" (undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020) makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function..."*

The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. Development in that location would place development in a open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially

significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*

- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks

further ahead (at least 30 years), to take into account the likely timescale for delivery."

Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2.

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

Pegasus Group has reviewed the RPLP and its evidence base and concludes that the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities. contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 61 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;

- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year

supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

As currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:
- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors.

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test

can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land adjacent to 75 Holly Hill Lane for residential development

The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard Method would remain as previously.

The Council has decided to introduce Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings alongside other new draft allocations in order to help meet the higher housing requirement.

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which include Land adjacent to 75 Holly Hill Lane.

As set out above, the sole reason for discounting the site as an allocation within the SHELAA is because of its location within the proposed ASLQ designation, and our client's objection to this is set out above.

Otherwise, the SHELAA confirms that the principle of highway access to the site is acceptable, subject to allowing for the turning of refuse vehicles within the design of the access road, which could be addressed. It is confirmed that there are no known conservation constraints or noise/air quality constraints, and that the site is not within an identified area of archaeological potential. The SHELAA suggests that there is the potential for moderate to high quality habitats and ecological interest within the woodland areas, but this could be assessed and appropriately mitigated.

In terms of its accessibility and sustainability, the SHELAA confirms that the site is located within 800m of accessible green space or play space, within 800m of a community/leisure facility, within 1,200m of a Primary School and within 1,600m of a Secondary School. It is also noted that the site is located 0.5 miles (by road) to the south of the A27 and its associated local facilities and services. There are also bus routes that run along Barnes Lane to the east, and the A27.

The SHELAA concludes that the site is both available and achievable but that it is not suitable due to its location within an ASLQ.

The Landscape Response prepared by Terra Firma Consultancy submitted previously, and enclosed at Appendix A, includes an Opportunities and Constraints Plan for the site which identifies an indicative developable area extending to approximately 0.93 hectares. On the basis of a development density of 30-35 dph, this would equate to the provision of between 28-33 dwellings on the site.

On the basis of the above, the Council is encouraged to allocate Land adjacent to 75 Holly Hill Lane in Sarisbury for about 30 dwellings and amend the RPLP Proposals Map accordingly. This site is controlled by a highly reputable local housing developer – Bargate Homes – who has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five-year housing land supply.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Delete Policy DS3;

- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land adjacent to Holly Hill Lane for about 30 dwellings and amend the Proposals Map accordingly.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in the hearing session(s)

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

To contribute to testing the legal compliance and soundness of the RPLP for the reasons set out in these representations.

APPENDIX 1
Landscape Response prepared by Terra Firma Consultancy
and associated Opportunities and Constrains Plan

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

REPRESENTATIONS INCLUDING REGARDING THE OMISSION OF FORMER POLICY HA2 HOUSING ALLOCATION - LAND AT NEWGATE LANE SOUTH, FAREHAM

REPRESENTATIONS ON BEHALF OF THE HAMMOND FAMILY, MILLER HOMES AND BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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2.0 Completed Representations Form.....	1-24

Appendix: - Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

Accompanying Supporting Specialist Representations (referred to in these representations):

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

i-Transport – Transport Technical Note: Former HA2 Housing Allocation

1.0 Introduction

- 1.1 The following representations are by Pegasus Group on behalf of our clients The Hammond Family, Miller Homes and Bargate Homes. Our clients have interests in land at Newgate Lane South, Fareham which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of this plan. For the reasons set out in these representations, our clients are strongly of the view that this allocation should be reinstated in the local plan.
- 1.2 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF). Currently the plan is neither legally compliant nor sound.
- 1.3 The following representations utilise the same format as the Council's response form. Each area of the Publication Local Plan (PLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **The Hammond Family, Miller Homes and Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

- 2.1 The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 10 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.
- 2.2 Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. These matters are considered in the appended specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021). Here, it is calculated that:
- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
 - The unmet affordable housing needs of neighbouring areas will increase this figure;
 - Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
 - In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP,

then the supply of affordable homes should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;

- Therefore, it is necessary for the RPLP to deliver a total of **at least 13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

- 2.3 Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

- 2.4 1.6 To be 'positively prepared' the Local Plan must:

- *Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- *Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- *Be consistent with achieving sustainable development.*

- 2.5 To be 'justified', the Local Plan must:

- *Provide an appropriate strategy, taking into account the reasonable alternatives; and*

- *Be based on proportionate evidence.*

2.6 To be 'effective', the Local Plan must:

- *Be deliverable over the plan period; and*
- *Be based on effective joint working on cross-boundary strategic matters.*

2.7 To be 'consistent with national policy', the Local Plan must:

- *Enable the delivery of sustainable development in accordance with the NPPF."*

2.8 **The RPLP has not been positively prepared** because it:

- Fails to meet the area's objectively assessed needs as described above;
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

2.9 **The RPLP is not justified** because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough against or in close proximity to the urban edge of Gosport. This should include the re-instatement of the former Newgate Lane South allocation (former Policy HA2) to deliver up to 475 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. As set out in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance

includes:

(i) An assessment of the need for affordable housing over the plan period as required by paragraph 61 of the NPPF,

(ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,

(iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 60 of the NPPF,

(iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,

(v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 73 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 73 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

2.10 **The RPLP is not effective** because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welbourne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54

Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue which lies in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

2.11 **The RPLP is not consistent with national policy** because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

2.12 The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

2.13 In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

- 2.14 However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.
- 2.15 **For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.**

Representations about specific draft Policies of the RPLP:

- 2.16 **DS2: Development in Strategic Gaps / HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane**
- 2.17 There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

- 2.18 Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2..."

- 2.19 This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to

the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

2.20 Appended to these representations is a specialist representation on Landscape and Visual Matters (James Atkin, Pegasus Group, July 2021). Section 3 provides an analysis of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020. The executive summary of the Technical Review makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function...*

It is also noted that the Newgate Lane Area (Newgate Lane West and East from Fareham to Peel Common Roundabout) has undergone a significant amount of change in the recent past."

2.21 The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development, while land east of Newgate Lane (ie. the previous HA2 Newgate Lane South allocation) is not suggested for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The December 2020 Regulation 19 local plan deleted the

former HA2 allocation following previous objections to it from Gosport Borough Council. The Revised Regulation 19 plan or RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. In comparison to the former HA2 allocation, development in that location would place development in a more open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

2.22 Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*

- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

2.23 It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

- 2.24 This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

- 2.25 Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

- 2.26 As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.
- 2.27 For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2."

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

2.28 As set out fully in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities, contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 60 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 67 of the NPPF, and

- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 73 of the NPPF.

2.29 The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is now proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

2.30 Indeed, as currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:

- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

2.31 Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors. For example, in his decision letter determining appeals relating to land at Newgate Lane (North) and Newgate Lane (South), Fareham (App/A1720/W/203252180 and 3252185) dated 8 June, 2021, the Inspector, Mr. I. Jenkins, reasoned at paragraph 21:

"In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment."

2.32 Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and if this policy is retained it is likely that the Council will release even fewer sites for housing to meet its substantial Five Year Housing Land Supply shortfall than it has done previously. **Policy HP4 is not fit for purpose, or necessary, and should be deleted.**

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

- 2.33 Proposed housing allocation HA2 Newgate Lane South was included in the Regulation 18 draft Local Plan in 2017, and it remained a proposed allocation in subsequent iterations of the emerging Local Plan for approaching 3 years until it was deleted as a proposed allocation in the Regulation 19 Publication Local Plan in November 2020. The draft HA2 allocation was supported by a Development Framework prepared by the Council which included a conceptual masterplan which showed a green buffer along the western edge of the proposed housing '*to enhance the strategic gap setting of the road and the new neighbourhood*'. The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. The Council deleted the HA2 allocation from the Regulation 19 Plan because it needed to make fewer allocations to meet its perceived lower housing target. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard method would remain as previously.
- 2.34 In these circumstances it would be reasonable to expect the Council to reinstate the HA2 allocation in its Revised Regulation 19 Plan. Instead, HA2 has still been omitted and the Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings has been proposed alongside other new draft allocations. This has been justified through alterations to the assessment of the component parcels of site HA2 in the Council's SA/SEA between the 2017 and 2020/21 versions, although the assessment methodology does not appear to have changed.
- 2.35 We have reviewed the SA/SEA report ("Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – Sustainability Report for the Revised Publication Local Plan, May 2021" prepared by Urban Edge Environmental Consulting / Natural Progression) and the commentary that it provides on the Council's site selection process through the iterations of the emerging Local Plan to date. From our review we note the following:

- Table 4.3 "Strategic Alternatives for Residential Development for the 2017 Draft Plan" details the packages of residential development options considered and confirms that the Preferred Option was **Option 2F** which comprised:
 - Welborne – 4,000 units by 2036
 - Regeneration sites in Fareham town centre
 - Warsash Maritime Academy
 - Cranleigh Road, Portchester
 - Romsey Avenue, Portchester
 - Three greenfield clusters:
 - Warsash Greenaway Lane
 - Segensworth
 - Newgate Lane South
 - Reduced scheme at Portchester Downend
 - Spread of urban fringe sites
- At Regulation 19 stage in 2020 (prepared in the context of the Government's consultation on a draft revised Standard Method calculation which reduced Fareham's housing requirement) the Council continued with a development strategy based on Option 2F above, although it removed the allocations of Newgate Lane South and Romsey Avenue, Portchester, and did not allocate the Strategic Growth Areas at Fareham South or the western portion of Downend, Portchester.

2.36 The "Rationale for Site Selection / Rejection" is provided at Appendix G of the SA/SEA report. The Newgate Lane South site is comprised of three parts – sites 3002, 3028 and 3057. All three sites are rejected. For all three the rationale for this was *"Development would have a detrimental impact on the Strategic Gap."* In addition, for sites 3028 and 3057, the further rationale was added – *"Site designated as a Brent Geese and Solent Waders low use site and there is no evidence of a strategy-compliant solution."* The rationale for Land South of

Longfield Avenue (site 3008) states:

"Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap."

- 2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.
- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*
- 2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of it's impact on the Strategic Gap.
- 2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

- The HA55 allocation will have a significantly more harmful impact on the integrity of the Strategic Gap, given the different (much more open) landscape character area that it lies within and the much greater scale of development proposed. The HA2 site lies between Newgate Lane East to the west, the playing fields to HMS Collingwood and Speedfields Park to the north, the urban edge of Bridgemary to the east, and Brookers Field recreation ground to the south – as such it is much more enclosed and discrete, and its development will complete the extent of built form in this location. In his **appeal decision letter on appeals relating the land West of Newgate Lane East dated 8 June, 2021** (Appeal Decisions APP/A1720/W/20/3252180 and 3252185), the Inspector, Mr. I.Jenkins, commented on those appeal proposals in relation to the Spatial Development Strategy of the extant development plan at paras. 78-86. At para. 84, he commented:

"Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap."

2.40 This adds significant weight to the case in support of the reinstatement of the HA2 housing allocation, given that a Planning Inspector has concluded that housing development to the east of Newgate Lane East would be potentially acceptable in terms of its impact on the Strategic Gap.

- Greater weight to the case in support of the reinstatement of the HA2 housing allocation is provided by **the appeal decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who has allowed appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation** (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). The Inspector allowed both appeals, granting outline planning permission for 99 dwellings on the site. This represents a very significant change in circumstances which the Council must now take into account. In reaching his decision, we note that the following conclusions were drawn:

- Paragraph 31 – *"Given the relatively modest scale of development proposed relative to the overall scale of the Strategic Gap along with the site's location on the outer edge of the Gap adjacent to the settlement boundary, **there would not be a significant effect on the integrity of the Gap, be it individually or cumulatively.** Nor would the built form extend fully to the settlement to the west, maintaining a degree of separation such that coalescence would not occur. Consequently, Peel Common would continue to be understood as mostly comprising a small, isolated ribbon of development."* (our emphasis)
- Paragraph 41 – the Inspector listed a wide range of issues raised in relation to the appeals which did not alter his decision to allow the appeals, including:
 - Setting a precedent for other development including in the Strategic Gap;
 - The cumulative effect of development with other development, and;
 - Whether his decision was prejudicial to, and premature in terms of, the development plan-making process.
- Paragraph 52 – the Inspector concluded the ***"the development would be sustainable development in terms of the Framework....such that the site is a suitable location for housing."*** (our emphasis)
- We note above that the "Rationale for Site Selection / Rejection" for the RPLP is provided at Appendix G of the SA/SEA report; and that the rationale for the rejection of former allocation HA2 in principle was *"Development would have a detrimental impact on the Strategic Gap"*. This rationale is now superseded and discredited by the Inspector's conclusion at Paragraph 31 of the Newgate Lane East appeal decision where he concluded that a development of 99 dwellings on the southern part of the HA2 site ***"would not be a significant effect on the integrity of the Gap, be it individually or cumulatively."*** (our underlining). By commenting on its cumulative effect, the Inspector must be referring to its development as part of the wider development of the HA2 site because that is the only area of land that can be developed together with the

East of Newgate Lane East application site. **A Planning Inspector has therefore concluded that the development of the HA2 site would not have a significant effect on the integrity of the Strategic Gap. He has also concluded that land east of Newgate Lane East on the urban edge of Bridgemary is both a "suitable location for housing development" and is "sustainable development in terms of the Framework". As a result of this significant change in circumstances, there are sound and overriding planning reasons for site HA2 to be re-allocated for housing development.**

- Appended to these representations is a **Pegasus Group masterplan** which overlays the approved outline concept masterplan for the East of Newgate Lane East appeal site onto Fareham Borough Council's Development Framework Plan for the HA2 site – confirming the interrelationship of the appeal site with the balance of the HA2 site. Now that development of the southern part of HA2 has been granted planning permission and is to proceed, and that it has been confirmed by an Inspector that development of the whole HA2 site will not significantly harm the integrity of the Strategic Gap, it would be entirely justifiable for the Council to take these significant changes in circumstances into account and to work with the promoters of the HA2 site to masterplan its comprehensive development to deliver a scheme which both makes a significant contribution to Fareham's housing needs and is designed to create a new landscaped edge to the Strategic Gap at this point.
- Unlike any other proposed strategic allocation in Fareham borough, the HA2 site offers its future residents the opportunity to travel on the Bus Rapid Transit (BRT) and cycleway route which currently operates between Fareham railway station and Gosport Ferry, with funding in place for its further extension as part of the sub-regional transport network. The BRT runs through Bridgemary and is within easy walking distance of the HA2 site. Despite SA/SEA Strategic Objective 4: "To promote accessibility and encourage travel by sustainable means", the accessibility of this strategic sustainable transport route was discounted in the SA/SEA assessment because the BRT appears to have been treated like all other bus routes and because it is more than 400m from the HA2 site it doesn't create a positive score. That disregards its attractiveness as a high speed route, to which users are likely to be prepared to walk a greater

distance than 400m, so the BRT should be treated differently in the SA/SEA scoring matrix. This is a significant flaw in the SA/SEA methodology;

- The HA2 site lies on the edge of the urban area of Gosport. It exhibits a higher degree of accessibility to local services and facilities than the HA55 site;
- Given that the RPLP is planning (albeit in an unsound manner at present) to contribute to meeting the unmet housing needs of Gosport Borough, the HA2 site lies on the edge of Bridgemarky so is ideally located to assist in addressing Gosport's housing needs. In the absence of a Statement of Common Ground between Fareham and Gosport Borough Councils, we note that Gosport's most recent Housing Delivery Test Action Plan (July 2020 – March 2021) identified an under-delivery of 329 homes over the plan period to date. The borough is significantly constrained in terms of its ability to deliver housing because:
 - Gosport Borough is surrounded by international habitat designations and therefore the entire Borough is subject to Habitats Regulations. This results in the Borough falling within the zone of influence where housing development is likely to have a significant effect on the integrity of the designations. As such, it is not possible to automatically apply the presumption in favour of sustainable development as a likely significant effect cannot be ruled out without the completion of an Appropriate Assessment (AA). This is in line with the NPPF (2019) Paragraph 177:
 - Due to the significantly built-up nature of the Borough, the availability of sites for residential development will continue to be an issue. Most land outside of the existing built-up area has limited potential for development for a variety of reasons including:
 - it is of strategic importance for open space such as the Alver Valley Country Park and Stokes Bay;
 - it is used for defence operations such as the Defence Munitions site;
 - it has significant environmental constraints (nature conservation designation/flood risk) such as the Browndown Site of Special Scientific Interest.

- 2.41 All of these factors combine to confirm that Gosport Borough Council is under-delivering against its current housing requirement and that it faces considerable challenges in meeting its housing needs in its emerging Local Plan Review. The allocation of site HA2, on the edge of Bridgemary, will assist in this regard.
- 2.42 Development of the HA2 site will not cause adverse transport or highway impacts. Accompanying these representations is a Transport Technical Note prepared by i-Transport. This assesses the technical acceptability of the proposed means of vehicular access to the Newgate Lane South site - the principal access being proposed via a new four-arm roundabout on Newgate Lane East, with a secondary access into the southern part of the site from Brookers Lane, both of which are found to be acceptable. The Technical Note also considers the site's very good accessibility to local services and facilities, and its sustainability in transport terms given its proximity to the BRT route through Bridgemary and other non-car options. The site's strong transport sustainability credentials are not accurately reflected in the Council's SA/SEA which should be updated in this regard.
- 2.43 i-Transport's Technical Note also confirms that the proposed access from Newgate Lane East will not have a significant impact on traffic flows on Newgate Lane East. At paragraph 2.3.4, they advise:
- "All arms of the proposed junction operate within design capacity (<0.85 RFC) and with a Level of Service rating of 'A – Free Flow'. Maximum delay on any one arm is 8 seconds which is inconsequential and will have no material impact on the operation of Newgate Lane East."*
- 2.44 There is therefore no basis for rejecting the allocation of Newgate Lane South on transport grounds.
- 2.45 **B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?**
- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities, so plan to deliver sustainable development;

- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to the part of the site closer to the western boundary of HMS Collingwood, to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4, given that the operation of its predecessor Policy DSP40 by the Council has been ineffectual as evidenced by the persistent housing land supply shortfall in the Borough, and HP4 as drafted is more difficult to comply with. Instead, the Council should simply determine planning applications against NPPF paragraph 11d in relevant circumstances;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Reinstate proposed housing allocation HA2 Newgate Lane South to deliver at least 475 dwellings.
- Prepare an updated Development Framework Plan for housing allocation HA2, jointly with the site's promoters, to guide its detailed masterplanning, given that part of the site now benefits from planning permission.

2.46 **B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?**

For the reasons stated above.

2.47 **B4c Your suggested revised wording of any policy or text:**

See above.

2.48 **B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

Yes, I want to take part in the hearing session(s)

2.49 **B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):**

To explore the robustness of the Council's proposed revised housing provision and spatial development strategy, given the significant changes to both which have occurred during this plan preparation process which have included the proposed allocation and then deletion of the HA2 Newgate Lane South housing allocation site.

Appendix:

Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

Respondent: mrs Tara Potter (297-72247)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The council has reneged on the agreement it made in December 2019 . The strategic gap must be maintained and it is unreasonable (and unnecessary) to build 1250 houses in this area. The roads could not cope with such an increase in traffic. The housing will significantly transform the area from a rural feel to a suburban feel.

What modification(s) is necessary to make the Revised Pub...

Remove the Housing Allocations

How would the modification(s) you propose make the Revise...

It is closer to previously agreed plans and the allocation is not sound.

Your suggested revised wording of any policy or text:

The allocation of housing in this area is unreasonable.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

PERSONAL DETAILS

See Alphabetical Order - Raymond Brown
Reps Final for full response

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

C/O SOUTHERN PLANNING PRACTICE LIMITED
YOUNGS YARD, CHURCHFIELDS
TWYFORD
WINCHESTER

Postcode:

SO21 1NN

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

MS

First Name:

LYNNE

Last Name:

EVANS

Job Title: (where relevant)

Organisation: (where relevant)

SOUTHERN PLANNING PRACTICE LIMITED

Address:



Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

PLEASE SEE ATTACHED REPRESENTATIONS

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

PLEASE SEE ATTACHED REPRESENTATIONS

B4c Your suggested revised wording of any policy or text:

PLEASE SEE ATTACHED REPRESENTATIONS

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

THE OBJECTIONS RAISE COMPLEX AND SIGNIFICANT ISSUES WHICH AFFECT THE SOUNDNESS OF THE PLAN, AND REQUIRE TO BE FULLY DEBATED AT THE EXAMINATION TO INFORM THE INSPECTOR

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Respondent: mrs pamela rigg (297-531340)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I am against the construction of this site altogether. We continue to soil seal despite knowing this to be utterly wrong - for us now and more importantly for the future of our children. We need to review what we need to be legally compliant with and with that goes co-operation. Again, for the future of everyone.

What modification(s) is necessary to make the Revised Pub...

dismiss whole idea of this development

How would the modification(s) you propose make the Revise...

Dismiss whole idea of this development

Your suggested revised wording of any policy or text:

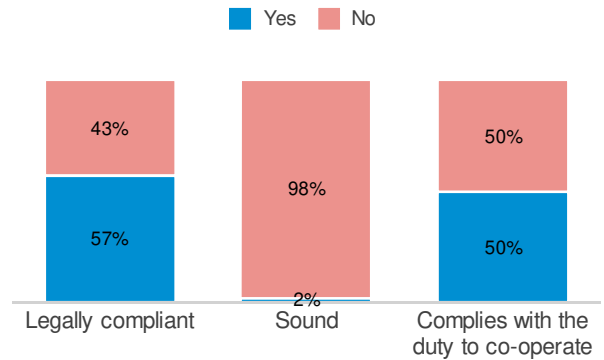
Dismiss whole idea of development

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



	Legally compliant	Sound	Complies with the duty to co-operate
Total	46	46	46
Yes	26 57%	1 2%	23 50%
No	20 43%	45 98%	23 50%



Respondent: Ms Shelley Rose (187-511635)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

With this revised application, it appears the the development area is far smaller then previous applications but with an increased number of dwellings to be built. There is a provision for a primary school but only a 2 form entrance would probably not be sufficient to cater for growing numbers of young families likely to be resident on this estate. There is no provision for additional medical facilities or care home for the elderly which were included on previous applications. There is still not sufficient road infrastructure on leaving the estate to connect to main roads into Fareham to travel towards Southampton or Portsmouth via A27 or M27, or use local roads to access Stubbington or Gosport. Longfield Avenue and routes from it leading into Fareham are already extremely busy at all times of the day and an additional road traffic of potentially 1250 plus vehicles would make these routes even busier. This would cause increased amounts of pollution, noise and danger of accidents to local residents, many of whom are elderly or disabled. I have seen several road traffic accidents at the junction of Bishopsfield Road and Longfield Avenue in the last 7 years, this junction in particular is very busy as a connecting route to The Avenue (A27) and has buses using these roads throughout the day and evening. I feel that once more this proposed development has not taken any of the points raised into consideration and local residents health and welfare has been ignored.

What modification(s) is necessary to make the Revised Pub...

Reduce the number of dwellings. More provision of homes for the elderly/nursing care patients. Ensure that the density of the development of homes allows for gardens for all properties and no building is higher than 3 storeys to provide privacy other residents.

How would the modification(s) you propose make the Revise...

By reducing the number of homes built on this site, the potential number of vehicles exiting the site would be reduced, ensuring less pollution, less noise and less congestion of already busy local roads. With a nursing care/elderly residential facility, homes in other areas of the town could be made available for young families with children where access to schools is already in place. Privacy matters, in the reduced development area, these new homes would be more densely situated, this could lead to conflict between residents living on close proximity.

Your suggested revised wording of any policy or text:

The council should approve the wording of policies to ensure compliance

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Shirley Wilkinson (297-552116)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

As a non-lawyer, an ordinary citizen and resident of Fareham, I find this 'consultation' procedure, of only being allowed to comment on 3 specifics -as selected by the council - highly unhelpful. It appears to be designed to curtail any true comments regarding the Revised Publication Local Plan. Hence I offer my thoughts under the 3 categories regarding P/20/0646/0A Legally compliant:- A law passed by central government to try to encourage more development may be 'legal'- but may not be wise in specific cases! A Council may feel that it is being 'bullied' into supplying a proscribed number of houses according to a central government algorithm. (Look what happened when an algorithm was used last summer to create GCSE and A Level predictions!!) So, it may be 'legal', but not sensible or desirable to build so many dwellings in this specific area. Sound:- Building 1250 houses in this already overcrowded and congested area, removing a large part of the recognised strategic gap, and with all the environmental and traffic concerns expressed in the past – by the majority of local residents in this area- is not sound! Duty to cooperate – This is a ridiculous category and notion! The government algorithm has presumably decreed, for example, that Hampshire must produce X number of houses? Some councils in this region – not identified clearly- can't – (no more land, except out to sea perhaps?)- so Fareham has to give up some of its open spaces to help out and fulfil this arbitrary number. (Interestingly, this process is exactly what Stalin did in Soviet Russia with setting arbitrary targets!). To destroy whole neighbourhoods to 'cooperate' in this way is a betrayal of trust by one's own Council. I trust that any independent Inspector will consider these points carefully and decline any further development of this size and nature

What modification(s) is necessary to make the Revised Pub...

Read previous statement

How would the modification(s) you propose make the Revise...

Read previous statement

Your suggested revised wording of any policy or text:

Read previous statement

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

As a resident, it will be interesting to hear the evidence and submissions given to the inspector and his/her examination of our representations

Respondent: Mr Stephen Dugan (127-421447)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

This additional site, will be built on the strategic gap and will significantly decrease it's size. Longfield Avenue will take the brunt of the traffic for those going to shops as these centres are away from the Stubbington By Pass which will also suffer form increased levels of traffic due to the close proximity of the proposed site. I believe the traffic estimates given by Hampshire Highways are flawed as a result of using computer modelling to obtain their figures. It is also extremely unfortunate that another government department continues to move the goal posts in respect of the housing numbers required. Had the latest figures from the ONS been used this site would not be required as the numbers for Fareham would be considerably less. It appears the government will change the rules in order to meet their stated building target rather than actual need.

What modification(s) is necessary to make the Revised Pub...

Use the latest published figures from the ONS to provide the required number of houses for Fareham.

How would the modification(s) you propose make the Revise...

It would reflect the actual need rather than massaging the government target.

Your suggested revised wording of any policy or text:

None.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: mrs Tara Potter (297-72247)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The council has reneged on the agreement it made in December 2019 . The strategic gap must be maintained and it is unreasonable (and unnecessary) to build 1250 houses in this area. The roads could not cope with such an increase in traffic. The housing will significantly transform the area from a rural feel to a suburban feel.

What modification(s) is necessary to make the Revised Pub...

Remove the Housing Allocations

How would the modification(s) you propose make the Revise...

It is closer to previously agreed plans and the allocation is not sound.

Your suggested revised wording of any policy or text:

The allocation of housing in this area is unreasonable.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Tim Haynes (307-58125)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I maintain that the plan, as currently drafted, fails to comply legally, is not soundly prepared and does not meet the criteria for the duty to cooperate. The plan does not comply with the Sustainability Appraisal (as shown below) which the council was obliged to provide as an assessment of the way in which the plan should meet environmental economic and social objectives. Specifically, the plan ignores sections of the SA relating to the integrity of the Fareham-Stubbington Strategic Gap. It also fails on soundness, on the same grounds. From the current Publication Plan: 1.41 Much of the Borough is countryside, providing a rich and varied pattern of landscape with well-established visual and physical separation between settlements, ensuring a sense of place and reinforcing local distinctiveness. These varied landscapes provide space for nature and biodiversity as well as leisure and recreation opportunities for people in the Borough, contributing to the quality of life and health of local residents. 1.45 Natural Environment: The Borough's natural environment is highly valued by residents and visitors. The value is reflected in the Borough's areas of special landscape quality, three main rivers, the woodlands and parks, six Sites of Special Scientific Interest (SSSIs), six Nature Reserves and the coastline. The Borough's coastal location results in some areas being affected by tidal flooding. In response to this, the Eastern Solent Coastal Partnership (ESCP) was formed in 2012 to deliver a series of coastal management services across the coastline, including Fareham Borough, with the overarching aim to reduce coastal flooding and erosion. 2.10 Fareham Borough will retain its identity, and the identity of individual settlements within the Borough, through measures that seek to retain the valued landscapes and settlement definition. 2.12 2. In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition. 3.6 The important factors that have helped shape the spatial expression of the development strategy are listed below; • Landscape and countryside • Settlement boundaries and the desire to respect settlement identity So important was the Fareham – Stubbington Gap deemed to be that Fareham Borough Council commissioned a report from Hampshire County Council - Technical Review of Areas of Special Landscape Quality and Strategic Gaps - 22/09/2020. Specifically referring to the Fareham – Stubbington Gap the review includes the following: 7. For this section of the Gap, this analysis agrees with the summary findings of LDA in Chapter 3 of the Fareham Borough Landscape Character Assessment 2017 - "The landscape performs a highly effective role in providing a 'sense' of separation and the experience of moving between one settlement and the other.Edges of Fareham and Stubbington are clearly defined by strong boundary vegetation and there is a clear distinction between 'town and country' there is a strong sense of leaving one urban area and moving through open countryside before entering another. Scale of the gap allows the time to appreciate sense of being in open countryside. Being able to see far across the gap and identify the edges, also strengthens the sense of separation." (page 41) . 8. However there exists the potential to make modifications to the settlement boundary of North Stubbington: to extend the boundary to run along Oakcroft Lane, as the isolated field that sits aside Crofton Cemetery, does not protrude into the landscape beyond the current Northern and Western edges of Stubbington. (Emphasis added.) Noting here that the author only suggests the possibility of changes to the boundary at Oakcroft Lane and the maintenance of the integrity of the Gap at the Longfield Avenue boundary. Given this, it seems perverse for the council to commission such a document and then, so conspicuously, ignore its recommendations. Further, in the supporting documentation to the plan the consultants, Urban Edge noted in September 2020 the following: Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – September 2020 / Sustainability Report for the Publication Plan: Appendix G: Rationale for Site Selection or Rejection Page 7/14 • ID 3008 Land South of Longfield Avenue, Fareham • Rejected - Development would have a detrimental impact on the Strategic Gap. Site is designated as a Brent Geese and Solent Waders Low Use site and no evidence of a strategy compliant solution. For the current plan they have revised the assessment: Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – May 2021 / Sustainability Report for the Revised Publication Local Plan: Appendix G Reasons for Site Selection / Rejection 7/17 • ID 3008 Land South of Longfield Avenue, Fareham • Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap. With this site ID3008 has become HA55, despite there being no evidence of a "... strategy compliant solution for Brent Geese and Wader designations": Policy NE5 has been amended to remove the provision for "an overall net gain to the Solent Wader and Brent Geese Network" ... and "off-site enhancement and/or a financial contribution (consistent with the approach taken to mitigating and off-setting adverse effects on the Solent Wader and Brent Geese Network) is provided towards a suitable identified site for Solent Waders and Brent Geese. " That is, some solution elsewhere to compensate for the loss of this site. ... or a "significant Green Infrastructure to ensure that it would not undermine the integrity of the Strategic Gap." In fact HA55 specifically does undermine the integrity of the Strategic Gap, by reducing it to a vestige of its current state; the promised "Green Infrastructure" areas even on paper will not compensate for the loss of the green space they replace or the additional occupants and dwellings there. The increase in housing need is around that yielded (1,250) by the inclusion of HA55 – Land South of Longfield Avenue in the provision. It's odd that this has been so strenuously resisted by FBC up to now, only to be incorporated as the council sees the need to include unmet need of 900 dwellings and a 20% margin, not required by the NPPF. This all follows FBC's decision pre-emptively to calculate housing demand, speculatively, on an unconfirmed change to the government algorithm. Reversing this has resulted in the need to backpedal and renege on promises to preserve the Fareham – Stubbington Strategic Gap. Elsewhere in the plan (1.45 – above) there are references to areas of special landscape quality ... rivers, woodland and parks as well as six SSSIs and six Nature Reserves. Given the Leader of the Council's public announcement of his long-term advocacy of a "Green Belt" for Fareham, it is puzzling that such a substantial green area as the Fareham – Stubbington Strategic Gap should not be a good candidate to form part of that

Please provide details you have to support your answers a...

What modification(s) is necessary to make the Revised Pub...

Revision to remove HA55; this currently is in opposition to teh advice the council has commissioned for itself and is available in the Evidence Documents.

How would the modification(s) you propose make the Revise...

Removal of HA55 would satisfy the advice in the Technical Review of Areas of Special Landscape Quality and Strategic Gaps - 22/09/2020 that changeds to the Strtegic Gap boundary along Oakcroft Lane and toward Newgate Lane should be envisaged without their affecting the integrity f the Gap.

Your suggested revised wording of any policy or text:

Just remove it. And exhaust the Borough's brownfield sites before going for a soft target such as Newlands Farm.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

While I believe Fareham Borough council have undertaken to read and consider any comments and objections, I have little faith on their intention actually to do so, or in their willingness fully to reflect those objections in any evidence to hearings. Previous onjections have not appeared in full in supporting documentation, seemingly being edited before publication.

Respondent: Mrs Ruth Cole (286-271723)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The land South of Longfield Avenue should remain untouched by any development. It is part of the strategic gap between Stubbington and Fareham and a welcome 'green lung' separating the two urban areas. The land to the West of Peak Lane is not enough to separate the two. The bypass has already severely damaged this strategic gap and no further development should be allowed. More space North of Fareham for housing is my preferred option as there is more countryside nearby there.

What modification(s) is necessary to make the Revised Pub...

Make the strategic gap between Stubbington and Fareham enshrined in law so it is not continually threatened by developers as in this plan.

How would the modification(s) you propose make the Revise...

The strategic gap would be protected for our children's future and no more tax payers money wasted on considering this proposal time after time.

Your suggested revised wording of any policy or text:

Land South of Longfield avenue is part of the strategic gap between Stubbington and Fareham and should not be built on for housing under any circumstances.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

I want to speak up for the future of our children and the environment they inherit from us. Our decisions affect their future. I have enjoyed the gap between Stubbington and Fareham for 23 years and want to hand this on to the next generation.

Respondent: Mrs Sandra Allen (277-40127)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

We do NOT have the infrastructure in place, the doctors, school etc. What about air pollution. I was previously advised that this was dangerously high, has this now been resolved??? How can you build more houses with all the air pollution from vehicles???

What modification(s) is necessary to make the Revised Pub...

No more houses

How would the modification(s) you propose make the Revise...

No more houses

Your suggested revised wording of any policy or text:

No more houses

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

Because we shall soon be in a gridlock position. Wildlife is going to be severally affected. The density of this is just not credible. The number of houses that are required per year are just not believable. How can we, and indeed any councillor planners trust these figures when all of the donations (£891,000 in 2021 alone) are made to the Conservative government from property developers!! And they received £69.1 million between 2010 and 2020. These developments should now be ceased forthwith

Respondent: Ms Sarah Jamieson (157-41348)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The plans to develop Longfield are not soundly made. The local residents have objected time after time to state that the fields between the areas of Fareham and Stubbington form a strategic gap which is important for the character of both areas. Once built on this gap is lost forever.

What modification(s) is necessary to make the Revised Pub...

Remove plans for development at Longfield avenue

How would the modification(s) you propose make the Revision...

A sound case has not been made for ignoring the strategic gap and building on this land.

Your suggested revised wording of any policy or text:

Removal of this plan. Seeking other areas for development.

If your representation is seeking a modification to the Plan...

No, I don't want to take part in a hearing session

Respondent: mr Richard Berridge (276-411315)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Building on this land will negate the Stubbington by-pass as it will become a access road and Gosport traffic will continue to use Stubbington route. Infrastructure, hospitals, roads, etc already overloaded will not cope and there seems to be no indication of improvements. Nitrate levels in the Solent are above acceptable limits. Environmental pollution around Fareham , particularly the town centre, is at dangerous levels and more traffic from the new buildings will make it worse. This will include the extra traffic from Gosport population increase and from the new businesses on Daedalus Solent Airport.

What modification(s) is necessary to make the Revised Plan...

Do not build more house south of Fareham.

How would the modification(s) you propose make the Revision...

No idea.

Your suggested revised wording of any policy or text:

Remove references to large scale building between Fareham and Stubbington.

If your representation is seeking a modification to the Plan...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Marshall (287-5188)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This allocation is in the Fareham/Stubbington Strategic Gap. For many years this Gap has long been recognized as essential in providing an effective physical and visual separation between Fareham and Stubbington and preventing urban sprawl. This is valued and has been strongly supported by the Fareham Society and by residents in the Borough. There has been support for this Gap in various Studies over the years and in previous Local Plan Inspector's reports. The Gap was supported by a study undertaken for the Council in 2012. Support was also given by the Fareham Landscape Study 2017 which says that the majority of open farmland in the Gap between Fareham and Stubbington is critical to maintaining the sense of separation between these settlements. The Inspector's report on the Fareham Borough Local Plan Part 2 (para 15) found that the Council was justified in taking the view that construction of the new Stubbington by-pass and ancillary works did not justify a revision to the Strategic Gap boundary. The proposed development of the scale indicated would be a substantial incursion into the Strategic Gap and the Fareham Society has objected, on these grounds, to a recent planning application for the residential development of the allocation site. Another concern of the Society is the impact of the proposed allocation on the road network in the surrounding area. Other than the suggested access point little is said about the transport implications of the proposal in the SHELAA or the text accompanying the allocation. However, clearly it would affect the existing area north of Longfield Avenue and place an additional burden on the Stubbington by-pass. The implications of this need to be made much clearer. The Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC) suggests that development on the allocation site could be visually absorbed into the Gap without compromising its function. This is difficult to reconcile with the findings of the previous studies. In any event even if added weight was given to the 2020 Review it should be noted that it contains significant caveats to the redrawing of the Strategic Gap boundary necessary to accommodate the allocation. The Review states that: "... such adjustment would be driven by more detailed testing of development forms, scale, landscape and GI interventions. Such work would also need to consider the potential reduction of tranquility and dark night skies ratings in the area. Establishing a GI Framework or Strategy is recommended." There is no indication within the Local Plan of any of the necessary detailed testing referred to above. There are, therefore, strong grounds to oppose this allocation. There would be some advantages with the allocation: the large-scale of development proposed would be capable of absorbing a significant amount of Fareham's housing needs, on a site with a good accessibility rating of 8/10, and spare other land in the Borough from development; the large scale of the development would have the potential to ensure a good provision of services; and it also has the potential to protect from future development substantial areas within the allocation labeled as Green Infrastructure areas. However, standing against the allocation, in addition to the absence of the detailed testing referred to above referred to above, is the absence of adequately set out reasons for the selection of sites and of housing being justified in a Statement of Common Ground. The Society has made observations on this in its statement on the Evidence base. These 3 considerations taken together outweigh the advantages referred to above and thus the allocation is unsound. The Society also wishes to draw the Inspector's attention to the following detailed concerns on the allocation. a) Whilst the proposed developable area would be reasonably well screened from Longfield and Peak Lane, at least in summer months, substantial additional screening would be required for an acceptable level of year-round screening. There is no evidence that this would be provided by Green Infrastructure belt shown on the Land Use Framework Plan. Any widening of this belt could potentially have an adverse impact on the suggested housing yield and place future pressure to add to the suggested developable area. b) The southern boundary of the allocation is not demarcated by any natural boundary. A substantial tree belt would be required to limit views from the south from the by-pass and to provide a clear edge to the development. The Society is concerned about the reference on the Framework Plan to a "Flexible development edge subject to master planning" on this boundary. This is not acceptable. A clear indication needs to be given at this stage on exactly how far to the south this boundary would extend. c) The Framework Plan says that within the Green Infrastructure, beyond the developable area, there could be a play space and sports hub and a 4 ha. area incorporating buildings and parking is proposed. Such uses/structures, and floodlighting often associated with them, would intrude unacceptably on the Strategic Gap. Any play space and sports hub would need to be within the developable area. Were the Inspector minded to allow the allocation he is urged to take these matters, also bearing upon soundness, into account.

What modification(s) is necessary to make the Revised Pub...

The lack of soundness could only be overcome with the Council: a) undertaking the work required on the selection of sites and the justification for housing referred to above; b) undertaking the detailed testing required in the Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC), as referred to above; and c) making the changes to the Land Use Framework Plan referred to above.

How would the modification(s) you propose make the Revise...

By ensuring that the allocation only remained in the Plan if it was justified on the basis of an appropriate strategy and protected the natural environment so as to meet the environmental objective of sustainable development.

Your suggested revised wording of any policy or text:

Not applicable at this stage.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others.

Respondent: Mr Robert Murphy (307-241937)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Stretching out on the edge of an urban area is contrary to Govt policy over the last twenty years. The efforts of FBC to build two storey buildings in the most densely populated area in the southeast except London, is no longer possible in 2023. The established written policy of FBC is to establish a green belt in the area part of which is on this site, and so is illegal. No proper provision of infrastructure which includes primary health care has been made. The brownfield sites in central Fareham can accommodate multistorey SELF FINANCING flats which are on land owned by FBC and so can provide social housing for rent to address the housing waiting list directly. Building companies and estate agents are not permitted to attend to the chronic lack of social housing which is the lowest in the area. Provision of central social housing also helps the centre which is at present a ghost town.

What modification(s) is necessary to make the Revised Pub...

Remove the contradictions

How would the modification(s) you propose make the Revise...

Building council homes on council land is achievable in the short term and increases both short term and long term income

Your suggested revised wording of any policy or text:

The document as a whole is so full of inconsistencies that it requires radical overhaul

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

More detail as required in the hearing session will be provided by me in order to break the plan down into small plots of land. As an active member of friends of the Earth and the Green party and a background in accountancy for a large property company , I can contribute ideas which are pertinent and realistic

Respondent: Mr Robert Seymour (287-22929)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

1. These alleged housing requirements are simply unjustified. They bear no relation to the reality of past capability of the commercial housing industry but are clearly over influenced by the greedy nature of that industry and its pursuit of even more unearned wealth by its donations to the Conservative party, who currently form the government, and whom FBC blame for increasing the requirement figures. An industry that donated £891k to the conservatives in the first qtr 2021, £60.1millions between 2010 and 2020, is clearly seeking and achieving influence over planning decisions. We can no longer trust either conservative politicians or professional planners whilst this level of political corruption continues. FBC needs to return these requirement figures to the central source and request a planning process in the centre that is free from these overtly corrupting influences. 2. The half baked planning map for this site attempts to squeeze an unsustainable number of dwellings onto this site while allegedly mitigating the loss of the natural green area, open fields and hedgerows subject to the seasonal elements, with sterile playing fields. We simply do not have either enough green space around our already crowded residential areas, nor do we have the necessary infrastructure in roads, health services or natural areas of recreational pursuits to support this proposed development. We are far more aware of the importance of natural world open space to our mental well being after the past 18 months, this proposal would remove a crucial area of natural environment the consequence of which would be greater levels of mental health issues our already underfunded and overstretched infrastructure services could not cope with. 3. The level of consultation on this plan is wholly inadequate. It has been rushed into print with clearly inadequate thought into the consequences of several major changes to that plan previously consulted. FBC have been bullied into this action by the dual weapons of a corrupting housing development industry and a corrupted central government planning administration. Both need to be rejected by a population already suffering from inadequate infrastructure provision and dismissed natural recreation areas for its size.

What modification(s) is necessary to make the Revised Pub...

Removal of proposals influenced by these unrealistic and dubiously influenced requirements figures. A proper period of consultation starting again from the recent ones now completely undermined by this latest farce

How would the modification(s) you propose make the Revise...

The plan needs to bear far more relation to the reality of both what is require and the reality of what is capable of being built.

Your suggested revised wording of any policy or text:

You are the professionals in all this, stop being influenced by greed and listen to what people who live here tell you.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Paul Needham (37-561341)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The Local Plan is not “sound” because it does not achieve sustainable development. Sustainability is defined as “using a resource so that the resource is not depleted or permanently damaged”. The proposed development will consume a significant proportion of the strategic gap (the resource) between Stubbington and Fareham. This resource provides local residents living either side of it, and many others in both boroughs, with the benefit of living near a beautiful countryside location whilst being part of a sustainable community. That is the description that Fareham Borough Council are using as a reason for accepting the development for the benefit of the 1250 new homes. It therefore follows that by building on this resource then the existing residents are suffering depletion and permanent damage to the resource. It is unsustainable. The strategic gap between Fareham and Stubbington has always been sacrosanct and Fareham Borough Council, in their proposals for the Stubbington By-Pass some 6 years ago stated:- However the route of the bypass is such that along the first half of the route the road follows the alignment of Titchfield Road and then broadly follows the northern edge of Stubbington. This leaves the open fields that comprise the northern extent of the gap up to Longfield Avenue open such that the landscape continues to operate in the manner the planning policy intends; preventing the coalescence of the settlements of Fareham and Stubbington. The development south of Longfield Avenue obviously contravenes this policy which must call into question both the legality of the Stubbington By Pass as well as the proposed housing. Sustainability is ensuring a resource is not permanently damaged. Another resource available to all local residents is the access to the M27 in the west of the borough and similar access to the east via Newgate Lane. No improvements to the highways supporting this access are indicated in the local plan. It therefore follows that 1250 homes which will generate at least 2000 extra vehicles into the traffic system must deplete this resource. Indeed, one only has to look at the nearest major supermarket (Asda) where it can take half an hour at present to gain access onto Newgate Lane. No doubt many of the residents from the new homes would use this supermarket due to its proximity to the development. Again, a depletion in the resource. One can surely accept that air quality is, or should be, a resource for residents in any area. Fareham Borough Council’s own report on air quality states “The air pollutants of concern in Fareham and Gosport are nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5). The main source of these pollutants is road traffic.” The addition of considerable numbers of cars associated with the development must therefore have a negative effect on air quality and thus that resource. Access to the countryside and associated wildlife have proved, not just during the pandemic, to be an invaluable resource for local residents. The area supports and sustains many different species of wildlife including pipistrel bats, 4 types of breeding raptors, various species of owl, badgers, foxes and deer as well as annual visits from Brent Geese and other migrating birds. 20/25% of this resource will disappear with these new homes (permanent damage) and the wildlife will therefore be restricted to a much smaller area (depletion) including a token “bird mitigation area”. It therefore follows that the resources identified, available to local residents, will be adversely affected by the proposed development either by way of depletion or permanent damage. As such, the proposal should be rejected in its entirety.

What modification(s) is necessary to make the Revised Pub...

Restrict any development in the strategic gap between Stubbington and Fareham

How would the modification(s) you propose make the Revise...

It would ensure that the local plan did not incorporate unsustainable development

Your suggested revised wording of any policy or text:

In developing the Fareham Borough Local Plan it is essential that the previous policy of maintaining the strategic gap between Fareham and Stubbington to ensure that it is fully retained and that any future attempts at developing, even a small section of it, are rejected to retain the separate characteristics of our towns, villages and urban areas.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Peter Backllog (257-181958)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This proposal has been refused by FBC before, on a number of grounds- in particular : 1. It is in the "old" strategic gap.2. A promise was made during the Stubbington by pass proposals that if passed, the land on each side would not be in-filled. 3. Due to the unwarranted delay in Welborne (the Motorway junction, costs of which should have been forecast and budgeted for) this large development would not be needed.4. As mentioned in my objections before, I am surprised if Highways approve this development, which could (assuming 2 cars only per household, but maybe more) mean an additional 2500 to 3700 cars using an already crowded infrastructure. In spite of the improvements being made, many of the new residents will want to go to Portsmouth or Southampton to work, and at peak times the two main motorway junctions are overcrowded, as is the route to them as I know, having carried out traffic surveys at the junction of Hollam Drive with Ranvilles Lane and with the A27. It could completely overshadow and negate the Stubbington by-pass improvements. I do not believe that sufficient General Practitioners will be found to take on the additional people. Already, local surgeries are very short of Doctors.4. The nearby Oxleys copse area to the west of Peak lane is used heavily by local walkers and dog owners already.5. Of all the proposals for housing in the plan, this is the most objectionable by far, and a huge number of existing taxpayers strongly object to it. .6. There are too many objections to put in this short input, such as the increase in air pollution due to cars and central heating - this is already a problem in Fareham. 7. I realise that the Council is under Government pressure on housing and regret that. Mainly due to the unwarranted Welborne delay they are looking to make up lost ground, but surely Councillors should take their voters and residents views into account and resist such pressure, or the whole strategic gap will be filled in, in time? 7. This is a test of the Council's judgement and resolve, and Officers need to be guided by local opinion rather than Government diktats

What modification(s) is necessary to make the Revised Pub...

Refuse the development South of Longfield Avenue and accelerate the Welborne plan.

How would the modification(s) you propose make the Revise...

Large developments should be NORTH of the M27

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

I do not believe that sufficient account is taken of local views

Respondent: Mr Nigel Hoggett (227-491052)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Local residents have fought against development on this land more than once. The plan is not sound because it does not show why the council have chosen to go against the views of local residents.

What modification(s) is necessary to make the Revised Pub...

Given that local residents have fought against this development successfully more than once, this site should be removed from the plan. The plan does demonstrate the need for more housing allocation in the area, and therefore residents should be given the opportunity to comment on the choice of land a further time given the new information.

How would the modification(s) you propose make the Revise...

It would show that the council has responded to community consultation.

Your suggested revised wording of any policy or text:

This site should be removed from the plan.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Nigel Smith (266-421246)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I believe insufficient consideration has been given to the need to maintain the strategic gap between Fareham and Stubbington. I walk in this area regularly and it is an important source of recreation and nature. It is not an appropriate area for further creeping development. Insufficient attention has been given to the strong local views.

What modification(s) is necessary to make the Revised Pub...

Delete site

How would the modification(s) you propose make the Revise...

By maintaining the strategic gap

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Ms Pamela Charlwood (297-431040)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This is a very large development in a single location. Whilst the proposals to retain surrounding green space and to include infrastructure such as a school and medical centre are welcome, it is difficult to see how such a large number of dwellings can be provided with a reasonable quality of living for the residents. The site also encroaches on the Strategic Gap between Fareham and Stubbington. Whilst recognising the need for FBC to increase the number of dwellings in the 5YHLS, it is not clear what other options were considered. This development, together with HA54 - which also encroaches on the Strategic Gap - will add greatly to the traffic congestion on the A27 and feeder roads (see Policy TIN2). These locations are midway between Junctions 9 and 11 of the M27 and the development of Junction 10 will be of no relevance as it is too far through the north and only accessible via residential routes. We suggest far more local interaction and consultation should be used to find an approach to increasing the 5YHLS without having such a massive impact on a single area.

What modification(s) is necessary to make the Revised Pub...

A less dense development at HA55 and HA54, with a clear underpinning policy in respect of transport/traffic access. Continuing, interactive public engagement to locate further sites where less intrusively dense development could take place.

How would the modification(s) you propose make the Revise...

It would improve the living environment and manage traffic issues more effectively.

Your suggested revised wording of any policy or text:

Please see above

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: mrs pamela rigg (297-531340)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I am against the construction of this site altogether. We continue to soil seal despite knowing this to be utterly wrong - for us now and more importantly for the future of our children. We need to review what we need to be legally compliant with and with that goes co-operation. Again, for the future of everyone.

What modification(s) is necessary to make the Revised Pub...

dismiss whole idea of this development

How would the modification(s) you propose make the Revise...

Dismiss whole idea of this development

Your suggested revised wording of any policy or text:

Dismiss whole idea of development

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Martin Oliver (147-24133)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The decision to permit housing in what has always been declared as a Strategic Gap is not sound as it contravenes previous policy, which was judged to be sound - and stated there would be no building in the strategic gap. The proposal is further unsound as it is contrary to the wishes of people who live in the area bordered by the Strategic Gap. Further, the proposal puts the vast majority of new builds in one area, which does not have any representation on the Planning Committee.

What modification(s) is necessary to make the Revised Pub...

Prevention of building in the Strategic Gap and spreading the load of new buildings evenly across the Borough.

How would the modification(s) you propose make the Revise...

It would make it sound as it would be protecting an important natural Gap.

Your suggested revised wording of any policy or text:

Remove the proposal to build in the Strategic Gap

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Michael Archer (267-52229)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Whilst the proposed development might be in line with the government plan for housing the concept of building smaller development scattered over the borough is a better idea and this will spread the burden of infrastructure. The proposed plan for housing south of Longfield Avenue encroaches on the greenfield strategic gap between Fareham and Stubbington. The plan also indicates at present a small gap between the edge of the proposed site and the new relief road which you will no doubt argue is the strategic gap. What is to say that during the development, or at a later date there will not be an extension to the site to use up all the space down to the relief road and then use this road as a means of entry on to the development? therefore removing the strategic gap and placing excessive burden on already overloaded infrastructure, and swallowing up the natural habitat of the ponds at Newlands farm. A reduced development would be a far better idea with further smaller areas used for the remaining housing, this would also preserve the green space between Fareham and Stubbington.

What modification(s) is necessary to make the Revised Pub...

A more balanced approach to development and enhancing traffic infrastructure that is already bursting at the seams. There are Two bottlenecks to movement from the Gosport peninsula which are only going to get worse.

How would the modification(s) you propose make the Revise...

Spreading the burden across a greater area.

Your suggested revised wording of any policy or text:

No

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Nicholas John (297-13127)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. An Introduction and Parts 1, 2 and 3 are already submitted, linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places. Parts 4 (below) & 5 are submitted separately against HP4 and HA54/55 as best available approximations] (NB the 'Review of ASLQ and Gaps' is not available for selection) PART 4: Core Values and The Strategic Gap One of the Core Strategies underpinning Planning in Fareham has always been to maintain the physical and visual separation of town and village settlements and their individual character. CS22 was set out as (1): "Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements." It was necessary to specify the Gap boundaries, as they are now shown on the Fareham Policies Map. For this purpose, the 'Review of Strategic Gap Boundaries' was commissioned by FBC and conducted by the David Hares independent consultants in the summer of 2012. In recent years, FBC has paid less than lip service to this, and now that other areas of the borough are under pressure, they seek to downsize the Gap. To justify new development therein, they say. "Strategic gaps have been retained but they have been re-defined in the Publication Plan to focus on preventing settlement coalescence." The implication here is that the Hares review was not sufficiently focussed on 'settlement coalescence'. This is a slippery red herring as the 2021 was definitely so focussed. It was challenged, re-validated and re-affirmed as entirely robust in this respect. Criteria and Methodology In 2014, as part of the Local Plan examination (3), 'Issues and Questions' were raised by the Inspector (Mr M Hetherington) regarding the Gap Review.) (2) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DCD06Issue2.pdf) Specifically, he asked (Pf 2.2): 'Is the review of the boundaries sufficiently robust? Have appropriate criteria been used?'. FBC responded (2.2.2) that the Review focussed on 41 subdivisions on land and the boundaries were reviewed according to CS22, including the three criteria added to CS22 at the Planning Inspector's request. a) The open nature/sense of separation between settlements cannot be retained by other policy designations. b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence. c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation. One representation (2.2.3) suggested that inappropriate methodology was used, and that some assessments were heavily weighted on 'green infrastructure' rather than 'the minimum area needed to prevent coalescence'. FBC refuted this and (in 2.2.7) 'considers that the review has provided a robust basis to inform the definition of the strategic gap'. Further to this, (in 'Matters Arising' Nov 2014) the Inspector asked the Council to explain the suitability of the methodology (3). (3) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DCD20ActionsArisingFromIssue2.pdf FBC (See Pf 1.1) reaffirmed the Review to be 'a robust assessment of the Strategic Gaps' and to demonstrate this, FBC requested further explanation and justification from the report authors. In the Appendix, the David Hares' consultant explained that all 41 areas were assessed against the three additional criteria suggested by the Inspector, but some (west of the Meon, south of Warsash Road) had failed against the criteria [c] "no more land than is necessary to prevent the coalescence of settlements should be included" These were therefore excluded from the Strategic Gap. By contrast, the remaining areas, as represented by the Gap in the Policies Map, clearly PASSED this test, so are wholly and entirely necessary to prevent settlement coalescence. This would obviously include the land North AND SOUTH of Oakcroft Lane, and that South of Longfield Avenue. Effect of the By-Pass In relation to proposed new road schemes, The Hares Landscape Architect (Lynette Leeson) said: Although the Fareham Gap Review did not specifically take into account the Stubbington Bypass and realignment of the southern portion of Newgate Lane we do not think these proposals would alter our recommendations for the boundary of the strategic gap in this part of the Borough. The strategic gap between Fareham and Stubbington is vital to maintain the separate identities of the two settlements and the new road improvements should not compromise this. Furthermore, in relation to the effect of the Stubbington by-pass, the Planning Inspector (David Hogger) declared in his report of May 2015 (4) examining Fareham's Local Plan Part 2 (4) https://www.fareham.gov.uk/PDF/planning/local_plan/Examination/DSPCCompleteInspectorsReport.pdf "Concerns were expressed regarding the delineation of the Strategic Gap boundaries and the methodology used in the Fareham Borough Gap Review. . . Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound." In ignoring the Hares Review and supplanting it with another, FBC's approach is distinctly UNSOUND 2020 Review of ASLQ Strategic Gaps (5) Having gone beyond the extra mile to assiduously test and uphold the David Hares analysis (at public expense), FBC is somewhat 'Hoisted by its own Petard' when it now tries to concoct a new 'Review of Strategic Gaps' which mysteriously comes to different conclusions. This 'Evidence' document cannot be disputed directly by the 'consultation' mechanism as it forms part of the original 'Published Plan'. However, its conclusions regarding the Gaps can be taken with a pinch of salt. Suggestions that (specifically and only) 'Land south of Oakcroft Lane' and 'Land south of Longfield Avenue' 'could be developed without compromising the Strategic Gap function' are manifestly contrived to correspond to existing development proposals that the council is keen to pursue. To suggest that these conclusions were uninfluenced by these proposals is ludicrous and disingenuous. The new Plan justifies this 2020 Review (3.10) by 'recent planning appeals where the function, and strength of, the strategic gaps were called into question'. We often hear that 'an inspector said we should consider the size of our Gaps'. These are more red herrings. The Appeals and comments were in relation to proposals off Old Street, extending into the MEON gap. Perhaps he considered that the obvious (flooded) flood plain and distance to Warsash negated the need to define that Gap to avoid settlement coalescence. Curiously, this report makes no changes to the Meon Gap (irrespective of its ASLQ designation) implying it is still wholly necessary for segregation but bits of

Please provide details you have to support your answers a...

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. An Introduction and Parts 1, 2 and 3 are already submitted, linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places. Parts 4 & 5 (see below) are submitted separately against HP4 and HA54/55 as best available approximations] (NB the 'Review of ASLQ and Gaps' is not available for selection) PART 5: Planning Proposals in the Strategic Gap (HA54 and HA55) What is Really Happening? FBC's main objective in this PLAN is to find some 'low hanging fruit' that can quickly be delivered, so to meet the 3YHDT and escape to 20% buffer. An understandable objective, but FBCs solutions are BAD. For reasons discussed, the Executive prefer to protect the Western Wards and Downend is not enough. So, they are trying to wriggle out of well-founded commitments and target the Gap for development, now and in the future. Hallam and Persimmon have been in discussion with FBC for some time, knowing their land is in the Gap but speculating that FBC will relent eventually. They are ready to start, and this is why FBC are now keen to engage. FBC now suggest that the Gap function only requires a green stripe on the map, and choose to forget its real purpose. To quote the independent LDA Design Land Review 2017 (part 3 p34): (6) (6) LDA_09_Submission_Plain_A4_P (fareham.gov.uk) "What is critical, however, is that there is a clear and distinctive experience of leaving one settlement behind, passing through another quite different area (the 'gap') before entering another separate settlement. This experience of travelling from out of one place into another can be both physical and visual. Importantly, the 'bit in between' needs to have integrity and distinct character as an entity or place in its own right, rather than simply be a physical space or feature, such as a field or a block of woodland etc., in order for the two settlements to feel distinct and separated" Oakcroft Lane and St Edmunds Church (HA54) The Housing Allocation HA54 corresponds directly to planning applications from Persimmon Homes, adjacent to Oakcroft Lane. This is one of the few remaining 'Country Lanes' in the borough, particularly on the eastern side. Ranvilles Lane and Tanners Lane are already compromised by the By-pass. It is important (see LDA above) that there are areas where one can 'experience' the countryside between the urban settlements. David Hares also understood that, and Oakcroft provides only because there is countryside on both sides. If HA54 proceeds, it will become a built-up settlement boundary and need various urbanising upgrades to handle the extra traffic, safety, etc. It also provides a quiet access to St Edmunds cemetery and forms its northern side. 'The Grange' development has already been given permission to the west of the church and cemetery. If HA54 proceeds the church and grounds (NB of Saxon origins) will no longer have any 'edge of village' ambience, instead it will be subsumed into suburban housing estates. This is a major degradation of the settlement character of the area' (see CS22 (b) above) and further explains why this land must remain in a protected Strategic Gap. The 180 homes proposed is not a modest development. The last major development on the northern edge of Stubbington was Marks Tey Road, which only contains 78 houses. Even with Discovery and Newton Close, etc, there are well under 100. The 180 proposed will be MUCH more densely packed and create a massive carbuncle extending way north of Stubbington. Any suggestion that this is 'rounding off' Stubbington should be dismissed. When Summerleigh, Three Ways and Farm House Close (and now The Grange) were proposed, forming 'spikes' out along the Stubbington northern access roads, it was vehemently denied that these would be an excuse to extend 'filling in' development along Oakcroft Lane. The Marks Tey development itself was undoubtedly opposed when originally proposed but placated at the time as being 'a natural reduction in housing density moving away from the village centre'. The HA54 plan cranks up the housing density – perhaps for eventual merging into Fareham? Unfortunately, FBC planning officers appear to be complicit in the U-turn in FBC favouring this development. Compare Peter Kneen's reports on Persimmon development applications in 2019 and 2021. In 2019 his report on the 261-home proposal gave 21 separate, strong reasons recommending the proposal be refused. In February this year (no doubt after the govt U-Turn on 2018 ONS stats) the FBC Executive clearly were in favour of building in the gap for purely numerical reasons. Dutifully, Mr Kneen's 2021 report on the 206 home re-submission reveals a completely different mindset, miraculously reversing his previous concerns and recommending approval. This does not represent objective planning consideration. Fortunately, enough councillors saw through this and rejected the application, against 'advice', leaving the Chairman grumbling about "having to fight expensive appeals". Reports commissioned by FBC need to be viewed with some scepticism. Sustainability and Local Resources (HA54) The clear reality is that the proposed site is too far from Stubbington Centre (or other facilities) for walking or cycling. New residents will need at least one car per home and there will be a lot more than this. Worse than that, it was pointed out by 'The Fareham Society' that vehicular access to Stubbington' is also lengthy. Residents will have to drive beyond the far northeast of the development, almost to the by-pass in order to turn back south onto Peak Lane to get into Stubbington. It will be easier to drive on to Fareham for shopping or recreation, which together with commuting, is going to add to Fareham's increasing Air Quality issues. Thus, the proposed development would not be part of the Stubbington community at all. Due to proximity, it will draw on the catchment of the schools and medical centre (overloading already overstretched capacity) but will not contribute to local businesses. With likely 200+ more children, the local Anne Dale and Crofton schools will need an additional Class for every school year. I don't believe this is sustainable on the school sites. The Medical Centre is at collapse already. In summary HA54 would be an ugly estate, inappropriately forced on to the natural edge of a village. It would really have no connection to the village community and would just be a commuter ghetto draining the village community facilities while taking a large chunk out of the Strategic Gap (and adding to the commuter traffic and air quality issues that are a serious concern through Fareham town). Peak Lane and the Stubbington By-pass (HA54 and HA55) The 2021 'Review of ASLQ and Gaps' (for example, see my PART 4) lists on p97 the vehicle routes where the Strategic Gap can be 'experienced'. Oakcroft Lane is not mentioned! It appears that this country lane was already written off in the author's mindset. It does mention Peak Lane, which will lose all of its 'Country Road' appeal if HA55 and HA54 go ahead. Travelling South, Peak lane would first see the fields on the left replaced by the HA55 housing estate, almost immediately hit the by-pass junction (which will be an acre of tarmac, traffic signals, etc), a few yards later meet the HA54 access road, then a

Please provide details you have to support your answers a...

What modification(s) is necessary to make the Revised Pub...

The '2020 Review of ASLQ and Gaps' should be withdrawn and the Review of the Stubbington – Fareham Gap should accept that the Davis Hares Reports is still valid in this respect, being fully focussed on settlement coalescence. The 'conclusions' that parts of this gap could be encroached without affecting the Gap function are fatuous and should be removed. The extent of the new Chilling-Brownwich ASLQ should also be reconsidered focussing on coastal areas only.

At the very least, both HA54 and HA55 cannot be included in the Plan. Even the dodgy 'Review of ASLQ and Gaps' does not actually say that both of these can be pursued without affecting the function of the Gap. Suggesting they can both proceed is a failure of common sense and clearly motivated by securing quick 'low hanging fruit' rather than any objective reasoning. The new policy C11 (not selectable!) that seems to replace CS22 should re-educate Planners about the true purpose of the Gap and the need to maintain an area where 'countryside' can be experienced in the Gap. The protection against development in the Gap must clearly be defined as equal or greater than ASLQ. I have already suggested, for example to Cllr Woodward that Take out the 180 designated for Persimmon and (if you really, really need the numbers) put back in the 150 originally planned for Rookery Farm (that you make great mention of below) which mysteriously remain reprieved, despite the renewed government pressure. That could provide a crumb of decency. You already have 16-homes granted permission at 'The Grange', inside the Gap, to help balance. Having approved The Grange, there will now be housing development along one side of St Edmunds church and cemetery. The Persimmon development on the other side, and the resulting destruction of the 'country lane' ambience of Oakcroft Lane, would subsume the church and grounds into a housing estate. The Gap is supposed to protect 'settlement character' as well as provide 'settlement segregation'. I have heard say that the Rookery Farm proposal was difficult due to access etc for emergency vehicles etc. This suggests a lack of imagination. There is an existing small bridge over the M27 that could allow additional access from Addison Road - if not upgradable for general traffic it could at least allow emergency vehicles.

How would the modification(s) you propose make the Revise...

It might remove the clear indication that the new Review has been influenced by particular interests to protect the Wester Wards

It might restore some common sense

Your suggested revised wording of any policy or text:

See above

see above

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

As mentioned in my representation I have prepared substantial concerns about the Plan and its evolution, which I would be happy to discuss with the Inspector. I also represent an informal group in my locality who have particular concerns about the Strategic Gap

As mentioned in my representation I have prepared substantial concerns about the Plan and its evolution, which I would be happy to discuss with the Inspector. I also represent an informal group in my locality who have particular concerns about the Strategic Gap

Respondent: Ms Lesley Goddard (307-351613)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

This is a massive "sell out" of the strategic gap - it takes away from the character of Fareham as distinct local areas separated by green space. I would rather that you take away the other character of Fareham - low rise houses. In your magazine you say "the first place we have looked for new sites is within town centres and existing urban areas" and so then say "The Council considers the next best alternative (to to be building on the edge of existing settlements across a small number of clusters." In Lee on the Solent one can find flats which are attractive in their own right great views, spacious, good(ish) transport. Why not in Fareham? Why not use more of the town centre to build attractive blocks - with integral trees and shrubbery. Such as e.g. <https://www.dezeen.com/2017/06/30/10-plant-covered-buildings-point-greener-future-living-walls-roundup/> Recently the strategic gap was going to be the saviour to allow nitrate mitigation - so houses can be built at all. Over the decades you can see green space nibbled away - each time only a fraction built on. If we must build more homes (and I can see that central government has put you in an untenable position over this), let's build up, rather than out.

What modification(s) is necessary to make the Revised Pub...

We have a duty of care to our descendants to leave them a world which is liveable. Building over green space, allowing developers to decide whether they use climate friendly building materials, heating systems etc or not, will not leave them a world which is safe nor comfortable to live in. This is FBC first chance since since bringing in its climate change plan to do something to reduce climate problems, instead you do nothing with respect to this throughout the plan.

How would the modification(s) you propose make the Revise...

Expect development to be far closer to carbon neutral and set aside sufficient land for rewilding - trees and bogs do so much more than grass for reducing climate change gases.

Your suggested revised wording of any policy or text:

Strategic gap will only ever be used for climate mitigation and never for building with a net carbon cost

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

You need to hear from people who realise how fragile our current civilisation is - and want to act before it is too late

Respondent: Mr Malcolm Stevens (107-501027)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I was assured some time back by my local councilor that this plan would not be approved for the following reasons: Firstly, it would completely block out the country views currently enjoyed by the residents of Longfield Avenue and the adjacent properties. Secondly, traffic along the avenue is already very high due in no short measure to the Naval Training Establishment and other business properties in the area. Thirdly, there are already several schools and colleges within the area which produce through the daily school run considerable elements of pollution. If this project goes ahead, this level of pollution could be increased significantly due to the prospect of at least 1250 cars and if like Pennine Walk where several households have two or more cars the level of pollution at a time when the whole world is up in arms regarding global warming, cause even more pollution. No where in the literature does it mention this possibility and I strongly object to my life being affected by this increase in the level of pollution. The plan must be thrown out as being a danger to human and animal welfare.

What modification(s) is necessary to make the Revised Pub...

It must be thrown out or considerably reduced in number of house etc.

How would the modification(s) you propose make the Revise...

Rejection of the plan would comply with the Governments attempt to greatly reduce its legal objective of reducing global warming.

Your suggested revised wording of any policy or text:

[The government will look at the plan in line with current global warming policies.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: mrs marie cummings (97-461611)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

A masterplan to create 1250 new homes would be detrimental to this area. A picture of a beautiful bird is not synonymous with future residents enjoying the benefit of living near a beautiful countryside location when after all these new homes are built there's hardly going to be any countryside left to enjoy. Community benefits eg shops, schools and sports pitches will in the main involve a means of transport to access them and the extra volume of traffic would create real problems with regard to health, noise, pollution, safety, parking etc. There's no mention of medical facilities - hospital, Doctors, Dentists, Care Homes, Children's Nursery's etc An extra 1250 homes plus cars is still far too many and would in my opinion not make for a sustainable community in an already densely populated area.

What modification(s) is necessary to make the Revised Pub...

Much more of a practical plan than a masterplan is needed.

How would the modification(s) you propose make the Revise...

To simply take a view of the bigger picture and what the proposals entail.

Your suggested revised wording of any policy or text:

Forget the word /term 'Masterplan'.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr John Stone (276-41446)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The building of 1250 dwellings on this site is ill conceived. Assuming 2 cars per property, that will result in 2,500 extra vehicles on already congested local roads. In addition to the road congestion there will be increased levels of noise pollution on the main roads including The Avenue (A27) where I live. For the last two years my house has suffered from vibration issues caused by heavy trucks bouncing on the uneven road surface. This is mainly caused by the M27 being shut overnight. There is also the issue of increased airborne pollution resulting from the growing traffic levels. I believe that airborne pollution is already at very high levels along the A27 from Fareham Station to Titchfield. I do not believe this proposed development has given the necessary consideration to the local residents quality of life and their right to a peaceful life enshrined in law.

What modification(s) is necessary to make the Revised Pub...

Do not proceed with this proposed development

How would the modification(s) you propose make the Revise...

Deletion of the proposed development would allow for a better quality of life, together right to live in peace.

Your suggested revised wording of any policy or text:

The text should be revised to remove this proposed development.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

I consider it to be my duty to ensure that this proposed development is stopped to ensure that the existing local residents quality of life is maintained.

Respondent: Mrs Julie Harding (297-54164)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Whilst the location of housing to the south of Longfield Avenue seems to make some sense, the number of houses and therefore impact of traffic for the Fareham area is likely to be horrendous, even taking into account the Stubbington Bypass. With the 1250 houses proposed at Longfield, plus 180 East of Crofton Cemetery and 550 West of Downend, Market Way roundabout and Delme roundabout will be significantly impacted (as this number is almost 2000 residences; most families have at least two cars, which equals around 4,000 cars). Given that the roads are restricted by the viaduct, I think this is not sensible (and my understanding is that we already have problems with air quality there). I think we should avoid building in these 'edge of town' areas and in fact aim to upgrade the status of the 'Strategic Gap' to 'Area of Special Landscape Importance' to help the council fight building companies proposing to build on it. In addition, I wonder if the numbers are flawed - my guess is that Fareham Council's hands are tied on the number, but perhaps the government should review national needs now that more people seem to be choosing to live in the north of England now that many people are able to work from home or more flexibly? This would certainly make it fairer economically for the north of England and would mean that we would need less housing allocation required in the south.

What modification(s) is necessary to make the Revised Pub...

Build no new houses in the edge of town area, or if it really is necessary, introduce a light rail system (electric) that runs to towns and cities across the Solent so that fewer people use cars.

How would the modification(s) you propose make the Revise...

Build no new houses in the edge of town area, or if it really is necessary, introduce an electric light rail system that runs to towns and cities across the Solent so that fewer people use cars.

Your suggested revised wording of any policy or text:

Build no new houses in the edge of town area, or if it really is necessary, introduce an electric light rail system that runs to towns and cities across the Solent so that fewer people use cars.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Kevin Foster (287-61112)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Having lived in Stubbington at our current address for more than 30 years we have enjoyed good swift access into Fareham and the M27 East via J11 as well as similar good access on to the A27 and on to the M27 west via J9. This has already been compromised by the new Stubbington by pass construction. The planned housing development further destroys the strategic gap between Fareham and Stubbington. New housing should be built on brownfield sites not greenfield.

What modification(s) is necessary to make the Revised Pub...

To provide new housing only on brownfield sites

How would the modification(s) you propose make the Revise...

To provide new housing only on brownfield sites

Your suggested revised wording of any policy or text:

To provide new housing only on brownfield sites

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Jane Wedick (297-521638)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

It is essential to keep a green gap and not merge Stubbington and Fareham. The environment needs a corridor of large green spaces not individual patches.

What modification(s) is necessary to make the Revised Pub...

Leave a green space

How would the modification(s) you propose make the Revise...

Green spaces support nature and also are essential for mental wellbeing.

Your suggested revised wording of any policy or text:

Not to build on this land

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Janet LETHBRIDGE (187-11914)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I have no doubt the plan is legally compliant but I also have no doubt that the majority of residents in Stubbington do not wish for this development on a number of fronts. The councillors involved therefore are not carrying out the wishes or opinions of the electorate. Stubbington village is surrounded in three directions by areas of green land, This development seeks to erode one of them preparing the way for further development in that area so that green space is reduced still further under the very dodgy title-'flexibility of development area shown on your plan'. I am very much against this development entirely and will seek to speak with my local councillor at the earliest opportunity.

What modification(s) is necessary to make the Revised Pub...

n/a

How would the modification(s) you propose make the Revise...

n/a

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Janet Matthews (296-32741)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The same arguments against this build are still relevant even with the new bypass being built. The roads, health services, nitrate levels, residents views and of course the displacement of local wildlife all show this is not a good site to build housing. The gap between Fareham and Stubbington will be gone even if a small park is made between them. Except for the park we will have no green space here. Now we have left the EU I am sure farm land will be necessary to help lower imported foods which countries will now tax us highly to import. I cannot understand why this farmland is being build on when there are other sites that are wasteland that could be used. Filling the gap between Fareham and Wickham should be enough for the moment. I feel the residents of Farehams comfort is not being taken into account. I do not want to live in a town full of housing and little else. It will no longer be a beautiful market town but a extention of the city. Please fight for us

What modification(s) is necessary to make the Revised Pub...

The land should stay as farmland

How would the modification(s) you propose make the Revise...

Leaving this site green will help fulfill some of the nitrate and wildlife issues the council is facing

Your suggested revised wording of any policy or text:

Because of the Nitrate and traffic issues the housing will be placed elsewhere

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Jim Forrrest (297-3150)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Allocation HA 55 is a new salient into the Strategic Gap rather than a coherent extension of the urban area. The proposals are said to include provision to "maximise the open nature of the existing landscape", but the "green infrastructure" indicated includes a high proportion of parkland, play space and a sports hub. Presentations in Council have suggested a large part of this will be sports pitches or playing fields. This will transform much of the area into a bland, suburban landscape, rather than a stretch of mainly farmed countryside, changing with the seasons, which is more than a kilometre wide even at its narrowest point. The nightscape of predominantly dark sky will be lost in a huge increase in artificial lighting. The allocation should also be viewed in conjunction with allocation HA54 and with the Stubbington bypass, whose junction with Peak Lane will be light-controlled. Taking these together, the Strategic Gap will shrink to a few metres around what will inevitably be a busy junction at all times of day. At present, all residents travelling between surrounding parts of Fareham, Stubbington, Hill Head and western Gosport benefit from a clear sense of separation, as they pass from one urban landscape, through a stretch of countryside, and into another quite distinct settlement. That sense of separation will be entirely lost: Allocations HA55 and HA 54 are at odds with the Local Plan's aspirations for "the conservation and enhancement of natural and historic landscapes and assets " (Paragraph 1.2). They should therefore fail the test of soundness.

What modification(s) is necessary to make the Revised Pub...

I believe the requirement is on HMG to revert to the more up-to-date assessment of housing need which was the basis of the Publication Local Plan agreed by Fareham Council in December 2019. Consultation on that was just two days short of completion when this reversion took place. I believe the December 2019 Plan and comments on it should be referred to the Secretary of State.

How would the modification(s) you propose make the Revise...

They would prevent unjustified destruction of an important and valued landscape.

Your suggested revised wording of any policy or text:

Removal of Allocations HA55 and HA54.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Gareth Titheridge (307-451230)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Uses proposed are suited to this location: The uses proposed for this development may be suited on paper. However, from a real time physical point of view I think the short answer is "No". there many factors that reinforce this answer. Mainly being that the area just cannot cope with another large housing estate. The infrastructure is just not suitable or fit for purpose. Even with the promise of all the infrastructure improvement that may be proposed. In reality it doesn't matter what you do the area just will not cope. It cannot cope as it is. I recently observed that Fareham was named one of the most desirable places to live in the UK. That is a fantastic accolade. But, the constant building of new garden villages and housing estates within already heavily populated areas will soon turn that accolade of desirability into an area to avoid. The services that we already have are overburdened and have been reduced year after year, such as the police and school places and funding, doctors' surgeries with appointment waiting times that are incomprehensible. In recent times our beloved NHS and hospitals are at breaking point. So, the addition of a school, doctors' surgery, a care home, and shops etc unfortunately will do little to help with any of these already out of control issues. Apart from lining the pockets of all those involved in such developments, while creating misery for tens of thousands of local residents. Boost to the local economy, hmmm. Maybe minimally in the short term! Impacts the development will have on the character of the area: The area is known for having open spaces and strategic gaps between villages and towns within the borough. This character and endearing feature will be spoiled and lost due to such developments. This will be the demise of a beautiful area that is consistently under strain. Effects the development will have on parking and highway safety: The effects of this development on parking and highway safety will be negative. There is already a new bypass going in from Titchfield road through to Peel common, which they are making an absolute mess of. With new developments come an average of 2:1 vehicle's per house. The roads cannot cope as it is, congestion will increase, pollution will increase, the local areas carbon footprint will increase. There is already a lack of suitable parking within many areas and you can see that daily with cars parked on the roads and upon the kerbs. There is a risk to safety as the more cars then the likely hood of more accidents. The roads locally are already abused as it is with users driving idiotically and speeding. I have witnessed many a time that pedestrians, including children, have nearly been hit by vehicles on our local roads. Is there any enforcement? No. Is there any deterrent? No. Has the local authority put anything in place to address this problem (speed bumps)? No. This is a huge concern. Effects on neighbouring properties in terms of privacy, noise or overshadowing More houses, more people. More people, more vehicles. This will have a massive impact on noise levels. It could also reduce privacy. Flooding and drainage: Luckily there has been minimal issues with flooding and drainage. This in the most part is attributed to the fact there is a wide-open space and the strategic gap acts as a barrier for excessive water reducing the flood risk. Again, this cannot be modelled for with another housing development and the effects it would have on the local watercourse and drainage (natural or man-made). Development effects on wildlife: This area is very fortunate to have a thriving ecosystem of wildlife. You don't need to be a rocket scientist to see that a development will destroy this. And, no adding a little green park here or there, will never be able to replace that ecosystem for the local wildlife. Nor, will it be able to be enjoyed and used to educate ten of thousands of people as it currently does.

What modification(s) is necessary to make the Revised Pub...

Reject the proposals

How would the modification(s) you propose make the Revise...

Reject the proposals

Your suggested revised wording of any policy or text:

Reject the proposals

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Jacky Keyes (307-301031)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Building on the Strategic Gap goes against everything the local Conservative government assured us of in the run up to the local elections. They could have tried harder to protect that area, but assigning the 1.250 homes needed to be included in the Welbourne project of 6000 homes. Currently only 3,610 of those are considered in the plan, but if the plan ran to 2045, all of them would be included in the plan. There is no maximum period of 15 years for the plan.

The Sustainability Appraisal and Strategic Environment Assessment Sustainability Report for the Revised local plan states: Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap. Fareham Council are required to comply with the The Sustainability Appraisal and Strategic Environment Assessment

What modification(s) is necessary to make the Revised Pub...

Extend the plan and figures to 2045

Land South of Longfield avenue will not be included in the revised local plan

How would the modification(s) you propose make the Revise...

It would be sound because it is properly taking into consideration a very large development in the area already in progress

It will comply with the The Sustainability Appraisal and Strategic Environment Assessment Sustainability Report for the Revised local plan which states: Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap.

Your suggested revised wording of any policy or text:

This plan extends to 2045 in order to minimise the impact on the Strategic gap by properly including the whole of the Welbourne development in the plans.

Land South of Longfield avenue will not be included in the revised local plan

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

No, I don't want to take part in a hearing session

Respondent: Mr David Mugford (296-43164)

Legally compliant	Yes
Sound	Yes
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I wish only to comment on HA55. I am relieved to see the full plan shows about half the site left open for non-housing. The Fareham Today shows development right up to the by-pass with no green space between the new road and the land south of Longfield Avenue. This difference is troubling, but I can only assume the Local Plan detail is correct. However, I remain worried that development will eventually cover the whole site, and the Strategic Gap become a Strategic Development area and will eventually be lost to extensive development, and no green area will remain. This would be a big loss to Stubbington people, and Government pressure must be resisted, no matter the cost. We need a green corridor, with a wide area both sides of the new by-pass planted with trees and bushes.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Edwin Cooke (217-121411)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The proposed development of land South of Longfield Avenue severely encroaches on the green lung separating Fareham from Stubbington. This and all land comprising this green area should be ring fenced against all future development. The need to find space for new housing is accepted, but not to the detriment of the existing community. There is a lot of dis-used MOD land in the area which could be brought into use as they are never likely to need these sites (some may be within the Gosport area, but could be purchased by FBC.)

What modification(s) is necessary to make the Revised Pub...

Removal of housing provision in the Stubbington/ Fareham lung

How would the modification(s) you propose make the Revise...

Alternative sites need to be found to make up the shortfall, ie MOD surplus land.

Your suggested revised wording of any policy or text:

To preserve the existing green lung for the benefit of the community for both health and recreation.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To express the widely held retention of the green lung spaces

Respondent: Mr Colin Skinner (287-699)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I strongly object to this development. There is far too much development south of the M27 which is making Fareham an unpleasant place to live. There is too much traffic congestion and this development will negate the benefits of the Stubbington bypass. There is in addition an undoubted additional flood risk and substantial additional load on the Peel Common sewerage works. These concerns must be fully addressed.

What modification(s) is necessary to make the Revised Pub...

n/a

How would the modification(s) you propose make the Revise...

this housing allocation should be removed.

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr David Cockshoot (296-1170)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Flexible Development Edge: The proposal shows that it is recognised that a wildlife corridor between the river Meon (Titchfield Haven) and the river Alver (country park) is needed and I welcome that. However, the boundary of the Developable Area has not been fixed and is subject to Master Planning. I consider this to be a risky proposition since it is more than likely that a developer will be given an inch but take a mile (literally) unless our planning group is very vigilant and prevents this from happening. I therefore consider this aspect of the plan unsound - some margin needs to be defined in metres rather than a flexible edge so we can all be sure what is really going to happen.

Traffic Access: The plan shows three access points to the new development, two onto Longfield Avenue and one on to Peak Lane. If 1,250 homes are built we can anticipate at least an extra 2,500 vehicles travelling to and from the new homes and those extra numbers will add to whatever traffic there is on Peak Lane and Longfield Avenue. Certainly, the new Stubbington bypass should remove through traffic from those two roads but unless a study is carried out to calculate what the additional traffic from the new development will impose, how can the plan be regarded as "sound"? There needs to be consideration of how those vehicles will travel from the new development West towards Southampton or East towards Portsmouth. It seems likely that Longfield Avenue will at times be grossly overloaded and junctions with Newgate Lane and Hollam Drive/A27 will have unacceptable queues several times a day. Once the development is complete the Council will have lost any leverage to get the developer to pay for additional traffic mitigation measures and the time to decide on the changes needed is now during the planning phase. It may be that traffic controls (traffic lights) or additional roundabouts are needed or even a direct route to the Stubbington bypass from the new development.

Trees, hedges and footpaths: I am very glad to see that the edges of the development where there are mature trees and hedges will be retained and that the pathway round the entire site will be preserved.

What modification(s) is necessary to make the Revised Pub...

1. Fully defined boundary for the edge of the developable area 2. In depth traffic study and the results leading to a plan to mitigate the effect of a large increase in traffic to/from existing saturated roads

How would the modification(s) you propose make the Revise...

1.The plan would be workable rather than reliant on constant monitoring of the fuzzy edge proposed 2. Consideration would have been given (demonstrated) as to the traffic being added to the existing local roads

Your suggested revised wording of any policy or text:

1. Removal of the Flexible Development edge and its replacement with a defined boundary (which could have a tolerance on it expressed in metres) 2. Commitment to a full traffic analysis of the situation likely to occur when the development is habited and to any essential road improvements needed.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Barrie Webb (157-36178)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Additional development on land south of Longfield Avenue will not be able to comply with promoting walking and cycling (key policies of Central Government, Hampshire County Council and Fareham Borough Council) as routes identified in draft LCWIP do not have the potential to accommodate a modal shift to non motorised transport from the increased housing allocated. Note that the LCWIP is still in draft form and consultation is not anticipated until at least Autumn 2021. so unable to comment in detail Hampshire County Council and Fareham Borough Councils track record on covid pop up schemes to encourage walking and cycling are not good (i.e. Pier Street, Lee on the Solent modal filter - not implemented, Shoot Lane modal filter - not implemented, A27 protected lane - not implemented). Newgate Lane East, a new build road with no cycle lane provision instead relying on the old Newgate Lane for cycle route. Stubbington Bypass, shared use paths criss crossing the carriageway with no link to the A27 at Titchfield Hill Fareham NO2 Cycle Links Improvement (<https://www.hants.gov.uk/transport/transportchemes/farehamno2cyclelinks#step-1>) completed in 2019 - these improvements were identified as having the potential to make it easier or to increase walking and cycling, however no data has been made available to verify if the improvements have had any effect.

What modification(s) is necessary to make the Revised Pub...

Wait until the consultation on the draft LCWIP is completed, the plan is adopted, improvements are made and shown to work (i.e. walking and cycling increases and car use decreases) before any additional housing allocation is added to the local plan.

How would the modification(s) you propose make the Revise...

The modification will show that the framework for a coordinated approach to funding and facilitating a more convenient and efficient active travel network provided by the LCWIP is having the desired effect and the additional housing allocation can be considered in the light of confirmed data and not a hopeful wish.

Your suggested revised wording of any policy or text:

The housing allocation will not be considered until a modal shift to walking and cycling and decreased dependency on motorised transport has been achieved

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Caroline Dinenage MP (307-371147)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

As the MP for the Gosport Constituency, I have objected to proposals within these parcels of land previously due to the huge pressures on local infrastructure, including roads, housing, schools GP surgeries and hospitals, which I believe developments of this nature would only exacerbate. Specifically in relation to HA55, I believe that developing 1250 homes at this site would create excessive pressure on our already overburdened roads, because this location is a critical juncture between Fareham and Gosport. The difficulty of getting in and out of the Gosport peninsula is infamous and adding so many more cars to the local roads would be entirely unfair for residents, particularly my constituents in Stubbington. This, partnered with the excessive congestion on the M27 and the future Welborne development would cause the local infrastructure issues to become extremely unmanageable. This development would negate any infrastructure works that have taken place. While I note that these developments would keep some of the strategic gap in place, the size of the development would diminish the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap and exacerbate the numerous issues residents already face with our local infrastructure and I believe it is vital that we protect this land as a stretch of countryside that keeps communities distinct and prevents urban sprawl, whilst providing valuable green space to the local community.

As the MP for the Gosport Constituency, I have objected to proposals within these parcels of land previously due to the huge pressures on local infrastructure, including roads, housing, schools GP surgeries and hospitals, which I believe developments of this nature would only exacerbate. Specifically in relation to HA55, I believe that developing 1250 homes at this site would create excessive pressure on our already overburdened roads, because this location is a critical juncture between Fareham and Gosport. The difficulty of getting in and out of the Gosport peninsula is infamous and adding so many more cars to the local roads would be entirely unfair for residents, particularly my constituents in Stubbington. This, partnered with the excessive congestion on the M27 and the future Welborne development would cause the local infrastructure issues to become extremely unmanageable. This development would negate any infrastructure works that have taken place. While I note that these developments would keep some of the strategic gap in place, the size of the development would diminish the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap and exacerbate the numerous issues residents already face with our local infrastructure and I believe it is vital that we protect this land as a stretch of countryside that keeps communities distinct and prevents urban sprawl, whilst providing valuable green space to the local community.

What modification(s) is necessary to make the Revised Pub...

Please see previous comments.

Please see previous response.

How would the modification(s) you propose make the Revise...

Please see previous comments.

Please see previous response.

Your suggested revised wording of any policy or text:

Please see previous comments.

Please see previous response.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

No, I don't want to take part in a hearing session

Respondent: Mr Andrew Wilson (306-381049)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This land is entirely within an established strategic gap and as such should remain undeveloped.

What modification(s) is necessary to make the Revised Pub...

All planning allocations within HA55 to be removed from the plan.

How would the modification(s) you propose make the Revise...

By restoring the Strategic Gap to its original planned use.

Your suggested revised wording of any policy or text:

The area HA55 is to remain an undeveloped strategic gap.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Aimee White (307-241021)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

We were promised, again, not that I ever believe Woodward when he talks, that there would be no development on the stubbington bypass. Now in CAT meeting, he says, this is different, as there is a tiny stretch of land between Longfield and bypass. Hes splitting hairs and misleading people. Stick the houses on Daedalus. The place is hemorrhaging money. It's the biggest brownfield in Fareham. Save the green spaces. Whilst you are at it, build more council houses. Your proposal doesn't even begin to address how many we need. Unfortunately I don't have any faith in this process, and believe he will do what he wants anyway.

What modification(s) is necessary to make the Revised Pub...

Stop misleading people

How would the modification(s) you propose make the Revise...

Stop building on greenfields

Your suggested revised wording of any policy or text:

Tell us exactly how many empty homes and business that we have in the Borough already to look at developing those. Build on Daedalus

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Alan PARROTT (287-31518)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Obviously legally compliant but not sound due to impact on the area which is already overcrowded and obviously complies with duty to co operate

What modification(s) is necessary to make the Revised Pub...

Not to build on this Strategic Gap I disagree with the building on this area of land which was promised to be protected as a gap between Fareham and Stubbington

How would the modification(s) you propose make the Revise...

It would honour the promise to keep the Fareham/Stubbington Strategic Gap

Your suggested revised wording of any policy or text:

If this development goes ahead it will clearly breach the promises given by Local Authorities over the years to keep this area free of buildings etc .

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Alan Williams (216-48737)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This allocation has been made in response to repeated planning applications for which there isn't currently policy provision for development in this location. This is not a legally compliant or sound way to make policy or to allocate land for development.

What modification(s) is necessary to make the Revised Pub...

Remove the allocation. Allocation should be made on the basis of sound planning policy not previous non-compliant planning applications

How would the modification(s) you propose make the Revise...

Remove the allocation

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Seymour (287-22929)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

1. These alleged housing requirements are simply unjustified. They bear no relation to the reality of past capability of the commercial housing industry but are clearly over influenced by the greedy nature of that industry and its pursuit of even more unearned wealth by its donations to the Conservative party, who currently form the government, and whom FBC blame for increasing the requirement figures. An industry that donated £891k to the conservatives in the first qtr 2021, £60.1millions between 2010 and 2020, is clearly seeking and achieving influence over planning decisions. We can no longer trust either conservative politicians or professional planners whilst this level of political corruption continues. FBC needs to return these requirement figures to the central source and request a planning process in the centre that is free from these overtly corrupting influences. 2. The half baked planning map for this site attempts to squeeze an unsustainable number of dwellings onto this site while allegedly mitigating the loss of the natural green area, open fields and hedgerows subject to the seasonal elements, with sterile playing fields. We simply do not have either enough green space around our already crowded residential areas, nor do we have the necessary infrastructure in roads, health services or natural areas of recreational pursuits to support this proposed development. We are far more aware of the importance of natural world open space to our mental well being after the past 18 months, this proposal would remove a crucial area of natural environment the consequence of which would be greater levels of mental health issues our already underfunded and overstretched infrastructure services could not cope with. 3. The level of consultation on this plan is wholly inadequate. It has been rushed into print with clearly inadequate thought into the consequences of several major changes to that plan previously consulted. FBC have been bullied into this action by the dual weapons of a corrupting housing development industry and a corrupted central government planning administration. Both need to be rejected by a population already suffering from inadequate infrastructure provision and dismissed natural recreation areas for its size.

What modification(s) is necessary to make the Revised Pub...

Removal of proposals influenced by these unrealistic and dubiously influenced requirements figures. A proper period of consultation starting again from the recent ones now completely undermined by this latest farce

How would the modification(s) you propose make the Revise...

The plan needs to bear far more relation to the reality of both what is require and the reality of what is capable of being built.

Your suggested revised wording of any policy or text:

You are the professionals in all this, stop being influenced by greed and listen to what people who live here tell you.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Colin Skinner (287-699)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I strongly object to this development. There is far too much development south of the M27 which is making Fareham an unpleasant place to live. There is too much traffic congestion and this development will negate the benefits of the Stubbington bypass. There is in addition an undoubted additional flood risk and substantial additional load on the Peel Common sewerage works. These concerns must be fully addressed.

What modification(s) is necessary to make the Revised Pub...

n/a

How would the modification(s) you propose make the Revise...

this housing allocation should be removed.

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Nigel Smith (266-421246)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I believe insufficient consideration has been given to the need to maintain the strategic gap between Fareham and Stubbington. I walk in this area regularly and it is an important source of recreation and nature. It is not an appropriate area for further creeping development. Insufficient attention has been given to the strong local views.

What modification(s) is necessary to make the Revised Pub...

Delete site

How would the modification(s) you propose make the Revise...

By maintaining the strategic gap

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Malcolm Stevens (107-501027)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I was assured some time back by my local councilor that this plan would not be approved for the following reasons: Firstly, it would completely block out the country views currently enjoyed by the residents of Longfield Avenue and the adjacent properties. Secondly, traffic along the avenue is already very high due in no short measure to the Naval Training Establishment and other business properties in the area. Thirdly, there are already several schools and colleges within the area which produce through the daily school run considerable elements of pollution. If this project goes ahead, this level of pollution could be increased significantly due to the prospect of at least 1250 cars and if like Pennine Walk where several households have two or more cars the level of pollution at a time when the whole world is up in arms regarding global warming, cause even more pollution. No where in the literature does it mention this possibility and I strongly object to my life being affected by this increase in the level of pollution. The plan must be thrown out as being a danger to human and animal welfare.

What modification(s) is necessary to make the Revised Pub...

It must be thrown out or considerably reduced in number of house etc.

How would the modification(s) you propose make the Revise...

Rejection of the plan would comply with the Governments attempt to greatly reduce its legal objective of reducing global warming.

Your suggested revised wording of any policy or text:

[The government will look at the plan in line with current global warming policies.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr John Stone (276-41446)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The building of 1250 dwellings on this site is ill conceived. Assuming 2 cars per property, that will result in 2,500 extra vehicles on already congested local roads. In addition to the road congestion there will be increased levels of noise pollution on the main roads including The Avenue (A27) where I live. For the last two years my house has suffered from vibration issues caused by heavy trucks bouncing on the uneven road surface. This is mainly caused by the M27 being shut overnight. There is also the issue of increased airborne pollution resulting from the growing traffic levels. I believe that airborne pollution is already at very high levels along the A27 from Fareham Station to Titchfield. I do not believe this proposed development has given the necessary consideration to the local residents quality of life and their right to a peaceful life enshrined in law.

What modification(s) is necessary to make the Revised Pub...

Do not proceed with this proposed development

How would the modification(s) you propose make the Revise...

Deletion of the proposed development would allow for a better quality of life, together right to live in peace.

Your suggested revised wording of any policy or text:

The text should be revised to remove this proposed development.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

I consider it to be my duty to ensure that this proposed development is stopped to ensure that the existing local residents quality of life is maintained.

Respondent: Mr Gareth Titheridge (307-451230)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Uses proposed are suited to this location: The uses proposed for this development may be suited on paper. However, from a real time physical point of view I think the short answer is "No". there many factors that reinforce this answer. Mainly being that the area just cannot cope with another large housing estate. The infrastructure is just not suitable or fit for purpose. Even with the promise of all the infrastructure improvement that may be proposed. In reality it doesn't matter what you do the area just will not cope. It cannot cope as it is. I recently observed that Fareham was named one of the most desirable places to live in the UK. That is a fantastic accolade. But, the constant building of new garden villages and housing estates within already heavily populated areas will soon turn that accolade of desirability into an area to avoid. The services that we already have are overburdened and have been reduced year after year, such as the police and school places and funding, doctors' surgeries with appointment waiting times that are incomprehensible. In recent times our beloved NHS and hospitals are at breaking point. So, the addition of a school, doctors' surgery, a care home, and shops etc unfortunately will do little to help with any of these already out of control issues. Apart from lining the pockets of all those involved in such developments, while creating misery for tens of thousands of local residents. Boost to the local economy, hmmm. Maybe minimally in the short term! Impacts the development will have on the character of the area: The area is known for having open spaces and strategic gaps between villages and towns within the borough. This character and endearing feature will be spoiled and lost due to such developments. This will be the demise of a beautiful area that is consistently under strain. Effects the development will have on parking and highway safety: The effects of this development on parking and highway safety will be negative. There is already a new bypass going in from Titchfield road through to Peel common, which they are making an absolute mess of. With new developments come an average of 2:1 vehicle's per house. The roads cannot cope as it is, congestion will increase, pollution will increase, the local areas carbon footprint will increase. There is already a lack of suitable parking within many areas and you can see that daily with cars parked on the roads and upon the kerbs. There is a risk to safety as the more cars then the likely hood of more accidents. The roads locally are already abused as it is with users driving idiotically and speeding. I have witnessed many a time that pedestrians, including children, have nearly been hit by vehicles on our local roads. Is there any enforcement? No. Is there any deterrent? No. Has the local authority put anything in place to address this problem (speed bumps)? No. This is a huge concern. Effects on neighbouring properties in terms of privacy, noise or overshadowing More houses, more people. More people, more vehicles. This will have a massive impact on noise levels. It could also reduce privacy. Flooding and drainage: Luckily there has been minimal issues with flooding and drainage. This in the most part is attributed to the fact there is a wide-open space and the strategic gap acts as a barrier for excessive water reducing the flood risk. Again, this cannot be modelled for with another housing development and the effects it would have on the local watercourse and drainage (natural or man-made). Development effects on wildlife: This area is very fortunate to have a thriving ecosystem of wildlife. You don't need to be a rocket scientist to see that a development will destroy this. And, no adding a little green park here or there, will never be able to replace that ecosystem for the local wildlife. Nor, will it be able to be enjoyed and used to educate ten of thousands of people as it currently does.

What modification(s) is necessary to make the Revised Pub...

Reject the proposals

How would the modification(s) you propose make the Revise...

Reject the proposals

Your suggested revised wording of any policy or text:

Reject the proposals

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

White, Lauren

Subject: FW: Fareham Planning & Housing Applications

From: Ed Tooley [REDACTED]
Sent: 29 July 2021 11:09
To: Consultation <Consultation@fareham.gov.uk>
Subject: Fareham Planning & Housing Applications

Dear Council Planning Officer

Thank you for forwarding the "Local Plan Special – Summer 2021"

We read it with much trepidation, having been residents of West Fareham for 45 years – much was made at the time of our purchasing our home of the real need for the preservation of the "Greenfield Site" designation between Fareham and Stubbington. (now known for whatever reason as the Strategic Gap)

Since that time numerous Planning Applications have been turned down, however the traffic through the domestic areas surrounding the Site have increased disproportionately.

You can imagine local residents delight when it was muted that a Stubbington By-pass was going to be build and Newgate Lane widened and straightened which would relieve much of the use of the domestic areas through Stubbington Village, adjacent to Rowan Way, Hollam Drive and Longfield Avenue – hence and to use the Council Leaders words – dramatically reducing the Traffic congestion, pollution and noise throughout those domestic areas at the same time informing us that any future planning would insist on Noise and Pollution Reduction Methods.

Whilst we are appreciative that the Council have refused planning permission a few times before to develop land adjacent to the "Strategic Gap" it appears from reading the latest Local Council Plan that it is likely this time to grant the application for developments either side of the Strategic Gap to the enormity of some 1430 houses of mixed sizes plus additional "Infrastructure Building & Development" – likely to account for an increase of at least 2000 additional vehicles on the surrounding roads.

Without much imagination this development will more than replace any of the good done by the relief of Traffic congestion, noise and pollution by the Stubbington Bypass to the aforementioned Domestic dwelling areas as well as placing a much increased burden on the Fareham infrastructure.

No matter how the proposal is "Dressed Up" as being an idilic place for people to live it would further blight the lives of current residents in the area and add to their discomfort, wellbeing and frustration – You cannot sit in your home with the windows open or in the garden without having to raise your voices in conversation because of constant traffic noise and the almost constant noise of planes flying round and round 7 days a week.

All this said without the knowledge of how much nature would suffer because of the big reduction in available area. We strongly object to both Planning Proposals for South of Longfield Avenue and East of Crofton Cemetery and hope that the Councils Planners will consider likewise that it is a burden the area cannot bear; now or in the future and turn the current schemes and any future proposals down AND Continue to Maintain the "Strategic Gap" as it is now rather than nothing more than a Pond and a Bypass

Yours sincerely

Mr & Mrs Tooley



Scanned by [McAfee](#) and confirmed virus-free.

RESPONSE ON ALLOCATION HA55

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

- | | Yes | No |
|--------------------------------------|--------------------------|-------------------------------------|
| Legally compliant | <input type="checkbox"/> | <input type="checkbox"/> |
| Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Complies with the duty to co-operate | <input type="checkbox"/> | <input type="checkbox"/> |

B3 Please provide details you have to support your answers above

Allocation of HA55 (along with HA54) is not sound because;

- It effectively removes the Strategic Gap east of Peak Lane contrary to Policy D2 which describes it as critical to preventing coalescence.
- There has not been adequate consultation on this very significant late change to the draft plan. The extent of any allocation in the gap was not previously clear in the earlier draft plan consulted undertaken.
- This last remaining gap provides important functions for people & wildlife which cannot be effectively provided in the small remaining space shown on the plan at page 148.

Please see attached document for further details on my response.

Pg 4-B / HA55 (i)

Respondent: Mr Barrie Webb (157-36178)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Additional development on land south of Longfield Avenue will not be able to comply with promoting walking and cycling (key policies of Central Government, Hampshire County Council and Fareham Borough Council) as routes identified in draft LCWIP do not have the potential to accommodate a modal shift to non motorised transport from the increased housing allocated. Note that the LCWIP is still in draft form and consultation is not anticipated until at least Autumn 2021. so unable to comment in detail Hampshire County Council and Fareham Borough Councils track record on covid pop up schemes to encourage walking and cycling are not good (i.e. Pier Street, Lee on the Solent modal filter - not implemented, Shoot Lane modal filter - not implemented, A27 protected lane - not implemented). Newgate Lane East, a new build road with no cycle lane provision instead relying on the old Newgate Lane for cycle route. Stubbington Bypass, shared use paths criss crossing the carriageway with no link to the A27 at Titchfield Hill Fareham NO2 Cycle Links Improvement (<https://www.hants.gov.uk/transport/transportchemes/farehamno2cyclelinks#step-1>) completed in 2019 - these improvements were identified as having the potential to make it easier or to increase walking and cycling, however no data has been made available to verify if the improvements have had any effect.

What modification(s) is necessary to make the Revised Pub...

Wait until the consultation on the draft LCWIP is completed, the plan is adopted, improvements are made and shown to work (i.e. walking and cycling increases and car use decreases) before any additional housing allocation is added to the local plan.

How would the modification(s) you propose make the Revise...

The modification will show that the framework for a coordinated approach to funding and facilitating a more convenient and efficient active travel network provided by the LCWIP is having the desired effect and the additional housing allocation can be considered in the light of confirmed data and not a hopeful wish.

Your suggested revised wording of any policy or text:

The housing allocation will not be considered until a modal shift to walking and cycling and decreased dependency on motorised transport has been achieved

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Jane Wedick (297-521638)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

It is essential to keep a green gap and not merge Stubbington and Fareham. The environment needs a corridor of large green spaces not individual patches.

What modification(s) is necessary to make the Revised Pub...

Leave a green space

How would the modification(s) you propose make the Revise...

Green spaces support nature and also are essential for mental wellbeing.

Your suggested revised wording of any policy or text:

Not to build on this land

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Aimee White (307-241021)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

We were promised, again, not that I ever believe Woodward when he talks, that there would be no development on the stubbington bypass. Now in CAT meeting, he says, this is different, as there is a tiny stretch of land between Longfield and bypass. Hes splitting hairs and misleading people. Stick the houses on Daedalus. The place is hemorrhaging money. It's the biggest brownfield in Fareham. Save the green spaces. Whilst you are at it, build more council houses. Your proposal doesn't even begin to address how many we need. Unfortunately I don't have any faith in this process, and believe he will do what he wants anyway.

What modification(s) is necessary to make the Revised Pub...

Stop misleading people

How would the modification(s) you propose make the Revise...

Stop building on greenfields

Your suggested revised wording of any policy or text:

Tell us exactly how many empty homes and business that we have in the Borough already to look at developing those. Build on Daedalus

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mrs Shirley Wilkinson (297-552116)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

As a non-lawyer, an ordinary citizen and resident of Fareham, I find this 'consultation' procedure, of only being allowed to comment on 3 specifics -as selected by the council - highly unhelpful. It appears to be designed to curtail any true comments regarding the Revised Publication Local Plan. Hence I offer my thoughts under the 3 categories regarding P/20/0646/0A Legally compliant:- A law passed by central government to try to encourage more development may be 'legal'- but may not be wise in specific cases! A Council may feel that it is being 'bullied' into supplying a proscribed number of houses according to a central government algorithm. (Look what happened when an algorithm was used last summer to create GCSE and A Level predictions!!) So, it may be 'legal', but not sensible or desirable to build so many dwellings in this specific area. Sound:- **Building 1250 houses in this already overcrowded and congested area, removing a large part of the recognised strategic gap, and with all the environmental and traffic concerns expressed in the past – by the majority of local residents in this area- is not sound!** Duty to cooperate – This is a ridiculous category and notion! The government algorithm has presumably decreed, for example, that Hampshire must produce X number of houses? Some councils in this region – not identified clearly- can't – (no more land, except out to sea perhaps?)- so Fareham has to give up some of its open spaces to help out and fulfil this arbitrary number. (Interestingly, this process is exactly what Stalin did in Soviet Russia with setting arbitrary targets!). To destroy whole neighbourhoods to 'cooperate' in this way is a betrayal of trust by one's own Council. I trust that any independent Inspector will consider these points carefully and decline any further development of this size and nature

What modification(s) is necessary to make the Revised Pub...

Read previous statement

How would the modification(s) you propose make the Revise...

Read previous statement

Your suggested revised wording of any policy or text:

Read previous statement

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

As a resident, it will be interesting to hear the evidence and submissions given to the inspector and his/her examination of our representations

Respondent: Mr Alan Williams (216-48737)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This allocation has been made in response to repeated planning applications for which there isn't currently policy provision for development in this location. This is not a legally compliant or sound way to make policy or to allocate land for development.

What modification(s) is necessary to make the Revised Pub...

Remove the allocation. Allocation should be made on the basis of sound planning policy not previous non-compliant planning applications

How would the modification(s) you propose make the Revise...

Remove the allocation

Your suggested revised wording of any policy or text:

n/a

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Andrew Wilson (306-381049)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This land is entirely within an established strategic gap and as such should remain undeveloped.

What modification(s) is necessary to make the Revised Pub...

All planning allocations within HA55 to be removed from the plan.

How would the modification(s) you propose make the Revise...

By restoring the Strategic Gap to its original planned use.

Your suggested revised wording of any policy or text:

The area HA55 is to remain an undeveloped strategic gap.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

This consultation is different from previous ones as it no longer seeks views on alternative options. You will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Ms

First Name:

Charlotte

Last Name:

Mayall

Job Title: (where relevant)

Regional Planning Lead

Organisation: (where relevant)

Southern Water

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details (if applicable):

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Further to our representations submitted in the December 2020 Regulation 19 consultation, we note that our comments regarding additional policy provision for this site have not been addressed. Whilst reference is made in criterion n) of the policy to the need for development to be in line with the provisions of Policy TIN4: Infrastructure Delivery, our requirements are site specific, based on individual site assessments of local network capacity, and therefore not applicable in every case.

We further note that policy monitoring for TIN4 will be through S106 and CIL contributions (which do not account for foul drainage) and not through the determination of planning applications (page 311). Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and subsequent conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure. To ensure effective monitoring of this requirement, site specific policies should seek to ensure that the timing of the delivery of housing is coordinated so that development is not occupied before the provision of the network reinforcement required to accommodate it. Without this, there may be an increased risk of foul flooding, which would be contrary to paragraph 170(e) of the National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In this instance, proposals for 120 dwellings at Fareham Station East will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. As set out in Paragraph 19 of the National Planning Practice Guidance (NPPG), *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'*

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Fareham Station East will ensure this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would meet the test of soundness by ensuring this Local Plan policy is consistent with the above national policies and guidance set out in the NPPF and NPPG, and can be effectively monitored through the planning application process.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following text (underlined) is added to criterion l) of Policy FTC3;

l) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water); and

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Further to our representations submitted in the December 2020 Regulation 19 consultation, we note that our comments regarding additional policy provision for this site have not been addressed. Whilst reference is made in criterion m) of the policy to the need for development to be in line with the provisions of Policy TIN4: Infrastructure Delivery, our requirements are site specific, based on individual site assessments of local network capacity, and therefore not applicable in every case.

We further note that policy monitoring for TIN4 will be through S106 and CIL contributions (which do not account for foul drainage) and not through the determination of planning applications (page 311). Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and subsequent conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure. To ensure effective monitoring of this requirement, site specific policies should seek to ensure that the timing of the delivery of housing is coordinated so that development is not occupied before the provision of the network reinforcement required to accommodate it. Without this, there may be an increased risk of foul flooding, which would be contrary to paragraph 170(e) of the National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In this instance, proposals for 94 dwellings at Fareham Station West will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. As set out in Paragraph 19 of the National Planning Practice Guidance (NPPG), *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'*

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Fareham Station West will ensure this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would meet the test of soundness by ensuring this Local Plan policy is consistent with the above national policies and guidance set out in the NPPF and NPPG, and can be effectively monitored through the planning application process.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following text (underlined) is added to criterion l) of Policy FTC4;

l) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water); and

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

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| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Further to our representations submitted in the December 2020 Regulation 19 consultation, we note that our comments regarding additional policy provision for this site have not been addressed. Whilst reference is made in criterion j) of the policy to the need for development to be in line with the provisions of Policy TIN4: Infrastructure Delivery, our requirements are site specific, based on individual site assessments of local network capacity, and therefore not applicable in every case.

We further note that policy monitoring for TIN4 will be through S106 and CIL contributions (which do not account for foul drainage) and not through the determination of planning applications (page 311). Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and subsequent conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure. To ensure effective monitoring of this requirement, site specific policies should seek to ensure that the timing of the delivery of housing is coordinated so that development is not occupied before the provision of the network reinforcement required to accommodate it. Without this, there may be an increased risk of foul flooding, which would be contrary to paragraph 170(e) of the National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In this instance, proposals for 824 dwellings north and south of Greenaway Lane will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. As set out in Paragraph 19 of the National Planning Practice Guidance (NPPG), *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'*

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development north and south of Greenaway Lane will ensure this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would meet the test of soundness by ensuring this Local Plan policy is consistent with the above national policies and guidance set out in the NPPF and NPPG, and can be effectively monitored through the planning application process.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following text (underlined) is added to criterion i) of Policy HA1;

i) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water); and

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Further to our representations submitted in the December 2020 Regulation 19 consultation, we note that our comments regarding additional policy provision for this site have not been addressed. Whilst reference is made in criterion h) of the policy to the need for development to be in line with the provisions of Policy TIN4: Infrastructure Delivery, our requirements are site specific, based on individual site assessments of local network capacity, and therefore not applicable in every case.

We further note that policy monitoring for TIN4 will be through S106 and CIL contributions (which do not account for foul drainage) and not through the determination of planning applications (page 311). Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and subsequent conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure. To ensure effective monitoring of this requirement, site specific policies should seek to ensure that the timing of the delivery of housing is coordinated so that development is not occupied before the provision of the network reinforcement required to accommodate it. Without this, there may be an increased risk of foul flooding, which would be contrary to paragraph 170(e) of the National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In this instance, proposals for 24 dwellings at 69 Botley Road will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. As set out in Paragraph 19 of the National Planning Practice Guidance (NPPG), *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'*

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at 69 Botley Road will ensure this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would meet the test of soundness by ensuring this Local Plan policy is consistent with the above national policies and guidance set out in the NPPF and NPPG, and can be effectively monitored through the planning application process.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following text (underlined) is added to criterion g) of Policy HA17;

g) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to

the existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water); and

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Further to our representations submitted in the December 2020 Regulation 19 consultation, we note that our comments regarding additional policy provision for this site have not been addressed. Whilst reference is made in criterion g) of the policy to the need for development to be in line with the provisions of Policy TIN4: Infrastructure Delivery, our requirements are site specific, based on individual site assessments of local network capacity, and therefore not applicable in every case.

We further note that policy monitoring for TIN4 will be through S106 and CIL contributions (which do not account for foul drainage) and not through the determination of planning applications (page 311). Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and subsequent conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure. To ensure effective monitoring of this requirement, site specific policies should seek to ensure that the timing of the delivery of housing is coordinated so that development is not occupied before the provision of the network reinforcement required to accommodate it. Without this, there may be an increased risk of foul flooding, which would be contrary to paragraph 170(e) of the National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In this instance, proposals for 60 (27 net) dwellings at Assheton Court will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. As set out in Paragraph 19 of the National Planning Practice Guidance (NPPG), *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'*

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Assheton Court will ensure this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would meet the test of soundness by ensuring this Local Plan policy is consistent with the above national policies and guidance set out in the NPPF and NPPG, and can be effectively monitored through the planning application process.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following criterion is added to Policy HA44;

Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water).

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

HA49: Menin House, Privett Road

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Southern Water is the statutory wastewater undertaker for Fareham. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 50 (26 net) dwellings at Menin House, Privett Road will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of foul flooding unless the requisite works are implemented in advance of occupation. This would not be consistent with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In addition, Paragraph 19 of the National Planning Practice Guidance (NPPG) states '*Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.*'

We have additionally identified a need to protect existing underground infrastructure at this site, and request the inclusion of this criterion in line with other site allocation policies.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Menin House will ensure that this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following criterion is added to Policy HA49;

Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water).

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

HA50: Land north of Henry Cort Drive

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Southern Water is the statutory wastewater undertaker for Fareham. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 55 dwellings at land north of Henry Cort Drive will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of foul flooding unless the requisite works are implemented in advance of occupation. This would not be consistent with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In addition, Paragraph 19 of the National Planning Practice Guidance (NPPG) states '*Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.*'

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Henry Cort Drive will ensure that this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following criterion is added to Policy HA50;

Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider.

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

HA56: Land west of Downend Road

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Southern Water is the statutory wastewater undertaker for Fareham. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 550 dwellings at land west of Downend Road will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of foul flooding unless the requisite works are implemented in advance of occupation. This would not be consistent with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In addition, Paragraph 19 of the National Planning Practice Guidance (NPPG) states '*Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.*'

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development at Downend Road will ensure that this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following criterion is added to Policy HA56;

Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider.

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

BL1: Broad location for housing growth

B1e Which new or revised evidence base document ? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Southern Water is the statutory wastewater undertaker for Fareham. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 620 dwellings at this location will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of foul flooding unless the requisite works are implemented in advance of occupation. This would not be consistent with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019), which requires planning policies to prevent new development from contributing to pollution of the environment.

In addition, Paragraph 19 of the National Planning Practice Guidance (NPPG) states '*Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.*'

We have additionally identified a need to protect existing underground infrastructure at this site, and request the inclusion of this criterion in line with other site allocation policies.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The addition of a new policy criterion that seeks to manage the timing of connection of new development in this location will ensure that this policy is effective and consistent with paragraph 170(e) of the NPPF (2019) and Paragraph 19 of the National Planning Practice Guidance (NPPG) as quoted above.

B4c Your suggested revised wording of any policy or text:

In consideration of the above, we recommend the following criterion is added to Policy BL1;

Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in liaison with the service provider and will provide future access to the

existing underground water and wastewater infrastructure for maintenance and upsizing purposes (included at the request of Southern Water).

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

SOUTHERN WATER RESPONSE
FAREHAM LOCAL PLAN 2037 JULY 2021 CONSULTATION

B1 Which part of the Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | A paragraph | Go to B1a |
| <input type="checkbox"/> | A policy | Go to B1b |
| <input checked="" type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Local Plan e.g. 1.5 would be the fifth paragraph in Chapter 1 (Introduction).

B1b Which Policy? Please enter the correct Policy Codes found in the Local Plan e.g. HA9 – Heath Road, is the Housing Allocation policy for Heath Road, Locks Heath

B1c Which part of the Policies Map?

Part of secondary support area F11 and parts of low use site F12 at Peel Common WTW in relation to Policy NE5

B1d Which new housing allocation site? E.g. HA55-Land south of Longfield Avenue?

B1e Which new or revised evidence base document? E.g. Viability Assessment?

B2 Do you think the Publication Local Plan is:

- | | Yes | No |
|--------------------------------------|-------------------------------------|-------------------------------------|
| Legally compliant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Complies with the duty to co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

B3 Please provide details you have to support your answers above

Southern Water owns and operates the Wastewater Treatment Works (WTW) at Peel Common, which provides wastewater treatment services for Fareham district and beyond. We note, through Policy NE5 and associated Policies Map, that parts of the WTW site have been designated as 'Secondary use' (F11) and 'Low use' (F12) areas for Brent Geese and Solent Waders.

Whilst there are quieter vegetated areas of the Southern Water landholding that may offer breeding and grazing opportunities for waders and geese, our concerns regard specifically and only those parts of the F11 and F12 designations which include operational wastewater treatment structures. The Local Plan Policy Map does not provide sufficient detail to identify where that part of the designation overlaps operational parts of our site. We have therefore copied and annotated the map below taken from the Solent Waders & Brent Goose Strategy for clarification (<https://solentwbgs.wordpress.com/page-2/>).

We have identified operational areas contained within the red (F11) and yellow (F12) shaded areas using a blue outline. The area circled blue in F11 contains aeration lanes, which are tanks filled with wastewater that is continually injected with air as part of the treatment process. Due to constant aeration, the water in these tanks is non buoyant and as such birds will avoid them. They are identical in form and purpose to the tanks immediately adjacent, which are excluded from the designation.

Within area F12, we have outlined two further operational structures in blue; the first at the southern edge being a UV treatment area, and the larger area above it being a temporary contractor and treatment trial area and car park. As such there would be a medium to high level of human and vehicle disturbance on a daily basis in these areas. In addition, all areas identified above consist mostly of concrete hard standing or built operational structures that are clear of vegetation, as can be seen in the map below, and as such are void of feeding/grazing opportunities for the birds.



B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Southern Water believes the inclusion of the specific operational areas identified above as secondary and low use Brent Geese and Solent Wader support areas at Peel Common Wastewater Treatment Works is not justified. There is no evidence to suggest that these areas are safe or usable habitat for birds.

We acknowledge that the quieter undeveloped areas surrounding Peel Common WTW may provide attractive habitat for Brent Geese and Solent Waders, and therefore do not contest the remainder of the designation.

In order to make the Local Plan sound, we suggest that the boundaries of the F11 and F12 designations be re-aligned to exclude those operational uses and structures identified in B3 above.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

Our proposed modification would make Policy NE5 of the local Plan sound as a realignment of the F11 and F12 boundaries as detailed above will ensure that the supporting evidence of Policy NE5 is justified.

B4c Your suggested revised wording of any policy or text:

No suggested amendments to the wording of Policy NE5.

B5 If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5a Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Dr

First Name:

Vittorio

Last Name:

Boccolini

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

The area is already very busy with traffic with horrendous queues in peak time along the motorway exit and at Delme roundabout. The new 550 houses will only increase traffic and pollution contributing to the deterioration of air quality living condition and pollution. The proposed link appears to be insufficient.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

The area is not fit to have any new construction due to the already busy road network

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

No new buildings

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

White, Lauren

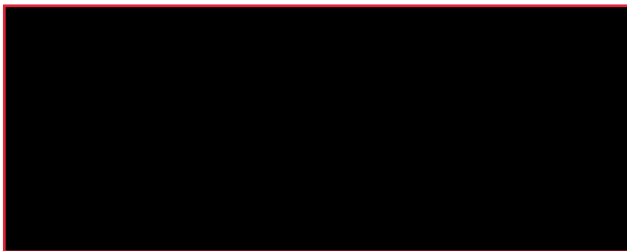
Subject: FW: Have your say. Local plan consultation.

From: annemarie.brierley: [REDACTED]
Sent: 29 July 2021 21:26
To: Consultation <Consultation@fareham.gov.uk>
Subject: Have your say. Local plan consultation.

PERSONAL DETAILS

Is an agent Appointed: NO

Name: Mrs Anne Brierley



29/7/2021

My Representation

B1. New housing allocation

B1d. HA56- Land West of Downend Road.

I have already forwarded my views on completing the comments forms on the local Plan that finished on 18th December 2020 and I am not finding this time round any easier. There is so much paperwork to try to access. This time around our Fareham Today arrived on the last day of June with a few residents phoning on its whereabouts and it arriving that afternoon. So many papers to try to read, but although confusing it is better to try to put something in, in my own way than to put nothing at all.

At the same time as the local plan in 2020 the developers resubmitted plans ref. P/20/0912/OA , HA4 Land East of Downend Road, which was subsequently refused again.

In April 2021 we were informed that a second appeal would be taking place for Land East of Downend Road and were able to comment on that yet again. An appeal start date is now set for Aug 3rd 2021. The new Revised Local Plan comments will be closed before we know the out come to that appeal.

Added to all this was Welborne infrastructure at junction 10, M27 funding. With so much paper work flying around it is not surprising that any one would be totally confused. (Including myself)

So much time required to read and understand what is actually being said, and then remembering what you have read and where. I've all but given up. All very well if you work in this type of business and have been dealing or have had experience in an office and know your way round a computer, lap top or tablet but I bet im not the only one who has difficulty. So much time and effort needed to keep going. It becomes so frustrating and stressfull and the Covid situation hasn't helped.

In my comments on the last plan, I wrote about how long it would be before we would be defending Land WEST of Downend Road, well we now know, as HA56 allocation has now been put forward. It's so stressful to learn the extent that this has clearly been known and on the table for consideration, hidden in plain sight. We have all been preoccupied with HA4, Land East of Downend Road and still some residents are unaware of the Land WEST of Downend Road having been put forward.

Previously I asked some questions about this site and was told that it was no longer being progressed. Well here we are and housing numbers have now been increased. It's now obvious that this work had continued going forward regardless of the numbers.

We also can assume that it's the same developers as HA4 because in the Housing and need supply document page 149 at a) it reads, " The quantity of housing proposed shall be broadly consistent with the indicative site capacity with delivery phased to follow the development at Downend Road East. "

At b) it actually reads, "in particular the site's landscape setting on Portsdown Hill." So it is acknowledge that this site is Portsdown Hill.

The Surveys.

I have found the surveys & questionnaires leading.

Who does decide on the size of the Strategic Gaps ?

Like wise if it is decided that Portsdown Hill has special landscape qualities , which should be enjoyed and preserved for the benifit of all, who then decides that the southern slopes of Portsdown Hill are not included in this.

The remaining few green gaps on the southern side of the hill are all but gone.

Most of what is seen looking North of the hill comes under Winchester & Southwick Estates not Fareham. Cross boarder views could possibly be required for development in its own council area. So could be developed. Would we have a say in that ?

After viewing the online Fareham Bourgh Council Meeting on 10th June concerning the new revised plan and new allocations (days after the event as I never knew you could watch online on youtube). I was surprised not see any debate, vote or show of hands taken on the local plan or its components although there were some comments made. I expected to see something more as its of such importance to people.

In the Fareham Today issue June 2019 page 13 it speaks of the two main growth areas :

Land between Fareham & Stubbington

Land WEST of Portchester.

It shows the proposed Subbington bypass and Newgate Lane improvements, Stubbington with a year to go to complete and Newgate Lane completed.

My understanding is, both were built to reduce traffic numbers on other routes into the area and to unimped the route to the New Solent Airport and Business Areas. Both have land each side.

In a marked box under Land WEST of Portchester it has the question:

" If the transport constraints could be resolved, do you think this area could support good growth ?"

Is it any wonder then that developments on the outer edges of Fareham /Portchester have been put into this revised Local Plan. By transport, are they meaning the bus rapid transport which is still to come some when in the future or are they referring to reducing the traffic. The problem is that the whole of the Fareham area suffers from congestion but there is no way we can accomadate a bypass or similar at Downend because there is no room and what roads we have are small country lanes.

In this area we have junction 11 M27 which in normal times (pre Covid) and still now on some days, backs up from the motorway slip road and onwards into Gosport A32.

Like wise we also have Downend Road and it's narrow bottle neck bridge (part of the subject of the HA4 appeals, Land East of Downend Road.) latest Ref: App/A1720/W/21/3272188 and the A27. With 350 homes being planned on that farm land.

I ask myself why would anyone then put forward Land WEST of Downend Road, known as HA56, with the idea of a link road running across it. The link from the A27 motorway slip road which runs down to the Delme roundabout, or onwards over the flyover into Gosport, on the western side, and to the West linking with Downend Road on the eastern side. With a housing development of another 550 homes each side of it. Thus adding all it's traffic movements and that which it will attract from highways either side, making yet another rat run.

Areas near new bypasses are discouraged from any new developments and none with access onto them. I understand that Hampshire County Council didnt want any access on to these yet has agreed to the works along with Highways England on the motor way slip road at Fareham. This doesn't seem to make sense.

Forward to the latest addition of the Fareham Today, Summer 2021, page 9 . Edge of town living.
It's written,

"The COUNCIL considers the next best alternative to be building on the edge of existing settlements across a small number of clusters.

Although this type of new development will never be popular (unless you are one of the many seeking a new home). Larger sites typically bring with them community benefits such as schools, shops & sports pitches." Yes, and they take more years to build. Was the comment in brackets really necessary.

For the RESIDENTS living within the proximity of one of the larger sites, what it will bring is years of on going upheaval, misery, noise, dust, dirt, pollution, traffic congestion from so called road improvements, further reduction in air quality, loss of green space, loss of wild life and devastation to its habitats and the detrimental effect to the quality of life, health and well being of the existing residents.

The local plan is up to the year 2037 and in this local area will go far beyond this date as other sites are being lined up.

As an example see: SHELAA site REF 3130 Land East of Downend Road & North of Winnham Farm Page 200 for 100 homes. It is NOT in this plan at present but its still in the SHELAA.

This site wanted to come through HA4 site, link with The Thicket cycle / pedestrian routes over Cams Bridge. It reads, however there are capacity issues at the junction with the A27.

At THIS TIME it's NOT possible to establish suitability. Site available Yes., achievable NO, Suitable NO. If land east of Downend road is granted planning permission, I would bet that this will be back for consideration.

My Representation

B1. Which part of the Revised Publication Local Plan is this representation about ?

An added housing allocation site.

B1b. Which Policity ?

HA56 Land West of Downend Road

Strategic Housing and Employment Land Availability Assessment (SHELAA) 2021

Correction needed Page 8 4.7

Sites promoted to the Council through the "call for sites" process. Should read, (see paragraph 4.8 not 3.8 for more information)

Site details.

Land WEST of Downend Road.

I'D 3009 page 52

I think they may need to look again at the Surrounding Land use. It needs updating.

Housing yield (estimate) 550 This could go up. Looking at the key on the map (small houses that are drawn on the housing yield map.)

HA56

This site is in the countryside.

IS on Portsdown Hill.

It is outside of Urban development and is not well joined to any existing homes or residential developments.

Is best grade farmland. Grade 2

The railway cutting to the south of the site provides a large gap across it's tree lined banks and to other housing, being The Causeway. Not well joined.

Within the site are very old hedgerows of Hawthorne etc lining the old Paradise Lane and the the old Military Road. Paradise Lane is an extremely old lane that ran from Cams Hill Road (the old main road) to the top of the Portsdown Hill and beyond.

The southern end of this lane is now a private road, only a single shingle track. The possible plan is to make this a main walking route into Fareham. A sign placed at each end of the lane reads, private, pedestrians only.

What will it's residents think if trails of people start walking past their front doors each day.

This site is a very popular area for dog walking, exercising and to just enjoy a walk and notice the flowers and wild life which there is plenty. It has views across to Portsmouth , Isle of Wight and Fawley. Current residents will lose this as they walk the public right of way. (Allan Kings Way) Probably blocking all veiws to only see roof tops . It will be a travesty.

All that is listed below has been reported as major concern by the residents before, concerning the HA4 site. (Appeal still to be heard)

The surrounding roads already suffer from extreme congestion and rat running.

The M27 motorway slip road can back up along the motorway it's self.

The slip road/dual carriageway down to the Delme roundabout and beyond tails back.

The flyover it's self over the Delme gets heavily congested ONWARDS on the A32 into Gosport.

The A27 from Portchester through to the Delme roundabout also gets congested.

All roads each side of Downend Road are used as rat runs to avoid traffic lights at Downend Road/A27 junction. or to avoid the motorway traffic by crossing Portsdown Hill.

Now add to that possibly two more sets of traffic lights. One set each side of Downend bridge. (With a single road carriage way)

The other on the west side out of the development stopping traffic on the slip road to the A27 motorway so traffic can turn north.

Any highways surveys which were done during or just before Covid 2020 should be discounted as traffic numbers were greatly reduced and at times non existent. So unreliable.

How has Highways England gone from recommending no extra developments or traffic near junction 11 M27 towards the Delme roundabout now saying the opposite in such a short space of time. Must of undertaken assessments during 2020. It's ridiculous.

There are no bus stops within the guide lines of walking distances. Recommended 400m

If you take an average being from the centre of the site, nothing is within a walking distance

Residents will be reliant on cars. Although they will probably walk or cycle for leisure.

EVERYTHING that applied to HA4 will apply to this site.

Duty to Cooperate

Portsmouth can't meet its need in finding space for housing numbers.

Fareham decides it will take 900 homes from Portsmouth in unmet need.

Total number of homes required to be built at HA4 & HA56 = 900

Who decides the numbers to be taken as unmet need. Is there a formula set in stone or is it voluntary.

900 homes taken from Portsmouth equates to all the land being built on at Downend Road.

What a disgrace. Portsmouth have built plenty of student accommodation. Perhaps they should of thought twice and given this over to its residents as housing allocation.

Worse is we could still have to take more.

If all the building allocations go forward in the Local Plan then Fareham as we know and love will be unrecognisable and changed forever, and not for better.

Housing & Employment from the town centre and towards Portchester. Not including South of A27.

6000 homes Welborne (prime farm land and country side that was supposed to spare us from losing more green space)

Junction 10 M27 improvements

900 in the Fareham town centre area.

900 Downend area Farm land, green space

12 Dore Ave. Green space

22 Land WEST of Northfield Portchester. green space

4.750m² Near junction 11 M27 Wallington Employment space

2,000m² Near junction 11 Standard Way Wallington. Employment space.

We will also have to contend with all the infrastructure road improvements.

All I can see is utter chaos ahead.

What sort of Legacy are we leaving for our children and grandchildren in the future.

What would I like to see happen to HA56

I would like to see it rewilded with a nature reserve.

It won't happen, but we can dream.

A NOTE. In 2020 there ran a survey for wild life on HA56 site. Mats, Doormouse boxes, bottles placed for insects etc. Who did this survey ? Was it the developer because this site was wrecked by machinery cutting hedges and verges and by removal of mats. I thought it must of been abandoned until I noticed red /white tape marking Doormouse boxes in the hedgerows. I do hope the developers are not going to rely on this survey as proof of evidence. It should be discounted and done again.

This may not be written in the form required but please forward this in its entirety to the inspector.

Please keep me informed .

Thank you.

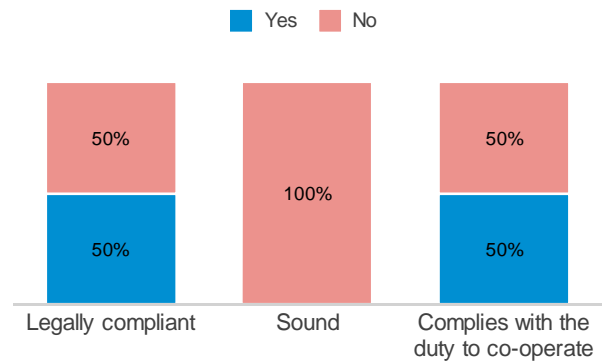
Anne Brierley.

Policies map | Strategic Gap

2 Representations



	Legally compliant	Sound	Complies with the duty to co-operate
Total	2	2	2
Yes	1 50%	0 0%	1 50%
No	1 50%	2 100%	1 50%



Respondent: Mr Michael CLAYFORTH-CARR (287-112112)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I do not believe that this plan and more particularly the consultation is legally compliant. The manner of the consultation is discriminatory and heavily loaded against enabling large numbers of the general public from properly understanding, analysing and submitting coherent comments that will have weight and influence on the Local Plan as proposed in June 2021. A local plan is by definition a plan that is both Large Scale and has Large Impact on the community and I would argue that the communities affected by this Local Plan have not had adequate notice and time to fully understand and digest the impact and more particularly most of us are not planning experts and lack the forensic knowledge of planning legislation and policies to be able to "surgically", precisely and concisely submit coherent views on the Local Plan; in particular the public and communities are not being asked for their views on the local plan they are being asked to comment on three "narrow" points and to effectively technically assess whether the council are legally compliant, have prepared a "sound plan" and have complied with their duty to cooperate with neighbouring authorities and other bodies. Furthermore the reference to the Statement of Community involvement (as adopted March 2017) is actually "not fit for purpose" in the context of the local plan. It may outline how the council might make information available to the public on specific developments but it is inadequate when it comes to such a significant and important matter as the local plan. Most of the public do not spend their time on line or physically scanning monitoring and overseeing the various planning activities and developments of Fareham Borough Council. So the first that I and others became aware of the significant additional revisions to a previous plan was when the Fareham Today brochure came through the letterbox on the 18 June and advised that we had until the 30th July to make comment on it and representations. I think this is completely unreasonable and whilst a 6 week consultation might appear to be in accordance with the rules I believe that a legal challenge will show that this is actually an unreasonable length of time to provide comment from the people who will be the most affected yet with the least ability to forensically examine and comment on the plan to the necessary technical/professional level especially when any representations are constrained to cover the three narrow points specified. These are my reasons for stating that you are in my view NOT legally compliant with this consultation. In terms of Soundness I have no doubt that the council believes it has adopted a "technically correct" approach to coming up with this overall plan and you are justifying building on "Greenfield" land (which I have an objection to on principle) by stating that you are maintaining a "Strategic Gap" and building on the edges of existing settlements; my particular concern by way of example is the 550 home development to the West of Downend road which will have a profound and dramatic effect on all residents whose houses are on roads that open onto the A27 or Downend Road. In my case I live in the Ridgeway and I already have experience of how developments affect the community I live in and I have formally submitted these concerns in response to planning applications proposed for Winham farm. This Local plan conveniently lacks any reference to the Winham farm proposal for 350 new homes all serviced by to and from Downend road; there are plans in place to supposedly mitigate the significant traffic pollution and safety issues from the Winham farm development and its impact on Downend Road, the A27 and the Delme arms roundabout and yet a 550 home development literally across the road and also on the north side of the railway line will miraculously result in (and I quote from your brochure) independantly audited analysis showing "that current traffic levels and waiting times would actually reduce as a result of traffic being redistributed locally" ; I cannot comment on every other part of your plan but on this single matter alone I would argue that your plan is not sound. I cannot comment one way or the other about how you comply with your duty to co-operate but I would argue that is of less importance than the "spirit" of your legal compliance and the soundness of your proposals. I therefore respectfully confirm that in this representation I believe your consultation and plans are NOT Legally Compliant and your plans also FAIL the Soundness test. I will in closing say that I am not against new housing developments in principle as I respect the need to provide new homes for people and I am aware that legal challenges by developers have been successful in many cases because the council did not have a credible Local Plan in place so I fully understand the drivers to produce one and to mitigate the impact and cost of legal challenges but the problem is that there needs to be more challenge, more detail and more re-assurance to the affected communities at this Local Plan stage as it will be too late to address these once developers start making their planning applications.

What modification(s) is necessary to make the Revised Pub...

I am not a legal expert and this is a prime example of the point I was making about this consultation being unfair and discriminatory so all I can reasonably say is that you need to allow people and communities more time to comment and remove the stipulation that we can only comment on the 3 points that you have deemed to be relevant, You also need to be clear transparent and honest about how exactly these proposed developments in the Local plan are affected by already running planning applications and show a willingness to really address the concerns of communities and residents adjacent to the development areas (in my case West of Downend Road) in particular relating to traffic as the traffic from these developments never follows the theoretical or ideal "solutions" and always results in more traffic driving at higher speeds taking short cuts through residential areas resulting in accidents of which there are many some fatal and with the risk to young children living in these communities and those walking to school through these areas....

How would the modification(s) you propose make the Revise...

I don't know - I am not a legal expert

Your suggested revised wording of any policy or text:

there should be some reassurances given to locals and communities regarding how the planners will police and control traffic so that safety pollution congestion and the "quiet amenity" that these communities enjoy can be properly and not superficially addressed

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Joe Maphosa (307-511857)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The current policies map does not recognize Burr ridge as a settlement despite its significantly built-up nature similar to the settlements of Hook & Chilling and equally Funtley which are identified as settlements in their own right despite being similar or smaller in size in comparison to Burr ridge.

What modification(s) is necessary to make the Revised Pub...

The inclusion of a settlement boundary for Burr ridge.

How would the modification(s) you propose make the Revise...

The proposed modification would make the plan sound by reflecting a Justified approach.

Your suggested revised wording of any policy or text:

Include a settlement boundary for Burr ridge.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

The matters raised by our representation have significant implications for the plan and require significant discussion at EiP.

Respondent: Mrs R Coffin (307-141129)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The proposed development of 550 houses on HA56 is excessive for the location. There is already a proposal HA4 for 350 houses on the east side of Downend Road with access via Downend Road and planning permission for this site has been rejected twice as Downend Road and the narrow railway bridge have been shown to be inadequate for the additional traffic. This equally applies to the land to the west of Downend Road. A total of 900 houses, across the two sites, would lead to an excessive amount of vehicles attempting to use the Downend Road railway bridge which cannot safely cope with this amount of traffic plus pedestrians and cyclists. This traffic would also feed into the existing congestion on the A27 and add to the air pollution in the area. There is no provision for a doctors surgery and access to primary care is already under severe pressure in the area.

What modification(s) is necessary to make the Revised Pub...

This land is in an area which is inappropriate for development without substantial upgrading of the local infrastructure.

How would the modification(s) you propose make the Revise...

See above

Your suggested revised wording of any policy or text:

See above

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: Mrs

First Name: PATRICIA

Last Name: COPE

Job Title: (where relevant) retired.

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:



A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

550 West of Downend Road.

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/> 550
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

The site marked 'school' on 550 is over an old quarry, which according to Ordnance Survey still appears on modern maps as a circular distortion of contours. There was a small cottage in the quarry, but infill took place some time after 1970. I remember numbers of pale planks, as used with scaffolding, being tipped into it, the whole process looking rather casual. The whole area was then grassed over to look like a meadow.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

A thorough investigation of that area is needed to assess stability.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Respondent: Dr Barry Cullen (277-461144)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

We are dismayed at the proposal for an extra 550 houses on the above site. Already there is an appeal pending for land East of Downend Rd which, if successful would bring a total of 900 new houses in this area. Taking the number of cars per household as 1.2, this could easily result in over 3,600 extra traffic movements per day. The Local Plan defies all logic by suggesting that the current traffic levels would actually reduce as a result of traffic being redistributed locally. Providing a link road to exit onto a motorway slip road and expecting this to reduce traffic is absurd. These "results" directly contradict the stated aim of Hampshire County Council's survey of the A27 to "increase traffic capacity on the Delme roundabout gyratory to help deal with predicted increased traffic flows as a result of proposed local developments such as... a number of locations in Portchester." Experience of the planning application for land west of Downend Rd (P/20/0912/OA) has taught that computer modelling is unreliable, completely refuted by the lived experience of residents and councillors alike. Already the PM2.5 levels in Downend exceed the World Health Organisation limits of 10micrograms per m3 per annum. During term time we see hundreds of children walking to school past stationary vehicular traffic on Downend Rd and the A27. The committee will be aware that air pollution has been recorded as a cause of the tragic death of a 9 year old Londoner. Additional traffic in this area would have a significant deleterious effect on the health and well-being of the residents and school-going population of Downend. This proposal is unsound and we urge that you remove it from the local plan.

What modification(s) is necessary to make the Revised Pub...

The housing allocation must be redistributed or altered. Development must be sustainable and not rely on private automobiles for transport.

How would the modification(s) you propose make the Revise...

It is incumbent on the Council to identify suitable alternatives to the site which do not have a deleterious impact on the health and well-being of residents and to stipulate the requirements for cycling, walking and public transport alternatives.

Your suggested revised wording of any policy or text:

Removal of the section Land to the north-west of Porchester from the Local Plan

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

White, Lauren

From: Shaun Cunningham [REDACTED]
Sent: 25 July 2021 18:03
To: Shaun Cunningham
Subject: Local Plan

Final thoughts on the local Plan.

Wish to make further representations on the Draft Local Plan currently out for public consultation. Please pass on my thoughts to the inspector.

History

The present version is the 3rd attempt Fareham Borough Council has endeavoured to bring forward a plan that meets its legal obligations and to fulfil the test of soundness.

The first venture was shredded due to the government publishing a new National Planning Policy Framework (NPPF) making the draft hopelessly flawed although large parts of the evidence base endured the NPPF's remodelling and the government changes to the methodology Councils use to calculate housing need.

The second attempt ended in a catastrophe calamity when senior Councillors tried to second-guess the Office for National Statistics data-set the government would use in their prospective housing need calculation. The housing need figures the Council used in that second draft was a high-risk strategy based on nothing else but prayer.

The Council blames the government for backtracking but the truth is the Council were gambling and took a huge risk that spectacularly backfired. Of course, the Government in the eyes of FBC became the convenient excuse to blame for FBC misadventure, however, their adventure was always going to end in tears. Mystic meg could have done a better job of predicting what was coming down the road.

There was no formal commitment from the government to what data-set was to be used before their final published decision. The council took it on themselves to predict government thinking resulting in an astonishing miscalculation. To blame the government is an absurd position to take. Such blunders should be fully documented and placed within the public domain.

This brings us to the current draft.

Soundness?

Careful consideration should be given to whether the present draft meets the test of soundness.

Fareham Borough Council is saying because they are considering the Published draft the public can only comment on 3 basic questions under the heading:

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

1) Legally Compliant: Does the Plan meet the legal requirements for plan making as set out by planning laws?

2) Sound: Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?

3) Complies with the Duty to Co-operate: Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

Fareham Borough Council Conveniently has short-circuited the process they lawfully have to follow.

This 3rd Draft plan hasn't been subject to the proper due process. There are substantial changes between this draft and the second draft.

What is important here, several sites that were in the first draft were removed from the second draft. Some sites are being considered for the first time in the third draft (present draft).

Updated Information on the various proposed development sites now incorporated in this 3rd draft have not had full and proper scrutiny.

Many of the sites within the Draft Plan are new or have seen information on how the site will come forward updated and yet the public are told they are not allowed to comment on the fine detail.

Fareham Borough Council is clearly saying:

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comments on three specific questions.

The question is what are the options? What opinions?

The second draft did not lay out any alternatives while the third, the present draft presently out for consultation, has major changes to it that will have huge ramifications for local communities and yet the public are informed they have missed the boat for making any comment. It is an absolute disgrace. This whole process is driven by politics and not what is in the interests of local communities.

I refer you to the representation forwarded to you made by Mrs Hillary Megginson who elegantly sets out why this plan is unsound and sets out important errors within the current draft.

Fareham Borough Council has dismissed Mrs Migginson's informative work, however, it is my opinion Fareham Borough Council has a case to answer and I hereby request the appointed inspector addresses the issues raised and ask the inspector to address Mrs Migginsons points.

Final Point

The Downend West site in Portchester and the Newlands site in Fareham South have both been include in the latest draft plan and yet the public is informed they are not allowed to make any comment as to why they are included in the draft plan. The previous defunct plan had no mention of them. Both sites have now been updated to demonstrate how they will come forward, important information with regard to on-site access for example and yet the public are being told they cannot comment on such detail. The Executive member of Fareham Borough Council for planning stated at a recent council meeting the Downend site, Portchester, is an important site. The Executive Leader of the Council is on public record saying, the inclusion of the sites in the plan does not mean they will be developed. The whole purpose of the draft plan is to bring forward sites to meet the projected housing needs of Fareham and importantly the public have the opportunity at every stage to make their thoughts known. It therefore begs the question, what are the alternative sites? Surely they should be laid out within this draft plan.

Fareham Borough has short-circuited the Local plan process due to their Incompetence and shortfalls in bringing forward a plan which involves tangible community involvement and not what we witness, simply a paper exercise to demonstrate to you, the inspector, the job is done.

Shaun Cunningham



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Respondent: Mr Graham Durrant (257-341331)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Many studies into the effects of living close to high voltage overhead power cables have shown an increase risk of brain cancer, breast cancer cardiovascular disease and reproductive development disorders. and with a much higher risk of childhood leukemia, how can the council say it is a "sound plan" to build houses and a school so close to the current overhead power lines. Having seen new developments in Romsey where the overhead high voltage power lines have been taken underground, rather than crossing the new housing estate, I can only concluded other planning bodies have taken the health of the local population into account.

What modification(s) is necessary to make the Revised Pub...

No new developments should be built close to overhead high voltage power lines

How would the modification(s) you propose make the Revise...

It would take into account the health of those people living in the area

Your suggested revised wording of any policy or text:

none

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

Peoples health should be more important than profit and someone needs to speak up.

FAREHAM BOROUGH COUNCIL
Received

28 JUL 2021

DEVELOPMENT
MANAGEMENT

27th July 2021

Head of Planning Strategy &
Economic Development.
Contact: Gayle Wooton

Regulation 19 Local plan Consultation (18th June 30th July 2021)

With reference to the Fareham Today Publication I wish to make the following comments.

Land to the North - West of Portchester.

I have already submitted objections to this proposed development and re-iterate the impact that up to 900 houses being built on farm land will have on the area and existing residences with an extra 3000 people and cars. Roads, lack of medical facilities schools etc. The claim that Current traffic levels and waiting times would actually reduce is nonsense and laughable!

Henry Cort Drive

The land being considered for development is a unique park land with wildlife and mature oak trees. It contains a child's playground and a well supported hall facility. It is unique to have this in an area of Fareham that has major social problems comparable to areas in London, Merseyside and Glasgow. Why are these problems there because of inconsiderate past planning approvals! To even consider destroying these facilities to build a further 90 houses adding to the areas social problems and on a school drive is again un-believable and questions the ability of the people making such proposals.

Delme Rotary

The ongoing review of the rotary appears to miss the reason for the problems. The A32 cannot handle the traffic that uses it at certain times of the day this traffic backs up blocking entry and exits on the rotary causing long delays on the A27. Regardless of any improvement to the rotary the problem is the A32.

Your sincerely

Mr D.J.Fudge

Respondent: Mr Mark Gibbard (127-271140)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

I have insufficient professional knowledge to determine if the proposed use of land to the West of Down End road is legally compliant or complies with the duty to co-operate, so i have assumed it isn't. My basis for this is that something cannot be legally compliant if the action will result in more people being injured or killed, as this surely will. I also think it is unfair to expect the average resident to comment on such matters and this may put people off from making any comment at all. My comments as to how sound the proposal is are based on 20 years living on the Causeway and using Down End road as a pedestrian, cyclist and car driver and the additional risks to each of these road users from additional housing and the resulting traffic volume.

What modification(s) is necessary to make the Revised Pub...

The proposal to use land West of Down End road, seems to assume that the land East of Down End road (Winnham Farm) will also be developed for housing. During the appeal process for the later we heard a lot about making the Down End road railway bridge safe, primarily for pedestrians, and the total disregard for peoples safety by the developers and local authority highways planners, in offering "solutions" that were cheap and ineffective. The addition of 550 houses on the land West of Down End road effectively triples these risks. There was talk of virtual pathways over the bridge, then an actual pathway but this would make the bridge too narrow requiring priority traffic signs, which will only cause vehicles to speed to beat an oncoming vehicle across the bridge and actually make it less safe. The next step would be traffic lights to control vehicles crossing the bridge, but imagine the chaos on the many busy days with vehicles backing up waiting for the lights and the effect on people getting in/out of the Thicket and the Causeway. I say this truthfully, there have been times when i have parked my cay in the layby opposite Winnham Farm and walked home to the Causeway because the traffic queue on Down End road to the A27 has moved so slowly. It was sadly ironic that on the day the new Fareham Today local plan special came through the door that there was an accident with a car coming South over the railway bridge and hitting a brick wall opposite the Thicket with 3 fire appliances in attendance having to cut free the occupant, this accident itself almost a year since a young lady lost her life in a car accident on the railway bridge. These events are very real ALREADY and with additional traffic use of Down End road from these housing proposals more people WILL get hurt or die, and in ignoring this the decision makers are directly responsible for that. The disregard for peoples safety is evidenced by the lack of any detail in the local plan about how the railway bridge crossing will be made safe nor anything detailing how additional roads and junction improvements will look like so we can see if it could actually work. No-one living in the area believes that the A27 / Down End road junction could be improved with any practical measures to deal with the additional traffic and ease the traffic queues that ALREADY regularly back-up beyond the railway bridge from the traffic lights at the A27. How does the proposed service road from the land West of Down End road connecting to the link road between Fareham and the M27 J11 look like? Let us see this detail because without it no-one will believe any traffic model that tries to tell us some sections of road should see reduced traffic. So the proposed use of land West of Down End road needs to be removed from the local plan to make it legally compliant and sound, because only then will the risk to the safety of people not be made worse.

How would the modification(s) you propose make the Revise...

Traffic volumes will not increase and the risk to the safety of people using Down End road and the railway bridge will not be made worse.

Your suggested revised wording of any policy or text:

Removal of the use of land West of Down End road.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To understand better the proposals and get my point of view heard and represent my neighbours who share my concerns.

Respondent: Ms Lesley Goddard (307-351613)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Another large slice of green (although due to the M27 and lack of sound barriers) not pleasant land to be built on. We need to build up not out. Let's build over every car park - leaving space (for now) for cars to park below - in Fareham, with nice green and higher rise homes.

What modification(s) is necessary to make the Revised Pub...

Over the decades you can see green space nibbled away - each time only a fraction built on. If we must build more homes (and I can see that central government has put you in an untenable position over this), let's build up, rather than out. We have a duty of care to our descendants to leave them a world which is liveable.

How would the modification(s) you propose make the Revise...

Expect development to be far closer to carbon neutral and set aside sufficient land for rewilding - trees and bogs do so much more than grass for reducing climate change gases.

Your suggested revised wording of any policy or text:

Fareham has a policy to build up rather than out.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Local Plan Feedback Form (Original Scanned also)

Mrs Iris Grist



Comments:

Paragraph 2.12 “Maximise development within the urban area and away from the countryside”

Paragraph 3.6 Settlement boundaries

Paragraph 3.9 Areas of special landscape quality e.g. Portsdown Hill, This is outside the defined urban area, is in the countryside and is on Portsdown Hill

Policy HA56- Down End Road West

Housing Allocation Site- HA56 Down End Road, West

Not sound

What Modifications is necessary... Take any site, east or west of Downend Road out of the plan. It is a lie to say that these two sites are not on Portsdown Hill. 3.9 says that Portsdown Hill is an area of ‘special landscape quality’

How would the modifications make the Plan legally compliant or sound?

It actually says that there are no housing allocations on Portsdown Hill, so it is unsound to add HA4 and HA56. So these areas should be taken out of the Plan.

No I don't want to take part in a hearing session.

Respondent: Mr Arthur Hackney (307-17198)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

While it is acknowledged that the land either side of the Motorway Approach Road (A27) is not a recognised Strategic Gap it has nevertheless always been valued as an important buffer zone on the eastern flank of the village. If the west of Downend Road scheme goes through a dangerous precedent is likely to be established. WVCA strongly supports the Council's purported policy of retaining green spaces, protecting valued landscapes and wildlife, preserving district communities, and retaining buffers of green spaces. Given the findings of your own Landscape survey, even development on both sides of the Downend Road would cause character and appearance damage, especially on the western side of the road - which would intrude substantially into the lower slopes of Portsdown Hill. If development extended across the A27 the landscape quality would become non-existent. All this would seem to be at odds with the Fareham Local Plan 2037 Vision at Section 2.10, which states inter alia that: 'Fareham Borough will retain its identity, and the identity of individual settlements within the Borough, through measures that seek to retain the valued landscapes and settlement definition. The natural, built and historic assets of the Borough will continue to be protected, alongside the Borough's many valued open spaces, sports provision and leisure and community facilities.'

What modification(s) is necessary to make the Revised Pub...

Put the extension to the west of Downend Road on hold as contingency until space is available elsewhere – notably at Welborne. The expected better connection to the M27 would probably benefit residents originating from Portsmouth or Gosport.

How would the modification(s) you propose make the Revise...

Scaling down would lessen the risk of settlement coalescence and might avoid the appalling congestion consequences of inserting a new junction into the motorway approach road.

Your suggested revised wording of any policy or text:

Extension into the area west of Downend Road will be phased in as conditions require and only with proven need.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



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PO16 7AZ

Enquiries to	Neil Massie	My reference	FBCLPReg19
Direct Line	[REDACTED]	Your reference	Reg19Consultation
Date	29 July 2021	Email	[REDACTED]

Sent by email to: PlanningPolicy@fareham.gov.uk

For the attention of Gayle Wootton

Dear Sir,

Thank you for consulting the County Council on the Revised Publication Local Plan (Regulation 19 consultation). This response is provided in the County Council's capacity as the local highway authority, local education authority, lead local flood authority and the minerals and waste planning authority.

Local Highway Authority

The County Council is the local highway authority (LHA) for all roads in Hampshire, except for motorways and trunk roads, and this response is concerned with the potential highway and transportation impacts of the land use proposals set out by the Borough Council on the local road network. The County Council's primary concern as local highway authority is the efficient use, management and maintenance of the local highway network. Ensuring that all new development mitigates its impact on the Hampshire network is the function of the local highway authority.

The LHA submitted comments in December 2017 and February 2020 in response to the Draft Local Plan Regulation 18 consultations, and more recently in December 2020 in response to the Regulation 19 consultation. These comments remain valid and should be considered in conjunction with this response.

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

The LHA's comments in response to the changes proposed in the Revised Publication Local Plan (June 2021) are set out below.

Transport Assessment

The strategic transport assessment (TA) evidence base for this consultation is the September 2020 version submitted as part of the evidence base for the Publication Plan consultation in November 2020. Before the publication of the TA there were several changes to the growth scenarios which have resulted in alterations to the number and location of the development sites. These changes are reflected in the previous consultations on the draft local plan.

The SRTM Modelling report (May 2020) and TA use the growth scenario and housing number of 12,169 dwellings which includes the two proposed Strategic Growth Areas (SGAs). This housing number with the SGA proposals represents the growth scenario with the highest housing number and was not proposed in any of the versions of the draft local plan. The growth scenario in the Publication Plan (2020) represents the lowest housing number of 8,389 dwellings. Whereas the growth scenario in this Revised Publication Plan (2021) is 10,594 dwellings.

The SRTM modelling report (May 2020) sets out the Baseline, the Do Minimum (with local plan development) scenario and the Do Something (with mitigation) model runs. As the proposed Strategic Growth Areas were included in the Do Minimum scenario the strategic modelling used a higher housing number than is currently proposed in the June 2021 Revised Publication Plan. A Technical Note (2021) in support of the Revised Publication Plan was produced to provide a high-level assessment of the potential differences between the development scenario modelled in the TA and the development scenario within the Revised Publication Plan. The report concludes in paragraph 4.1.2 that *'Given the quantum of allocated development proposed is now lower than previously tested, it is anticipated that the overall transport impacts of the proposed allocations are likely to be capable of mitigation.'* The report also concedes that *'There may be additional mitigation requirements, particularly in localities where development has increased, and further work will be undertaken to assess this.'*

The LHA would have preferred to see the results of an additional strategic model run which more accurately assessed the differences between the development scenario modelled in the TA and the development scenario within the Revised Publication Plan. In the absence of such evidence the LHA is unable to form an "evidence led" view of the likely impact of the development scenario presented in the Revised Publication Plan.

The LHA notes that the Revised Publication Local Plan reduces the overall amount of housing development compared to the development scenario in the TA. The reduction is principally as a result of the removal of the formerly proposed SGAs although the level of reduction is offset by new site allocations (e.g. west of Down End and south of Longfield Avenue) and by increases in proposed allocations at a number of other sites

(e.g. Fareham town centre). This means the revised development proposals represent a different development scenario to that tested under the TA. The LHA note that there is no updated evidence to show the impact on the highway network of the development scenario presented in the Revised Publication Local Plan. The consequence of this is that localised impacts of development subject to the plan revisions have not been fully tested. Whilst the LHA do not contend that this makes the plan invalid or undeliverable it will mean there is a risk that some transport issues and the need for additional mitigation will be identified in latter stages of the plan making process and through site specific transport assessments.

Development strategy

The LHA acknowledges that the Revised Publication Local Plan proposes a higher housing need than in the previous draft Publication Plan. This higher housing need is in response to a higher level of housing growth proposed by Government in December 2020. The consequence of a higher housing need is a change to the development strategy with the inclusion of new housing sites and increases in proposed allocations at several other sites.

South of Fareham Strategic Growth Area

The LHA previously submitted an objection (Regulation 18 consultation in Feb 2020) to the principle of the designation of a South Fareham SGA and the possible detrimental impact on Stubbington bypass resulting from development in the SGA. The Revised Publication Plan proposes a new development strategy which replaces the South of Fareham SGA with two new allocations (HA54 and HA55). The two allocations (HA54 and HA55) are proposed as extensions to the urban area with no direct access on to Stubbington bypass.

The LHA supports the removal of the SGA which straddled Stubbington Bypass and supports new policy HA55e for Land South of Longfield Avenue which states the site should have 'no direct access onto the Stubbington bypass'. This allocation focuses development with access to the north towards Fareham and existing transport and community facilities which will reduce the potential impact on the local highway network around Stubbington. For these reasons the LHA removes the previous objection to the SGA and is content with the change in the development strategy and new policy wording.

However, through the next stages of the plan making process and site-specific transport assessments the LHA will need to be reassured that the edge of town allocations HA54 and HA55 will not impact the local highway network including Stubbington Bypass and that any impact on the network can be adequately mitigated. In this way the LHA will be able to make an informed and evidence-led decision on the scale of impact on Stubbington Bypass.

Edge of town sites replacing Strategic Growth Areas

The LHA acknowledges that the SGAs (totalling 2,150 houses) have been replaced with 3 new housing site allocations on the edge of the built-up areas (totalling 1,980 houses). In the case of the North of Fareham SGA this has in effect been replaced with a new allocation HA56 Downend Road West which together with the existing HA4 Downend Road East allocation (of 350 houses) totals 900 houses. The South of Fareham SGA has been replaced with new allocations HA55 South of Longfield Avenue on the southern edge of Fareham and HA54 East of Crofton Cemetery on the northern edge of Stubbington which together total 1,430 houses.

This development strategy assumes that the new allocations on the edge of town will have easy access to existing facilities with the opportunity to use sustainable and active travel modes. To achieve this aspiration requires a master-planning approach to the individual sites which considers the location of existing facilities and the integration of existing non-car infrastructure (e.g. bus/cycle/pedestrian routes) with the new on-site infrastructure in order to improve accessibility for all and provide travel choice without the need to use the car. This is the opportunity to provide good quality cycle infrastructure which encourages cycling for the short trips which would otherwise be made by car.

Site-specific TAs will be required at the planning application stage to fully assess the impact of the edge of town development sites and to apply the sequential approach to assessing the mitigation measures required starting with active travel and public transport options before considering highway capacity options as set out in amended policy TIN2 Highway Safety and road network.

Development allocations

HA54 Land east of Crofton cemetery

This is a new housing site allocation which previously formed part of the South of Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas. The HA54 policy text is vague and does not mention the requirement for cycle and walking connections to the site.

The LHA recommend that new policy text is added to specifically refer to the requirement: for walking and cycling routes from the site to existing local shops, Fareham and Stubbington village.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport to ensure the site can be accessed by non-car modes.

HA55 Land south of Longfield avenue

This is a new housing allocation which previously formed part of the South of Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas.

The HA55f text for walking and cycling provision in policy is unclear and muddled and does not refer to the cycle routes. The LHA recommend that new policy text is added to specifically refer to: the provision of cycle routes from the site to key destinations including the existing local shops, Fareham railway station and Stubbington village.

The LHA recommends that HA55j policy text needs to include the following additional text: off-site highway improvement works and contributions to the A27 corridor for walking, cycling and public transport schemes.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport and ensure the site can be accessed by non-car modes.

HA56 Land west of Downend

This is a new housing site allocation which previously formed part of the North Fareham SGA. There is no evidence that the site can be easily accessed by sustainable transport modes or that there is the opportunity to provide good walking and cycling routes from the site to the existing urban areas.

The LHA recommends that HA56j policy text needs to include the following additional text: off-site highway improvement works and contributions to the A27 transport corridor for walking, cycling and public transport schemes.

Additionally, the LHA recommend the addition of new policy text to refer to Policy TIN1 sustainable transport to ensure the site can be accessed by non-car modes.

Policy TIN1 sustainable transport

The LHA supports the amendments to this policy. In addition, the LHA recommend that the supporting text should add that: new cycle routes within and off-site should comply with the latest DfT cycle design guidance LTN 1/20 and should include improvements to existing cycle routes where the existing provision is substandard.

TIN2 Highway Safety and road network

The LHA supports the policy amendment and supporting text to reflect the sequential approach to assessing the mitigation measures required for a development site.

This sequential approach should also be applied to the highway mitigation schemes identified in the TA and listed in paragraph 10.15. There are other solutions for mitigating the transport impacts from local plan development which are more in line with the Government's new policy agenda on decarbonising transport and the County Council's emerging Local Transport Plan 4.

The LHA supports the amendment to paragraph 10.16 which recognises that the Parkway/Leafy Lane junction identified in the Strategic Transport Assessment does not warrant a mitigation scheme for increased junction capacity but a scheme more in line with its traffic management role in a residential area.

Bus Rapid Transit - Policy TIN3 Safeguarded Routes

The LHA supports the new supporting text in paragraph 10.24 which now refers to the future extensions of the SEHRT.

Climate and Air quality

In view of the newly released government Transport decarbonisation plan (14 July 2021) and the emerging Hampshire Local Transport Plan 4 the LHA wishes to be reassured that Fareham Borough Council is satisfied that the Revised Publication Plan goes far enough in supporting the Government and County Council's policies on climate change that have been announced during the local plan preparation process.

This is in respect of Hampshire County Council's adopted climate change strategy (July 2020) and targets to be carbon neutral by 2050 and resilient to a two degree rise in temperature. For Hampshire to meet these targets, which are in line with Government legal requirements, land-use planning and transport policies at the local district level need to play a strong role and are likely to be most effective at the plan making stage.

The Revised Publication Plan identifies road transport emissions as the main source of air pollution therefore given the connection between road transport, local plan allocations, air quality and health, the LHA recommend that there needs to be cross-referencing on air quality within the Climate, Natural Environment and Transport chapters to reinforce the message.

Lead Local Flood Authority

The County Council is pleased to note the inclusion of Strategic Policy number 11 which explains how the Fareham Borough Council plans to respond to predictions of climate change, particularly in relation to the risk of flooding and coastal erosion. The County Council also notes that policies CC1 and CC2 which set out the use of Strategic Flood Risk Assessments, sequential testing, the use of green/blue infrastructure and Sustainable Drainage Systems. Additionally, the County Council notes that Flood Risk Maps have been consulted for each of the sites in the plan.

However, the Local Plan does not mention whether Hampshire County Council's Local Flood and Water Management Strategy has been consulted, and it would obviously be beneficial for the borough council to be aware of the Hampshire wide strategy for flood risk. The County Council would recommend that that the strategy be referenced in the local plan, with the suggested wording set out as follows: 'This policy has been written in line with the principles of the [Lead Local Flood Authority for Hampshire's Local Flood and Water Management Strategy](#).

Minerals and Waste Planning Authority

The County Council is pleased to note the requirement for a Mineral Assessment as part of a development and employment site allocation has been included in the local plan. However, the County Council provides the following minor technical comment on the latest version of the Local Plan.

In relation to Policy E3: Swordfish Business Park, it has been identified that this particular site does not lie within Hampshire County Council's Minerals Consultation Area, and so neither a Mineral Assessment nor Mineral extraction need to be considered for development in this area, as noted under section m) of this policy.

The County Council however reaffirms that the other allocated employment site also on the Daedalus site, Policy E2: Faraday Business Park, is within Hampshire County Council's Minerals Consultation Area and so should keep its wording surrounding Mineral extraction, which has been added under section m) of this allocation.

I trust that these comments are of assistance to you. If you wish to discuss any of the comments raised, please do not hesitate to contact Neil Massie on 0370 779 2113 who provides the coordinating role for the County Council on Local Plan responses.

Yours faithfully,



Stuart Jarvis
Director of Economy, Transport and Environment

White, Lauren

Subject: FW: Representation on Regulation 19 Local Plan Consultation (18th June – 30th July 2021)

From: Alan Hawkins [REDACTED]

Sent: 30 July 2021 14:23

To: Consultation <Consultation@fareham.gov.uk>

Cc: suella.braverman.mp@parliament.uk

Subject: Representation on Regulation 19 Local Plan Consultation (18th June – 30th July 2021)

Dear Sirs,

This proposed draft plan is still fundamentally flawed, the government's housing target of 2014, of between 250 and 300k peryear up to 2041 was known to be incorrect, as reported by 'The Times' of 21/09/2018. The prediction by the Office for National Statistics was actually 159k, which means the target should have been between 275 and 330 units per year rather than the proposal at the time of 520. We have seen 'land West of Downend Road' incorporated in the draft plan for early 2020 as a 'strategic growth area for longer term growth up to 2050, apparently as a contingency for use if other councils had a shortfall. This area was removed completely from the plan when the figures produced by the professional organisation (NSI), rather than a government organisation were adopted. This I believe led to the version of the plan which we were apparently asked to comment on at the end of 2020, and probably would have been happy with in respect of 'land West of Downend Road'. Since then there appears to have been a mutant algorithm adopted by the government, leading to higher housing numbers for higher priced areas, in other words more housing fuelled by the price rises coming from the stamp duty holiday. It would appear that we have now also reverted to using the flawed 2014 target, with an additional quota thrown in for good measure, giving rise to over 530 units, although it seems to be impossible to discover the exact current policy or the 'reasoning' behind it.

It is quite impossible for the layman to keep up with the endless dithering and bickering between central and local government, but it is a fundamental principle of our democratic system that central government should allow local government to have control. The new proposed planning policy from central government would mean that the local community would have no say whatsoever in what is built on an area designated for growth, hence all sites identified for development in the draft plan would progress to 'growth' and become a free for all in a charter biased towards developers. It was not surprising to discover a report in last week's 'Times', following an investigation by Transparency International, which showed that the current political party in charge of central government have 20% of their funding provided by property developers. Obviously green field land will be immediately cherry picked by developers, and it is noted that 'Land West of Downend Road' in any case, no longer has a strategic growth tag in the current version of the draft plan. 'Land East of Downend Road' is controversially still in the plan, despite being rejected twice by the local government responsible for the plan, and once on appeal. Yet another appeal is pending.

Focussing on this particular land, it is sad to see good farmland, and a part of the countryside quite separate from existing housing, now being proposed as 'edge of town living', a euphemism for urban sprawl. It is quite bewildering how a survey has suggested that 550 units plus the 350 units East of Downend Road, will actually alleviate traffic problems in the area. The 'magic' link road proposed across the Western site will actually provide an excellent rat run to Downend Road, and The Thicket for motorway traffic heading for Portchester, adding to existing problems. The recent pandemic has highlighted the value of country footpaths, such as those round the perimeter of site, and Paradise Lane, which traverses the site. I was under the impression that walking is something the government wishes to encourage, but perhaps walking in a clean and quiet environment for fitness and wellbeing is to be discouraged. The pandemic, plus Brexit, has also highlighted the value of farmland, and the need for our country to be self sufficient in food production. It would be a great pity for the entire farmland between

Portchester and Fareham to be designated for concrete and tarmac laying, with the sound of a skylark being lost for future generations, who will no longer have the benefit of accessible countryside beyond the edge of town.

Many residents will feel intimidated by the request to categorise comments as 'legal compliance', 'soundness', or 'meeting the duty to co-operate', and many will also feel that while they are invited to 'Have Their Say', nobody will damn well listen. Perhaps it is for the council to categorise each individual comment, or maybe classify it all in the 'unsound' category.

At the very least this plan is not fit for purpose, and central government are largely responsible for that and must be challenged. It is not acceptable to present this latest version of the plan to us as a 'fait accompli', with no alternatives. This version looks set to be adopted, despite being the most damaging of all to the environment, and transgressing the most council rules and guidelines for development. The inspector should be presented with all of the many iterations of the plan, together with all associated comments, as residents may be under the mistaken assumption that all their previous comments, often carefully prepared, will be taken into consideration, rather than mostly consigned to the waste bin. Sadly it is in fact doubtful that not a single comment will have any influence whatsoever, in what will likely be a 'rubber stamp' process.

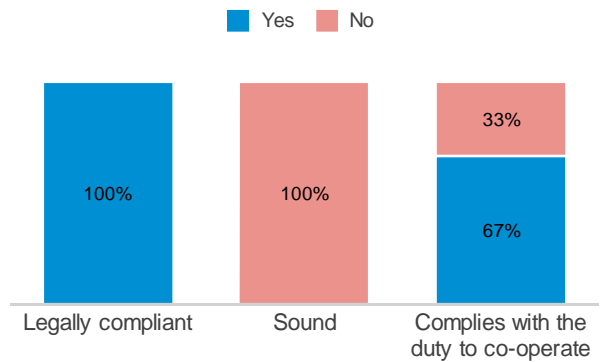
Please 'Get Welborne Done', limit other development to brownfield and urban sites, and take time to recall and honour all the broken promises made to the Fareham electorate during preparation of the local plan.

Regards,

Dr Alan & Mrs Margaret Hawkins,



	Legally compliant	Sound	Complies with the duty to co-operate
Total	3	3	3
Yes	3 100%	0 0%	2 67%
No	0 0%	3 100%	1 33%



Respondent: Professor Richard Healey (307-291622)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Soundness requires the local plan to be justified, i.e. to provide a strategy taking account of reasonable alternatives. The current plan does not do this for transport infrastructure changes associated with Policy HA56 needed to provide 'improvements and enhancements to the local network' (TIN2). Specifically, the implications of the 'link road' shown on the map of HA56 are not properly thought out. Though the map implies vehicle access at both ends, the June 2021 Downend Sites Highway Review document states that the traffic modelling assumes all vehicular access is from Downend Road. The plan and evidence are therefore inconsistent. This matters a great deal to the feasibility of the HA56 Policy (and the knock-on effects to the unreferenced scheme for 350 houses on the other side of Downend Road, currently subject to a Planning Appeal by Miller Homes - it is not acceptable to treat these closely adjacent schemes in isolation because of the potentially large interaction effects, in terms of traffic volumes, especially with a planned new primary school on the HA56 site). To become 'sound' and address the traffic implications properly, the following additional provisions, which have not been considered, need to be included in the Plan at the outset: 1. Vehicular access (both entry and exit) to the HA56 site should be from both ends of the link road. This will allow cars coming off the M27 at junction 11 to enter the site without going through either the Delme roundabout or the lights at the Down End Road/A27 junction. 2. Vehicles leaving the site at the western end should be able to go down to the Delme roundabout via a slip road if required for trips into Fareham. 3. A new (single-lane?) bridge from the western end of the link road across the feeder road to junction 11 should be built to allow people exiting the site to join the feeder road via a second new slip road so they can reach the M27, again without going through either the Delme roundabout or the lights at the Down End Road/A27 junction. 4. While it is hoped most children will walk to the new primary school, provision for safe drop-off and turning by cars should be provided on the school site itself to avoid major blockage of the uphill lane on Down End Rd at the beginning and end of the school day (especially when raining). While these may appear to be 'operational details', they are crucial to avoiding yet more congestion on Down End Rd and the Delme Roundabout. By including a modest bridge as a requirement at the outset for any new house building in this location, notice will be served on developers that they cannot expect to profit from new house construction, while leaving the resulting traffic problems for others to sort out or pay for. Thank you for consideration of these important matters, which I know from conversations with neighbours, are of considerable concern, though some are finding the consultation processes very complex, owing to the large amount of documentation involved and the difficulty of spotting where inappropriate assumptions have been made, e.g. in relation to the traffic modelling mentioned above.

What modification(s) is necessary to make the Revised Pub...

For the transport infrastructure proposals to become sound, the missing points raised in my comments above would need to be included (and the necessary changes made to the indicative plan (figure 4.5) of Policy HA56)

How would the modification(s) you propose make the Revise...

They would demonstrate that feasible alternative transport arrangements (slip roads/bridge) to those originally proposed can be considered and implemented.

Your suggested revised wording of any policy or text:

It is more a case of changing the indicative plan (figure 4.5) map

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Marshall (287-5188)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Duty to co-operate is not applicable. NB This observation is on the totality of Policy TIN2 and paragraphs 10.1 - 10.19 The transport evidence is out of date and incomplete. The Plan introduces a significant new highway proposal in relation to the site West of Downend Road. The proposed link road through the site to a new junction on the A27 (link to M27 J11) is considered in the Downend Sites Highway Review, which relies on a significant body of work carried out during 2017-2020 in relation to planning applications. This work does not appear to be in the public domain. It refers to the use of the Sub-Regional Transport Model (SRTM) and identifies significant changes to traffic flows on key junctions. However, the SRTM (September 2020) included in the evidence base does not include this proposed new link road and junction and there are no references to it in the Strategic Transport Assessment.

What modification(s) is necessary to make the Revised Pub...

Prepare, publish and carry out consultation on an up-to-date Strategic Transport Assessment and SRTM. Publish the evidence prepared to support the proposal for a link road through the site west of Downend Road to a new junction on the A27 (link to M27 J11) that is referred to in the Downend Sites Highway Review

How would the modification(s) you propose make the Revise...

It would meet the requirement for a comprehensive and up-to-date evidence base.

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others.

Respondent: Mr John Bolwell (246-401129)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The objective truth is that regardless of attempts to reduce traffic load on the roads infrastructure all housing development will add to traffic congestion. Any new housing south of the M27 will force additional traffic through the already saturated Fareham Tesco roundabout or Segensworth as it seeks to access the M27 - the idea of adding demand to the Tesco roundabout is fundamentally unsound. The Stubbington bypass - a good idea in theory - is being constructed as a single carriageway, meaning that it will very quickly fill to capacity. This cannot be a sound policy. Sound policy would have made it a dual carriage way. Traffic congestion already makes living in Fareham a misery; were it not for the costs involved we would be moving away. Running any traffic infrastructure at or close to its theoretical capacity is of its nature unsound. There is no better example of this than Heathrow airport, now operating at 99% of theoretical capacity: it's as busy as Paris but with only half the runway capacity, meaning that the smallest operational issue leads to misery for everybody. The only sound policy is to force all new housing north of the M27.

What modification(s) is necessary to make the Revised Pub...

Only build new housing north of the M27

How would the modification(s) you propose make the Revise...

It would stop further congestion through Fareham and Segensworth

Your suggested revised wording of any policy or text:

There will be no new housing developments south of the M27.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Technical Note 04

Project:	Highways England Spatial Planning Arrangement 2016-2024	Job No:	60659714 / SF001.005
Subject:	Fareham Revised Publication Draft Local Plan 2037 and Supporting Documents Review		
Prepared by:	Kimberley Pettingill	Date:	21st July 2021
Checked by:	Andrew Cuthbert	Date:	22nd July 2021
Verified by:	Liz Judson	Date:	22nd July 2021
Approved by:	Andrew Cuthbert	Date:	23rd July 2021

Executive Summary

Following a review of the Revised Regulation 19 Fareham Publication Draft Local Plan 2037 and documents prepared in support of the 2037 Fareham Local Plan, AECOM make the following recommendations.

Recommendations regarded as critical to the acceptability of the forthcoming Local Plan

None

Recommendations regarded as important but not critical to the acceptability of the forthcoming Local Plan

1. Clarification should be sought with regards to the housing figures used within the SRTM model (for both the 2036 baseline, and 2036 Do Minimum scenarios). (para 5.12).
2. The SRTM modelling should be updated to reflect the level of anticipated employment growth identified within the revised PLP. (para 5.14).

AECOM advise Highways England to formally raise the concerns highlighted in this note in the consultation response to the Revised Fareham Publication Draft Local Plan 2037 Draft Transport Strategy and to continue to work with Fareham Borough Council and the other stakeholders to resolve the issues identified.

Technical Note 04

1. Introduction

- 1.1. This Technical Note (TN) documents a review, carried out by AECOM on behalf of Highways England, of the Revised Regulation 19 Fareham Publication Local Plan (the PLP). The purpose of this review is to understand the impact of the proposed Local Plan site allocations within Fareham on the Strategic Road Network (SRN) and to determine whether sufficient highway infrastructure and mitigation is proposed to accommodate the planned growth.
- 1.2. AECOM have previously undertaken four tasks in relation to the Fareham Local Plan with the initial work being reported in AECOM TN01 and TN02. TN02 documents AECOM's review of the Fareham Local Plan 2036 Supplement document, which set out the plan for future development within Fareham and was an extension of the 2017 Draft LP which had already been consulted on. Within the LP Supplement, the development strategy and housing sections of the 2036 plan had been updated to reflect the increased housing requirements for Fareham. The work reported in Briefing Note BN03 reported on the responses received from the Local Planning Authority and their Consultants to the issues raised in TN02. The most recent work reported in TN03 was a review of the previous (since revised) Regulation 19 Fareham Publication Local Plan whereby AECOM determined that the LP had changed since the previous AECOM review and assessed whether the amendments were likely to have a detrimental impact on the SRN.
- 1.3. The purpose of this review is therefore to determine what has changed within the revised PLP since the last AECOM review (presented in TN03), and to assess whether any of the amendments are likely to have a detrimental impact on the SRN .
- 1.4. The documents, issued by Fareham Borough Council (FBC) for consultation under Regulation 19 (Town and Country Planning Regulations 2012) and included in this review are as follows:
 - Fareham Publication Local Plan 2037 Revised;
 - Revised Publication Plan Technical Transport Note (June 2021); and
 - Highways Technical Support for Local Plan Downend Sites (June 2021).
- 1.5. It is noted that the following documents have not been updated since AECOM's previous review, and therefore a detailed review has not been undertaken. However AECOM have undertaken a high-level review of these documents in light of the changes within the most recent Local Plan:
 - Infrastructure Delivery Plan 2020;
 - Strategic Transport Assessment (Atkins, September 2020) and supporting appendices; and
 - Strategic Transport Assessment SRTM Modelling Report (Systra, August 2020).
- 1.6. The PLP contains strategic priorities, policies and allocations which aim to achieve sustainable development in the Borough, whilst also identifying and protecting its valued assets. The PLP sets out what the Council considers are the opportunities for development and policies on what will or will not be permitted and where. The plan aims to ensure beneficial and high-quality development to meet the future needs of its residents, workers and visitors, whilst protecting its most valued natural and man-made assets such as landscapes, settlement character, heritage and community buildings.
- 1.7. The IDP is a supporting document to the PLP. It outlines the existing and planned infrastructure improvements required to accommodate LP growth.
- 1.8. The SRTM report forms part of the evidence base for the PLP, and informs the modelling section of the Strategic Transport Assessment (STA). AECOM have previously reviewed, on behalf of Highways England, both the initial version of the SRTM report (issued July 2019) and the updated version (issued in January 2020). These reviews are reported in our TN01, TN02 and BN03, dated October 2019, February 2020 and April 2020, respectively. Within these reports AECOM made a number of recommendations for additional assessment to be carried out to support the LP.

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- 1.9. AECOM will undertake a general high level overview of the Revised Publication Draft of the Local Plan (and relevant supporting documents) to determine what has been amended since the previous review and that nothing significant has been introduced that would be a threat to the SRN.
- 1.10. AECOM will review the latest LP consultation documents listed above against our previous recommendations from TN01, TN02, BN01, and TN03 to determine whether these have been addressed. This TN04 will highlight any potential points of concern to Highways England and advise whether it would be appropriate to make any representations to the consultation documents, with a view to protecting the safe and reliable operation of the SRN.
- 1.11. The revised PLP represents the 'Publication' stage of the Local Plan process. It is the result of updating and merging the Regulation 18 Draft Local Plan and Supplement taking into account the changes to national policy and guidance as well as comments received during the consultation exercises. This is the final stage before the Local Plan is submitted to the Secretary of State for independent examination. This Regulation 19 Local Plan consultation period is open until **Friday 30th July 2021**.
- 1.12. For ease of reference, AECOM's main comments and recommendations are presented in bold and underlined text throughout the note. Recommendations regarded as critical to the acceptability of the PLP are coloured **red**. Recommendations regarded as important but not critical to the acceptability of the PLP are highlighted in **amber**.

2. Background

- 2.1. Fareham Borough Council is the Local Planning Authority for a significant area within South Hampshire between the cities of Southampton and Portsmouth.
- 2.2. The development strategy proposed by the Revised Local Plan includes:
 - Provision for at least 9,556 new residential dwellings and 121,964m² of new employment floorspace (the previous PLP proposed a minimum of 7,295 houses and 104,000m² employment floorspace);
 - The strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200m² of employment floorspace over and above that already planned for;
 - Strategic opportunities in Fareham Town Centre that contribute to the delivery of at least 961 dwellings as part of a wider regeneration strategy (the previous PLP proposed 428 dwellings); and
 - Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas.
- 2.3. Fareham is served by the M27 Motorway, with M27 Junctions 9, 10 and 11 lying within the Borough. Highways England are therefore concerned with the impact of planned growth on the safe and free-flow of traffic using the M27 and whether sufficient infrastructure and mitigation is proposed to accommodate this growth.
- 2.4. The Fareham PLP consultation documents (listed in para 1.4 of this TN) have been reviewed in the context of DfT Circular 02/2013 and Highways England's 'Planning for the Future' guidance, which provides an outline of matters that will be considered when Highways England are engaged in the local plan process. It states that Highways England will "*seek to provide a recommendation as to the soundness of proposed policies and proposals in relation to their interaction with the SRN*".

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3. Revised Publication Local Plan 2037

- 3.1. FBC's current adopted local plan comprises three parts as follows:
- Local Plan Part 1 (LP1) Core Strategy (adopted in August 2011);
 - Local Plan Part 2 (LP2) Development Sites & Policies (adopted in June 2015); and
 - Local Plan Part 3 (LP3) The Welborne Plan (adopted in June 2015).
- 3.2. The Fareham Local Plan 2037 will formally replace the adopted LP1 and LP2. Local Plan Part 3: The Welborne Plan will not be replaced by the 2037 plan, but together with the new Local Plan and any Supplementary Planning Documents (SPDs), will make up the suite of planning policies upon which planning applications will be considered.
- 3.3. The Fareham Local Plan proposed plan period will cover a minimum of fifteen years from the date of adoption, which is anticipated to take place in 2022, the period will therefore extend to 2037. This period differs from that stated in earlier drafts (2020 to 2036) and has been reflected in the plan name which has changed from Fareham Local Plan 2036 to Fareham Local Plan 2037.
- 3.4. Since the publication of the previous PLP and most recent AECOM review (reported within TN03), the Government released its response to the August 2020 'Planning for the right homes in the right places' consultation in which they stated they did not propose to proceed with the changes to the formula for calculating housing need, instead retaining the existing formula along with applying an uplift to major UK cities. Their reasoning included a commitment to delivering 300,000 homes per year by the mid 2020's and that the distribution of need under the proposed methodology placed too much strain on rural areas and not enough focus on towns and cities. In addition they identified the impact of the Coronavirus pandemic on towns and cities leading to reduced demand for retail and commercial spaces stating that they want "towns and cities to emerge from the pandemic renewed and strengthened...with greater public and private investment in urban housing and regeneration". The result of their decision is that Fareham's housing need has reverted to the previously identified higher level, requiring the Council to undertake a further review of housing allocations to ensure the plan would meet the need. The resulting new housing allocations, together with any revisions informed by the Regulation 19 consultation undertaken in 2020 have led to the revised Publication Local Plan, which is the subject of this AECOM review.
- 3.5. The PLP also makes provision for an additional 900 dwellings (previous PLP, 847 dwellings) over the plan period, in order to contribute to neighbouring authority unmet housing needs (i.e. within Portsmouth City Council and Gosport Borough Council).
- 3.6. Policy H1 states that the Council will make provision for at least 9,560 new homes across the Borough during the Plan period of 2021-2037. Housing will be provided through:
- An estimated 869 homes on sites that already have planning permission;
 - An estimated 4,184 homes on sites with resolutions to grant planning permission as of 01 April 2021, including at Welborne Garden Village;
 - Approximately 3,358 homes on sites allocated in policies HA1, HA3, HA4, HA7, HA9-HA10, HA12, HA13, HA15, HA17, HA19, HA22-HA24, HA26-HA56;
 - Approximately 959 homes on specified brownfield sites and/or regeneration opportunities in Fareham Town Centre, as identified in policies FTC3-9 and BL1;
 - An estimated 1,224 homes delivered through unexpected (windfall) development.
- 3.7. The plan shows that there are sufficient sites to provide 10,594 new homes across Fareham between 2021 and 2037, which allows for an 11% contingency (over the minimum requirement) should delivery on some sites not match expectations.
- 3.8. The PLP previously reviewed by AECOM and reported in TN03, stated a requirement for a minimum of 403 dwellings per annum to be delivered over the 16 year plan period (totalling 6,448

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dwellings), with an additional 847 dwellings to contribute to unmet housing needs in neighbouring authorities. Therefore, the previous PLP identified the requirement for a minimum of 7,295 houses over the 16 year plan period. Policy H1 previously stated that the council would make provision for 8,389 new homes. This revised PLP identifies the requirement for a minimum of 9,556 new houses and proposes to make provision for 10,594 new homes. Therefore, this revised PLP includes the provision of an additional 2,205 new houses over the 16 year plan period.

- 3.9. The general locations of the areas proposed for growth are illustrated on Figure 3.1 of the PLP.
- 3.10. The proposed development sites and growth areas included within the revised PLP have been compared to those included within the previous PLP, and AECOM note that there are a number of differences, as outlined in further detail below.

Housing Allocation Policies

- 3.11. A number of additional sites are included in the revised PLP that were not previously included within the previous PLP; these are listed below:

- FTC7: Land adjacent to Red Lion Hotel, Fareham (18 dwellings)
- FTC8: 97-99 West Street, Fareham (9 dwellings)
- FTC9: Portland Chambers, West Street, Fareham (6 dwellings)
- HA46: 12 West Street, Portchester (8 dwellings)
- HA47: 195-205 Segensworth Road, Titchfield (8 dwellings)
- HA48: 76-80 Botley Road, Park Gate (18 dwellings)
- HA49: Menin House, Privett Road, Fareham (50 dwellings (net yield 26))
- HA50: Land north of Henry Cort Drive, Fareham (55 dwellings)
- HA51: Redoubt Court, Fort Fareham Road (20 dwellings (net yield 12))
- HA52: Land west of Dore Avenue, Portchester (12 dwellings)
- HA53: Land at Rookery Avenue, Swanwick (6 dwellings)
- HA54: Land east of Crofton Cemetery and west of Peak Lane (180 dwellings)
- HA55: Land south of Longfield Avenue (1,250 dwellings)
- HA56: Land west of Downend Road (550 dwellings)
- BL1: Broad Location for Housing Growth (620 dwellings)

- 3.12. It is considered that site reference HA56 (Land west of Downend Road) would be of particular interest to Highways England due to the proposed scale of the development at each site, and the positioning of the site within the vicinity of M27 Junction 11. By contrast, site reference HA55, although it is larger, is more remote from the SRN and occupies part of an area previously identified as a 'Strategic Growth Area' and already accounted for in the modelling. Site BL1 is a site within the town centre and would comprise the re-development of a shopping centre and associated car parks and similar land uses.

- 3.13. Highways England's previous response to the 'Issues and Options' consultation which took place in the summer of 2019 should also remain, that *'consideration will need to be given to assessing the cumulative impact of new sites that might be taken forward together with already planned growth in Fareham on the SRN'*.

Employment Land Provision

- 3.14. Since the previous AECOM review of the previous PLP, the Partnership for South Hampshire (PfSH) published its Economic, Employment and Commercial Needs (including logistics) Study (Stantec, March 2021) setting out the overall need for and distribution of development in South Hampshire to 2040. FBC consider that this document provides a more up to date picture of employment need than the previous Business Needs, Site Assessments and Employment Land Study (2019). This assessment identified the need for a more flexible allocation of E-class 'Office'

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and 'Industrial' employment uses rather than specific B1 (office), B2 (industrial) and B8 (warehousing and logistics) employment use classes.

- 3.15. Policy E1 of the revised PLP therefore identifies a requirement for Office and Industrial uses, with site allocations considered flexible for any type of office, industrial and warehousing/logistics employment use. It states that from 2021 to 2037, provision of 121,964m² of new employment floorspace will be supported. This is in excess of the provision of 104,000m² within the previous PLP.
- 3.16. Seven employment land sites have been allocated within the PLP, Faraday Business Park (Daedalus East), Swordfish Business Park (Daedalus West) and Solent 2, all previously identified in Local Plan Part 2 and within the LP Supplement, as well as the following four additional sites:
 - E4a: Land North of St Margaret's roundabout, Titchfield (4,000m²);
 - E4b: Land at Military Road, Wallington (4,750m²);
 - E4c: Little Park Farm, Segensworth West (11,200m²); and
 - E4d: Standard Way, Wallington (2,000m²).
- 3.17. Policies E2, E3 and E4 outline the details for Faraday Business Park, Swordfish Business Park and Solent 2 which detail similar capacity figures as reported within the previous PLP (although it is noted that 12,800m² of land is allocated for Swordfish Business Park, previously allocated for 12,100m²).
- 3.18. With regards to the additional employment allocation sites, it is considered that site reference E4b (Land north of Military Road) and site reference E4d (Standard Way, Wallington) would be of particular interest to Highways England due to the positioning of the sites within the vicinity of M27 Junction 11. Site reference E4c (Little Park Farm, Segensworth West) would also be of particular interest to Highways England due to the positioning of the site within the vicinity of M27 Junction 9.

Strategic Growth Areas

- 3.19. The LP Supplement (reviewed within AECOM TN02) proposed two Strategic Growth Areas (SGAs) within the Borough of Fareham, which were intended to play a role in meeting the total housing requirement, particularly in relation to unmet need, and were proposed as a result of the introduction of the current standard methodology which is higher than that included in the previous Local Plan. However, as the Government is consulting on a revised standard methodology which would see Fareham's need fall again, these SGAs have not been included within the revised PLP. However, the additional site allocation HA56 is on the same parcel of land previously known as 'Strategic Growth Area: Land North of Downend' and therefore a number of concerns raised by AECOM in TN02 in relation to significant amounts of development coming forward in close proximity to M27 Junction 11 may be of significance once again. In addition, the additional site allocation HA55 is on the same parcel of land previously known as 'Strategic Growth Area: Land South of Fareham', although AECOM stated that the proposed SGA south of Fareham is further from the SRN, previous concerns were raised that its cumulative impact may have the potential to affect M27 Junctions 9, 10 and 11.
- 3.20. Table 4.2 of the revised PLP shows that there are sufficient sites to provide 10,594 net new homes across Fareham Borough from 2021 up to 2037, demonstrating that housing supply is in excess of the housing requirement allowing for a contingency should delivery on some sites not match expectations. Slightly over a third (3,610) of the 10,594 are located at Welborne, where there is a resolution to grant planning permission, together with a further 1,478 on sites which are either consented or have resolution to grant status. The PLP therefore proposes a net increase of 5,506 dwellings over the plan period over and above existing commitments.

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4. Infrastructure Delivery Plan

- 4.1. The Interim Draft Infrastructure Delivery Plan (IDP) was reviewed as part of AECOMs TN02, and any outstanding concerns following the provision of additional technical material were raised in AECOM's BN03. AECOM's TN03 reviewed the current IDP, dated September 2020 and it has not been updated since, nor has the junction modelling. Therefore, this TN does not include a further review of this document. However the IDP has been referred to in the section below

5. Strategic Transport Assessment (STA) and Sub-Regional Transport Model Report

- 5.1. A detailed review of the SRTM modelling was undertaken as part of AECOM's TN01 and subsequently TN02 and BN03. The modelling and STA has *not* been updated to reflect the most recent amendments to the PLP proposed housing and employment growth figures. Therefore, this review focuses on whether the changes to the revised PLP since the previous review identified in the sections above have been accounted for in the existing STRM modelling (undertaken as part of the STA), rather than a full review of the SRTM methodology adopted. In addition, any outstanding concerns raised as part of the previous reviews have been identified.

- 5.2. AECOM's TN01 documents a review of the July 2019 SRTM Modelling Report which supported the 'Issues and Options' LP consultation in the Summer of 2019. The SRTM assessment was then updated in the January 2020 SRTM Model Output Summary Report to account for the increased housing requirement for Fareham as covered by the LP Supplement, the review of which is documented in AECOM's TN02. BN03 was produced following discussions with representatives of Fareham Borough Council (FBC), HCC and their Consultants Atkins and Systra, and the provision of additional technical material. BN03 outlined two recommendations carried over from TN02 that were still considered outstanding (both regarded as important but not critical to the acceptability of the forthcoming Local Plan). These were as follows:

- Clarification should be provided on the way in which the proposed development 'North of Whiteley' has been incorporated in to the modelling and the nature of the junction improvements assumed to have taken place at M27 Junction 9 in the scenarios modelled (AECOM TN01 para 4.4).
- The volume / capacity (v/c) plots should be provided in the SRTM Report to gain an understanding of the difference between the 2036 Baseline and 2036 Do Minimum scenarios on the M27 main line (para 5.17).

- 5.3. This information was subsequently provided.

- 5.4. The conclusions reached within AECOM's BN03 were as follows:

'AECOM's review of the results of the modelling undertaken has not identified any obvious showstoppers to the emerging Local Plan as currently proposed and this appears to be the case whether [or not] the major development at Welborne, and its associated improvement scheme at M27 Junction 10, goes ahead.'

However, there are a number of locations at which long queues are predicted, albeit the net increase in queueing attributable to the Local Plan itself appears to be relatively small. In these locations, the impact of Strategic Growth Areas and substantial individual development sites may identify a need for highway capacity-based mitigation measures as the sites concerned come forward through the Planning Application process, with Transport Assessments supported by detailed junction capacity models. In AECOM's view, these locations include the following:

- *The A27 (north) approach to the Segensworth roundabout from M27 Junction 9; and*
- *The M27 westbound off-slip road at M27 Junction 11.*

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AECOM therefore recommend that the Infrastructure Delivery Plan (IDP) associated with the Local Plan should state a potential requirement for developer-funded mitigation measures at the locations specified.'

- 5.5. It is noted that since the previous review of the IDP (reported in TN03), it has not been updated and has therefore not been reviewed in details within this TN. It is, however, disappointing that the current IDP does not explicitly define such a requirement.
- 5.6. The key changes to the LP at the LP Supplement, previous PLP and revised LP stages are shown in the table below:

Key Change	LP Supplement (full modelling check undertaken by AECOM)	Previous PLP (high level check undertaken by AECOM to identify LP changes and potential impacts on the modelling)	Revised PLP
LP Period	2021-2036	2021-2037	2021-2037
Housing growth identified	8,320	8,386 (69 additional homes in comparison to LP Supplement)	10,594 (2,274 additional homes in comparison to LP Supplement)
Strategic Growth Areas (SGAs)	Yes (included in the modelling as additional to the 8,320 proposed to be allocated)	No (but still included in the modelling)	No, but the additional site allocation HA56 is on the same parcel of land previously known as 'Strategic Growth Area: Land North of Downend' and HA55 is on the same parcel of land previously known as 'Strategic Growth Area: Land South of Fareham'
Additional Housing Sites	-	Yes, but unlikely to be a concern to Highways England in isolation	Yes, most of them are unlikely to be a concern to Highways England in isolation. Site HA56 may be a concern to Highways England due to its proximity to M27 J11.
Employment Land Growth Identified	130,000m ² (100,700m ² included in modelling)	104,000m ²	121,964m ²
Faraday Business Park	40,000m ²	65,100m ²	65,100m ²

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Swordfish Business Park	8,000m ²	12,100m ²	12,800m ²
Additional Employment Land	-	-	Additional sites E4b (Land north of Military Road) and E4d (Standard Way, Wallington) would be of particular interest to Highways England due to the positioning of the sites within the vicinity of M27 Junction 11. Site Ref E4c (Little Park Farm, Segensworth West) would also be of particular interest to Highways England due to the positioning of the site within the vicinity of M27 Junction 9.

- 5.7. The table above demonstrates that since AECOM previously reviewed the modelling undertaken, The housing growth figure has increased significantly, and the employment growth figure is higher than included within the SRTM modelling. The SGAs no longer form part of the local plan; however these sites are now included as housing site allocations (albeit with fewer dwellings proposed than the previous SGAs).

Assessment Scenarios

- 5.8. The SRTM has a base year of 2015, and forecast years of 2019, 2026, 2031, 2036 and 2041. For the Fareham Local Plan assessment, scenarios were forecast to 2036 and scenarios have been developed as follows:
- **Scenario 1** – 2036 Baseline, no Fareham Local Plan development except committed sites. Welborne (4,260 residential units) and M27 Junction 10 included.
 - **Scenario 1a** – 2036 Baseline, no Fareham Local Plan development except committed sites. Welborne capped at 1,160 residential units, no M27 10 scheme included.
 - **Scenario 2** – 2036 Do-Minimum (Do Minimum), full Fareham Local Plan development without transport mitigation measures, Welborne (4,260 residential units) and M27 Junction 10 included.
 - **Scenario 2a** – 2036 Do Minimum, full Fareham Local Plan development without transport mitigation. Welborne capped at 1,160 residential units, no M27 Junction 10 scheme.
 - **Scenario 3** – 2036 Do Something (Do Something) full Fareham Local Plan development with potential mitigation measures.
- 5.9. The above scenarios allow the net impact of the PLP on the key junctions of interest to Highways England to be quantified, whether Welborne goes ahead in full (and brings with it the proposed improvement to M27 Junction 10) or whether it is capped at 1,160 dwellings and does not bring about the M27 J10 improvement.
- 5.10. The PLP will run to 2037; however, the SRTM modelling has used a future year of 2036. No explanation has been provided within the Strategic TA/ STRM modelling report as to why this is the case. AECOM recommend acceptance of the use of 2036, which is a common year for which runs of the SRTM have been made, as a proxy for the new end-date of the PLP.

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- 5.11. For the purposes of this review, Scenarios 2 and 3 are of most interest, as these are the scenarios where the full local plan development has been included. Table 7-1 of the STA indicates that the modelling assumes an additional 6,051 dwellings over the period 2015 to 2036 with the PLP (Scenario 2) than over the same period in the baseline (Scenario 1). This is further substantiated by comparing Tables 7-3 and 7-4, where the difference between the dwelling totals in the two tables is also 6,051. Table 7-5 of the TA sets out the (previously) proposed growth in the PLP between 2021 and 2037 of 8,389 (the figure quoted in the previous PLP), which, once existing commitments (5,410) are deducted, gives a net increase due to the LP of 2,979 dwellings. There is some difficulty in reconciling these figures because one is for the period 2015 to 2036, and the other, 2021 to 2037. Nevertheless, AECOM previously reported within their review of the previous PLP (in TN03), that there appeared to be a significant discrepancy (of 3,072 dwellings) between the modelled figure and the figure in the previous PLP, given that they both purport to represent the net impact of the PLP over and above existing commitments. AECOM previously stated that they could not find an explanation for this in the TA and were concerned that the figure used may be excessive and may result in the modelling reporting more excessive delays and queueing than are likely, and potentially presenting an unrealistic prediction of the future operation of the highway network.
- 5.12. The revised PLP quotes a housing growth figure of 10,594 (2,205 more than the previous PLP) and therefore it would appear that, although this figure more closely reflects the levels included within the modelling, the housing growth assumptions used within the SRTM modelling still remain excessive. **AECOM therefore recommend that clarification is provided with regards to the housing figures used within the SRTM model (for both the 2036 baseline, and 2036 Do Minimum scenarios).**
- 5.13. Paragraph 7.24 of the STA states that the modelling includes the two potential Strategic Growth Areas (SGAs) North of Downend and South of Fareham, and this is confirmed by reference to Figure 7-2, which shows 650 dwellings North of Downend and 1,975 South of Fareham. These SGAs are no longer allocated in the revised PLP, however the additional site allocation HA56 is on the same parcel of land previously known as 'Strategic Growth Area: Land North of Downend' and proposes 550 dwellings, so a broadly similar number of dwellings as the North of Downend SGA. In addition, the additional site allocation HA55 appears to be on the same parcel of land previously known as 'Strategic Growth Area: Land South of Fareham' and proposes 1,250 dwellings. It is therefore considered that, although the SRTM modelling includes more dwellings at the above two sites than proposed within the revised PLP (within the SGAs), what is included is robust and more accurately reflects the revised PLP forecasts than the previous PLP.
- 5.14. Paragraph 7.7 of the STA states that the PLP will result in approximately 3,000 additional jobs in the Borough over the period 2015 to 2036. Paragraph 7.23 of the STA states that the employment site allocations shown in Table 7-6 of the STA have been included in the model, which shows the cumulative impact of these expansions. Table 7-6 reflects similar levels of employment site growth over the three key employment land sites (Faraday Business Park, Swordfish Business Park and Solent 2) as identified within the PLP, however it does not include for the additional four sites identified within the PLP (equating to an additional 21,950m² of employment floorspace), some of which are within the vicinity of the SRN. Therefore, on this basis, **AECOM recommend that the SRTM modelling is updated to reflect the level of anticipated employment growth identified within the PLP.**

Results

- 5.15. The previous AECOM reviews of the SRTM Report identified the following locations to be of interest to Highways England:
- Segensworth Roundabout – approach from M27 Junction 9;
 - M27 Junction 9;
 - M27 Junction 11 (including the Boarhunt Road M27 Junction 11 off-slip junction); and
 - Delme Roundabout - approach from M27 Junction 11.

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- 5.16. For the purpose of the TA, the following definitions are adopted:
- A 'significant' impact is one where a junction has an RFC of greater than 85% and there is an increase of more than 5% on any one approach arm;
 - A 'severe' impact is one where a junction has an RFC of greater than 95% and there is an increase of more than 10%, or where a delay of greater than 120 second increases by more than 60 seconds per vehicle on any one approach arm
- 5.17. AECOM agree that these are suitable thresholds for identifying junctions likely to be of particular interest in terms of traffic capacity/ congestion effects.
- 5.18. The impact of growth to the 2036 Baseline is illustrated on Figure 8-1 of the TA, where 'severe' impacts are indicated at M27 Junctions 9 and 11 and at the Segensworth roundabout, and a 'significant' impact is predicted at the Delme roundabout.
- 5.19. The net impact of the PLP is illustrated on Figure 9-1 of the STA, where 'significant' impacts are indicated at the Segensworth and Delme junctions and that M27 Junctions 9 and 11 fall below the definition of 'significant'. Whilst M27 Junction 10 is indicated as having a significant increase in traffic flows (TA para 9.5 refers), it does not meet the criteria for a 'significant' impact, presumably because the new layout proposed by the Welborne developer allows it to remain within capacity.
- 5.20. Chapter 10 of the STA reports on the results of a sensitivity test in which the impact of the PLP is tested in a scenario in which Welborne is capped at 1,160 dwellings and the improvements to M27 J10 do not take place. These indicate a 'severe' impact from the PLP at the Segensworth roundabout and a 'significant' impact at the Delme, but not at either M27 Junctions 9 or 11.
- 5.21. Chapter 11 of the STA sets out proposed mitigation schemes at a number of junctions within the Plan area. Whilst the Segensworth roundabout is indicated as having a 'significant' impact, the arm concerned (Little Park Farm Road) is stated as having a low delay per vehicles and manageable queue length. With the introduction of employment site E4c (Little Park Farm) in the revised PLP; this impact may now be different to that reported within the previous SRTM modelling. The problems presented at the Delme roundabout are described in paras 11.40 – 11.42 of the STA. Mitigation in the form of further signalisation of this roundabout is proposed, with bus lane and bus priority signals, segregated cycle lanes and improved pedestrian crossing facilities. This proposal is said to be at an advanced stage of design and to provide adequate capacity in the AM peak, in the 2036 Do Minimum, with further work required to bring the junction within capacity in the PM peak. However, in the Scenario 3 (Do Something scenario), it returns to being within capacity, with a reduction in flow predicted on the approach from M27 Junction 11. The results tabulated in the Local Junction Modelling Report indicate that the approach from M27 Junction 11 remains within capacity in all scenarios.
- 5.22. In Scenario 3, a 'significant' impact is predicted at M27 Junction 9 on the westbound off-slip. However, this is said (at TA para 12.17) to be soluble by adjustment to traffic signal timings on the A27 junctions with Redlands Lane and Bishopsfield Road.
- 5.23. The SRTM modelling report sets out in more detail the results of the SRTM model runs for the Scenarios tested. Results in terms of predicted levels of queueing on M27 slip roads, and on the approaches to the Delme and Segensworth roundabouts from M27 Junctions 11 and 9, respectively, are exactly the same as previously reported, and summarised in section 3 of AECOM's BN03. This confirms that the modelling undertaken has not been adjusted to reflect the amended housing growth set out in the revised PLP relative to previous drafts of the emerging LP.
- 5.24. Therefore, no further review of the modelling outputs has been undertaken. The previous recommendations in BN03 still stand. For reference, these included:
- *AECOM's review of the results of the modelling undertaken has not identified any obvious showstoppers to the emerging Local Plan as currently proposed and this appears to be the*

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case whether the major development at Welborne, and its associated improvement scheme at M27 Junction 10, goes ahead.

- *However, there are a number of locations at which long queues are predicted, albeit the net increase in queueing attributable to the Local Plan itself appears to be relatively small. In these locations, the impact of Strategic Growth Areas and substantial individual development sites may identify a need for highway capacity-based mitigation measures as the sites concerned come forward through the Planning Application process, with Transport Assessments supported by detailed junction capacity models. In AECOM's view, these locations include the following:*
 - *The A27 (north) approach to the Segensworth roundabout from M27 Junction 9;*
 - *The M27 westbound off-slip road at M27 Junction 11.*
 - *AECOM therefore recommend that the Infrastructure Delivery Plan (IDP) associated with the Local Plan should state a potential requirement for developer-funded mitigation measures at the locations specified.*
- 5.25. The IDP states on page 72, under 'additional information to note' that '*when considering proposals for growth, any impacts on the SRN needs to be identified and mitigated as far as reasonably possible. Highways England will support proposals that consider sustainable measures which manage down demand and reduce the need to travel. Proposed new growth will need to be considered in the context of the cumulative impact from already proposed development on the SRN and infrastructure improvements on the SRN should only be considered as a last resort.*'
- 5.26. In addition, Policy TIN2 of the PLP, 'Highway Safety and Road Network' states that:
- 'Development will be permitted where:*
- a) *There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*
 - b) *The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/ reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes.'*
- 5.27. Therefore, AECOM consider that the text contained within both the IDP and the revised PLP adequately safeguard the SRN by clearly stating that any impacts will need to be identified and mitigated. It is therefore considered that the recommendation at Paragraph 4.6 of BN03 has been adequately addressed.

6. Technical Transport Note in Support of Fareham Local Plan (2037)

- 6.1. AECOM have undertaken a review of the 'Technical Transport Note in Support of Fareham Local Plan (2037)' document (TTN) (dated June 2021). The TTN aims to provide a high level assessment of the potential differences between the scenarios modelled in the 2020 Transport Assessment and the scenario within the Revised Publication Plan.
- 6.2. The TTN highlights the 2020 Strategic Transport Assessment findings and conclusions. It then goes on to identify the changes in proposed growth within the revised PLP against those included in the previous modelling (presented in the 2020 STA) with regards to:
- net changes in the quantum of development;
 - changes in quantum of allocations; and

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- net changes in the distribution of development.
- 6.3. With regards to the net changes in the quantum of development, the TTN states that since the previous modelling was undertaken there have been a number of changes to the growth scenario within the Draft Plan as a result of changes to proposed policies regarding both housing and employment, and changes to the number of completions, permissions and windfall sites since the original model runs. The net changes across all model zones are shown in the maps shown in Figures 1-3 of the TTN.
- 6.4. With regards to the changes in quantum of allocations, para 3.2.1 of the TTN states that '*changes are proposed to both the quantum and distribution of allocations. It should be noted that the former strategic growth areas have now become allocations, and the quantum of development in these areas has changed*'. AECOM have noted these changes in the sections above.
- 6.5. Table 1 of the TTN shows the overall change in quantum of allocations only from the 2019 modelling (presented within the 2020 STA).

Table 1: Changes in quantum of proposed allocations

Allocation type	Quantum (Absolute change)	Quantum (% change)
Residential	- 560 dwellings	- 11.4%
Office	- 25,200 sqm	- 68%
Industry and warehousing	+ 9,850 sqm	+ 10%
Other* land uses	- 20,074 sqm	- 81 %

- 6.6. Table 1 of the TTN demonstrates that allocations in the revised PLP are lower in quantum across residential, office and other land uses, and higher in industry and warehousing land uses, than previously accounted for. Overall, there is a decrease in the quantum of allocations in the revised PLP.
- 6.7. With regards to the net changes in the distribution of development, the TTN states that as well as the variations in quantum of development, changes are also proposed to the distribution of completions, windfall, permissions and allocations.
- 6.8. Figure 1 of the TTP shows the residential development quantum changes between the 2019 modelling and the revised PLP, and from Highways England's perspective, shows generally a reduction in dwellings in the vicinity of the SRN, with the majority of increases concentrated around the town centre and away from the SRN junctions. Figure 2 shows significant increases in office space developments (B1) around M27 Junctions 9 and 10 and Figure 3 shows significant increases in Industry and Warehousing (B2 and B8) developments to the north of M27 Junction 9 and to the south of Junction 11.
- 6.9. Section 4.1.1 of the TTN under the heading 'next steps' states that '*the overall quantum of proposed allocations is now lower than that tested through the 2020 Draft Plan. It could, therefore, be said that the 2020 Draft Plan represents a very robust assessment of the quantum of development on the highway network. However, the distribution of uses, and the changes in the baseline, mean that localised impacts would be experienced*'.
- 6.10. The TTN goes on to state that '*given that the quantum of allocated development proposed is now lower than previously tested, it is anticipated that the overall transport impacts of the proposed allocations are likely to be capable of mitigation. There may be additional mitigation requirements, particularly in localities where development has increased, and further work will be undertaken to assess this. The Revised Publication Local Plan requires site specific Transport Assessments to be undertaken for sites. These assessments must include considerations of potential impacts for other allocated sites and must meet the criteria of the Highways Authority and, where relevant, the*

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Highways Agency (sic). Given the overall reduction in traffic generated, the Plan is still anticipated to be deliverable and sound overall from a transport perspective, albeit potentially with some additional localised mitigation measures'.

- 6.11. Although it is agreed that the redistribution of uses and allocation sites will result in localised impacts that have not been reported in the modelling work undertaken to date, AECOM agree that the modelling undertaken still offers a robust assessment of the development quantum and the impacts on the SRN, and that these impacts should be capable of being identified and mitigated as required through site specific Transport Assessments.

7. Downend Sites Highways Review

- 7.1. AECOM have undertaken a high level review of the 'Downend Sites Highways Review' (DSHR) document produced by Mayer Brown (dated June 2021).

- 7.2. The DSHR report considers the area previously known as 'Strategic Growth Area: North of Downend', which was included in the Regulation 18 Draft Local Plan and was not included in the Publication Plan, and is now known as Downend Road East and Land west of Downend Road. The revised PLP includes development on land to the east and west of Downend Road which is proposed for 900 dwellings. Development on the land east of Downend Road is included as allocation HA4 Downend Road East in the Publication Plan and has capacity to provide 350 of the 900 dwellings. Mayer Brown have produced a separate Highway Review for allocation HA4 Downend Road East, dated November 2020. As HA4 Downend Road East has been included within the LP for the previous AECOM reviews, the November 2020 report has not been reviewed within this TN, which focuses on the new allocation, HA56.

- 7.3. The DSHR report considers the highway and transport issues for the housing sites east and west of Downend Road.

- 7.4. The DSHR report states that the STA, and SRTM modelling produced to inform the STA provide a robust assessment of the transport infrastructure's ability to accommodate the increased demand and of the necessary mitigation. It states that *'based on the reduction in the proposed number of dwellings, it is considered that the impact of the Publication Plan development is likely to be less than that assessed in the STA'*. AECOM are broadly in agreement with this statement as noted in the sections above.

- 7.5. Section 2 of the DSHR summarises the AECOM/ Highways England consultation response to the Regulation 18 Draft Local Plan (as documented in TN02). In response to AECOM's Recommendation 3 in TN02 (where it was recommended that more detailed junction capacity modelling of M27 Junctions 9 and 11 should be undertaken (with specific concerns raised at Junction11 westbound offslip)), the DSHR confirms that the STA demonstrated that the implementation of the Local Plan development (which included the Downend sites) would result in a positive impact at the M27 J11 WB off-slip during the AM peak (1% reduction in the AM peak predicted RFC at the M27J11 WB off-slip, and the same RFC in the PM peak). This is noted.

- 7.6. The DSHR states that *'throughout development of the Local Plan, FBC have continued to engage with HE. At a video meeting of 1st May 2020 between FBC, HE and MB, HE confirmed that the Local Plan developments included no showstoppers. In reference to the M27 J11, HE advised that they would not be encouraging measures to increase highway capacity and would be seeking to address capacity issues, through encouragement of measures to support sustainable travel. With regard to Land west of Downend Road, HE advised that they would be more concerned with any tailback from the Delme roundabout rather than the direct impact on the M27 J11. As the LHA are the highway authority for Delme roundabout, HE advised they would be content if the LHA are content.'* AECOM are unable to independently verify these statements, and for the purposes of this review, take them at face value.

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- 7.7. The DSHR states that the STA demonstrates that the proposed mitigation measures at the Delme Roundabout, would successfully mitigate the impact of Local Plan growth (including the two Downend sites). This too is noted.
- 7.8. Section 4 of the DSHR discusses the issues raised in previous planning applications for the sites and Section 5 provides the following conclusions of relevance to Highways England:
- *'The strategic traffic modelling undertaken by Systra on behalf of FBC demonstrates that the cumulative impacts of the Local Plan developments, which includes the Downend sites, will not result in any severe traffic impacts at junctions south of the M27. The SRTM modelling, dated May 2020 predicted significant impacts to occur at only one junction proximate to the Downend sites – the Delme Roundabout. The STA identifies appropriate mitigation and demonstrates that the mitigation measures would successfully mitigate the impact of Local Plan growth, so that the impact is no longer classified as meeting either the "significant" or "severe" criteria;*
 - *'The site promoter proposes a masterplan which would provide a new east-west link road between the A27 and Downend Road, with a new signalised access junction direct onto the A27. Analysis provided by the site promoter shows that the new link road would improve traffic conditions on the A27 corridor, through the Delme roundabout and on the southern section of Downend Road through provision of an additional route;*
 - *The analysis provided by the site promoter shows that the proposed Land west of Downend Road site and associated link road would result in a reduction in southbound queuing on the A27 from the M27 J11 to the Delme roundabout in 2036, when compared to the "without development" scenario; and*
 - *Mitigation at the Delme roundabout, included in the Strategic Transport Assessment, would further improve congestion on the southbound approach to the roundabout'.*
- 7.9. AECOM are broadly in agreement that it appears that the impacts of the Land West of Downend West site allocation on M27 Junction 11 (and the nearby Delme Roundabout) can be successfully mitigated so that the safe and efficient operation of the SRN is not compromised. This conclusion should be formally confirmed through the provision of a site-specific Transport Assessment, as required by Policy TIN2 and paragraphs 10.17 – 10.19 of the Revised PLP.

8. Conclusion

- 8.1. This TN documents a review, carried out by AECOM on behalf of Highways England, of the Revised Regulation 19 Fareham Publication Local Plan (the PLP). The purpose of this review is to understand the impact of the proposed Local Plan site allocations within Fareham on the Strategic Road Network (SRN) and to determine whether sufficient highway infrastructure and mitigation is proposed to accommodate the planned growth.
- 8.2. AECOM have previously undertaken four tasks in relation to the Fareham Local Plan with the initial work being reported in AECOM TN01 and TN02. TN02 documents AECOM's review of the Fareham Local Plan 2036 Supplement document, which set out the plan for future development within Fareham and was an extension of the 2017 Draft LP which had already been consulted on. Within the LP Supplement, the development strategy and housing sections of the 2036 plan had been updated to reflect the increased housing requirements for Fareham. The work reported in Briefing Note BN03 reported on the responses received from the Local Planning Authority and their Consultants to the issues raised in TN02. The most recent work reported in TN03 was a review of the previous (since revised) Regulation 19 Fareham Publication Local Plan whereby AECOM determined that had changed since the previous AECOM review and assessed whether the amendments are likely to have a detrimental impact on the SRN.
- 8.3. The purpose of this review was therefore to determine what has changed within the most recent PLP since the last AECOM review (presented in TN03), and to assess whether any of the amendments are likely to have a detrimental impact on the SRN .

Technical Note 04

- 8.4. This TA has identified some issues and concerns which should be addressed. These recommendations are listed in the Executive Summary and highlighted by the use of bold underlined text in the main body of this document. Recommendations regarded as critical to the acceptability of the forthcoming Local Plan are coloured **red**. Recommendations regarded as important but not critical to the acceptability of the forthcoming Local Plan are highlighted in **amber**.
- 8.5. **AECOM advise Highways England to formally raise the concerns highlighted in this note in the consultation response to the Regulation 19 Publication Local Plan 2037 and to continue to work with Fareham Borough Council and the other stakeholders to resolve the issues identified.**

Respondent: Mr Mark Hoddinott (297-26158)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

The new proposed link road is only described at a high level. Both the A27 and Downend Road are both already subject to considerable traffic traffic congestion. Neither the plan nor the supporting documents offer a convincing explanation that the new link road will not introduce additional congestion and safety concerns.

What modification(s) is necessary to make the Revised Pub...

Provide additional detail and modelling evidence of the proposed new road layouts.

How would the modification(s) you propose make the Revise...

Provide greater clarity.

Your suggested revised wording of any policy or text:

No suggestions

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Alan Knobel (67-141856)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

There is mention of road and traffic improvements which would mean this development would not impact traffic, but absolutely no detail on this. Before the pandemic the traffic in the area from Downend Rd to the Delme roundabout was awful, sometimes taking 15 minutes to drive the short stretch from Cams Hill school to the Delme. Things are bad enough as they are. The only possible solution would be a slip road directly on and off the A27, but no mention of this. If this is added to other developments in Portchester, there is no mention of additional schools, GP surgeries and other infrastructure which is already creaking. There would be a loss of farm land which would be a huge loss. There is no mention of the small bridge over the railway on DownEnd rd and how this would be overcome. The previous planning application for land to East of Downend Rd was shown to be problematic with the railway bridge and the traffic flow etc. So how can this miraculously be overcome? This area, down to the Delme Roundabout is a high pollution area, how will this additional traffic etc. Improve this situation? It will only make it worse and next to a school means are children will suffer additional health abs developmental issues known to be linked to car pollution. This development seems far to huge when added to the others for Portchester without large infrastructure changes and a direct road from the development on to the A27.

What modification(s) is necessary to make the Revised Pub...

Road with direct access to abs from the A27. There was mention of road improvements but no detail. There is little or no mention of schools, GPS etc

How would the modification(s) you propose make the Revise...

Provide infrastructure

Your suggested revised wording of any policy or text:

I will leave wording to you

If your representation is seeking a modification to the P...

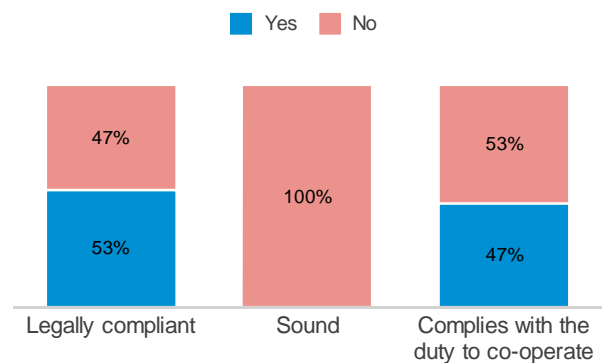
No, I don't want to take part in a hearing session

Paragraph | HA56- Land west of Downend Road

17 Representations



	Legally compliant	Sound	Complies with the duty to co-operate
Total	17	17	17
Yes	9 53%	0 0%	8 47%
No	8 47%	17 100%	9 53%



Respondent: Mr Trevor Ling (227-91456)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I was advised that the traffic flow predicted for the Downend sites did not assume the proposed new link road in HA56. It seems incredulous that the extra traffic from 900 new houses (at least 1000) can be absorbed into the current infrastructure without causing major congestion and resulting pollution. Having read the traffic modeling report, I could not find a comprehensive list of assumptions (ie number of extra cars, flow patterns etc) or any sensitivity analysis on these input assumptions, so it is impossible to ascertain how robust this model is at this local level. Currently the traffic is held on Downend road mainly due to the traffic queue on the A27 which does not allow exit on this junction. There is a proposed inclusion of a Rapid Bus Transport lane, which will increase the number of lanes Westbound to 3, one exclusively for busses. At the Delme roundabout, there is only space for 2 lanes under the viaduct, so I assume the 2 traffic lanes will reduce to one to enable busses free passage. It may be possible to try to optimize the lights around this roundabout but a lot of the congestion is caused by traffic waiting on the Gosport road. This new road layout reduces the Eastbound traffic to a single lane. There is a plan to increase the number of lanes on the Downend Road exit to 3 lanes, but there is a total of 7.51m width between the curbs, and I have been ensured by the council that the pavements will not be changed. Looks a bit tight. If the proposal to include the new ratrun through the 550 house development, this enables traffic to turn both ways onto the M27 sliproad through traffic lights, possibly causing a traffic jam back onto the motorway (as happened on Junction 9). Traffic coming from Fareham cannot turn right thus will either go upto Junction 11 roundabout to join the queue back to the lights or go via the now single lane A27 to Downend Road. On a more positive note, it is understood that new houses are required, but the infrastructure should be put in place BEFORE any houses are built. It should be possible to adopt the haul road, taking traffic directly to J11 roundabout, this would take traffic away from the Delme roundabout and does not go through any housing. It may be worth considering the current work site off the haul road as a site for housing, relieving the proposed small village of Downend.

What modification(s) is necessary to make the Revised Pub...

revisit the infrastructure supporting the Downend Road development. Once re-modelled, publish the traffic modelling assumptions and sensitivity analysis of this plan.

How would the modification(s) you propose make the Revise...

Consider adopting the haul road to provide a traffic flow away from housing and making it easier to regulate flow of traffic

Your suggested revised wording of any policy or text:

Re visit the traffic flow and Rapid Bus transit policy

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

Previous discussions have not be resolved clearly. Downed residents have been critical of the lack of infrastructure planned for this area over the past few years and I have been asked to try to ensure they are heard.

Respondent: Mr Alexander Marshall (257-112316)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Traffic on the A27 from Cams Hill to the Delme roundabout already get significantly backlogged at both morning an evening rush hour(most particularly in winter months). On page 151 of the local plan the new traffic routing implies the new connection providing highway access from the A27 (link to Junction 11) is unidirectional which will only alleviate the additional traffic caused by the new development during the evening rush hour. For the morning rush hour it appears the development will cause additional traffic through the new connection from the development to Downend Road. The revised plan references a study on traffic flow that has not been accessible to read making it impossible to validate the reasoning behind the headline comment that the changes will not impact peak traffic flow. If the development is to not impact the existing traffic flow then at a minimum access from the development to the A27 link to Junction 11 must be bi-directional to support entrance and egress to the new development.

What modification(s) is necessary to make the Revised Pub...

If the development (HA56) is to not significantly impact the existing traffic flow then at a minimum access from the development to the A27 link to Junction 11 must be bi-directional to support entrance and egress to the new development.

How would the modification(s) you propose make the Revise...

It would result in the new development not worsening the existing traffic flow from Cams Hill to Delme Roundabout

Your suggested revised wording of any policy or text:

It is not a case of rewording required to the policy but addressing the traffic flow concerns raised above

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Marshall (287-5188)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

This is the western part of one of the previously proposed growth areas in a previous iteration of the emerging Local Plan on which the Fareham Society raised strong objections. The landscape impact of this allocation would be significant and harmful. In plan form this site may appear as a logical extension of the established development to the east extending up the slopes of Portsdown Hill. However, this development is largely unseen from Downend Road and thus does not impinge upon views from it. By contrast the allocation site is clearly visible from Downend Road when driving along it into Fareham or out onto Portsdown Hill. Leaving Fareham the impression on having crossed the railway bridge is of the countryside being entered as you make your way onto Portsdown Hill. And entering Fareham there is the impression of being on the lower slopes of Portsdown Hill until the railway bridge has been crossed. For walkers a path runs around the site from which there are views across onto Portsdown Hill and both the site and the lower slopes of the Hill are seen to merge seamlessly together. For the above reasons residential development of this land would be most undesirable. Arguments that such development could be screened from Downend Road should carry little weight, for extensive screening would result in the loss of attractive open views from the road. Support for our concerns may be found in the 2017 Landscape Assessment. This refers to the undeveloped character of the eastern side of the site as being clearly visible on the approach from the north along Downend Road and that the tree lined railway cutting forms a strong urban edge and minor "gateway" to the residential area of Downend. It goes on to say that new visible development in this area may potentially blur the strong definition between town and country. In addition, the proposed access arrangements raise considerable concerns. First, they are not clearly described on the text to the allocation or on the Framework Plan. The Framework Plan appears to show the access onto the A27 between Delme Roundabout and M27 Junction 11 being an inward access only. It does not indicate, as later explained at Full Council Meeting that it would be a traffic light junction with traffic able not only to enter the site but exit it to both left and right. At the Meeting there was confusion and uncertainty over what was proposed and expressions of concerns were raised. It is the Society's view that the proposed junction onto a busy slip road leading to a major motorway junction would be detrimental to the free flow of traffic on that road and, by causing tailbacks, potentially dangerous. Nor is it clear from the text to the allocation and the Framework Plan that the proposed road layout is, as explained at the Meeting, to enable traffic existing Junction 11 to travel to Portchester via the allocation site and thence to Downend Road to access the A27. Any advantage of this in terms of reducing the pressure on the Delme roundabout would be outweighed by the increased use of Downend Road over the narrow railway bridge and the A27/Downend road junction. It is assumed that the "multi-modal" improvement works to the bridge are in effect the traffic light system already put forward for proposed development east of Downend Road. Additional traffic over this bridge from the proposed development and those using the road through the site as a shortcut to Portchester would inevitably add to unacceptable further delays. The Society also has the following additional concerns on this allocation: a) The 2021 SHELAA refers to the potential for noise and air quality issues. A site visit showed quite a considerable noise impact from the M27 on the far northern part of the site. This may have an impact upon the potential housing yield on the site. b) The SHLAA says the site has the potential for nationally important archeological remains. If the site is allocated it should be made clear that the indicative housing number may need to be reduced should important finds be made. c) On the SHLAA the site has an accessibility factor of only 3/10. As such it is not a sustainable location.

What modification(s) is necessary to make the Revised Pub...

The deletion of the allocation

How would the modification(s) you propose make the Revise...

By removing an allocation that would be unsound.

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others.



Regulation 19 – Submission Draft

Project:	Land west of Downend Rd, Portchester	Date:	28 July 2021
Subject:	Fareham Local Plan	Reference:	249501F

Representation made to Fareham's Draft Local Plan 2037

Formal submission of representation will be made on 28 July 2021 via email to Fareham Borough Council.

Response to consultation form

A1. Is an agent appointed:

Yes:

No:

A2. Please provide your details:

Title: c/o agent
First name:
Last name:
Job title:
Organisation: Miller Homes
Address:
Postcode:
Telephone number:
Email address:

A3. Please provide the Agent's details:

Title: Mrs
First name: Lindsay
Last name: Goodyear
Job title: Managing Director
Organisation: Terence O'Rourke Ltd
Address:
Postcode:
Telephone number:
Email address:





B1. Which part of the Local Plan is this representation about?

- Paragraph (B1a)
- Policy (B1b)
- Policies map (B1c)

B1a Which paragraph?

n/a

B1b Which policy?

HA56: Land west of Downend Road

B1c Which part of the policies map?

n/a

B1d Which new housing allocation site?

HA56: Land west of Downend Road

B1e Which new or revised evidence base document?

Sustainability Report paragraphs 6.5.2 and 6.11.2

B2. Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3. Please provide detail you have to support your answers above

Miller Homes supports the allocation of the land to the west of Downend Road as a site that is in a sustainable and suitable location to deliver residential development. The site is on the edge of Portchester, which is established as a sustainable settlement with good rail connections and local employment opportunities. This site also benefits from proximity to Fareham town centre and access to the services, shops and facilities provided by the town centre.

Significant technical work has been undertaken to demonstrate that the site is in a sustainable and suitable to deliver new homes effectively in the plan period. This work was undertaken in close liaison with Fareham Borough Council.

The policy includes an indicative yield of 550 dwellings, the work undertaken by Miller Homes, to date, suggests that the site can deliver more than 550 dwellings potential around 650 homes, and as such it is important the policy retains an element of

flexibility to enable the capacity of the site to be confirmed through detailed design work that will support a future planning application for the site.



Significant work has been undertaken in conjunction with the Council, Hampshire County Council, Highways England (HE) to demonstrate that the Land can be suitably delivered with access to the A27 and Downend Road achievable. Concept stage design work was presented, supported by extensive supporting information on traffic flows and modelling, and an independent Road Safety Audit, each which demonstrate that a new junction to the A27 south of the M27 is achievable. Both HE and HCC confirmed that they were satisfied at this stage that there are no overriding reasons that such a scheme cannot be accommodated.

The Council commissioned its own independent Transport Consultants (Mayer Brown) to review the proposed allocation of the site (in association with development on Land East of Downend Road – HA4). In its Report (June 2021), Mayer Brown concludes that the Downend Road west site is deliverable in highway and transport terms, and confirm that:

- The Downend sites are in a sustainable location for development, where opportunities for sustainable travel can be taken up and high quality walking, cycling and public transport facilities can be provided.
- The proposed link road would improve traffic conditions on the A27 corridor, through the Delme roundabout and on the southern section of Downend Road, through provision of an additional route;
- The proposed Land west of Downend Road site and associated link road would result in a reduction in southbound queuing on the A27 from the M27 J11 to the Delme roundabout in 2036 when compared to the “without development” scenario;
- The existing congestion on Eastern Way and on the southbound exit to the Delme roundabout would not be exacerbated by the introduction of the new link and signalised access onto the A27

To add further confidence to this position, the Council’s own evidence base assessed the potential impacts of the Land West of Downend Road site, considering 650 dwellings on the land in association with 350 on the HA4 scheme. This forms the Council’s current evidence base and has not been reassessed based on its current spatial strategy. The Council’s own assessment concludes that the growth assessed (including the SGA) would be deliverable.

Whilst the site is considered to be in a suitable and sustainable location, supporting its allocation to deliver new homes, Miller Homes has specific concerns with some of the policy requirements, listed below, which mean the policy is not justified or sound in regard to those specific elements.

The proposed policy (part b) wording requires the design and layout of the development to reflect the indicative Framework Plan, but we have some concerns about the location of facilities shown on this plan and therefore the reference to the plan should be deleted to avoid the following issues:

- The indicative Framework Plan identifies formal sport provision in the southern part of the site, The southern part of the site is the steepest and as any pitches will need to be level, if they are located in this area the cut and fill would be considerable and would result in undesirable embankments. The northern part of the site (although sloping) is flatter and more suited to this purpose. In addition, the southern part of the site is likely to be the focus of drainage



features, which again could impact the provision of formal sports pitches in this southern location.

- The indicative Framework Plan includes an area for a community orchard and allotments. There is no evidence to demonstrate these facilities are required and that this is the best location for them. Again. Flexibility is key to enable detailed discussions during the design process to take place between FBC and Miller Homes to ensure facilities that are provided are needed and located in the right place.

The policy wording (part c) identifies that the A27 link road should prevent physical and visual severing of the development. Any road will provide some form of severance and prevention of this is not possible. The design will need to ensure any severance is minimised which is achievable through the delivery of good design principles.

Part (d) identifies that a safe pedestrian priority crossing should be provided. Whilst safe crossing facilities of Downend Road will be required, the policy should not seek to prescribe what the final crossing solution will be, which will be depending on masterplanning and technical work to support a planning application.

It is unclear as to why a minerals assessment is required (part g). The site is within a minerals and waste consultation area because it lies close to the safeguarded waste site of Warren Farm and Down End Quarry. This is a waste site operated by Veolia Environmental Services (UK) Plc. The Outline application for the land to the east of Downend Road (ref: P/20/0912/OA) demonstrates that a minerals assessment is not required and confirms that Hampshire County Council Minerals and Waste Planning Authority has no objection to development in the vicinity of the waste transfer site. In any event, if there were requirements for this information, it would be covered by Hampshire County Council's Minerals and Waste Plan Framework, which forms part of the development plan. This policy requirement should be removed.

Equally, the Sustainability Report, paragraph 6.11.2 needs updating where it states '*Downend Road West is almost entirely located on Grade 2 land and also contains mineral deposits as well as encroaching onto a safeguarded waste processing site.*' As noted above, there is no evidence that there are mineral deposits on the site and this is certainly not apparent in the Hampshire Waste Plan. As such the text should be amended to make it clear that the allocation is not encroaching on mineral deposits and should clear state that the trigger relates to the waste processing site's consultation zone.

Part J requires specific contributions to off-site highway works and specifies that these should include works to Delme Roundabout. The policy should not be so specific to reference Delme Roundabout. Whilst improvement to Delme Roundabout is required, the Council's evidence base demonstrates that the delivery of the A27 link road significantly reduces the impacts of the Downend Road site at this location, producing a net reduction in traffic flows. The detail and scope of any site specific improvements needed to support the development should be determined at the planning application stage.

It should also be noted that the Sustainability Report is incorrect in its reference to the distance of the site from Fort Nelson (paragraph 6.5.2), it suggests the site is circa 440m from the site but it is actually circa 660m to the north east.

B4a. What modification(s) is necessary to make the Local Plan legally compliant and or sound?

The policy text should be amended as follows:



“Proposals should meet the following site-specific requirements:

- a) The quantity of housing proposed shall be broadly consistent with the indicative site capacity with delivery phased to follow the development at Downend Road East; and
- b) A design and layout ~~in accordance with the HA56 indicative Framework Plan~~ that takes account of the site’s constraints and context, in particular the site’s landscape setting on Portsdown Hill and Downend Chalk Pit SSSI and the potential of Palaeolithic archaeological remains; and
- c) Primary highway access should be from the A27 (link to Junction 11) and Downend Road, both of which will require new junctions into the site and will be connected via a primary street network that is designed to 30mph maximum speed, gives priority to pedestrians and cyclists and of a form that ~~prevents~~ minimises the a physical and visual severing of development; and
- d) Provide high quality pedestrian and cycle links to the A27 Rapid Transit corridor (via Downend Road, The Thicket, Upper Cornaway Lane and Paradise Lane) connecting to Fareham Town Centre and railway station, Portchester, Portsmouth and local employment hubs, including a safe pedestrian ~~priority~~ crossing of Downend Road north of the existing Downend Road bridge; and
- e) The design of the development should be informed by a full archaeological assessment (in accordance with Policy HE4); and
- f) Include natural green space to provide a variety of linked habitats and biodiversity, providing opportunities for health, recreation, learning and movement and
- ~~g) A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan; and~~
- h) Demonstration that the development will have no adverse impacts upon groundwater in respect of its location partially in a Groundwater Source Protection zone 3, and
- i) A Construction Environment Management Plan (CEMP) to avoid adverse impacts on construction on the Solent designated sites shall be provided; and
- j) Infrastructure provision and contributions including but not limited to health, education, and transport in line with Policy TIN4 and NE3. In addition, the following package of site-specific infrastructure will be required:
 - Off-site highway improvement and mitigation works ~~including contributions towards improvements at Delme Roundabout~~, and
 - A 2-form entry Primary School and early-years childcare infrastructure (as identified by the Local Education Authority); and
 - A local centre to comprise flexible commercial floorspace including a convenience store and community facilities; and
 - Outdoor sports and playing pitches (approximately 1.44ha) accessible for use by the primary school; and
 - Open space in addition to the sports provision (a Multi-Use Games Area, a NEAP).

B4b. How would the modification(s) you propose make the Local Plan legally compliant or sound?

The modifications would resolve the issues raised and make this policy sound.

B4c. Your suggested revised working of any policy or text:



Please refer to the detailed response at B4a above.

B5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes:

No:

B5a. Please outline in the box below why you consider it necessary to take part in the hearing session(s):

Miller Homes should be provided with an opportunity to participate at the hearing part of the examination. The issues raised in regard to the soundness of the Draft Local Plan, in the submitted representation, require detailed examination before an independent inspector.

Gayle Wotton,
Planning Strategy Manager
Civic Offices,
Civic Way,
Fareham,
PO16 7AZ

**Planning Policy,
Planning and Economic
Development**

Portsmouth City Council
Civic Offices
Guildhall Square



30 July 2021

Ref: PCC_300721

Dear Gayle,

Re: Fareham Borough Council - Local Plan 2037 - Portsmouth City Council response

1. Thank you for consulting Portsmouth City Council (PCC) on the Fareham Borough Council (FBC) Local Plan Revised Reg 19 consultation.
2. PCC previously commented on consultation drafts of the FBC Local Plan in February 2020 and in December 2020. The position of the two authorities on their respective Local Plans has since moved on, particularly with regard to housing need and potential supply in part due to changes in plan period and the Government's confirmed housing need methodology.
3. Portsmouth City Council (PCC) works closely with Fareham Borough Council (FBC) as a fellow member of the Partnership for South Hampshire (PfSH), through the Solent Transport partnership, and as a neighbouring planning and highway authority. The two authority areas have strong social and economic ties and share an employment and housing market area.

Housing need

4. In response to FBC's amended *Strategic Policy H1: Housing Provision*, PCC's evolving and current position on unmet need is clarified below.
5. The housing need for the new Portsmouth Local Plan (872 per annum) as of June 2021 represents a significant increase over the level set in the adopted 2012 *Portsmouth Plan* (420 pa) demonstrating the comprehensive and proactive search for housing capacity undertaken to date. However, given the scale of the likely shortfall and the city's constraints on developable land it is extremely likely that PCC will not be able to meet its own Local Housing Need.
6. PCC published a *Housing and Economic Land Availability Assessment* in February

2019 which showed a shortfall in the potential housing supply capacity of the city of some 2,800 dwellings over the plan period. Following a further review of the potential supply, including potential strategic site options and their delivery rates during the plan period, the preparation of the 2021 HELAA shows that there is a current shortfall of around 750 dwellings for the plan period to 2038. However, the scale of unmet need is expected to continue to change (and likely to increase overall) as the plan progresses taking into account new planning permissions, any under delivery against the government's housing need targets and refinement of the draft strategic site allocation's proposals and likely implementation rates, as well as any secured delivery through the Duty to Co-operate.

7. The City Council therefore welcomes FBC's inclusion of an identified contribution to unmet need of neighbouring authorities of 900 dwellings (increased from 847) in its Local Plan Housing Requirement (Table 4.1), inclusive of a delivery buffer, with the acknowledgement of PCC's previous requests to include a proportion of its unmet need in the Local Plan housing supply; the reference to the likelihood of Gosport Borough Council having significant unmet housing need is also noted.
8. In the absence of an updated position statement on the distribution of housing between the PfSH Authorities whilst this work is currently underway, PCC's *Regulation 18 Local Plan consultation draft* (approved by Cabinet on 27th July 2021) indicates a possible contribution of 1,000 units from other local authorities as a 'placeholder' while Duty to Cooperate discussions continue and as Portsmouth's final unmet need housing figure is being determined.
9. Although some neighbouring local authorities in the Housing Market Area have already indicated that they would not have the capacity to meet the city's unmet need, PCC does recognise that Fareham Borough is not the only location where its unmet need could potentially be accommodated within the sub region. This shows the importance of the work being carried out by PfSH on the distribution of unmet housing need in the sub region, including the preparation of Strategic Development Opportunity Area work, which will help to guide the location of future development in the sub-region and form the basis of both Statements of Common Ground between individual Local Authorities and PfSH.
10. PCC therefore retains its request to Fareham BC to take a proportion of its unmet housing need given the strategic cross boundary connections with the housing market area and its geographical proximity and welcomes the recognition of this within in the Fareham Local Plan 2037 housing supply. We would request that all deliverable supply options for the plan period have been fully explored given the scale of unmet need indicated by PCC and Gosport BC and that further discussions are held on the apportionment of dwellings to be allocated to Portsmouth's unmet need.

Housing Allocation Policies

11. PCC notes and welcomes the inclusion of Land West of Downend Road and Land South of Longfield Avenue allocation, which was removed from the November 2020 Reg 19 consultation document in view of the Government proposals for a lower housing target for Fareham, ahead of the confirmed methodology. The Land West of Downend Road allocation is particularly well located in principle for helping to accommodate Portsmouth's unmet need given its geographical proximity to the city

and transport links via the M27/ A27, Portchester railway station and the proposed Bus Rapid Transit (BRT) line.

Employment

12. PCC notes the FBC's amended approach to office space need, based on labour demand to set a more positive, 'aspirational' target instead of past take up used for industrial floorspace need projections, following the recommendations of the 2021 Stantec study of employment need for the sub region. The inclusion of additional smaller employment sites to ensure flexibility and deliverability, instead of relying on significant provision from two strategic sites, is supported.
13. The overprovision of employment space for the plan period is noted. PCC has no objection to this approach to setting employment land forecasts for the plan period given the need for flexibility and choice in delivery and to ensure employment opportunities are retained locally and to lessen out-commuting which may impact on sub regional travel patterns.
14. PCC will continue to work with FBC through PfSH to identify sufficient space for any unmet regional employment need, including locations for strategic distributions sites where there is an identified need.

Working Together

15. PCC is keen to continue to work with FBC on cross boundary strategic planning issues, in both the production of a review of the PfSH Spatial Position Statement and a Statement of Common Ground for strategic planning matters, including the distribution of housing need and the complexity of movement and travel patterns with Housing Market Areas which Government's Standard Methodology for assessing Local Housing Need does not capture. Both pieces of work are currently on-going but the Council is keen to reflect the ongoing collaborative work in formal Statement(s) in due course.
16. Previous Duty to Co-operate conversations and consultation responses have captured the importance of working together on issues that affect PCC and FBC; the landscape value of Portsdown Hill which spans the councils' boundaries; the size and timing of new residential development that may impact on education provision; safeguarding of key transport links; consideration of proposed Green Infrastructure linkages; the sub regional approach to nitrate mitigation and any forthcoming biodiversity net gain requirements.

Yours sincerely,

Rachel Cutler

Head of Planning Policy Email: 

Respondent: Mr Christopher Prowse (287-451519)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The highway link provided under site specific requirement c (Highway link between the A27 Eastern Road (M27 J11) and Downend Road) will provide an ideal rat run for traffic: a) coming from or going to Portchester, Paulsgrove, Wymering, Widley and Drayton via Portsdown Hill Road and its feeders like Hill Road and Southwick Hill Road. b) avoiding jams and congestion on the M27 by travelling via Portsdown Hill Road and its feeders. There is no evidence in the documentation set that there has been any consideration given to this issue. The Document that should have considered this issue and its impact on residents of the feeder roads is "Fareham Borough Council, Technical Support for Local Plan, Downend Sites Highway Review" . However, section 4 paragraphs 4.17, 4.19, 4.32 only consider traffic implications for A27 Cams Hill, Eastern Road and the Delme Roundabout. The residents of Hill Road have already been seeking traffic calming measures because of increasing numbers and speed of through traffic. The proposed highway link can only increase the volume of through traffic.

What modification(s) is necessary to make the Revised Pub...

Break the through link between the A27 and Downend Road.

How would the modification(s) you propose make the Revise...

The implications for existing residents of creating a new traffic rat run through their streets should have been considered.

Your suggested revised wording of any policy or text:

Delete, or modify HA56 Special Requirement c.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

PERSONAL DETAILS

See Alphabetical Order - Raymond Brown
Reps Final for full response

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

C/O SOUTHERN PLANNING PRACTICE LIMITED
YOUNGS YARD, CHURCHFIELDS
TWYFORD
WINCHESTER

Postcode:

SO21 1NN

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

MS

First Name:

LYNNE

Last Name:

EVANS

Job Title: (where relevant)

Organisation: (where relevant)

SOUTHERN PLANNING PRACTICE LIMITED

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

PLEASE SEE ATTACHED REPRESENTATIONS

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

PLEASE SEE ATTACHED REPRESENTATIONS

B4c Your suggested revised wording of any policy or text:

PLEASE SEE ATTACHED REPRESENTATIONS

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

THE OBJECTIONS RAISE COMPLEX AND SIGNIFICANT ISSUES WHICH AFFECT THE SOUNDNESS OF THE PLAN, AND REQUIRE TO BE FULLY DEBATED AT THE EXAMINATION TO INFORM THE INSPECTOR

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Respondent: Mr Kevin Saunders (317-411053)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Having a recently submitted planning for 350 houses east of Downend road and still have the problem of traffic and the safety of pedestrians crossing the railway bridge, which was not built to take wide or heavy traffic constantly. You now would like to add an additional 550+ houses to the west, which will only make the traffic worse. This is a main route for the Ambulance services down into Fareham, adding traffic lights will just hold up their response times. Your suggestion is to put traffic signals in place, slowing the flow of traffic in both direction, creating jams and therefore making matters worse for all. The builders sweetener is to add a school and sport pitches which they feel would benefit the area and an exit route to the A27 (Junction 11) entrance. This will attract more traffic from children being dropped of / picked up. Putting a road through and across paradise lane onto the A27 (motorway entrance road) you say will reduce the traffic using Downend Road. I do not believe this to be the case as most of this will only snag up the traffic coming from Gosport to the M27 or traffic exiting the M27 and then having to wait at traffic lights which will in turn lengthen the queues in either direction. The through road will become a rat run as does cams hill through to Downend. Nature surveys have been carried out and works completed in the are in question has done more damage that good. Conveniently you would like to add an area community orchard and allotments, this area needs to be inspected in more detail and this has not been highlighted in your report. There is a Gas station west of the M27, which also needs to be considered detrimental to the land in question. Fareham Quay Tesco's bought their way in, with the upsell of covering the cost of the Market roundabout reconfiguration and that these changes would be for the better, relieving the traffic congestion entering and exiting Eastern Way. This has yet to happen as traffic still to this day queues back to the motorway over the flyover. Therefore you need to learn from your mistakes and poor traffic planning. A more detailed traffic assessment would need to take place over a longer period, not just when the schools have closed and most staff are working from home due to the Covid pandemic.

What modification(s) is necessary to make the Revised Pub...

.

How would the modification(s) you propose make the Revise...

.

Your suggested revised wording of any policy or text:

.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

I would like to have the opportunity to listed and maybe raise questions

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Mrs.

First Name:

KATRINA

Last Name:

TROTT

Job Title: (where relevant)

Fareham East Ward Councillor

Organisation: (where relevant)

Fareham Borough Council

Address:

Postcode:

Telephone Number:

Email Address:



A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A large blue diagonal line is drawn across the entire form area for A3, indicating that the agent's details have been redacted.

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

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B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

- | | Yes | No |
|--------------------------------------|-------------------------------------|-------------------------------------|
| Legally compliant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Complies with the duty to co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Revert to the previously agreed Plan of December 2020 which has fewer homes demanded by a Government which has apparently taken no regard of nitrate pollution in the Solent, overstretched hospitals, medical and road capacities in this Solent area of Central Southern England.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It was be justified on the basis, that the Previous Plan which has had to be reexamined due to changes in NPPF policy introduced at short notice, has already been consulted upon.

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

I am a Ward Councillor and represent Fareham East which will be adversely affected by HAS6 in particular. Also I am concerned at the loss of green space in that and other allocations.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

MRS

First Name:

KATRINA

Last Name:

TROTT

Job Title: (where relevant)

Fareham East Ward Councillor

Organisation: (where relevant)

Fareham Borough Council

Address:

Postcode:

Telephone Number:

Email Address:



A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A form for section A3 with fields for Title, First Name, Last Name, Job Title, Organisation, Address, Postcode, Telephone Number, and Email Address. A large diagonal line is drawn across the entire form, indicating it is redacted.

B1

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B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

The proposed new junction onto the A27 sliproad from the Delme roundabout to Jct 11 of the M27, includes traffic lights on both A-bound and S-bound sections. Will add to congestion on A27. Hampshire Highways may have agreed this based on modelling but Inspector Grahame Gould dismissed P118/0005/0A an application recommended for approval by Hampshire Highways saying: "I consider that the adverse impacts of granting planning permission would significantly outweigh the benefits." My opinion is that this is valid for HA56 jurisdiction on A27

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Removing HA 56, Land west of Downend Road as it is proposed in this Draft Plan as the proposed access/exit junction onto the Jct. 11 of the M27 slipways will cause unacceptable chaos and added congestion on existing roads.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

Traffic routes would not be unnecessarily impeded by the suggested traffic light-controlled junctions on both north and south bound carriageways of that slip road.

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

- Yes, I want to take part in a hearing session
 No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

This proposal lies in Fareham East, the ward I was re-elected to in May 2021. I have represented residents here since May 2002. Residents have contacted me about what they view as a ridiculous suggestion.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Respondent: Mr Barrie Webb (157-36178)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Additional development on land west of Downend Road will not be able to comply with promoting walking and cycling (key policies of Central Government, Hampshire County Council and Fareham Borough Council) as routes identified in draft LCWIP do not have the potential to accommodate a modal shift to non motorised transport from the increased housing allocated. Note that the LCWIP is still in draft form and consultation is not anticipated until at least Autumn 2021. so unable to comment in detail The track record on covid pop up schemes to encourage walking and cycling are not good (i.e. Pier Street, Lee on the Solent modal filter - not implemented, Shoot Lane modal filter - not implemented, A27 protected lane - not implemented). Newgate Lane East, a new build road with no cycle lane provision instead relying on the old Newgate Lane for cycle route. Stubbington Bypass, shared use paths criss crossing the carriageway with no link to the A27 at Titchfield Hill Fareham NO2 Cycle Links Improvement completed in 2019 - these improvements were identified as having the potential to make it easier / increase walking and cycling, however no data has been made available to verify if the improvements have had any effect. A27 cycle provision - The Delme to Downend Bus and Cycle TCF scheme at this location comprises: Northern footway widened to create SUP between St Catherine's Way and Downend Road signalised junction; A DISTANCE OF 213m TO BE PRECISE! The special edition of 'Fareham Today' states that "Traffic modelling has been undertaken for a proposed new road infrastructure to support this development. Results, which have been independently audited, show that current traffic levels and waiting times would actually reduce as a result of traffic being redistributed locally" How can a (potential) yield of 550 houses lead to a reduction in traffic levels?

What modification(s) is necessary to make the Revised Pub...

Wait until the consultation on the draft LCWIP is completed, the plan is adopted, improvements are made and shown to work (i.e. walking and cycling increases and car use decreases) before any additional housing allocation is added to the local plan. - This is particularly relevant at this location as providing " high quality pedestrian and cycle links to the A27 Rapid Transit corridor (via Downend Road, The Thicket, Upper Cornaway Lane and Paradise Lane) connecting to Fareham Town Centre and railway station, Portchester, Portsmouth and local employment hubs" will be particularly challenging

How would the modification(s) you propose make the Revise...

The modification will show that the framework for a coordinated approach to funding and facilitating a more convenient and efficient active travel network provided by the LCWIP is having the desired effect and the additional housing allocation can be considered in the light of confirmed data and not a hopeful wish.

Your suggested revised wording of any policy or text:

The allocation will not be considered until a modal shift to walking and cycling and decreased dependency on motorised transport has been achieved based on sound evidence

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

MR

First Name:

MALCOLM

Last Name:

WEBSTER

Job Title: (where relevant)

RETIRED

Organisation: (where relevant)

N.A.

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
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- The policies map Go to B1c
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B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

HA 56 West of Downend Road

B1e Which new or revised evidence base document ? E.g. Viability Assessment

Proposed Link Road.

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

See attached.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

Re: A56 West of Downend Road Development.

The "Future Development Plan" for the West of Downend Road shows a "Proposed Relief Road" connecting Downend Road to the A27 exit road from J11 of the M27.

Although there is little detail for the Western end of this road it will obviously be a "T" junction with traffic lights.

Vehicles leaving J11 and especially the Westbound slip road from the M27 proceeding either down the slip road to the Delme roundabout or the Gosport/Fareham lanes are usually travelling at least 40mph and today (16th July 1300 hrs) in excess of 50mph. At peak times and especially in the evenings traffic backs up from the Gosport Road on to Quay Street and Delme roundabouts in Fareham and on to the slip lanes on J11. Occasionally it backs up on to the slow lane of the West bound M27.

The back-up is caused by the traffic lights at the junction of the Gosport Road and Salterns Lane, South of Fareham. When schools are on holiday, traffic is reduced and the back-up less.

The proposal is for the junction to enter the A27/J11 road at the position of the lay-by. The lay-by being got rid of.

Today (22nd July at 1330) the lay-by was full of large HGVs drivers taking their mandatory break and also an AA recovery vehicle sorting out a vehicle recovered from the M27. This lay-by is in constant use and if removed where will these vehicles park?

Traffic lights are proposed for this junction to allow vehicles from the Development to enter the A27 turning both left and right. This means all 6/7 lanes of traffic will be stopped. As there are traffic lights at J11 installing another set just a few hundred meters away will only cause longer queues on the motorway slip roads and on to the M27.

Presently traffic traversing Portsdown Hill Road in the evening either descends Downend Road to the A27 or Swivelton Lane/ Boarhunt Road. The proposed road will become a very busy "RAT" run. Human nature is such that drivers will take the easiest route, which is through the new development.

It is proposed traffic requiring to enter the Western end of the development from Fareham will have to traverse J11 before turning left into the road. This will add to the already congested traffic on J11.

This proposed road is also going to increase the traffic to the Delme roundabout already a traffic bottleneck.

As part of the planning for the A56 development there is a traffic modelling statement, "Results, which have been independently audited, show that current traffic levels and waiting times would actually reduce as a result of traffic being redistributed locally". With more traffic generated by

the development and also from the proposed Downend Miller Development, how has this conclusion been arrived at?

To enter either of these developments from either the Fareham or Portchester direction, the easiest route is along the main A27 and turn North at the Downend traffic lights. Nobody from these areas are going to enter from the Western end of the proposed new road as they will have to go around the J11. Also, this would add more traffic to an already busy roundabout and queues from the proposed set of new traffic lights. The alternative and easier route for residents of the two estates means more traffic up Downend Road and increased waiting times!



5th August 2021

Head of Planning Strategy
Fareham Borough Council
Civic Offices
Fareham
PO16 7AZ

Dear Ms Wootton

Local Plan Consultation.

Thank you for your letter dated 30th July 2021 which I received yesterday.

Yes, I would like to attend the "Examination Process" when I can answer any queries raised by the Inspector on points I have raised.

I have been monitoring the proposed Western exit of the Link Road from the development H 56 and the implications for the removal of the layby and installation of extra traffic lights. I am of the opinion this needs to be re-thought.

Yesterday there was an AA Recovery vehicle sorting out a motorcar towed from the M27 and also at the same time a RAC Recovery vehicle doing likewise. Three large HGVs were also parked there.

Obviously having read the procedures on how to submit my comments to the Plan and deadline dates paragraphs 3 and 4 of your letter are repeats and irrelevant. Please do not underestimate the intelligence of Fareham Residents.

Your sincerely

A solid black rectangular redaction box covering the signature area.

Malcolm Webster

Respondent: Mrs Audrey Welsh (27-371948)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Like the Winham Farm development the does not appear to be a safe way for school children to cross the railway to go to school. A virtual footpath is not good enough. This development also appears an area similar to the 'Forts' in the corner, is they any archeological interest in this site? I am also concerned about the closing of the strategic gap and loss of green space/ agricultural land.

What modification(s) is necessary to make the Revised Pub...

.

How would the modification(s) you propose make the Revise...

.

Your suggested revised wording of any policy or text:

.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Anthony Wilde (307-281055)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

I wish to strongly protest the plan as defined under Edge of Town Living page 9. I refer to the designated area West of Downend Road. Although mentioned in the text but omitted from the diagram, is the still outstanding issue of the land to the east of the Down End road, namely Wynham Farm which is under objection. That area consisting of 350 houses plus this new proposed area of 550 houses combine to make 900 houses. The main objection to the Wynham Farm site was the additional traffic on the Down End road and the bridge which is totally inadequate for the additional volume. There are times when we in the Down End estate take up to 10 minutes just to get onto the the Down End road to get out due to the continuous traffic flow using the hill road as a "RAT" run. To add a further possible 1800 vehicles is totally unacceptable, apart from the extra fumes which have already made the area a danger spot for health. I note there is a proposed link road for which no details are shown or defined except some very loose wording which implies that we should see reduced traffic to the south of the Down End road, along the A27 between the Down End junction and the Delme roundabout and also the motorway link road. One has to question the modelling tool that can one add some 1800 vehicles (based on 2 per household) and suddenly reduced traffic. Also with some 900 house there must also be an increase in public transport. Already, it is not uncommon to find traffic queuing back from the lights on the A27 Down End road back up and over the Down End railway bridge. This traffic just sits with their engines idling pumping obnoxious fumes which permeates throughout the Down End estate. This situation will only get worse as the problem is caused by trying to squeeze so much traffic into Gosport, especially during the rush hours. The key element missing from the plan is a structured transport policy designed to remove some of the vehicles from the road. It is thought the Stubbington by-pass will help but if you care to talk with the possible users they all say they will not travel the extra distance past junction 11 and come off at junction 9 just to get to Gosport. Where is a decent tram system that could link Portsmouth, Gosport and Fareham and possible extend out to Whitley, Wickham and perhaps Hedge End. Just continually adding more houses without an integrated transport solution is NOT the answer.

What modification(s) is necessary to make the Revised Pub...

To publish a full compliant integrated transport policy which takes into account the traffic issues present today and those that will transpire as a result of the housing proposals.

How would the modification(s) you propose make the Revise...

It will show the shortcomings of the statement made about increasing housing yet reducing traffic flow problems.

Your suggested revised wording of any policy or text:

There is no revised wording as there appears to be a flaw in the statement. You cannot increase housing yet reduce traffic. I refer to the statement and map at the bottom of page 9. There is no support to the statement of an independent audit. I question the modelling tool that reached this conclusion.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Respondent: Dr. Edward Wynn (87-562025)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

On the bottom right of page 9 of the Fareham Today Local Plan Special you show a diagram based on some of the results of traffic modelling resulting from the provision of a link road. I very much doubt that these results can be true. They depend crucially on two things. The estimated number of vehicles presently travelling from the east to the M27 and from the M27 to the east. Also the estimated number of vehicles from the proposed 550 + 350 = 900 houses on the land to the west and to the east of Downend Road that are travelling to the M27 and towards Fareham centre and from the M27 and Fareham centre to these homes. I have no access to the traffic modelling but the independent auditor has. Does the auditor's report state explicitly that these crucial quantities are plausibly estimated? If it does not state this clearly then your diagram is not sound and needs to be removed until such assurance is obtained. I have already pointed out that the proposed development east of Downend Road is guaranteed to increase the traffic levels and waiting times on the roads highlighted. As I have also already said, both proposed developments are, sadly, in the wrong place. PS I am in no way qualified to judge any other parts of the plan and so my replies of Yes above signify nothing since I am forced to answer Yes or No.

What modification(s) is necessary to make the Revised Pub...

No comment.

How would the modification(s) you propose make the Revise...

The auditor indicates that they agree with the modelling and the estimating for the various parameters in the model.

Your suggested revised wording of any policy or text:

No comment.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Comments on the Local Plan 2037

Test of Soundness - Settlement Definition

- In the Foreword to the Publication Plan written by the Executive Member for Planning and Development states the vision of the Council to “distribute development across the Borough and achieve maximum community benefit from that development”.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan, alone contributes 832 dwellings to this number - 14%. This is not distributing “development across the Borough”. It is concentrating it in a small area of the Borough.
- As for “achieving maximum community benefit from that development”, the opposite will occur. An example is HA1 land to the north and south of Greenaway Lane. The 832 dwellings (14% of the total) “proposed” for this area will bring a minimum of 1,600 extra vehicles. The area is within a peninsula with only 3 roads in or out. It is already at maximum capacity for traffic. There are not enough school places at the moment. No new infrastructure is planned. There will be negative community effects.
- in the Foreword to the Publication Plan it states “greenfield sites are less favoured locations for development. Para 2.10 of the Publication Plan states “Fareham Borough will retain it’s identity, valued landscapes and settlement definition and will protect it’s natural, built and historic assets”.
- The proposed allocation of Policy HA1 (which is not in the current extant Local Plan) contradicts these aspirations and also those of Para 2.12 “Strategic Priorities” which “strive to maximise development within the urban area and away from the wider countryside and to create places that encourage healthier lifestyles”.
- Policy HA1 (currently Greenfield sites) is proposed to be re-designated as an urban area. This re-designation to urban status and the movement of the Settlement Boundary to encompass it is a blatant, stealthy manoeuvre by the Council which seems unethical and is done only to suit it’s own objectives.
- Strategic Priority 2 states “in the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition”. Or, as the Council has done, re-designate countryside as urban where convenient.
- Strategic Policy DS1 (paras 3.36 and 5.6) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Policy HA1 calls for the efficient use of existing buildings to meet such need on a one for one replacement dwelling basis. Inconveniently for the Council, these conditions do not apply to HA1 so the Council has simply redrawn the urban boundary so green fields (an easy option for Developers) can be covered in houses.

- Looking at Policy HP4 Para 5.24, HA1 fails to meet criteria e) as the proposals for development will demonstrably have unacceptable environmental, amenity and traffic implications.

Test of Soundness - Infrastructure

- Para 10.14 refers to the Local Plan Strategic Transport Assessment which at para 14.6 states “In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective”.
- However, the area HA1 isn’t assessed within the Local Plan Strategic Transport Assessment so the statement above doesn’t apply to HA1 with 832 dwellings.
- Para 10.15 of the Publication Plan in the Transport plan actually doesn’t include an analysis of streets where the majority of the houses are proposed. When there are 832 new dwellings proposed in HA1 (14% of the total for Fareham) why hasn’t more consideration been given to this area in the Transport Assessment?
- With an average of two vehicles per dwelling, an additional 1,660 vehicles will be on local roads. There is existing congestion but there is no mention of any mitigation that will be required to reduce this congestion now or by 2037.
- The Publication Plan fails the Test of Soundness by not being inclusive of all areas and not being Positively Prepared in this regard.
- Policy HA1 on page 53 refers to traffic routes and despite their being a Planning Decision to limit access onto Greenaway Lane to 6 dwellings due to the narrowness of the Lane with no pavements and ditches along its length in places this has been removed. The Plan now proposes access for up to 140 dwellings through a widening of the Lane when there is actually no scope for widening.
- This will result in a very considerable impact on the countryside character of the Lane and to the safety of it’s non vehicular users.
- Page 54 suggests multiple new accesses onto the already busy Brook Lane some within a few hundred yards of each other. This number could have been reduced considerably had there been no piecemeal development a Masterplan for HA1 (discussed in detail below). The proximity and positioning of these access roads are a recipe for gridlock and accident black spots.
- Policy HA1, page 54, indicates the need for two junior football pitches to be provided. These are not shown in the plan for HA1. Probably because every greenfield site possible location is being covered in housing.

Test of Soundness - Housing Need Methodology

- It is indicated at Para 3.27, fig 3.2, that there are 8 potential growth areas. These are not shown on the map. There is a lack of clarity.
- What is the definition of small scale development? Is it sites of less than 1 Ha or a development of not more than 4 units? Page 158 Policy HP2 is in conflict with Para 4.13.

- A contingency buffer of 1,094 dwellings has been made. However, Page 37 Paras 4.12 and 4.16 as well as Policy H1 shows that the Plan is heavily reliant on the certainty of delivery of the 3,610 dwellings at Welbourne by 2037.
- A previous version of the Publication Plan was scrapped because of a Government change of Housing need methodology. The Government is currently debating a White Paper on “Planning for the Future” which would change the housing need methodology again. Para 4.2 describes the methodology used to calculate Fareham’s housing need on which the whole Plan is based. This Publication Plan is premature and risky as the outcome of the White Paper could change the methodology again.

Test of Soundness - Occupancy Rates

- The claims regarding occupancy rates in this Publication Plan are not used consistently in the Council’s own proposals and requirements. The Council argues for an average occupancy rate of 2.4 for a 4/5 bedroom house in regards to Nitrate budget calculations. Yet in Para 5.41 it is stated that the occupancy rates for affordable homes will be in the range of 4-6.

Test of Soundness - Carbon Reduction

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised there is a climate change emergency. The Council for the Protection of Rural England Hampshire believes it is therefore imperative that the Local Plans set ambitious targets and action plans with accountability for achievement in the reduction of carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant Local Plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development also needs to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval.

This is not routinely done in Planning Committee in Fareham and this Publication Plan should be embracing the opportunity to apply these requirements to all Planning Approvals going forward.

- Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets. It does not state what the target should be it refers to individual developments power generation rather than what each development should achieve over and above Building Regulations requirements. The Plan is not positively prepared.
- Similarly in Para 11.35, the Council does not have a sound and effective approach to carbon emissions reduction in the Borough.
- Policy CC1 describes Green Infrastructure but the Borough does not have a Green Belt and non is planned.

Test of Soundness - Healthcare

Para 10.27 in the Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards. There is no scope to do this.

Complies with Need to Cooperate - Housing Need Methodology

Para 4.6. In agreeing to take up a shortfall of 900 homes from Portsmouth, Fareham Council are taking a big risk. We await the Government's response to last year's consultation on the planning White Paper, Planning for the Future, which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Matters of Legal Compliance - Community Involvement

- The residents have challenged the Council in the High Court of Justice in May 2021 and won their case the judge confirmed the following points: a) that the Council acted unlawfully and unfairly towards the residents. The residents evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council. b) that the Planning Committee failed to grapple with the residents request for a deferment. He further stated the "judgement needs to be shared with everyone concerned within the Council in this case, as their are lessons to be learnt from this".
- The Court action was funded by the residents, and costs were considerable, which shows the strength of feeling. The Council, of course, paid out of public funds.
- The residents have been ignored consistently. Since 2017 there have been protest marches, deputations and objections. A petition against the various versions of Draft Local Plans exceeded the required number of signatures needed to trigger a Full Council meeting debate but a debate was refused. The residents raised a challenge to this to the Council's Scrutiny Board but the refusal still stood. To date no debate regarding the petition has taken place.
- The residents have provided community generated evidence to the Council but this has not been considered as good as the desk exercise evidence provided by the Developers. Examples of the community generated evidence ignored by the Council includes evidence on previous land use which has shown that the previous use of land used by the Developer's to calculate their Nitrate budget is incorrect and traffic survey results produced by the residents and Community Speedwatch teams were simply dismissed. This is discriminatory.
- it has been found and confirmed by the Council that the Publication Plan contains errors. The errors are as follows: a) there are sites not included from page 74 of the SHELAA and also on page 52 of the Plan. b) some sites included on page 52 of the Plan have been included in error. c) the addendum on page 56 of the Plan includes an incorrect address. d) perhaps the worst error is that sites identified as suitable for development but which have not yet obtained planning permission are excluded from the total numbers given for HA1. The residents cannot therefore properly establish the impact of this Plan on their community. A Publication Plan containing such large errors relating to the number of properties to be built is Unsound.
- The Introduction to the Publication Plan, Page 1 Para 1.5, states that representations should focus solely on "Tests of Soundness". However, the guidance given in Fareham Today contradicts this and specifies two other areas to focus on, namely "Legal Compliance" and "Duty to Cooperate". A further error in the Plan and misleading and confusing to residents of the Borough wishing to comment on the Plan.

Matters of Legal Compliance - Housing Allocations

- please refer to my para 3 above relating to the errors in this Publication Plan regarding housing numbers. The Publication Plan is Unsound with respect to housing numbers and therefore also housing allocations.
- Para 1.16 of the Publication Plan makes no mention at all of the 2017 Unadopted Draft Local Plan which never came into effect. This Unadopted Plan is what sparked the resident's petition, marches and huge numbers of objections because the area known as HA1 first appeared in the 2017 Plan proposing over 800 houses in one small area which is Warsash. An area with no infrastructure in any respect to support such an expansion.
- In this Publication Plan Officers confirm it is the previous 2015 Plan which is extant. Para 4.8 allows the Council to consider housing sites allocated in the previous adopted Local Plan. As

already established, HA1 did not feature in the 2015 Plan so HA1 should not appear in this Publication Plan.

- However, Page 38 of the Publication Plan ignores this fact stating that HA1 and other sites local to HA1 are included.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan) alone contributes 832 dwellings to this number - 14%. This is an unfair distribution of housing allocation
- Further, within HA1 (which is not urban but consists of greenfield sites cheek by jowl with each other) there is no inter connectivity between the sites. All Developers are working in complete isolation to one another resulting in piecemeal development and an unnecessary number of access roads. The Council have failed to implement a "Masterplan" which should have considered the wider picture. Developers are not required to consider the site next door and therefore don't.
- This is contrary to Design Policy D3 para 11.44 which states "Coordination of development within and adjacent to existing settlements and as part of area wide development strategies and master plans is vital to ensure that developments are sustainable, appropriately planned and designed"
- A further Environmental Impact Assessment must be conducted showing the cumulative effect of HA1 in it's entirety.
- in this Publication Plan, Para 4.19 Housing Policies, there are a large number of allocations that are no longer proposed, namely HA 2, 5, 6, 8, 11, 14, 16, 18, 20, 21, and 25. Why was it decided to leave HA1 in as an allocation? How was the Objectively Assessed Housing Need arrived at for HA1?
- The Council's decision to propose HA1 within the now irrelevant 2017 Local Plan, has been taken advantage of by Developers who have submitted numerous applications. The Council within Planning Committee have resolved to grant permission on many of the sites already and advanced preparation for building has commenced on a number of them. This is ahead of the Publication Plan being approved.
- Other Developers have been claiming their sites fit well within HA1. This has resulted in the Council adjusting the boundaries of HA1 to accommodate them. Turning what was designated as Countryside into land for development in the process. A power shift towards the Developers it would seem. The Council is willing to listen to Developers but not to the residents of the Borough.

Matters of Legal Compliance - Habitats Directive and biodiversity

- The Habitats Directive Strategic Policy NE1 requires designated sites be protected and ENHANCED. The Publication Plan Para 9.51 states that the Council as the Local Planning Authority is (merely) aspiring to Nitrate Neutrality. On page 247, Para 9.54 it is indicated that proposals for development should provide a net REDUCTION in eutrophication for the designated sites in an unfavourable condition so as to restore conditions to favourable. Nowhere does the authority require ENHANCEMENT.
- Para 9.50 (NE4) of the Publication Plan confirms the lesser requirement by stating that permissions will be granted when the integrity of designated sites is maintained. No IMPROVEMENT is required for permission to be granted.
- Policy D4 states that the Council will only "**seek** to improve water quality".
- It is clear that the Local Planning Authority's watered down approach contravenes the Habitats Directive. Given the proximity of the SAC and RAMSAR protected sites to the proposed developments in the Borough (particularly to the Western Wards and HA1 sites) it is not clear how any development could be considered without negatively impacting the protected sites.
- Based on the proximity of the Western Wards and HA1 to the protected sites the deliverability of the proposed developments whilst properly satisfying the Habitats Directive is questionable.

- all the Developments in the Western Wards and HA1 are obtaining nitrate neutrality by purchasing “nitrate credits” from a site on the Isle of Wight owned by the Hants and Isle of Wight Trust which is being re-wilded. (A process that is going to take approximately over ten years). Therefore the protected sites will obtain no benefit from the so called nitrate neutrality of the developments. With this third party approach, water quality in the Solent will not be improved and the designated sites condition (currently unfavourable) cannot be maintained or improved. The approach is flawed.
- Habitats Regulation Assessment. Natural England advise that it is the responsibility of the Local Planning Authority to fulfil it’s legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). This surely cannot be achieved by buying nitrate credits from the Isle of Wight. to offset the harmful nutrients generated by residential developments in, say, HA1.
- Given the above legal responsibility, The “Introduction” in Para 1.45 surprisingly does not make any mention of the protected sites in and around the Solent.
- in May 2021 in the High Court the judge stated that the Natural England advice note will need to be reviewed in the light of his judgement. He added the judgement should not be interpreted as giving the advice note a clean bill of health. Thus, the Local Planning Authority is not complying with something that is of itself not advice that is robust enough.
- Strategic Policies NE1 and NE2. Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea for a number of years. This is despite having protected designated sites in our waters which skirt the whole of Fareham Borough Council. This policy of Southern Water’s was discovered as part of the Environment Agency’s largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this is addressed the unfavourable condition of the Solent and in particular the protected designated sites cannot be improved.
- The Borough does not have the sewage treatment capacity to cope with all the new building developments. The Solent SAC, SPA and RAMSAR cannot be protected and their quality improved until the capacity for the treatment of raw sewage is addressed. This issue is not dealt with in this Publication Plan but it is absolutely key to resolve sewage treatment before any building should go ahead.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?


Yes

No

A2 Please provide your details below:

Title:	Mr
First Name:	Steve
Last Name:	Carrington
Job Title: (where relevant)	
Organisation: (where relevant)	Foreman Homes Ltd
	c/o Agent
Address:	
Postcode:	
Telephone Number:	
Email Address:	

A3 Please provide the Agent's details:

Title:	Mr
First Name:	Steven
Last Name:	Brown
Job Title: (where relevant)	
Organisation: (where relevant)	Woolf Bond Planning
Address:	
Postcode:	
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

and

**Omission of Land at Military Road,
Wallington as an Allocation in Policy H1
(SHELAA Site Ref 27).**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the west of Military Road, Wallington. The Site has been assessed in the SHELAA as Site Ref: 27. It was also proposed as a housing allocation for 26 self and custom build dwellings under Policy HA16 of the 2017 consultation draft Local Plan.
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land to the west of Military Road, Wallington.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land at Military Road, Wallington (SHELAA Ref 27) – failure to include as an allocation in Policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients to the west of Military Road, Wallington (SHELAA site ref 27). This site can accommodate approximately 26 self and custom building dwellings in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land at Military Road, Wallington can also supply homes to contribute towards to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land at Military Road, Wallington) and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fails to provide an effective solution towards maintaining a five years supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments is proposed:
- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND TO THE WEST OF MILITARY ROAD, WALLINGTON AS A HOUSING ALLOCATION FOR APPROXIMATELY 26 SELF AND CUSTOM BUILD DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 26 self and custom building dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site is currently subject to an outline application for up to 26 custom and self-build dwellings, associated landscaping, amenity areas and a means of access from Military Road (LPA Ref: P/19/0130/OA).
- 7.4. The site was allocated in the draft Local Plan 2036 (policy HA16) as it was considered to be suitable, available and achievable in the SHELAA (December 2019). Since the site was allocated there has been no change in circumstances with regards to ownership, physical changes nor changes to the sustainability of the site, therefore there should be no reason for this site to be omitted from the latest incarnation of the plan.
- 7.5. The SHELAA (April 2021) sets out reasons for discounting the site, and subsequently removing it as an allocation. The reasons set out are: poor pedestrian and cycle links and concerns relating to heritage with regards to the setting of Fort Wallington.
- 7.6. In response to the first reason, there is a proposal to create a footpath as part of an application for a commercial development on the eastern side of Military Road, which is in control of Foreman Homes (P/20/0636/OA). The path will run north-south along Military Road and Standard Way and will create a connection

to local facilities and Fareham town centre therefore ensuring the site is sustainably located. This matter is therefore considered to be addressed.

- 7.7. Regards the second point, any future scheme can be designed around this constraint to allow for views of the Fort from public aspect. The heritage consultant for Foreman Homes has advised that this is an acceptable approach and it is possible to achieve. It is therefore considered that this matter can be addressed.
- 7.8. Development of the site for self and custom build dwellings will be in accordance with paragraph 62 of the NPPF 2021 which states that “housing need for different groups (including those wishing to commission or build their own homes) should be assessed and reflected in planning policies”. There is an identified need for this type of dwelling in the borough as set out in emerging policy HP9 of the Local Plan, the Background Paper: Self and Custom Build Need (prepared to inform the Local Plan 2036) and the Council’s Action Plan (September 2018). The Action Plan sets out the Council’s aims to “positively influence of help secure development opportunities where we can support individuals or organisations in our local communities to deliver high quality self build or custom building to meet demand in the Borough”
- 7.9. On the basis of the evidence prepared in support of the development of the Site for housing, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 7.10. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, land to the west of Military Road, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.11. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land west of Military Road, Wallington (SHELAA Ref: 27) should be identified as a housing allocation for circa 26 self and custom build**

dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site west of Military Road, Wallington for approximately 26 self and custom build dwellings.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

and

**Omission of Land at North Wallington and
Standard Way, Wallington as an Allocation
in Policy H1 (SHELAA Site Ref 324).**

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located North Wallington and Standard Way. The Site has been assessed in the SHELAA as Site Ref: 324. It was also proposed as a housing allocation for 21 dwellings under Policy HA20 of the 2017 consultation draft Local Plan.
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land at North Wallington and Standard Way, Wallington.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

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- Environmental Health Comments for application P/19/0894/OA (**Appendix 11**)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land at North Wallington and Standard Way (SHELAA Ref 324) – failure to include as an allocation in Policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients at North Wallington and Standard Way, Wallington (SHELAA site ref 324). This site can accommodate approximately 21 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land at North Wallington and Standard Way, Wallington can also supply homes to contribute towards resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land at North Wallington and Standard Way, Wallington) and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments is proposed:
- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND AT NORTH WALLINGTON AND STANDARD WAY AS A HOUSING ALLOCATION FOR APPROXIMATELY 21 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 21 dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site is currently subject to an outline application with all matters reserved (except for access) for residential development of up to 32 dwellings, associated landscaping and access off North Wallington Road (LPA Ref: P/19/0894/OA). The number of dwellings has now been reduced to 29 to address comments raised by the Council during the original consultation stage.
- 7.4. The site was allocated in the draft Local Plan 2036 (policy HA20) as it was considered to be suitable, available and achievable in the SHELAA (December 2019). Since the site was allocated there has been no change in circumstances with regards to ownership, physical changes nor changes to the sustainability of the site, therefore there should be no reason for this site to be omitted from the latest incarnation of the plan.
- 7.5. The SHELAA (April 2021) sets out reasons for discounting the site, and subsequently removing it as an allocation. The reasons set out are: noise and air quality concerns and poor pedestrian and cycle links.
- 7.6. With regards to the first reason, as part of the application consultation the Environmental Health Officer raised no concern with regards to noise or air

- pollution (Appendix 11). As no objection was raised this should not be a considered a reason to discount the site.
- 7.7. In response to the second reason a supporting Sustainability Statement and Transport Statement have been provided as part of the application to demonstrate that the site is suitably located and no objection was raised by Hampshire County Council as part of the application to contradict this. The view is based on the makeup of North Wallington Road, but improvements can be made to the road as part of the application therefore addressing this issue.
- 7.8. Concerns regarding landscaping were also raised by the Case Officer as there will be views of the dwellings from Standard Way and the M27. A Landscape and Visual Appraisal was undertaken to address these matters and concluded that given the development, both residential and industrial, are already a key characteristic of the local landscape the effects on landscape would be reduced. The site is not situated within a valued landscape and would not be out of character.
- 7.9. The site was allocated in the draft Local Plan 2036 (policy HA20) as it was considered to be suitable, available and achievable in the SHELAA. Since the site was allocated in the draft Local Plan 2036, there have been no change in circumstances with regards to ownership, physical changes nor changes to the sustainability of the site, therefore there should be no reason for this site to be omitted from the latest incarnation of the plan.
- 7.10. As part of the 2017 draft Local Plan, the settlement boundary had been reviewed and extended to incorporate the site into Fareham Town's settlement boundary.
- 7.11. On the basis of the evidence prepared in support of the development of the Site for housing, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.

- 7.12. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, North Wallington and Standard Way, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.13. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land at North Wallington and Standard Way, Wallington (SHELAA Ref: 324) should be identified as a housing allocation for circa 21 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at North Wallington and Standard Way for approximately 21 dwellings.

- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Respondent: Minister Alan Baker (77-81058)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

this plan makes no provision for disabled housing or houses that are adapted for use by disabled persons which is required under Government requirements for provision for disabled persons in new developments.

What modification(s) is necessary to make the Revised Pub...

at least 5% of new houses should have provision for use by disabled persons, or the necessary adaptations

How would the modification(s) you propose make the Revise...

it would then be compliant

Your suggested revised wording of any policy or text:

insert a paragraph declaring the provision of disabled housing is an integral part of the development.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



[gladman.co.uk](https://www.gladman.co.uk)



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared 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 an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **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 Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

-
- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable.
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
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APPENDICES:

**1.0 Landscape Response prepared by Terra Firma Consultancy including
Opportunities and Constraints Plan**

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has interests in Land adjacent to 75 Holly Hill Lane in Sarisbury (SHELAA ID: 1005).
- 1.2 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.3 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 11 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. Pegasus Group has calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP, then the supply of affordable home should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;
- Therefore, it is necessary for the RPLP to deliver a total of at least **13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

1.6 To be 'positively prepared' the Local Plan must:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- Be consistent with achieving sustainable development.*

To be 'justified', the Local Plan must:

- Provide an appropriate strategy, taking into account the reasonable alternatives; and*
- Be based on proportionate evidence.*

To be 'effective', the Local Plan must:

- Be deliverable over the plan period; and*
- Be based on effective joint working on cross-boundary strategic matters.*

To be 'consistent with national policy', the Local Plan must:

- Enable the delivery of sustainable development in accordance with the NPPF."*

The RPLP has not been positively prepared because it:

- Fails to meet the area's objectively assessed needs as described above;

- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

The RPLP is not justified because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough. This should include allocation of Land adjacent to 75 Holly Hill Lane for about 30 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. Pegasus Group are of the opinion that the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance includes:
 - (i) An assessment of the need for affordable housing over the plan period as required by paragraph 62 of the NPPF,
 - (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
 - (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 61 of the NPPF,
 - (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
 - (v) An assessment of how the out-of-date identified unmet needs are to be

distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 74 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 74 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welborne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54 Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue, both of which lie in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.

For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

This section of the RPLP is substantially focused on restricting development outside the existing settlement policy boundaries of urban areas. As part of the previous round of consultation on the Publication Local Plan, we submitted strong objections to the overly restrictive nature of the policies contained within this section of the Local Plan. No material changes have been made as part of the RPLP in response to those objections and so our key concerns are re-iterated below.

Paragraph 3.9 of the RPLP states:

"Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas." (our underlining)

Our client objects to the identification of the Areas of Special Landscape Quality (ASLQ) in the borough, and particularly to the presumption against development in ASLQ and against the allocation of any sites for development within these areas. This is discussed in detail in the section relating to Policy DS3: Landscape below.

Policy DS1: Development in the Countryside

For housing development which is brought forward in the absence of a 5-year housing land supply, Policy HP4 applies. This will necessarily introduce new built

form onto greenfield sites adjacent or well related to existing urban area boundaries. This will inevitably cause a change to the landscape character of the site and immediately adjacent land. Criteria ii) and iii) require proposals to "conserve and enhance landscapes" and "recognise the intrinsic character and beauty of the countryside". It is not clear which "landscapes" are being referred to – the spatial extent of 'landscapes' should be defined here to avoid ambiguity. While the landscape as a whole could be enhanced by carefully designed development proposals, the principle of landscape change within the site itself should be established. If this requirement to 'conserve and enhance landscapes' is applied to the landscape features and character of a potential development site, then this requirement is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. Either the spatial extent of 'landscapes' should be defined or the requirement to 'enhance landscapes' be removed from the policy.

Moreover, it is not clear how the extent to which a proposal has recognised "the intrinsic character of the beauty of the countryside" can be measured. After all, those attributes can be "recognised" but then disregarded. It is true that every area of countryside has a "character" but not that every area of countryside has "beauty".

Criterion v) should include an exception for development which is brought forward under Policy HP4, where the application of the "tilted balance" would allow the loss of BMVAL.

Paragraph 3.39 fails to explain how this policy works in relation to housing policies.

Policy DS3: Landscape

This draft policy designates about a quarter of the land area of the Borough as "Areas of Special Landscape Quality" (as shown on Figure 3.3).

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'.

Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

However, if it is held that Policy DS3 should not be deleted, the following comments apply.

Paragraph 3.55 states that "...all parts of the Borough have some landscape quality and may be sensitive to landscape change". This is ambiguous. All landscape will be of 'a quality' but quality (in GLVIA3 aligned with condition) is only one consideration of landscape sensitivity.

With regard to "How the policy works", paragraph 3.56 states that "The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.". The GLVIA3 is an extensive and diverse document and, if it is to be used as basis for this policy then a specific reference or explanation should be provided as to how points a-g have been derived.

Paragraph 3.57 refers to the submission of "...a proportionate Landscape Assessment". In the event that Policy DS3 is not deleted, this should be amended to require the submission of a 'Landscape and Visual Impact Assessment'. There are many applications of Landscape Assessment and several forms of reporting. Reference to LVIA would be specific and clear as to what is required (and incidentally relates better to the approaches set out in GLVIA3).

Having specific regard to our client's land interest adjacent to 75 Holly Hill Lane in Sarisbury, the site has previously been promoted through FBC's SHELAA, the latest version of which is dated April 2021 (Site ID 1005) and was discounted solely because it is located within an ASLQ. Consequently, our client has appointed Terra Firma Consultancy to review this matter and a Landscape Response is attached to these representations at Appendix 1, together with an Opportunities and Constraints Plan for the site.

In summary, it is considered that if Policy DS3 is not deleted, it should better allow

for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive small-scale development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane / DS2: Development in Strategic Gaps

There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

The executive summary of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" (undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020) makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function..."*

The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. Development in that location would place development in a open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially

significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*

- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks

further ahead (at least 30 years), to take into account the likely timescale for delivery."

Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2.

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

Pegasus Group has reviewed the RPLP and its evidence base and concludes that the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities. contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 61 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;

- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year

supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

As currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:
- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors.

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test

can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land adjacent to 75 Holly Hill Lane for residential development

The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard Method would remain as previously.

The Council has decided to introduce Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings alongside other new draft allocations in order to help meet the higher housing requirement.

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which include Land adjacent to 75 Holly Hill Lane.

As set out above, the sole reason for discounting the site as an allocation within the SHELAA is because of its location within the proposed ASLQ designation, and our client's objection to this is set out above.

Otherwise, the SHELAA confirms that the principle of highway access to the site is acceptable, subject to allowing for the turning of refuse vehicles within the design of the access road, which could be addressed. It is confirmed that there are no known conservation constraints or noise/air quality constraints, and that the site is not within an identified area of archaeological potential. The SHELAA suggests that there is the potential for moderate to high quality habitats and ecological interest within the woodland areas, but this could be assessed and appropriately mitigated.

In terms of its accessibility and sustainability, the SHELAA confirms that the site is located within 800m of accessible green space or play space, within 800m of a community/leisure facility, within 1,200m of a Primary School and within 1,600m of a Secondary School. It is also noted that the site is located 0.5 miles (by road) to the south of the A27 and its associated local facilities and services. There are also bus routes that run along Barnes Lane to the east, and the A27.

The SHELAA concludes that the site is both available and achievable but that it is not suitable due to its location within an ASLQ.

The Landscape Response prepared by Terra Firma Consultancy submitted previously, and enclosed at Appendix A, includes an Opportunities and Constraints Plan for the site which identifies an indicative developable area extending to approximately 0.93 hectares. On the basis of a development density of 30-35 dph, this would equate to the provision of between 28-33 dwellings on the site.

On the basis of the above, the Council is encouraged to allocate Land adjacent to 75 Holly Hill Lane in Sarisbury for about 30 dwellings and amend the RPLP Proposals Map accordingly. This site is controlled by a highly reputable local housing developer – Bargate Homes – who has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five-year housing land supply.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Delete Policy DS3;

- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land adjacent to Holly Hill Lane for about 30 dwellings and amend the Proposals Map accordingly.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in the hearing session(s)

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

To contribute to testing the legal compliance and soundness of the RPLP for the reasons set out in these representations.

APPENDIX 1
Landscape Response prepared by Terra Firma Consultancy
and associated Opportunities and Constrains Plan

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

REPRESENTATIONS INCLUDING REGARDING THE OMISSION OF FORMER POLICY HA2 HOUSING ALLOCATION - LAND AT NEWGATE LANE SOUTH, FAREHAM

REPRESENTATIONS ON BEHALF OF THE HAMMOND FAMILY, MILLER HOMES AND BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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2.0 Completed Representations Form.....	1-24

Appendix: - Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

Accompanying Supporting Specialist Representations (referred to in these representations):

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

i-Transport – Transport Technical Note: Former HA2 Housing Allocation

1.0 Introduction

- 1.1 The following representations are by Pegasus Group on behalf of our clients The Hammond Family, Miller Homes and Bargate Homes. Our clients have interests in land at Newgate Lane South, Fareham which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of this plan. For the reasons set out in these representations, our clients are strongly of the view that this allocation should be reinstated in the local plan.
- 1.2 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF). Currently the plan is neither legally compliant nor sound.
- 1.3 The following representations utilise the same format as the Council's response form. Each area of the Publication Local Plan (PLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **The Hammond Family, Miller Homes and Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group

Address: 3 West Links, Tollgate, Chandlers Ford, Eastleigh, Hants.

Postcode: SO53 3TG

Telephone Number: 02382 542777

Email Address: jeremy.gardiner@pegasusgroup.co.uk

B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

- 2.1 The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 10 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.
- 2.2 Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. These matters are considered in the appended specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021). Here, it is calculated that:
- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
 - The unmet affordable housing needs of neighbouring areas will increase this figure;
 - Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
 - In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP,

then the supply of affordable homes should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;

- Therefore, it is necessary for the RPLP to deliver a total of **at least 13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

- 2.3 Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

- 2.4 1.6 To be 'positively prepared' the Local Plan must:

- *Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- *Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- *Be consistent with achieving sustainable development.*

- 2.5 To be 'justified', the Local Plan must:

- *Provide an appropriate strategy, taking into account the reasonable alternatives; and*

- *Be based on proportionate evidence.*

2.6 To be 'effective', the Local Plan must:

- *Be deliverable over the plan period; and*
- *Be based on effective joint working on cross-boundary strategic matters.*

2.7 To be 'consistent with national policy', the Local Plan must:

- *Enable the delivery of sustainable development in accordance with the NPPF."*

2.8 **The RPLP has not been positively prepared** because it:

- Fails to meet the area's objectively assessed needs as described above;
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

2.9 **The RPLP is not justified** because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough against or in close proximity to the urban edge of Gosport. This should include the re-instatement of the former Newgate Lane South allocation (former Policy HA2) to deliver up to 475 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. As set out in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance

includes:

- (i) An assessment of the need for affordable housing over the plan period as required by paragraph 61 of the NPPF,
- (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
- (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 60 of the NPPF,
- (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
- (v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,
- (vi) A detailed housing trajectory as required by paragraph 73 of the NPPF,
- (vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 73 of the NPPF, and
- (viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

2.10 The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welbourne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54

Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue which lies in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

2.11 **The RPLP is not consistent with national policy** because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

2.12 The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

2.13 In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

- 2.14 However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.
- 2.15 **For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.**

Representations about specific draft Policies of the RPLP:

- 2.16 **DS2: Development in Strategic Gaps / HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane**

- 2.17 There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

- 2.18 Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

- 2.19 This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to

the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

2.20 Appended to these representations is a specialist representation on Landscape and Visual Matters (James Atkin, Pegasus Group, July 2021). Section 3 provides an analysis of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020. The executive summary of the Technical Review makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function...*

It is also noted that the Newgate Lane Area (Newgate Lane West and East from Fareham to Peel Common Roundabout) has undergone a significant amount of change in the recent past."

2.21 The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development, while land east of Newgate Lane (ie. the previous HA2 Newgate Lane South allocation) is not suggested for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The December 2020 Regulation 19 local plan deleted the

former HA2 allocation following previous objections to it from Gosport Borough Council. The Revised Regulation 19 plan or RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. In comparison to the former HA2 allocation, development in that location would place development in a more open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

2.22 Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

2.23 It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

- 2.24 This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

- 2.25 Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

- 2.26 As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

- 2.27 For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2."

"d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

2.28 As set out fully in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities, contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 60 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 67 of the NPPF, and

- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 73 of the NPPF.

2.29 The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is now proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

2.30 Indeed, as currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:

- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

2.31 Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors. For example, in his decision letter determining appeals relating to land at Newgate Lane (North) and Newgate Lane (South), Fareham (App/A1720/W/203252180 and 3252185) dated 8 June, 2021, the Inspector, Mr. I. Jenkins, reasoned at paragraph 21:

"In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment."

2.32 Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and if this policy is retained it is likely that the Council will release even fewer sites for housing to meet its substantial Five Year Housing Land Supply shortfall than it has done previously. **Policy HP4 is not fit for purpose, or necessary, and should be deleted.**

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

- 2.33 Proposed housing allocation HA2 Newgate Lane South was included in the Regulation 18 draft Local Plan in 2017, and it remained a proposed allocation in subsequent iterations of the emerging Local Plan for approaching 3 years until it was deleted as a proposed allocation in the Regulation 19 Publication Local Plan in November 2020. The draft HA2 allocation was supported by a Development Framework prepared by the Council which included a conceptual masterplan which showed a green buffer along the western edge of the proposed housing '*to enhance the strategic gap setting of the road and the new neighbourhood*'. The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. The Council deleted the HA2 allocation from the Regulation 19 Plan because it needed to make fewer allocations to meet its perceived lower housing target. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard method would remain as previously.
- 2.34 In these circumstances it would be reasonable to expect the Council to reinstate the HA2 allocation in its Revised Regulation 19 Plan. Instead, HA2 has still been omitted and the Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings has been proposed alongside other new draft allocations. This has been justified through alterations to the assessment of the component parcels of site HA2 in the Council's SA/SEA between the 2017 and 2020/21 versions, although the assessment methodology does not appear to have changed.
- 2.35 We have reviewed the SA/SEA report ("Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – Sustainability Report for the Revised Publication Local Plan, May 2021" prepared by Urban Edge Environmental Consulting / Natural Progression) and the commentary that it provides on the Council's site selection process through the iterations of the emerging Local Plan to date. From our review we note the following:

- Table 4.3 "Strategic Alternatives for Residential Development for the 2017 Draft Plan" details the packages of residential development options considered and confirms that the Preferred Option was **Option 2F** which comprised:
 - Welborne – 4,000 units by 2036
 - Regeneration sites in Fareham town centre
 - Warsash Maritime Academy
 - Cranleigh Road, Portchester
 - Romsey Avenue, Portchester
 - Three greenfield clusters:
 - Warsash Greenaway Lane
 - Segensworth
 - Newgate Lane South
 - Reduced scheme at Portchester Downend
 - Spread of urban fringe sites
- At Regulation 19 stage in 2020 (prepared in the context of the Government's consultation on a draft revised Standard Method calculation which reduced Fareham's housing requirement) the Council continued with a development strategy based on Option 2F above, although it removed the allocations of Newgate Lane South and Romsey Avenue, Portchester, and did not allocate the Strategic Growth Areas at Fareham South or the western portion of Downend, Portchester.

2.36 The "Rationale for Site Selection / Rejection" is provided at Appendix G of the SA/SEA report. The Newgate Lane South site is comprised of three parts – sites 3002, 3028 and 3057. All three sites are rejected. For all three the rationale for this was *"Development would have a detrimental impact on the Strategic Gap."* In addition, for sites 3028 and 3057, the further rationale was added – *"Site designated as a Brent Geese and Solent Waders low use site and there is no evidence of a strategy-compliant solution."* The rationale for Land South of

Longfield Avenue (site 3008) states:

"Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap."

- 2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.
- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*
- 2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of it's impact on the Strategic Gap.
- 2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

- The HA55 allocation will have a significantly more harmful impact on the integrity of the Strategic Gap, given the different (much more open) landscape character area that it lies within and the much greater scale of development proposed. The HA2 site lies between Newgate Lane East to the west, the playing fields to HMS Collingwood and Speedfields Park to the north, the urban edge of Bridgemary to the east, and Brookers Field recreation ground to the south – as such it is much more enclosed and discrete, and its development will complete the extent of built form in this location. In his **appeal decision letter on appeals relating the land West of Newgate Lane East dated 8 June, 2021** (Appeal Decisions APP/A1720/W/20/3252180 and 3252185), the Inspector, Mr. I.Jenkins, commented on those appeal proposals in relation to the Spatial Development Strategy of the extant development plan at paras. 78-86. At para. 84, he commented:

"Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap."

2.40 This adds significant weight to the case in support of the reinstatement of the HA2 housing allocation, given that a Planning Inspector has concluded that housing development to the east of Newgate Lane East would be potentially acceptable in terms of its impact on the Strategic Gap.

- Greater weight to the case in support of the reinstatement of the HA2 housing allocation is provided by **the appeal decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who has allowed appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation** (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). The Inspector allowed both appeals, granting outline planning permission for 99 dwellings on the site. This represents a very significant change in circumstances which the Council must now take into account. In reaching his decision, we note that the following conclusions were drawn:

-
- Paragraph 31 – *"Given the relatively modest scale of development proposed relative to the overall scale of the Strategic Gap along with the site's location on the outer edge of the Gap adjacent to the settlement boundary, **there would not be a significant effect on the integrity of the Gap, be it individually or cumulatively.** Nor would the built form extend fully to the settlement to the west, maintaining a degree of separation such that coalescence would not occur. Consequently, Peel Common would continue to be understood as mostly comprising a small, isolated ribbon of development."* (our emphasis)
 - Paragraph 41 – the Inspector listed a wide range of issues raised in relation to the appeals which did not alter his decision to allow the appeals, including:
 - Setting a precedent for other development including in the Strategic Gap;
 - The cumulative effect of development with other development, and;
 - Whether his decision was prejudicial to, and premature in terms of, the development plan-making process.
 - Paragraph 52 – the Inspector concluded the ***"the development would be sustainable development in terms of the Framework....such that the site is a suitable location for housing."*** (our emphasis)
 - We note above that the "Rationale for Site Selection / Rejection" for the RPLP is provided at Appendix G of the SA/SEA report; and that the rationale for the rejection of former allocation HA2 in principle was *"Development would have a detrimental impact on the Strategic Gap"*. This rationale is now superseded and discredited by the Inspector's conclusion at Paragraph 31 of the Newgate Lane East appeal decision where he concluded that a development of 99 dwellings on the southern part of the HA2 site ***"would not be a significant effect on the integrity of the Gap, be it individually or cumulatively."*** (our underlining). By commenting on its cumulative effect, the Inspector must be referring to its development as part of the wider development of the HA2 site because that is the only area of land that can be developed together with the

East of Newgate Lane East application site. **A Planning Inspector has therefore concluded that the development of the HA2 site would not have a significant effect on the integrity of the Strategic Gap. He has also concluded that land east of Newgate Lane East on the urban edge of Bridgemary is both a "suitable location for housing development" and is "sustainable development in terms of the Framework". As a result of this significant change in circumstances, there are sound and overriding planning reasons for site HA2 to be re-allocated for housing development.**

- Appended to these representations is a **Pegasus Group masterplan** which overlays the approved outline concept masterplan for the East of Newgate Lane East appeal site onto Fareham Borough Council's Development Framework Plan for the HA2 site – confirming the interrelationship of the appeal site with the balance of the HA2 site. Now that development of the southern part of HA2 has been granted planning permission and is to proceed, and that it has been confirmed by an Inspector that development of the whole HA2 site will not significantly harm the integrity of the Strategic Gap, it would be entirely justifiable for the Council to take these significant changes in circumstances into account and to work with the promoters of the HA2 site to masterplan its comprehensive development to deliver a scheme which both makes a significant contribution to Fareham's housing needs and is designed to create a new landscaped edge to the Strategic Gap at this point.
- Unlike any other proposed strategic allocation in Fareham borough, the HA2 site offers its future residents the opportunity to travel on the Bus Rapid Transit (BRT) and cycleway route which currently operates between Fareham railway station and Gosport Ferry, with funding in place for its further extension as part of the sub-regional transport network. The BRT runs through Bridgemary and is within easy walking distance of the HA2 site. Despite SA/SEA Strategic Objective 4: "To promote accessibility and encourage travel by sustainable means", the accessibility of this strategic sustainable transport route was discounted in the SA/SEA assessment because the BRT appears to have been treated like all other bus routes and because it is more than 400m from the HA2 site it doesn't create a positive score. That disregards its attractiveness as a high speed route, to which users are likely to be prepared to walk a greater

distance than 400m, so the BRT should be treated differently in the SA/SEA scoring matrix. This is a significant flaw in the SA/SEA methodology;

- The HA2 site lies on the edge of the urban area of Gosport. It exhibits a higher degree of accessibility to local services and facilities than the HA55 site;
- Given that the RPLP is planning (albeit in an unsound manner at present) to contribute to meeting the unmet housing needs of Gosport Borough, the HA2 site lies on the edge of Bridgemarky so is ideally located to assist in addressing Gosport's housing needs. In the absence of a Statement of Common Ground between Fareham and Gosport Borough Councils, we note that Gosport's most recent Housing Delivery Test Action Plan (July 2020 – March 2021) identified an under-delivery of 329 homes over the plan period to date. The borough is significantly constrained in terms of its ability to deliver housing because:
 - Gosport Borough is surrounded by international habitat designations and therefore the entire Borough is subject to Habitats Regulations. This results in the Borough falling within the zone of influence where housing development is likely to have a significant effect on the integrity of the designations. As such, it is not possible to automatically apply the presumption in favour of sustainable development as a likely significant effect cannot be ruled out without the completion of an Appropriate Assessment (AA). This is in line with the NPPF (2019) Paragraph 177:
 - Due to the significantly built-up nature of the Borough, the availability of sites for residential development will continue to be an issue. Most land outside of the existing built-up area has limited potential for development for a variety of reasons including:
 - it is of strategic importance for open space such as the Alver Valley Country Park and Stokes Bay;
 - it is used for defence operations such as the Defence Munitions site;
 - it has significant environmental constraints (nature conservation designation/flood risk) such as the Browndown Site of Special Scientific Interest.

- 2.41 All of these factors combine to confirm that Gosport Borough Council is under-delivering against its current housing requirement and that it faces considerable challenges in meeting its housing needs in its emerging Local Plan Review. The allocation of site HA2, on the edge of Bridgemary, will assist in this regard.
- 2.42 Development of the HA2 site will not cause adverse transport or highway impacts. Accompanying these representations is a Transport Technical Note prepared by i-Transport. This assesses the technical acceptability of the proposed means of vehicular access to the Newgate Lane South site - the principal access being proposed via a new four-arm roundabout on Newgate Lane East, with a secondary access into the southern part of the site from Brookers Lane, both of which are found to be acceptable. The Technical Note also considers the site's very good accessibility to local services and facilities, and its sustainability in transport terms given its proximity to the BRT route through Bridgemary and other non-car options. The site's strong transport sustainability credentials are not accurately reflected in the Council's SA/SEA which should be updated in this regard.
- 2.43 i-Transport's Technical Note also confirms that the proposed access from Newgate Lane East will not have a significant impact on traffic flows on Newgate Lane East. At paragraph 2.3.4, they advise:
- "All arms of the proposed junction operate within design capacity (<0.85 RFC) and with a Level of Service rating of 'A – Free Flow'. Maximum delay on any one arm is 8 seconds which is inconsequential and will have no material impact on the operation of Newgate Lane East."*
- 2.44 There is therefore no basis for rejecting the allocation of Newgate Lane South on transport grounds.
- 2.45 **B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?**
- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities, so plan to deliver sustainable development;

- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to the part of the site closer to the western boundary of HMS Collingwood, to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4, given that the operation of its predecessor Policy DSP40 by the Council has been ineffectual as evidenced by the persistent housing land supply shortfall in the Borough, and HP4 as drafted is more difficult to comply with. Instead, the Council should simply determine planning applications against NPPF paragraph 11d in relevant circumstances;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Reinstate proposed housing allocation HA2 Newgate Lane South to deliver at least 475 dwellings.
- Prepare an updated Development Framework Plan for housing allocation HA2, jointly with the site's promoters, to guide its detailed masterplanning, given that part of the site now benefits from planning permission.

2.46 **B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?**

For the reasons stated above.

2.47 **B4c Your suggested revised wording of any policy or text:**

See above.

2.48 **B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

Yes, I want to take part in the hearing session(s)

2.49 **B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):**

To explore the robustness of the Council's proposed revised housing provision and spatial development strategy, given the significant changes to both which have occurred during this plan preparation process which have included the proposed allocation and then deletion of the HA2 Newgate Lane South housing allocation site.

Appendix:

Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).



Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared 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 an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

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- **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 Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

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- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable.
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective and consistent with national policy
- **Complies with the Duty to Co-operate:** Has the Council engaged and working effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: mr

First Name: Andrew

Last Name: Jackson

Job Title: (where relevant)

Organisation: (where relevant)



A3 Please provide the Agent's details:

Title: _____

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

9.51 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. Policy NE4 confirms permissions will be granted when the integrity of designated sites be maintained but the LPA will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes these policies. It is unclear how any development could be contemplated in the Fareham Borough without need for proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust stated the wording needed to be changed to be consistent with the policy "to protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as the policy seeks to enhance and reconnect ecological networks where they have been compromised.

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was H Objectively Assessed Housing Need arrived at for this site?

Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift towards Finally and critically sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in that housing will be provided through HA1 and other local sites.

The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. If 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contain There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). assessment must be conducted showing the cumulative effect of HA1 in its entirety. This is contrary to Design for development within and adjacent to existing settlements and as part of area wide development strategies and are sustainable, appropriately planned and designed".

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered deputations and of

It is discriminatory that community-generated evidence carries less weight than that provided by Developer's c Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwat The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests c guidance in Fareham Today which includes the additional areas of" Legal Compliance" and "Duty to Cooperate" the public wishing to provide commentary.

Finally, and critically, sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

- Yes, I want to take part in a hearing session
- No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

Further comments on the Fareham Local Plan

which I have been unable to include in your too strict formatted comments form

Strategic policy NE2: The Hampshire and Isle of Wight Wildlife Trust considers a wording change to Policy 'NE2: Biodiversity and Nature Conservation' to ensure that the delivery of 'net gains' in biodiversity is the minimum required achievement. New wording to be "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and deliver net gains in biodiversity, where possible." Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. In line with the NPPF and in order to achieve net gain in biodiversity, the following change of wording is proposed by Natural England "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity". The policy states 1 or more dwellings should provide 10% net gain for biodiversity.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated the Natural England advice note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable.

Test of Soundness

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own objectives.

Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary!

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as

well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots.

Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect.

Para 10.14 refers to the Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan?

Para 3.27 fig 3.2 Where are the indicated 8 potential growth areas shown on the map? This map needs more clarity.

Page 158 Policy HP2 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 units?

Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. The previous version of the Publication plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it.

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

Para 11.35 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a sound and effective approach to carbon emissions reduction in the Borough.

Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

Policy CC1 describes 'Green infrastructure' but nowhere in the Borough do we have Green Belt and according to this plan none is planned to be defined as such.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is-designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval."

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

Complies with Duty to Cooperate:

Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Respondent: Mr Robert Marshall (287-5188)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Complies with duty to c-operate not applicable. The Fareham Society objected to this Policy on grounds of unsoundness. The minor changes to the Policy wording do not alter our views.

What modification(s) is necessary to make the Revised Pub...

N/A

How would the modification(s) you propose make the Revise...

N/A

Your suggested revised wording of any policy or text:

N/A

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure that the Society's views are discussed and an opportunity is given to respond to the views of others.

Respondent: Mr Joe Maphosa (307-511857)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Given the significant levels of unmet need in the Partnership for South Hampshire (PfSH) and constraints to short-term supply of housing the inclusion of an arbitrary limit of four dwellings in the policy wording is not a justified approach as bullet point 4 of the policy would be sufficient to avoid over development. The council has not set out any evidence or justification for this approach. Furthermore, a limit of 1 ha in line the NPPF definition and equally that of Policy HP6: Exception Sites is considered more appropriate. This is because theoretically on a site where development for an Exception site would be permissible under Policy HP6 development under Policy HP2 would equally be applicable as such for consistency a 1 ha limit should be applied as opposed to a 4 dwelling limit. The wording of para 5.16 has the effect of policy wording and as such should be set out within the policy wording to allow for proper scrutiny. Furthermore, the wording is not reflective of accessibility in relation to cycling nor does it reflect the rise of the use of grocery delivery services which have significantly increased recently during the COVID 19 pandemic. The policy when read as a whole is therefore not consistent with national policy.

What modification(s) is necessary to make the Revised Pub...

Removal of a 4 dwelling limit and inclusion of a 1 ha size limit instead in line with the NPPF and other policies with the plan.

How would the modification(s) you propose make the Revise...

The proposed modifications would make the plan sound by ensuring that it is positively prepared, justified and consistent with national policy.

Your suggested revised wording of any policy or text:

Policy HP2: New Small-Scale Development Outside the Urban Areas New small-scale housing development outside the Urban Area boundary, as shown on the Policies map, will be permitted where: 1) The site is within or adjacent to existing areas of housing; or 2) The site is well related to the settlement boundary; and 3) The site is within reasonable walking distance to a good bus service route or a train station as well as safe walking and cycling routes that connect to a local, district or town centre; and 4) It comprises development that does not adversely affect the predominant development form of the area, taking particular account of: a. building line and scale of adjacent dwellings; b. plot size and proportion, c. site coverage/ratio, d. space between dwellings, e. landscape and views through to countryside beyond; and 5) It comprises development: a. Of not more than 1 ha; and c. That does not extend the settlement frontage.

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

The matters raised by our representation have significant implications for the plan and require significant discussion at EiP.

Comments on the Local Plan 2037

Test of Soundness - Settlement Definition

- In the Foreword to the Publication Plan written by the Executive Member for Planning and Development states the vision of the Council to “distribute development across the Borough and achieve maximum community benefit from that development”.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan, alone contributes 832 dwellings to this number - 14%. This is not distributing “development across the Borough”. It is concentrating it in a small area of the Borough.
- As for “achieving maximum community benefit from that development”, the opposite will occur. An example is HA1 land to the north and south of Greenaway Lane. The 832 dwellings (14% of the total) “proposed” for this area will bring a minimum of 1,600 extra vehicles. The area is within a peninsula with only 3 roads in or out. It is already at maximum capacity for traffic. There are not enough school places at the moment. No new infrastructure is planned. There will be negative community effects.
- in the Foreword to the Publication Plan it states “greenfield sites are less favoured locations for development. Para 2.10 of the Publication Plan states “Fareham Borough will retain it’s identity, valued landscapes and settlement definition and will protect it’s natural, built and historic assets”.
- The proposed allocation of Policy HA1 (which is not in the current extant Local Plan) contradicts these aspirations and also those of Para 2.12 “Strategic Priorities” which “strive to maximise development within the urban area and away from the wider countryside and to create places that encourage healthier lifestyles”.
- Policy HA1 (currently Greenfield sites) is proposed to be re-designated as an urban area. This re-designation to urban status and the movement of the Settlement Boundary to encompass it is a blatant, stealthy manoeuvre by the Council which seems unethical and is done only to suit it’s own objectives.
- Strategic Priority 2 states “in the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition”. Or, as the Council has done, re-designate countryside as urban where convenient.
- Strategic Policy DS1 (paras 3.36 and 5.6) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Policy HA1 calls for the efficient use of existing buildings to meet such need on a one for one replacement dwelling basis. Inconveniently for the Council, these conditions do not apply to HA1 so the Council has simply redrawn the urban boundary so green fields (an easy option for Developers) can be covered in houses.

- Looking at Policy HP4 Para 5.24, HA1 fails to meet criteria e) as the proposals for development will demonstrably have unacceptable environmental, amenity and traffic implications.

Test of Soundness - Infrastructure

- Para 10.14 refers to the Local Plan Strategic Transport Assessment which at para 14.6 states “In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective”.
- However, the area HA1 isn’t assessed within the Local Plan Strategic Transport Assessment so the statement above doesn’t apply to HA1 with 832 dwellings.
- Para 10.15 of the Publication Plan in the Transport plan actually doesn’t include an analysis of streets where the majority of the houses are proposed. When there are 832 new dwellings proposed in HA1 (14% of the total for Fareham) why hasn’t more consideration been given to this area in the Transport Assessment?
- With an average of two vehicles per dwelling, an additional 1,660 vehicles will be on local roads. There is existing congestion but there is no mention of any mitigation that will be required to reduce this congestion now or by 2037.
- The Publication Plan fails the Test of Soundness by not being inclusive of all areas and not being Positively Prepared in this regard.
- Policy HA1 on page 53 refers to traffic routes and despite their being a Planning Decision to limit access onto Greenaway Lane to 6 dwellings due to the narrowness of the Lane with no pavements and ditches along its length in places this has been removed. The Plan now proposes access for up to 140 dwellings through a widening of the Lane when there is actually no scope for widening.
- This will result in a very considerable impact on the countryside character of the Lane and to the safety of it’s non vehicular users.
- Page 54 suggests multiple new accesses onto the already busy Brook Lane some within a few hundred yards of each other. This number could have been reduced considerably had there been no piecemeal development a Masterplan for HA1 (discussed in detail below). The proximity and positioning of these access roads are a recipe for gridlock and accident black spots.
- Policy HA1, page 54, indicates the need for two junior football pitches to be provided. These are not shown in the plan for HA1. Probably because every greenfield site possible location is being covered in housing.

Test of Soundness - Housing Need Methodology

- It is indicated at Para 3.27, fig 3.2, that there are 8 potential growth areas. These are not shown on the map. There is a lack of clarity.
- What is the definition of small scale development? Is it sites of less than 1 Ha or a development of not more than 4 units? Page 158 Policy HP2 is in conflict with Para 4.13.

- A contingency buffer of 1,094 dwellings has been made. However, Page 37 Paras 4.12 and 4.16 as well as Policy H1 shows that the Plan is heavily reliant on the certainty of delivery of the 3,610 dwellings at Welbourne by 2037.
- A previous version of the Publication Plan was scrapped because of a Government change of Housing need methodology. The Government is currently debating a White Paper on “Planning for the Future” which would change the housing need methodology again. Para 4.2 describes the methodology used to calculate Fareham’s housing need on which the whole Plan is based. This Publication Plan is premature and risky as the outcome of the White Paper could change the methodology again.

Test of Soundness - Occupancy Rates

- The claims regarding occupancy rates in this Publication Plan are not used consistently in the Council’s own proposals and requirements. The Council argues for an average occupancy rate of 2.4 for a 4/5 bedroom house in regards to Nitrate budget calculations. Yet in Para 5.41 it is stated that the occupancy rates for affordable homes will be in the range of 4-6.

Test of Soundness - Carbon Reduction

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised there is a climate change emergency. The Council for the Protection of Rural England Hampshire believes it is therefore imperative that the Local Plans set ambitious targets and action plans with accountability for achievement in the reduction of carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant Local Plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development also needs to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval.

This is not routinely done in Planning Committee in Fareham and this Publication Plan should be embracing the opportunity to apply these requirements to all Planning Approvals going forward.

- Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets. It does not state what the target should be it refers to individual developments power generation rather than what each development should achieve over and above Building Regulations requirements. The Plan is not positively prepared.
- Similarly in Para 11.35, the Council does not have a sound and effective approach to carbon emissions reduction in the Borough.
- Policy CC1 describes Green Infrastructure but the Borough does not have a Green Belt and non is planned.

Test of Soundness - Healthcare

Para 10.27 in the Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards. There is no scope to do this.

Complies with Need to Cooperate - Housing Need Methodology

Para 4.6. In agreeing to take up a shortfall of 900 homes from Portsmouth, Fareham Council are taking a big risk. We await the Government's response to last year's consultation on the planning White Paper, Planning for the Future, which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Matters of Legal Compliance - Community Involvement

- The residents have challenged the Council in the High Court of Justice in May 2021 and won their case the judge confirmed the following points: a) that the Council acted unlawfully and unfairly towards the residents. The residents evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council. b) that the Planning Committee failed to grapple with the residents request for a deferment. He further stated the "judgement needs to be shared with everyone concerned within the Council in this case, as their are lessons to be learnt from this".
- The Court action was funded by the residents, and costs were considerable, which shows the strength of feeling. The Council, of course, paid out of public funds.
- The residents have been ignored consistently. Since 2017 there have been protest marches, deputations and objections. A petition against the various versions of Draft Local Plans exceeded the required number of signatures needed to trigger a Full Council meeting debate but a debate was refused. The residents raised a challenge to this to the Council's Scrutiny Board but the refusal still stood. To date no debate regarding the petition has taken place.
- The residents have provided community generated evidence to the Council but this has not been considered as good as the desk exercise evidence provided by the Developers. Examples of the community generated evidence ignored by the Council includes evidence on previous land use which has shown that the previous use of land used by the Developer's to calculate their Nitrate budget is incorrect and traffic survey results produced by the residents and Community Speedwatch teams were simply dismissed. This is discriminatory.
- it has been found and confirmed by the Council that the Publication Plan contains errors. The errors are as follows: a) there are sites not included from page 74 of the SHELAA and also on page 52 of the Plan. b) some sites included on page 52 of the Plan have been included in error. c) the addendum on page 56 of the Plan includes an incorrect address. d) perhaps the worst error is that sites identified as suitable for development but which have not yet obtained planning permission are excluded from the total numbers given for HA1. The residents cannot therefore properly establish the impact of this Plan on their community. A Publication Plan containing such large errors relating to the number of properties to be built is Unsound.
- The Introduction to the Publication Plan, Page 1 Para 1.5, states that representations should focus solely on "Tests of Soundness". However, the guidance given in Fareham Today contradicts this and specifies two other areas to focus on, namely "Legal Compliance" and "Duty to Cooperate". A further error in the Plan and misleading and confusing to residents of the Borough wishing to comment on the Plan.

Matters of Legal Compliance - Housing Allocations

- please refer to my para 3 above relating to the errors in this Publication Plan regarding housing numbers. The Publication Plan is Unsound with respect to housing numbers and therefore also housing allocations.
- Para 1.16 of the Publication Plan makes no mention at all of the 2017 Unadopted Draft Local Plan which never came into effect. This Unadopted Plan is what sparked the resident's petition, marches and huge numbers of objections because the area known as HA1 first appeared in the 2017 Plan proposing over 800 houses in one small area which is Warsash. An area with no infrastructure in any respect to support such an expansion.
- In this Publication Plan Officers confirm it is the previous 2015 Plan which is extant. Para 4.8 allows the Council to consider housing sites allocated in the previous adopted Local Plan. As

already established, HA1 did not feature in the 2015 Plan so HA1 should not appear in this Publication Plan.

- However, Page 38 of the Publication Plan ignores this fact stating that HA1 and other sites local to HA1 are included.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan) alone contributes 832 dwellings to this number - 14%. This is an unfair distribution of housing allocation
- Further, within HA1 (which is not urban but consists of greenfield sites cheek by jowl with each other) there is no inter connectivity between the sites. All Developers are working in complete isolation to one another resulting in piecemeal development and an unnecessary number of access roads. The Council have failed to implement a "Masterplan" which should have considered the wider picture. Developers are not required to consider the site next door and therefore don't.
- This is contrary to Design Policy D3 para 11.44 which states "Coordination of development within and adjacent to existing settlements and as part of area wide development strategies and master plans is vital to ensure that developments are sustainable, appropriately planned and designed"
- A further Environmental Impact Assessment must be conducted showing the cumulative effect of HA1 in it's entirety.
- in this Publication Plan, Para 4.19 Housing Policies, there are a large number of allocations that are no longer proposed, namely HA 2, 5, 6, 8, 11, 14, 16, 18, 20, 21, and 25. Why was it decided to leave HA1 in as an allocation? How was the Objectively Assessed Housing Need arrived at for HA1?
- The Council's decision to propose HA1 within the now irrelevant 2017 Local Plan, has been taken advantage of by Developers who have submitted numerous applications. The Council within Planning Committee have resolved to grant permission on many of the sites already and advanced preparation for building has commenced on a number of them. This is ahead of the Publication Plan being approved.
- Other Developers have been claiming their sites fit well within HA1. This has resulted in the Council adjusting the boundaries of HA1 to accommodate them. Turning what was designated as Countryside into land for development in the process. A power shift towards the Developers it would seem. The Council is willing to listen to Developers but not to the residents of the Borough.

Matters of Legal Compliance - Habitats Directive and biodiversity

- The Habitats Directive Strategic Policy NE1 requires designated sites be protected and ENHANCED. The Publication Plan Para 9.51 states that the Council as the Local Planning Authority is (merely) aspiring to Nitrate Neutrality. On page 247, Para 9.54 it is indicated that proposals for development should provide a net REDUCTION in eutrophication for the designated sites in an unfavourable condition so as to restore conditions to favourable. Nowhere does the authority require ENHANCEMENT.
- Para 9.50 (NE4) of the Publication Plan confirms the lesser requirement by stating that permissions will be granted when the integrity of designated sites is maintained. No IMPROVEMENT is required for permission to be granted.
- Policy D4 states that the Council will only "**seek** to improve water quality".
- It is clear that the Local Planning Authority's watered down approach contravenes the Habitats Directive. Given the proximity of the SAC and RAMSAR protected sites to the proposed developments in the Borough (particularly to the Western Wards and HA1 sites) it is not clear how any development could be considered without negatively impacting the protected sites.
- Based on the proximity of the Western Wards and HA1 to the protected sites the deliverability of the proposed developments whilst properly satisfying the Habitats Directive is questionable.

- all the Developments in the Western Wards and HA1 are obtaining nitrate neutrality by purchasing “nitrate credits” from a site on the Isle of Wight owned by the Hants and Isle of Wight Trust which is being re-wilded. (A process that is going to take approximately over ten years). Therefore the protected sites will obtain no benefit from the so called nitrate neutrality of the developments. With this third party approach, water quality in the Solent will not be improved and the designated sites condition (currently unfavourable) cannot be maintained or improved. The approach is flawed.
- Habitats Regulation Assessment. Natural England advise that it is the responsibility of the Local Planning Authority to fulfil it’s legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). This surely cannot be achieved by buying nitrate credits from the Isle of Wight. to offset the harmful nutrients generated by residential developments in, say, HA1.
- Given the above legal responsibility, The “Introduction” in Para 1.45 surprisingly does not make any mention of the protected sites in and around the Solent.
- in May 2021 in the High Court the judge stated that the Natural England advice note will need to be reviewed in the light of his judgement. He added the judgement should not be interpreted as giving the advice note a clean bill of health. Thus, the Local Planning Authority is not complying with something that is of itself not advice that is robust enough.
- Strategic Policies NE1 and NE2. Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea for a number of years. This is despite having protected designated sites in our waters which skirt the whole of Fareham Borough Council. This policy of Southern Water’s was discovered as part of the Environment Agency’s largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this is addressed the unfavourable condition of the Solent and in particular the protected designated sites cannot be improved.
- The Borough does not have the sewage treatment capacity to cope with all the new building developments. The Solent SAC, SPA and RAMSAR cannot be protected and their quality improved until the capacity for the treatment of raw sewage is addressed. This issue is not dealt with in this Publication Plan but it is absolutely key to resolve sewage treatment before any building should go ahead.

30th July 2021

FAO: planningpolicy@fareham.gov.uk

Fareham Local Plan 2037 Publication
Revised Version Consultation

Dear Sirs,

Please find attached comments from CPRE Hampshire regarding the Revised Version of the submission Fareham Local Plan 2037. We have only commented on those changes highlighted in red in the Revised Version and assume that our comments remain extant as per our submission on 15th December 2020. Our submission is attached as Appendix A.

It is important to state that it seems extremely strange to be filling in these arduous forms yet again. For those of us who are volunteers this is an onerous and time-consuming process, all done in our own free time.

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG for its housing numbers. CPRE Hampshire fundamentally rejects the use of out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG. We expect that the 2021 Census will confirm that the 2018-based projections have more validity and combined with the likely changes in demographics following Brexit and Covid, that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan. The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PfSH Spatial Strategy.

Furthermore, there has been challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation has asked ONS to make some more checks on this aspect of their projections. This is particularly relevant as the Fareham Local Plan seeks to take some housing for Portsmouth, which may not be required. Documents are attached as Appendices which relate to this matter.

We reiterate that CPRE Hampshire is extremely pleased to see that Fareham BC have approached their new Local Plan from a landscape-based perspective, a process which we wholly support. Furthermore, we fully endorse Fareham BC's inclusion of a Climate Change policy, which must underpin all other policies and spatial planning, but believe it could be more front and centre, as has been recommended by the most recent NPPF July 2021.

And we remain disappointed that there still seems to be no mention of a potential new South Hampshire **Green Belt** in this Revised Submission Version. In an earlier consultation by Fareham BC in July 2019, there were a number of mentions of this option, notably in Section 10c regarding the Meon Valley, where it said: "The Council will also be working with PUSH to consider the potential for greenbelt land across local authority

areas, and there could be scope for this area to become part of a South Hampshire greenbelt.” As CPRE Hampshire has long campaigned for a sub-regional area of restraint in order to encourage urban regeneration and prevent sprawl, this was very much welcomed. Sadly, this does not seem to have been included in either the December 2020 Reg 19 document or this Revised Version, and we consider its exclusion to be a significant wasted opportunity, as the NPPF allows local authorities to designate Green Belt as part of the Local Plan process. It has been agreed that the PFSH authorities are to consider a new Green Belt as part of their forthcoming Statement of Common Ground, and we would have hoped to see Fareham BC leading the way.

CPRE Hampshire has completed Response forms for individual policies which have been changed since December 2020 and these are attached below this letter. We reiterate that our comments from December 2020 are still considered relevant for policies which are unchanged and assume they will also be passed to the Inspector. Our December 2020 submission is attached as Appendix A.

Yours faithfully,

Caroline Dibden
Vice-President
CPRE Hampshire



Attachments:

Appendix A – CPRE Hampshire Submission to Fareham Local Plan 2037, previous Reg 19 version, dated 15th December 2020

Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021

Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021

A1 Is an Agent appointed:

No, an agent is not appointed

A2 Please provide your details below:

Title:

Mrs

First Name:

Caroline

Last Name:

Dibden

Job Title:

Vice-President

Organisation:

CPRE Hampshire, the countryside charity

Address:

[Redacted Address]

Telephone:

[Redacted Telephone]

Email Address:

[Redacted Email Address]

POLICY H1: Housing Provision

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 4.1 to 4.20

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Strategic Policy H1: Housing Provision

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document? E.g. Viability Assessment

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant		NO
Sound		NO
Complies with the duty to co-operate		NO

B3 Please provide details you have to support your answers above

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG to calculate its so-called housing need numbers. CPRE Hampshire fundamentally rejects the using out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG.

We expect that the 2021 Census will confirm that the 2018-based projections have more validity, and this will only be reinforced by likely changes in demographics following Brexit and Covid-19. We suggest that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan.

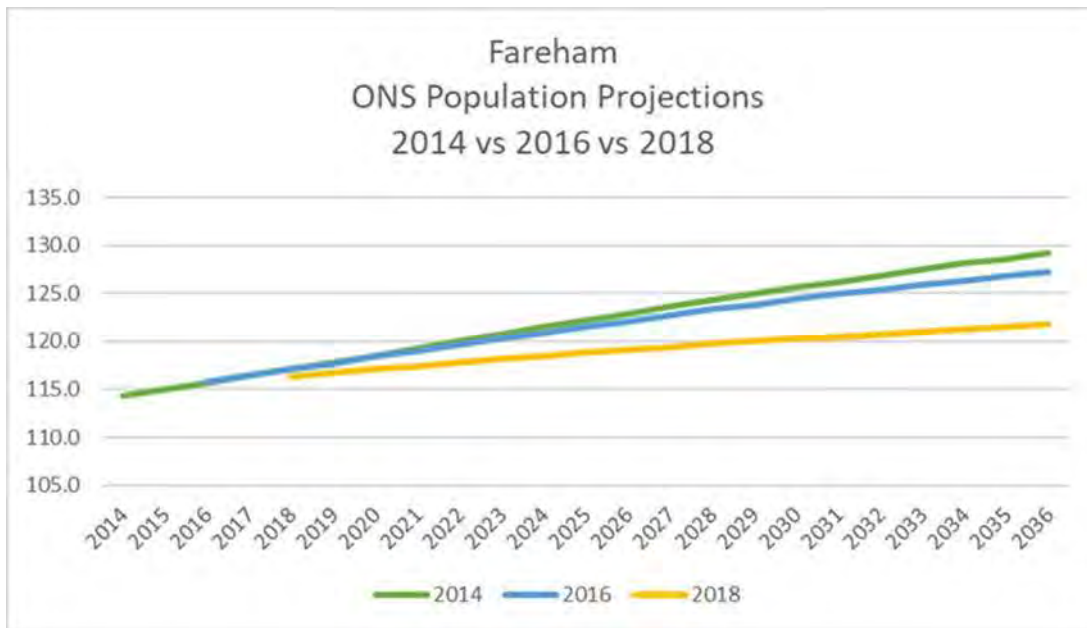
Graph H1_1 below shows the substantial differences in population by using the differing projections for Fareham. Using the most up-to-date data for Fareham would result in an annual housing need of 327, even lower than that expected in the abortive previous Regulation 19 Version Local Plan of December 2020. This difference is so significant, that several large sites in Strategic Gaps might not be required. Over the 16 years of the plan period the comparative numbers are 8,656 with the 2014 projections, and 5,232 with the 2018 ones, a difference of 3,424 dwellings.

CPRE Hampshire therefore believes that Fareham and PFSH should use the latest base data on household projections (the 2018-based projections from the ONS) as it conforms with Para 31 of the NPPF "The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

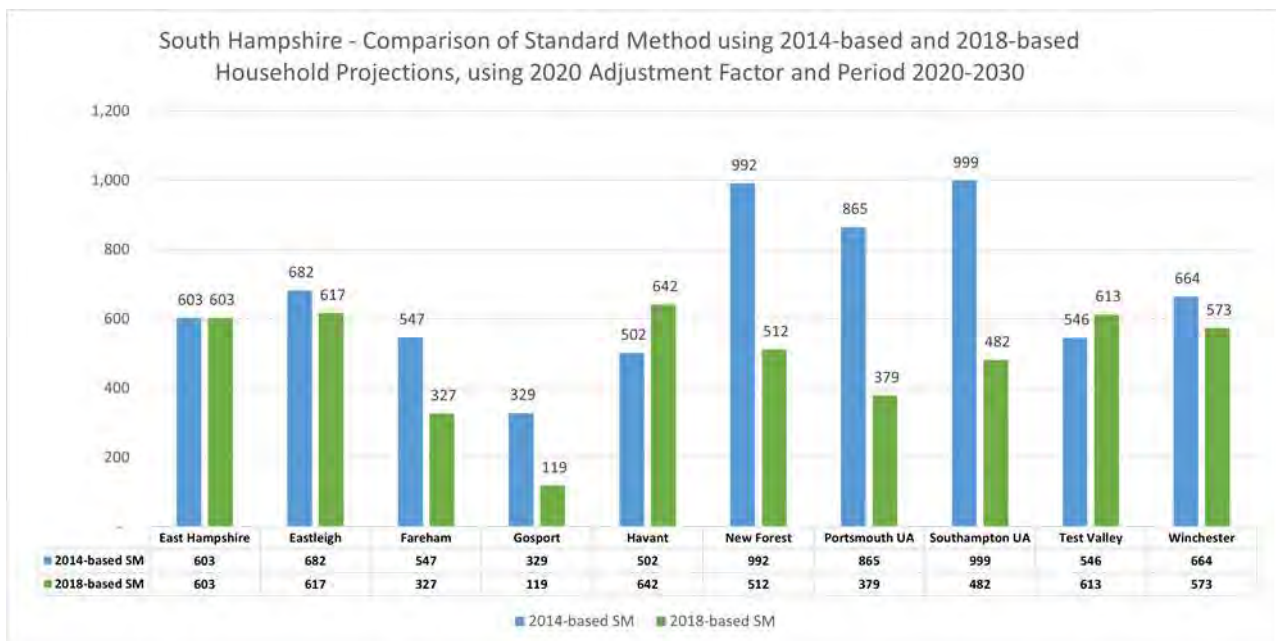
The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PFSH Spatial Strategy. As can be seen from the graph H1_2 below, the outcome of the Standard Method using 2014 and 2018-based projections for all the South Hampshire local authorities shows a substantially lower requirement. Across the six most urban of the PFSH authorities (Southampton, Portsmouth, Gosport, Eastleigh, Havant and Fareham) the difference is some 1,358 dwellings fewer annually. Using the 2014-based projections for those 6 urban authorities gives a housing requirement of 3,924 dwellings but using 2018-projections only 2,566 dpa, not including the metropolitan uplift for Southampton. With a 35% uplift for Southampton, the 2014-based figure would be 4,274, and the 2018-figure would be 2,735, with a difference of 1,539 dpa; an even more extreme difference between the 2 projection dates.

We believe that this must be factored into the next PFSH Spatial Strategy. Notably Portsmouth, who have requested help from Fareham in meeting their housing need, would see a fall in requirements from 865 dpa to 379 dpa. Should this be borne out by the Census results, it is a nonsense for Portsmouth to require any housing to be accommodated by Fareham.

The impact of Brexit, Covid-19, and corresponding economic fallout, on migration patterns will remain unclear for some time, and it is therefore sensible to use a cautious approach to planning and development.



Graph H1_1



Graph H1_2 (excludes 35% uplift for Southampton)

Furthermore, there has been recent challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation (10th May 2021) has asked ONS to make some more checks on this aspect of their projections. Relevant papers are attached as Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021, and Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021.

In essence the issue relates to how students are handled in university cities. It seems that students have been “counted in” at the start of their studies, but not “counted out” at the end. This is particularly the case for foreign students, whose presence after university does not tie up with home office visa data and HESA destinations surveys.

The bulge in the apparent resulting population is also not corroborated by other data, such as doctor registrations, A&E attendance, new car registrations, school admissions, benefit claims, voter numbers, gas and electricity use etc. In the 50 cities likely to be impacted by these discrepancies, Southampton comes in 9th place, Portsmouth at 23rd.

The inclusion of Portsmouth is particularly relevant to the Fareham Local Plan, as it includes 900 dwellings for Portsmouth, which may not be required. Documents are attached as Appendices B and C which relate to this matter. Checking Portsmouth’s data shows that in 2019, births were lower by 484 than predicted by the 2014-based projections, and deaths were 172 higher. Over 16 years of the plan period, this simple calculation indicates that population might be overestimated by some 10,496 or very approximately 4,400 households.

In 2019, around 644 foreign students were apparently not counted out of the city, based on data from Home Office exit checks. HESA surveys indicate that some students will return to the UK, but only 18% of those who return are likely to remain in Portsmouth.

Significantly, for Fareham to agree to take unmet need from Portsmouth is premature, predating as it does any response from ONS to the request for a review from the Office of Statistics Regulation.

It is also clear that there remains a significant reliance on delivery of housing at Welborne, which is subject to a separate plan. Delays to infrastructure finding at Welborne could have an impact on Fareham’s overall strategy for delivery of its housing needs in the plan period.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Use ONS 2018-based household projections, giving 5,232 dpa. With a buffer of 10% this gives a requirement of 5,755 dpa.

Remove the requirement to take 900 dwellings from Portsmouth CC.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

Use of up-to-date data is in accordance with Para 31 of the NPPF.

B4c Your suggested revised wording of any policy or text:

Use 5,232 dpa as the annual housing need with a 10% buffer to give a requirement of **5,755 dpa**.

Simply remove the requirement to take housing from Portsmouth CC.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a recognised authoritative voice on Hampshire's housing numbers, the standard methodology and has been involved in this aspect of Fareham's Local Plans since the time of the South-East Plan in 2005, and the formation of PfSH (Partnership for South Hampshire).

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers and would like to appear at the hearing sessions to SUPPORT the use of the most up-to-date household projections.

POLICY HA1: North and South of Greenaway Lane, Warsash

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Housing Allocation Policy: HA1 North and South of Greenaway Lane, Warsash

B1c Which part of the Policies Map?

Figure 4.1

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about the piecemeal development already seen, and proposed, in the Warsash area. Population growth in the 10 years 2009-2019 has reached 9% in Warsash and the western wards, while Fareham itself has only grown by 4%. As Warsash has no access to the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.1, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA1 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Para 127 of the NPPF states “Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.” It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities.

It is clear that the settlement policy boundaries have been moved to accommodate the applications pending for Warsash. This is not consistent with a plan-led approach but is simply reactive to a developer-led situation, and takes no account of the area’s defining features.

Para 22 of the new NPPF may require proposals for Warsash to be looked at over a 30 year period.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

More analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA1 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA1 framework meets NPPF prerequisites.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire, the countryside charity, has worked for some years with local campaign group Save Warsash and the Western Wards, and a number of our members will be affected by the proposals for such a large allocation of housing to one small settlement. We would like to take part in the hearing sessions to represent their concerns for initial choice of an unsustainable site, loss of countryside and open space in Warsash, and poor design due to lack of a masterplan.

POLICY HA55: Land South of Longfield Avenue

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input checked="" type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input checked="" type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Housing Allocation Policy: HA55 Land South of Longfield Avenue

B1c Which part of the Policies Map?

Figure 4.4

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about incursion of this proposed site into the Strategic Gap. It will significantly diminish the form and function of the Gap, and lead to an increasing perception of urbanisation in one of the few remaining open spaces between Gosport and Fareham. It is likely to have detrimental impacts upon the ecological network. We note that it has been moved from a green network opportunity to a non-statutory status in the Revised Version of Appendix C, Local Ecological Network Map.

The housing numbers include 900 homes from Portsmouth which CPRE Hampshire believes should be removed from Fareham's housing target. Were this to be done, it would weaken the justification for Fareham BC to allocate such a large site in the Gap. The need to allocate HA55 would be entirely unnecessary should the 2018-based household projections be used to calculate housing targets.

As the site is located some distance from the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.4, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA55 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Para 127 of the NPPF states "Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics." It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities, who have long opposed incursion into the Strategic Gap.

Para 22 of the new NPPF may require proposals for Longfield Road to be looked at over a 30-year period.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Remove HA55 from the list of allocations and remove the 900 houses which Fareham has agreed to take from Portsmouth.

In any event, more analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA55 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA55 framework meets NPPF prerequisites.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire believes that site HA55 represents an unnecessary incursion into the Strategic Gap and we would like to appear at the Hearings to further explain our case.

POLICY HP4: Five-year housing land supply

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1.

Paragraphs 5.22 to 5.28

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy HP4: Five-year housing land supply

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

The previous December 2020 version of **Policy HP4** stated “If the Council cannot demonstrate a five-year supply of land for housing against the housing requirement set out in Policy H1, additional housing sites, outside the Urban Area boundary, may be permitted where they meet all of the following criteria.....” The problem with this policy is that inadvertently it encourages the first choice of sites to be “outside the Urban Area”. CPRE Hampshire is sure that this is not what Fareham BC intends, and in any event it would not be in accordance with the councils own aspirations for a brownfield first approach, nor in accordance with the new NPPF Para 119, and is therefore unsound. NPPF July 2021 states “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

CPRE Hampshire suggests that to be in accordance with this aspiration, a sequential approach should be used, even in the event of a lack of a five-year housing land supply.

Our concerns regarding **Policy HP4** have been made much more critical as the word 'may' has been replaced with 'will' in the Revised Submission Version, so all such sites will essentially benefit from permission in principle, with no opportunity for Fareham BC to make any decisions based on sustainability.

The problem is exacerbated by the linkage of **Policy HP4** with **Policy DS1**, particularly **DS1 Criterion (e)** as discussed in CPRE Hampshire's submission in December 2020.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Policy HP4 should be rewritten to include a sequential approach, which "makes as much use as possible of suitable brownfield sites and underutilised land" as per Para 137 (a) of the NPPF.

The linkage of **Policy DS1 (e)** and **Policy HP4** should be removed.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers, and the five-year housing land supply, and would like to appear at the hearing sessions to discuss its impact on the Fareham Revised Submission Local Plan 2037.

POLICY E1: Employment Land Provision

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1.

Paragraphs 6.8 to 6.20

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy E1: Employment Land Provision

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

The Revised Submission Plan has major changes to the Employment Provision section, referring to the Stantec Report of March 2021. Para 6.10 refers to the PPG for assessing floorspace needs, based on a labour demand model and past take-up. But it then goes on to say in Para 6.10.1 that past-take up would imply a negative need for office space and therefore this was not used in practice. However, this is perverse as not only were past take-up rates falling, but we now have the Class E permitted development rights and likely post-Covid changes in employment patterns, with more people working from home and having virtual meetings. It is to be expected that the lower requirement suggested by past take-up rates is likely to be accelerated rather than an under-estimate. To just say that the requirement within the Revised Local Plan is aspirational takes no account of current circumstances. This is then exacerbated by adding a so-called underdelivery over past years, despite falling take-up rates.

Para 6.20 states “The policies in this Local Plan secure an overprovision of approximately 121,000 sq.m. compared to the requirement identified by the Stantec assessment. Whilst this is a significant quantum, it is considered an acceptable approach to cater for flexibility and choice in supply both in terms of time and type of employment space as set out in the NPPF and PPG.”

CPRE Hampshire suggests that not only was the Stantec assessment likely to be an overestimate of needs, but that to then allocate an over provision of 121,000 sq.m. is entirely unnecessary. Any cursory look at employment sites around South Hampshire shows large sites available for rent, and these should be used in advance of any new provision. This can be demonstrated by looking at websites such as Rightmove (<https://www.rightmove.co.uk/commercial-property-to-let/Fareham.html>) or Property Link (<https://propertylink.estatesgazette.com/commercial-property-for-rent/fareham>).

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Remove the over-provision of employment land.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire would like to appear at the hearing sessions to clarify why we do not believe that the proposed excessive over-provision of employment land is necessary.

STRATEGIC POLICY CC1: Climate Change

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 8.1 to 8.10, 8.60

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Strategic Policy CC1: Climate change

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant		NO
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire generally SUPPORTS the approach taken by Fareham BC to Climate Change. But we believe that **Policy CC1, Criterion (a)** does not go far enough to encourage/enforce a truly sustainable pattern of development and is unlikely to lead to a meaningful reduction of emissions from private car use. The Revised Submission Version simply adds a comment in Criterion (e) about Building Regulations, but this is merely tinkering around the edges of what could and should be achieved.

Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires that a local authority's development plan documents must: (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

The new NPPF Para 152 further includes the requirement that “the planning system should support the transition to a low carbon future in a changing climate”, should “shape places in ways that contribute to radical reductions in greenhouse gas emissions” and Footnote 53 “in line with the objectives and provisions of the Climate Change Act 2008.”

CPRE Hampshire believes that one of the most fundamental ways of combating the likelihood of adverse climate change, is to plan development where it can use better public transport and be less reliant on the car. The aspirations in **Policy CC1** are more about how development can respond to climate change, and rather less about how spatial planning of future development can help prevent it. We consider that this is a missed opportunity. According to Camilla Ween, Harvard Loeb Fellow, speaking on behalf of Transport for New Homes “Transport is responsible for about 26% of greenhouse gas emissions, much arising from personal car journeys. Our society will not be able to achieve the UN goals if we do not change the way we travel; that means we need to create new communities that are NOT car dependent. That means careful consideration of where new development is located, as well as how we design new communities, for example, places that are well connected with high quality public realm and movement infrastructure that encourage people to want to move to a car-free lifestyle.” It must be a fundamental tenet of the Fareham Local Plan that NO development should be permitted that relies on the car as its main means of access.

Nothing less than a drastic change to spatial strategy and a move away from South Hampshire’s historic pattern of sprawling suburbs will enable any meaningful contribution to the fight against adverse climate change. We owe it to future generations to do our utmost to shift patterns of behaviour that have become entrenched with the use of the private car. Even electric cars will not solve many of these issues as they still leave residues from tyres and fluids and are unsustainable in terms of battery manufacture.

We are aware that Client Earth wrote to the council in September 2019 to remind them of the legal obligations to address climate change and this objective clearly is in line with that requirement. We look forward to seeing the details of how the council will address climate change in the plan. In particular we would like to see clarity on detailed objectives and recognition of the need to measure progress against the objectives. Hampshire County Council have set out a very detailed plan with objectives on climate change and this may help Fareham BC when they are drawing up their own detailed plans. Ensuring new development is sustainable in terms of location and design will be central to achieving carbon neutrality. This is addressed above and below.

All policies, plans and decisions need to be measured against the objectives of the Climate Change Act 2008. The RTPI have studied this in their January 2021 report ‘NET ZERO TRANSPORT - The role of spatial planning and place-based solutions’. They say: “The planning system should also prioritise urban renewal that enables growth while achieving a substantial reduction in travel demand”.

It might also help to see the outcome of a study carried out by Cool Climate at the University of Berkeley to demonstrate the most substantive action local authorities can take to minimise greenhouse gases, Graph CC_1. Although it used US cities for the study, the principles would apply just as much to Fareham, and showed the single most effective measure is to increase urban infill in preference to car-based development.

Policy CC1 is therefore not legally compliant unless the large part of Fareham’s spatial strategy is geared to development around mass public transport hubs and avoiding sites which are car-dependant. It is clear that sites such as Policy HA1 would fail to meet this condition.

CPRE Hampshire recommends the checklist provided by Transport for New Homes, which sets out an objective approach to planning new housing areas without dependence on cars:

<https://www.transportfornewhomes.org.uk/wp-content/uploads/2019/10/checklist.pdf>

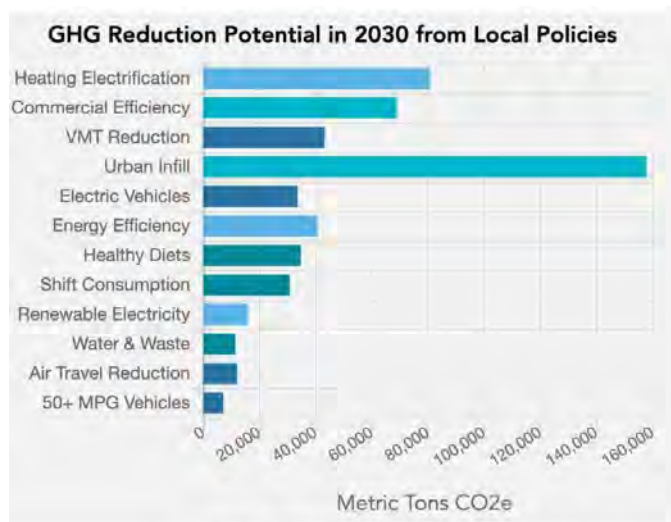


Figure 10: Cool Climate Network, 2018

Graph CC_1

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

CPRE Hampshire recommends strengthening **Policy CC1, Criterion (a)** to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF Para 152 in terms of shaping places that contribute to radical reductions in greenhouse emissions.

B4c Your suggested revised wording of any policy or text:

Policy CC1 (a) A development strategy that minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a more ambitious spatial strategy for planning housing in Fareham borough, such that it is located and designed appropriately around public transport hubs to minimise emissions and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy CC1** in this regard.

POLICY NE2: Biodiversity net gain

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 9.28 to 9.44

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy NE2: Biodiversity net gain

B1c Which part of the Policies Map?

The Local Ecological Network map in Appendix C

B2 Do you think the Publication Local Plan is:

Yes No

Legally compliant **YES**

Sound **YES**

Complies with the duty to co-operate **YES**

B3 Please provide details you have to support your answers above

The approach taken by Fareham BC is sound, and CPRE Hampshire SUPPORTS the requirement for biodiversity net gain as per the forthcoming Environment Act. However, we have significant concerns about the revised text in Para 9.32 about Fareham's ability to assess habitat condition and type, and to enforce any failure to achieve promised improvements. We refer you to the paper by Sophus Zu Ermgassen - *Exploring the ecological outcomes of mandatory biodiversity net gain using evidence from early-adopter jurisdictions in England*, June 2021

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12820#>

And the Revised Plan needs to be updated in Para 9.35 and Footnote 85 to reflect the updated Defra Biodiversity Metric 3.0 which has recently been released.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a spatial strategy for planning development, such that it is located and designed appropriately to see a net gain in biodiversity of the area and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy NE2** in this regard.

POLICY TIN1: Sustainable transport

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 10.1 to 10.11, 10.13

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy TIN1: Sustainable transport

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire SUPPORTS the approach taken by Fareham BC and consider **Policy TIN1** to be a good starting point. CPRE Hampshire recognises that Fareham BC aspire to have 'good growth' with existing and proposed transport corridors influencing choice of development, however we feel **Policy TIN1** does not go far enough. The Council should feel empowered to reject development which is not already located around, or can provide, public mass transit hubs, in particular the rail network. The policy as it stands does not give Fareham BC a sufficiently robust mechanism for achieving this. It is therefore unlikely to comply with the aspirations to meet climate change objectives as set out in **Policy CC1** or for air quality in **Policy NE8**.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

CPRE Hampshire recommends strengthening **Policy TIN1**, with an additional Criterion to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

CPRE Hampshire does not believe that the additional words added in the Revised Version in Para 10.13 are sufficiently robust to have any appreciable impact on reducing emissions, and do not give Fareham BC the powers to reject development with unsuitable transport provision.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The policy would then comply with climate change and air quality objectives, and with **Policy CC1**.

B4c Your suggested revised wording of any policy or text:

Policy TIN1 Development will be permitted

(d) minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a spatial strategy for planning housing, such that it is located and designed appropriately around public transport hubs to minimise emissions and impacts on climate change. We would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy TIN1** in this regard.

POLICY D1: High quality design and place making

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 11.1 to 11.36

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

POLICY D1: High quality design and place making

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

Yes

No

Legally compliant

YES

Sound

NO

Complies with the duty to co-operate

YES

B3 Please provide details you have to support your answers above

CPRE Hampshire welcomes the approach taken by Fareham BC towards high quality design in **Policy D1** but would like to see the inclusion of the words countryside and landscape into **Criterion (i)**. The omission of these words makes it inconsistent with **Strategic Policies DS1 and DS3** and therefore unsound.

The design quality of future developments starts with overall masterplanning and landscape context as well as specific building details. Fareham has seen a proliferation of poorly designed car dependant nondescript developments over recent years, and it is critical that major improvements are made for the future.

The Submission plan will need to be updated to take account of the National Model Design Codes and Para 132 of the NPPF which states that development that is not well designed should be refused permission, especially where it fails to reflect local design policies and government guidance on design.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Include the words countryside and landscape into **Criterion (i)**.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

This would then be in accordance with **Strategic Policies DS1 and DS3**. And would concur with the new NPPF Para 132.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire has many members in Fareham who are keenly interested in the design of future developments and would like to see major improvements over previous failures in design quality, which has historically resulted in large sprawling estates of car-dependant nondescript housing.

Respondent: Mrs Caroline Dinenage MP (307-371147)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

My final concerns within the Revised Publication is in relation to policies HP4, HP5 and HP6, specifically when they are linked to DS1. I can foresee that it is possible that a series of sites could come forward whereby the cumulative impact would not be sufficiently assessed as they would be speculative sites becoming available on a piecemeal manner.

What modification(s) is necessary to make the Revised Pub...

See previous response.

How would the modification(s) you propose make the Revise...

See previous response.

Your suggested revised wording of any policy or text:

See previous response.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



[gladman.co.uk](https://www.gladman.co.uk)



01260 288888

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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared 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 an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **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 Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

-
- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable.
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Mr

First Name:

Jayson

Last Name:

Grygiel

Job Title: (where relevant)

Manager of Planning Policy

Organisation: (where relevant)

Gosport Borough Council

Address:

Town Hall, High Street, Gosport

Postcode:

PO12 1EB

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

B3 Extension:

Policy HP4 relates to the Five Year Housing Supply and where the Council cannot demonstrate a five year supply of land for residential development, additional housing sites outside the urban area boundary may be permitted where they meet all the following criteria:

- The proposal is relative in scale to the demonstrated five year housing land supply shortfall;
- The proposal is sustainably located adjacent to, and well related to, the existing urban area boundaries and can be well integrated with the neighbouring settlement;
- The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant does not affect the integrity of a Strategic Gap;
- It can be demonstrated that the proposal is deliverable in the short term; and
- The proposal would not have unacceptable environmental, amenity and traffic implications.

The Council objects to the both the wording of **Policy HP4** and the link to DS1 policy as it implies that if Fareham's five year housing supply is not met, the first area of search is outside of the urban area boundary. Instead the policy should refer to sites within urban areas, brownfield land, underutilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered

It is understandable why the FLP2037 has a policy relating to this matter as the Government's National Planning Policy Framework (NPPF) requires local planning authorities to have a five year housing supply and if this cannot be demonstrated the relevant allocation policies in an adopted Local Plan (even a recently adopted one) becomes out of date and consequently housing can take place on sites previously not identified for housing. Both Councils have made representations to the Government in the past regarding this matter and how it is detrimental to a plan-led system by creating uncertainty for local communities and undermining the effective provision of infrastructure to serve these new residents. This is particularly the case when such sites can proceed on a cumulative and speculative basis without a comprehensive assessment of impacts that would normally be undertaken at the local plan-making stage.

This policy is therefore aiming to set out criteria to assess any proposal that comes forward that is not allocated in an adopted Local Plan. However it is this Council's view that the presence of the policy seems to direct development towards greenfield sites quite readily before other urban and more sustainable sites are fully considered.

The Council is particularly concerned that the proposed wording of this policy will undermine the effectiveness of the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington including its function of separating the settlements, providing an effective transport corridor serving the Gosport Peninsula as well as its role for providing green infrastructure benefits for the area. This representation and the Council's concerns regarding the impact of development within the Strategic Gap should be read in conjunction with the Appendix submitted with the Council's representation relating to Policy DP2.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Policy HP4 needs to be changed to reflect that sites in the countryside are not the first area of search for development if there is not a five year supply. Instead other sources of supply should be identified including sites within urban areas, brownfield land, under-utilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

This suggested modification would make the policy sound as it would become an effective policy by improving clarity and providing sufficient protection of the countryside and directing development to urban brownfield sites. Consequently this would be in accordance with the National Planning Policy Framework regarding make efficient use of land.

B4c Your suggested revised wording of any policy or text:

A requirement of a sequential approach to sources of supply needs to be demonstrated when there it can be demonstrated that there is not a current five year supply. Other sources of supply need to be considered before greenfield land outside the urban area within the Strategic Gap is considered.

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Council requests to attend any session regarding the future of the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington including the proposed wording changes to Policy HP4 if the Inspector considers it will assist the examination.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

White, Lauren

Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

Just to confirm that, as stated on original email, I **do not** wish to attend to participate in the examination process.

Regards,

Phil Hawkins.

On 29 Jul 2021, at 13:05, Trott, Katherine <KaTrott@Fareham.gov.uk> wrote:

Dear Mr Hawkins

Thank you for submitting your comments for the Revised Publication Local Plan consultation.

The Planning Strategy team will include your comments as part of the submission to the independent Planning Inspector who will examine whether the plan is sound. This examination process is "in public", you can attend the hearing sessions and put your points directly to the Inspector. This is your opportunity to tell us you want to do this. The Inspector will want to know why you are making the comment and whether you wish to see the plan changed in any way. By return of email please let us know whether you consider it necessary to participate in the examination process and why.

Remember that your comments on the Plan must refer to the changes that have been made since the last consultation and relate to the rules of:

- Soundness
- Legal compliance
- The duty to cooperate

Please [visit our website](#) for more information

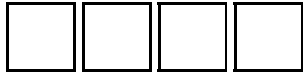
What happens next?

The consultation closes on 30 July. Following collation of the feedback, we will be submitting the Local Plan to the Independent Planning Inspector for examination.

All of the consultation responses from this consultation will be forwarded, together with the Publication Plan and supporting evidence, to the Planning Inspector for consideration. The Council are not in control of the timings of the examination however it is estimated that it will take place over the winter/spring 2021/2022.

Kind regards

Katherine Trott
Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil [REDACTED]
Subject: FBC Draft Local Plan (Publication Plan) - Comments

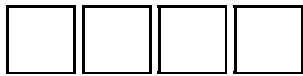
Good Morning Mr Hawkins,

I can confirm we have safely received your consultation comments below.

I have forwarded your email onto the Consultation team and they will log your comments.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Eileen & Phil [REDACTED]
Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

As per my telephone conversation with Mr. Peter Drake of the FBC Planning Department, I am listing my comments on the Draft Local Plan below, as the online documentation does not allow me to include all of my comments due to the limit on the number of 'characters' within the form.

I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
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APPENDICES:

**1.0 Landscape Response prepared by Terra Firma Consultancy including
Opportunities and Constraints Plan**

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has interests in Land adjacent to 75 Holly Hill Lane in Sarisbury (SHELAA ID: 1005).
- 1.2 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.3 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

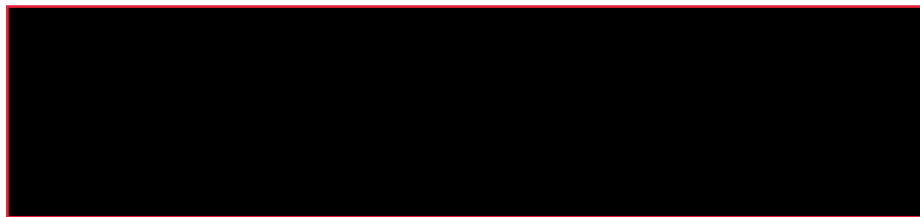
Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 11 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. Pegasus Group has calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP, then the supply of affordable home should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;
- Therefore, it is necessary for the RPLP to deliver a total of at least **13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

1.6 To be 'positively prepared' the Local Plan must:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- Be consistent with achieving sustainable development.*

To be 'justified', the Local Plan must:

- Provide an appropriate strategy, taking into account the reasonable alternatives; and*
- Be based on proportionate evidence.*

To be 'effective', the Local Plan must:

- Be deliverable over the plan period; and*
- Be based on effective joint working on cross-boundary strategic matters.*

To be 'consistent with national policy', the Local Plan must:

- Enable the delivery of sustainable development in accordance with the NPPF."*

The RPLP has not been positively prepared because it:

- Fails to meet the area's objectively assessed needs as described above;

- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

The RPLP is not justified because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough. This should include allocation of Land adjacent to 75 Holly Hill Lane for about 30 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. Pegasus Group are of the opinion that the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance includes:
 - (i) An assessment of the need for affordable housing over the plan period as required by paragraph 62 of the NPPF,
 - (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
 - (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 61 of the NPPF,
 - (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
 - (v) An assessment of how the out-of-date identified unmet needs are to be

distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 74 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 74 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welborne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54 Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue, both of which lie in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.

For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

This section of the RPLP is substantially focused on restricting development outside the existing settlement policy boundaries of urban areas. As part of the previous round of consultation on the Publication Local Plan, we submitted strong objections to the overly restrictive nature of the policies contained within this section of the Local Plan. No material changes have been made as part of the RPLP in response to those objections and so our key concerns are re-iterated below.

Paragraph 3.9 of the RPLP states:

"Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas." (our underlining)

Our client objects to the identification of the Areas of Special Landscape Quality (ASLQ) in the borough, and particularly to the presumption against development in ASLQ and against the allocation of any sites for development within these areas. This is discussed in detail in the section relating to Policy DS3: Landscape below.

Policy DS1: Development in the Countryside

For housing development which is brought forward in the absence of a 5-year housing land supply, Policy HP4 applies. This will necessarily introduce new built

form onto greenfield sites adjacent or well related to existing urban area boundaries. This will inevitably cause a change to the landscape character of the site and immediately adjacent land. Criteria ii) and iii) require proposals to "conserve and enhance landscapes" and "recognise the intrinsic character and beauty of the countryside". It is not clear which "landscapes" are being referred to – the spatial extent of 'landscapes' should be defined here to avoid ambiguity. While the landscape as a whole could be enhanced by carefully designed development proposals, the principle of landscape change within the site itself should be established. If this requirement to 'conserve and enhance landscapes' is applied to the landscape features and character of a potential development site, then this requirement is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. Either the spatial extent of 'landscapes' should be defined or the requirement to 'enhance landscapes' be removed from the policy.

Moreover, it is not clear how the extent to which a proposal has recognised "the intrinsic character of the beauty of the countryside" can be measured. After all, those attributes can be "recognised" but then disregarded. It is true that every area of countryside has a "character" but not that every area of countryside has "beauty".

Criterion v) should include an exception for development which is brought forward under Policy HP4, where the application of the "tilted balance" would allow the loss of BMVAL.

Paragraph 3.39 fails to explain how this policy works in relation to housing policies.

Policy DS3: Landscape

This draft policy designates about a quarter of the land area of the Borough as "Areas of Special Landscape Quality" (as shown on Figure 3.3).

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'.

Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

However, if it is held that Policy DS3 should not be deleted, the following comments apply.

Paragraph 3.55 states that "...all parts of the Borough have some landscape quality and may be sensitive to landscape change". This is ambiguous. All landscape will be of 'a quality' but quality (in GLVIA3 aligned with condition) is only one consideration of landscape sensitivity.

With regard to "How the policy works", paragraph 3.56 states that "The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.". The GLVIA3 is an extensive and diverse document and, if it is to be used as basis for this policy then a specific reference or explanation should be provided as to how points a-g have been derived.

Paragraph 3.57 refers to the submission of "...a proportionate Landscape Assessment". In the event that Policy DS3 is not deleted, this should be amended to require the submission of a 'Landscape and Visual Impact Assessment'. There are many applications of Landscape Assessment and several forms of reporting. Reference to LVIA would be specific and clear as to what is required (and incidentally relates better to the approaches set out in GLVIA3).

Having specific regard to our client's land interest adjacent to 75 Holly Hill Lane in Sarisbury, the site has previously been promoted through FBC's SHELAA, the latest version of which is dated April 2021 (Site ID 1005) and was discounted solely because it is located within an ASLQ. Consequently, our client has appointed Terra Firma Consultancy to review this matter and a Landscape Response is attached to these representations at Appendix 1, together with an Opportunities and Constraints Plan for the site.

In summary, it is considered that if Policy DS3 is not deleted, it should better allow

for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive small-scale development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane / DS2: Development in Strategic Gaps

There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

The executive summary of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" (undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020) makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function..."*

The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. Development in that location would place development in a open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially

significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*

- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks

further ahead (at least 30 years), to take into account the likely timescale for delivery."

Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2.

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

Pegasus Group has reviewed the RPLP and its evidence base and concludes that the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities. contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 61 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;

- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year

supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

As currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:
- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors.

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test

can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land adjacent to 75 Holly Hill Lane for residential development

The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard Method would remain as previously.

The Council has decided to introduce Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings alongside other new draft allocations in order to help meet the higher housing requirement.

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which include Land adjacent to 75 Holly Hill Lane.

As set out above, the sole reason for discounting the site as an allocation within the SHELAA is because of its location within the proposed ASLQ designation, and our client's objection to this is set out above.

Otherwise, the SHELAA confirms that the principle of highway access to the site is acceptable, subject to allowing for the turning of refuse vehicles within the design of the access road, which could be addressed. It is confirmed that there are no known conservation constraints or noise/air quality constraints, and that the site is not within an identified area of archaeological potential. The SHELAA suggests that there is the potential for moderate to high quality habitats and ecological interest within the woodland areas, but this could be assessed and appropriately mitigated.

In terms of its accessibility and sustainability, the SHELAA confirms that the site is located within 800m of accessible green space or play space, within 800m of a community/leisure facility, within 1,200m of a Primary School and within 1,600m of a Secondary School. It is also noted that the site is located 0.5 miles (by road) to the south of the A27 and its associated local facilities and services. There are also bus routes that run along Barnes Lane to the east, and the A27.

The SHELAA concludes that the site is both available and achievable but that it is not suitable due to its location within an ASLQ.

The Landscape Response prepared by Terra Firma Consultancy submitted previously, and enclosed at Appendix A, includes an Opportunities and Constraints Plan for the site which identifies an indicative developable area extending to approximately 0.93 hectares. On the basis of a development density of 30-35 dph, this would equate to the provision of between 28-33 dwellings on the site.

On the basis of the above, the Council is encouraged to allocate Land adjacent to 75 Holly Hill Lane in Sarisbury for about 30 dwellings and amend the RPLP Proposals Map accordingly. This site is controlled by a highly reputable local housing developer – Bargate Homes – who has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five-year housing land supply.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Delete Policy DS3;

- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land adjacent to Holly Hill Lane for about 30 dwellings and amend the Proposals Map accordingly.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in the hearing session(s)

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

To contribute to testing the legal compliance and soundness of the RPLP for the reasons set out in these representations.

APPENDIX 1
Landscape Response prepared by Terra Firma Consultancy
and associated Opportunities and Constrains Plan

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

REPRESENTATIONS INCLUDING REGARDING THE OMISSION OF FORMER POLICY HA2 HOUSING ALLOCATION - LAND AT NEWGATE LANE SOUTH, FAREHAM

REPRESENTATIONS ON BEHALF OF THE HAMMOND FAMILY, MILLER HOMES AND BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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2.0 Completed Representations Form.....	1-24

Appendix: - Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

Accompanying Supporting Specialist Representations (referred to in these representations):

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

i-Transport – Transport Technical Note: Former HA2 Housing Allocation

1.0 Introduction

- 1.1 The following representations are by Pegasus Group on behalf of our clients The Hammond Family, Miller Homes and Bargate Homes. Our clients have interests in land at Newgate Lane South, Fareham which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of this plan. For the reasons set out in these representations, our clients are strongly of the view that this allocation should be reinstated in the local plan.
- 1.2 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF). Currently the plan is neither legally compliant nor sound.
- 1.3 The following representations utilise the same format as the Council's response form. Each area of the Publication Local Plan (PLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **The Hammond Family, Miller Homes and Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

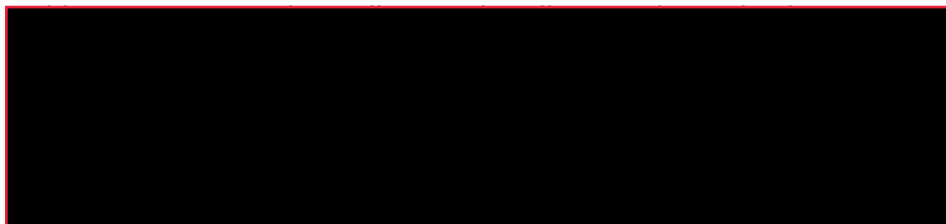
Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

- 2.1 The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 10 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.
- 2.2 Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. These matters are considered in the appended specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021). Here, it is calculated that:
- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
 - The unmet affordable housing needs of neighbouring areas will increase this figure;
 - Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
 - In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP,

then the supply of affordable homes should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;

- Therefore, it is necessary for the RPLP to deliver a total of **at least 13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

- 2.3 Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

- 2.4 1.6 To be 'positively prepared' the Local Plan must:

- *Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- *Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- *Be consistent with achieving sustainable development.*

- 2.5 To be 'justified', the Local Plan must:

- *Provide an appropriate strategy, taking into account the reasonable alternatives; and*

- *Be based on proportionate evidence.*

2.6 To be 'effective', the Local Plan must:

- *Be deliverable over the plan period; and*
- *Be based on effective joint working on cross-boundary strategic matters.*

2.7 To be 'consistent with national policy', the Local Plan must:

- *Enable the delivery of sustainable development in accordance with the NPPF."*

2.8 **The RPLP has not been positively prepared** because it:

- Fails to meet the area's objectively assessed needs as described above;
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

2.9 **The RPLP is not justified** because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough against or in close proximity to the urban edge of Gosport. This should include the re-instatement of the former Newgate Lane South allocation (former Policy HA2) to deliver up to 475 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. As set out in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance

includes:

- (i) An assessment of the need for affordable housing over the plan period as required by paragraph 61 of the NPPF,
- (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
- (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 60 of the NPPF,
- (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
- (v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,
- (vi) A detailed housing trajectory as required by paragraph 73 of the NPPF,
- (vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 73 of the NPPF, and
- (viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

2.10 **The RPLP is not effective** because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welbourne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54

Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue which lies in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

2.11 **The RPLP is not consistent with national policy** because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

2.12 The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

2.13 In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

-
- 2.14 However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.
- 2.15 **For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.**

Representations about specific draft Policies of the RPLP:

- 2.16 **DS2: Development in Strategic Gaps / HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane**

- 2.17 There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

- 2.18 Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

- 2.19 This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to

the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

2.20 Appended to these representations is a specialist representation on Landscape and Visual Matters (James Atkin, Pegasus Group, July 2021). Section 3 provides an analysis of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020. The executive summary of the Technical Review makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function...*

It is also noted that the Newgate Lane Area (Newgate Lane West and East from Fareham to Peel Common Roundabout) has undergone a significant amount of change in the recent past."

2.21 The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development, while land east of Newgate Lane (ie. the previous HA2 Newgate Lane South allocation) is not suggested for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The December 2020 Regulation 19 local plan deleted the

former HA2 allocation following previous objections to it from Gosport Borough Council. The Revised Regulation 19 plan or RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. In comparison to the former HA2 allocation, development in that location would place development in a more open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

2.22 Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

2.23 It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

- 2.24 This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

- 2.25 Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

- 2.26 As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.
- 2.27 For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2."

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

2.28 As set out fully in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities, contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 60 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 67 of the NPPF, and

- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 73 of the NPPF.

2.29 The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is now proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

2.30 Indeed, as currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:

- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

2.31 Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors. For example, in his decision letter determining appeals relating to land at Newgate Lane (North) and Newgate Lane (South), Fareham (App/A1720/W/203252180 and 3252185) dated 8 June, 2021, the Inspector, Mr. I. Jenkins, reasoned at paragraph 21:

"In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment."

2.32 Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "recognise the intrinsic character and beauty of the countryside". It is unclear how this policy test can be satisfied, and if this policy is retained it is likely that the Council will release even fewer sites for housing to meet its substantial Five Year Housing Land Supply shortfall than it has done previously. **Policy HP4 is not fit for purpose, or necessary, and should be deleted.**

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

- 2.33 Proposed housing allocation HA2 Newgate Lane South was included in the Regulation 18 draft Local Plan in 2017, and it remained a proposed allocation in subsequent iterations of the emerging Local Plan for approaching 3 years until it was deleted as a proposed allocation in the Regulation 19 Publication Local Plan in November 2020. The draft HA2 allocation was supported by a Development Framework prepared by the Council which included a conceptual masterplan which showed a green buffer along the western edge of the proposed housing '*to enhance the strategic gap setting of the road and the new neighbourhood*'. The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. The Council deleted the HA2 allocation from the Regulation 19 Plan because it needed to make fewer allocations to meet its perceived lower housing target. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard method would remain as previously.
- 2.34 In these circumstances it would be reasonable to expect the Council to reinstate the HA2 allocation in its Revised Regulation 19 Plan. Instead, HA2 has still been omitted and the Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings has been proposed alongside other new draft allocations. This has been justified through alterations to the assessment of the component parcels of site HA2 in the Council's SA/SEA between the 2017 and 2020/21 versions, although the assessment methodology does not appear to have changed.
- 2.35 We have reviewed the SA/SEA report ("Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – Sustainability Report for the Revised Publication Local Plan, May 2021" prepared by Urban Edge Environmental Consulting / Natural Progression) and the commentary that it provides on the Council's site selection process through the iterations of the emerging Local Plan to date. From our review we note the following:

- Table 4.3 "Strategic Alternatives for Residential Development for the 2017 Draft Plan" details the packages of residential development options considered and confirms that the Preferred Option was **Option 2F** which comprised:
 - Welborne – 4,000 units by 2036
 - Regeneration sites in Fareham town centre
 - Warsash Maritime Academy
 - Cranleigh Road, Portchester
 - Romsey Avenue, Portchester
 - Three greenfield clusters:
 - Warsash Greenaway Lane
 - Segensworth
 - Newgate Lane South
 - Reduced scheme at Portchester Downend
 - Spread of urban fringe sites
- At Regulation 19 stage in 2020 (prepared in the context of the Government's consultation on a draft revised Standard Method calculation which reduced Fareham's housing requirement) the Council continued with a development strategy based on Option 2F above, although it removed the allocations of Newgate Lane South and Romsey Avenue, Portchester, and did not allocate the Strategic Growth Areas at Fareham South or the western portion of Downend, Portchester.

2.36 The "Rationale for Site Selection / Rejection" is provided at Appendix G of the SA/SEA report. The Newgate Lane South site is comprised of three parts – sites 3002, 3028 and 3057. All three sites are rejected. For all three the rationale for this was *"Development would have a detrimental impact on the Strategic Gap."* In addition, for sites 3028 and 3057, the further rationale was added – *"Site designated as a Brent Geese and Solent Waders low use site and there is no evidence of a strategy-compliant solution."* The rationale for Land South of

Longfield Avenue (site 3008) states:

"Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap."

- 2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.
- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*
- 2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of it's impact on the Strategic Gap.
- 2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

- The HA55 allocation will have a significantly more harmful impact on the integrity of the Strategic Gap, given the different (much more open) landscape character area that it lies within and the much greater scale of development proposed. The HA2 site lies between Newgate Lane East to the west, the playing fields to HMS Collingwood and Speedfields Park to the north, the urban edge of Bridgemary to the east, and Brookers Field recreation ground to the south – as such it is much more enclosed and discrete, and its development will complete the extent of built form in this location. In his **appeal decision letter on appeals relating the land West of Newgate Lane East dated 8 June, 2021** (Appeal Decisions APP/A1720/W/20/3252180 and 3252185), the Inspector, Mr. I.Jenkins, commented on those appeal proposals in relation to the Spatial Development Strategy of the extant development plan at paras. 78-86. At para. 84, he commented:

"Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap."

2.40 This adds significant weight to the case in support of the reinstatement of the HA2 housing allocation, given that a Planning Inspector has concluded that housing development to the east of Newgate Lane East would be potentially acceptable in terms of its impact on the Strategic Gap.

- Greater weight to the case in support of the reinstatement of the HA2 housing allocation is provided by **the appeal decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who has allowed appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation** (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). The Inspector allowed both appeals, granting outline planning permission for 99 dwellings on the site. This represents a very significant change in circumstances which the Council must now take into account. In reaching his decision, we note that the following conclusions were drawn:

- Paragraph 31 – *"Given the relatively modest scale of development proposed relative to the overall scale of the Strategic Gap along with the site's location on the outer edge of the Gap adjacent to the settlement boundary, **there would not be a significant effect on the integrity of the Gap, be it individually or cumulatively.** Nor would the built form extend fully to the settlement to the west, maintaining a degree of separation such that coalescence would not occur. Consequently, Peel Common would continue to be understood as mostly comprising a small, isolated ribbon of development."* (our emphasis)
- Paragraph 41 – the Inspector listed a wide range of issues raised in relation to the appeals which did not alter his decision to allow the appeals, including:
 - Setting a precedent for other development including in the Strategic Gap;
 - The cumulative effect of development with other development, and;
 - Whether his decision was prejudicial to, and premature in terms of, the development plan-making process.
- Paragraph 52 – the Inspector concluded the ***"the development would be sustainable development in terms of the Framework....such that the site is a suitable location for housing."*** (our emphasis)
- We note above that the "Rationale for Site Selection / Rejection" for the RPLP is provided at Appendix G of the SA/SEA report; and that the rationale for the rejection of former allocation HA2 in principle was *"Development would have a detrimental impact on the Strategic Gap"*. This rationale is now superseded and discredited by the Inspector's conclusion at Paragraph 31 of the Newgate Lane East appeal decision where he concluded that a development of 99 dwellings on the southern part of the HA2 site ***"would not be a significant effect on the integrity of the Gap, be it individually or cumulatively."*** (our underlining). By commenting on its cumulative effect, the Inspector must be referring to its development as part of the wider development of the HA2 site because that is the only area of land that can be developed together with the

East of Newgate Lane East application site. **A Planning Inspector has therefore concluded that the development of the HA2 site would not have a significant effect on the integrity of the Strategic Gap. He has also concluded that land east of Newgate Lane East on the urban edge of Bridgemary is both a "suitable location for housing development" and is "sustainable development in terms of the Framework". As a result of this significant change in circumstances, there are sound and overriding planning reasons for site HA2 to be re-allocated for housing development.**

- Appended to these representations is a **Pegasus Group masterplan** which overlays the approved outline concept masterplan for the East of Newgate Lane East appeal site onto Fareham Borough Council's Development Framework Plan for the HA2 site – confirming the interrelationship of the appeal site with the balance of the HA2 site. Now that development of the southern part of HA2 has been granted planning permission and is to proceed, and that it has been confirmed by an Inspector that development of the whole HA2 site will not significantly harm the integrity of the Strategic Gap, it would be entirely justifiable for the Council to take these significant changes in circumstances into account and to work with the promoters of the HA2 site to masterplan its comprehensive development to deliver a scheme which both makes a significant contribution to Fareham's housing needs and is designed to create a new landscaped edge to the Strategic Gap at this point.
- Unlike any other proposed strategic allocation in Fareham borough, the HA2 site offers its future residents the opportunity to travel on the Bus Rapid Transit (BRT) and cycleway route which currently operates between Fareham railway station and Gosport Ferry, with funding in place for its further extension as part of the sub-regional transport network. The BRT runs through Bridgemary and is within easy walking distance of the HA2 site. Despite SA/SEA Strategic Objective 4: "To promote accessibility and encourage travel by sustainable means", the accessibility of this strategic sustainable transport route was discounted in the SA/SEA assessment because the BRT appears to have been treated like all other bus routes and because it is more than 400m from the HA2 site it doesn't create a positive score. That disregards its attractiveness as a high speed route, to which users are likely to be prepared to walk a greater

distance than 400m, so the BRT should be treated differently in the SA/SEA scoring matrix. This is a significant flaw in the SA/SEA methodology;

- The HA2 site lies on the edge of the urban area of Gosport. It exhibits a higher degree of accessibility to local services and facilities than the HA55 site;
- Given that the RPLP is planning (albeit in an unsound manner at present) to contribute to meeting the unmet housing needs of Gosport Borough, the HA2 site lies on the edge of Bridgemarky so is ideally located to assist in addressing Gosport's housing needs. In the absence of a Statement of Common Ground between Fareham and Gosport Borough Councils, we note that Gosport's most recent Housing Delivery Test Action Plan (July 2020 – March 2021) identified an under-delivery of 329 homes over the plan period to date. The borough is significantly constrained in terms of its ability to deliver housing because:
 - Gosport Borough is surrounded by international habitat designations and therefore the entire Borough is subject to Habitats Regulations. This results in the Borough falling within the zone of influence where housing development is likely to have a significant effect on the integrity of the designations. As such, it is not possible to automatically apply the presumption in favour of sustainable development as a likely significant effect cannot be ruled out without the completion of an Appropriate Assessment (AA). This is in line with the NPPF (2019) Paragraph 177:
 - Due to the significantly built-up nature of the Borough, the availability of sites for residential development will continue to be an issue. Most land outside of the existing built-up area has limited potential for development for a variety of reasons including:
 - it is of strategic importance for open space such as the Alver Valley Country Park and Stokes Bay;
 - it is used for defence operations such as the Defence Munitions site;
 - it has significant environmental constraints (nature conservation designation/flood risk) such as the Browndown Site of Special Scientific Interest.

- 2.41 All of these factors combine to confirm that Gosport Borough Council is under-delivering against its current housing requirement and that it faces considerable challenges in meeting its housing needs in its emerging Local Plan Review. The allocation of site HA2, on the edge of Bridgemary, will assist in this regard.
- 2.42 Development of the HA2 site will not cause adverse transport or highway impacts. Accompanying these representations is a Transport Technical Note prepared by i-Transport. This assesses the technical acceptability of the proposed means of vehicular access to the Newgate Lane South site - the principal access being proposed via a new four-arm roundabout on Newgate Lane East, with a secondary access into the southern part of the site from Brookers Lane, both of which are found to be acceptable. The Technical Note also considers the site's very good accessibility to local services and facilities, and its sustainability in transport terms given its proximity to the BRT route through Bridgemary and other non-car options. The site's strong transport sustainability credentials are not accurately reflected in the Council's SA/SEA which should be updated in this regard.
- 2.43 i-Transport's Technical Note also confirms that the proposed access from Newgate Lane East will not have a significant impact on traffic flows on Newgate Lane East. At paragraph 2.3.4, they advise:
- "All arms of the proposed junction operate within design capacity (<0.85 RFC) and with a Level of Service rating of 'A – Free Flow'. Maximum delay on any one arm is 8 seconds which is inconsequential and will have no material impact on the operation of Newgate Lane East."*
- 2.44 There is therefore no basis for rejecting the allocation of Newgate Lane South on transport grounds.
- 2.45 **B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?**
- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities, so plan to deliver sustainable development;

- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to the part of the site closer to the western boundary of HMS Collingwood, to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4, given that the operation of its predecessor Policy DSP40 by the Council has been ineffectual as evidenced by the persistent housing land supply shortfall in the Borough, and HP4 as drafted is more difficult to comply with. Instead, the Council should simply determine planning applications against NPPF paragraph 11d in relevant circumstances;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Reinstate proposed housing allocation HA2 Newgate Lane South to deliver at least 475 dwellings.
- Prepare an updated Development Framework Plan for housing allocation HA2, jointly with the site's promoters, to guide its detailed masterplanning, given that part of the site now benefits from planning permission.

2.46 **B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?**

For the reasons stated above.

2.47 **B4c Your suggested revised wording of any policy or text:**

See above.

2.48 **B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

Yes, I want to take part in the hearing session(s)

2.49 **B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):**

To explore the robustness of the Council's proposed revised housing provision and spatial development strategy, given the significant changes to both which have occurred during this plan preparation process which have included the proposed allocation and then deletion of the HA2 Newgate Lane South housing allocation site.

Appendix:

Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

**Fareham Local Plan:
Revised Publication Plan Consultation (July 2021)**

Representations by Persimmon Homes (South Coast)

July 2021

1. INTRODUCTION

1. Persimmon Homes (South Coast) (PHSC) welcomes the opportunity to comment on the Revised Fareham Draft Local Plan 2036 (Regulation 19: Publication draft) (RLP).
2. Persimmon Homes commented on an earlier Regulation 19 Publication draft of the Fareham Plan in March 2019. A copy of these comments are attached to these representations (see **Appendix 1**) and should be read alongside this Statement.
3. For brevity, given our response to the previous Regulation 19 Plan, we have sought to limit our comments to those elements of the draft Plan that are new. However, in the case of Policies H1, HP4 we have updated our previous comments so the content of these representations should be viewed as superseding those made previously. With regards to Policies DS2, CC1, NE2 and NE5, PHSC's comments made on the previous Regulation 19 plan still stand, but additional commentary on these policies is also provided in these representations.
4. The structure of these representation is as follows: Section 2 discusses the legal requirements of the RLP, and Section 3 sets out PHSC's response to the soundness of the Plan with reference to the tests set out in the NPPF. Persimmon has a number of sites within Fareham Borough that it is promoting for residential development. These including Land east of Crofton Cemetery and west of Peak Lane (formerly referred to by the Council as Oakcroft Lane, Stubbington), which is now proposed for allocation. This site is discussed under Section 3 of these representations. Persimmon Homes is also promoting five other 'omission sites', which are discussed in detail under Section 4 of these representations (and under Section 4 of our previous representations). PHSC's omission sites are listed below for ease of reference:
 - Land East of Burnt House Lane, Stubbington
 - Land West of Peak Lane, Stubbington
 - Land North of Titchfield Road, Stubbington
 - Land South of Titchfield Road, Stubbington
 - Land West of Cuckoo Lane, Stubbington

2. REVISED LOCAL PLAN LEGAL REQUIREMENTS

DUTY TO COOPERATE

5. Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended) requires local planning authorities (LPAs) to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including housing. The DtC legislation sets out the process for such engagement, but does not require that agreement is reached between parties on DtC issues. As such, based on the Council's Statement of compliance with the Duty to Co-operate (September 2020) it is considered that the legal requirement of the DtC has been met.
6. However, as detailed later in the Housing Need and Supply Section of these representations, the requirement to plan for sufficient housing, including the unmet housing needs of neighbouring authorities is also a soundness issue in respect of ensuring that local plan has been positively prepared (i.e. NPPF soundness test a)).

SUSTAINABILITY APPRAISAL (SA)

7. The Council has commissioned a focused update of the emerging Local Plan's SA that takes into account the changes made to the Plan since the previous Regulation 19 draft Local Plan consultation in 2020. Given the changes to the RLP, this is considered necessary from a legal perspective, so the SA update is welcomed by Persimmon.

CLIMATE CHANGE

8. Planning for climate change is a legal requirement under the Climate Change Act 2008 (see also Paragraph 153 of the NPPF). The issues associated with Climate Change are many, but it is PHSC's view that the RLP has provided policies that will address such issues (although in some instances we have recommended changes to policy wording). The Plan also includes a specific policy on climate change (Strategic Policy CC1). As such, in PHSC's view, the Council has discharged its legal duties for Plan-making with regards to climate change.

HABITATS REGULATION ASSESSMENT (HRA)

9. The Council has commissioned a focused update of the emerging Local Plan HRA that takes into account the changes made to the Plan since the previous Regulation 19 draft Plan. Given the changes to the RLP, this is considered necessary from a legal perspective, so the HRA update is welcomed.
10. With regards to PHSC's land interests in the Borough, the Council has resolved to allocate the site: Land east of Crofton Cemetery and west of Peak Lane (Policy H54) for housing development. The conclusion of the HRA in respect of this site is set out in detail under the detailed policy commentary on the H54 Policy.

3: SOUNDNESS ASSESSMENT OF REVISED LOCAL PLAN POLICIES

DEVELOPMENT STRATEGY

Strategic Policy DS2: Development in Strategic Gaps

8. Whilst our comments made towards the previous Regulation 19 Plan in respect of the Fareham-Stubbington Gap and the Meon Strategic Gaps are still relevant, it is pleasing to see that the Council is again considering some growth in the Fareham-Stubbington Gap area (see Policies H45 and H55), despite it no longer progressing the Strategic Growth Area (SGA) concept first mooted in the March 2020 Regulation 18 Fareham Draft Local Plan 2036 Supplement¹.
9. However, as set out below in Section 4 of these representations (and in PHSC's previous representations), the Persimmon is of the view that the Council has not gone far enough in terms of assessing whether further development could come forward within these extensive Gap areas, particularly in light of the significant housing needs for the Borough and the extensive unmet needs of neighbouring LPAs as discussed later in this Statement.

HOUSING NEED AND SUPPLY

Strategic Policy H1 Housing Provision

10. A key driver for the Council undertaking this additional Regulation 19 consultation is because it is now applying the correct Standardised Methodology Local Housing Need (LHN) figures (as opposed to the draft Standardised Methodology that was consulted on by Government in August 2020 but subsequently dropped). This change of approach is welcomed and indeed necessary if the Council's RLP is to be found sound at examination. By applying the correct Methodology, the Council's LHN has increased from 403 dpa (as per the previous Regulation 19 Plan) to 541 dpa. A consequence of this change is that the Council has needed to find additional supply sites to meet its housing needs.

RLP Plan Period

8. As set out in the Council's 2021 Local Development Scheme, an allowance of approximately nine months has been made for the examination of the RLP with adoption estimated for Autumn/Winter 2022. However, in PHSC's experience, and given the shortcoming of the Plan set out in these representations, it is considered likely that the Plan will not be adopted until year 2022/23. Should this be the case, it will be necessary for the Council to extend the Plan period by a further year so the requisite 15 years is covered as is required by national planning policy (NPPF Paragraph 22).

Sub-regional Unmet Housing Needs

9. As set out in Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance (PPG), LHN is the 'minimum starting point' for determining a Local Plan's housing requirement. Councils are required to consider other factors, for example unmet needs from neighbouring LPAs that may necessitate an uplift to LHN.

¹ As confirmed in this draft Plan (Paragraph 3.8), the SGA concept was proposed as a means of meeting unmet need in the sub-region.

10. In the regard, it is noted that the RLP proposes to add 900 homes to LHN to arrive at housing requirement of 9,556 across the plan period 2021-37 (which is equivalent to an average of 597 dpa). This increase represents a c.10% increase on LHN. When this is considered against the significant housing shortfall across the Partnership for South Hampshire (PFSH) sub-region, it is clear that the Council’s proposed uplift is woefully inadequate. Table 1 below provides an indication of the extent of unmet across the sub-region.

Table 1: Comparison of housing need and supply and extent of sub-regional housing shortfall 2020 – 2036

Local Authority	Annual Housing Need using Standard Method (dpa)	Total housing need 2020 – 2036	Supply = Commitments, local plan allocations + windfall estimate	Shortfall/surplus
East Hants (part)	112	1,792	1,169	-623
Eastleigh	694	11,104	8,335	-2,769
Fareham	514	8,224	6,550 ²⁶	-1,674
Gosport	344	5,504	2,919	-2,585
Havant	504	8,064	8,822	+758
New Forest	785	12,560	10,035	-2,525
Portsmouth	854	13,664	12,995	-669
Southampton	1,002	16,032	12,904	-3,128
Test Valley (part)	181	2,896	3,135	+239
Winchester (part)	235	3,760	5,986	+2,226
Total	5,225	83,600	72,850	-10,750

Source: Report to the Partnership for South Hampshire Joint Committee, 30 September 2020: Statement of Common Ground – Revision and Update (Table 4: Comparison of housing need and supply 2020 – 2036)²

11. As Table 1 demonstrates, as at September 2020, the shortfall in housing across the PFSH area equates to nearly 11,000 homes. However, since this assessment was undertaken, due to changes in the Standard Methodology (which include a ‘city uplift’), the LHN figure Southampton has increased to 1,389 dpa (equivalent to an additional 315 dpa). This is a significant rise in LHN for Southampton Cit. In light of Table 1 above, without a commensurate and significant increase in supply in Southampton City (which is considered unlikely) the sub-regional shortfall is likely to have increased. The negative impact on housing delivery as a result of COVID-19 and challenges presented by nitrate neutrality issues in the Solent area is also likely to have further exacerbated the sub-regional shortfall.

² <https://www.push.gov.uk/wp-content/uploads/2020/09/Item-8-Statement-of-Common-Ground-Update-30.09.20.pdf>

12. The Council will be aware that Fareham Borough straddles both the Southampton (Western) Housing Market Area (HMA) and the Portsmouth (Eastern) HMA³ and therefore has a vital role to play in terms of addressing housing needs of other LPAs given its relatively unconstrained nature, strong land availability and its strategic transport links to the major cities in the Solent sub-region.
13. Focussing on the Portsmouth HMA, which includes key settlements of Fareham, Stubbington and Portchester, it is noted that in the 2019 Regulation 19 Havant Borough Local Plan that Havant Council was previously intending to accommodate around 1,000 dwellings of the sub-regional unmet need. However, as shown in the current Submission draft Plan, which is currently the subject of examination⁴, Havant is no longer seeking to meet any of the sub-region's unmet needs. Turning to Gosport Borough, which is a highly constrained authority with limited land available to accommodate growth, it is understood this Council has not yet made a formal request to Fareham Council to take any of its unmet. However, this does not mean that unmet in Gosport does not exist. Anecdotally, it is understood that the unmet housing needs in Gosport Borough are likely to be in region of 2,000 dwellings. Given that only a relatively small part of East Hampshire and Winchester Districts fall within the Portsmouth HMA, the scope for these LPAs to accommodate growth in this part of the Solent sub-region is curtailed.
14. With regards to Portsmouth, where the issue of unmet need is most acute, it is noted that the City Council published a Regulation 18 draft of the Plan for consideration by its Cabinet members meeting on 27th July 2021⁵. As shown in Table 2 of the draft Plan, Portsmouth City Council (PCC) has identified a 1,000 home unmet need that is required to be accommodated elsewhere. However, if one delves deeper into the supply sites set out in the emerging Portsmouth Plan, it is clear that there are a number of strategic sites in Portsmouth that are unlikely to come forward within the Plan period (or at least unlikely to deliver at the anticipated rates set out in the Plan).
15. PHSC's concern with regards to Portsmouth supply is largely concerned with the development proposals for the City Centre area (4,605 dwellings) (see Portsmouth Plan Policy S1) due to viability issues, existing uses and multiple ownership (see Paragraphs 7.1.14 of the emerging Portsmouth Plan where some of these delivery issues are detailed). Persimmon's concerns are also levelled at key parts of the Tipner area (see Portsmouth Plan Policy S2), in particular the Tipner West site (also known as Lennox Point), which is proposed to deliver in excess of 3,500 new homes⁶. With regards to Tipner West, as shown at **Appendix 2**, the site is adjacent to national and international ecological designations including the Portsmouth Harbour Ramsar site, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

³ This area includes Portsmouth City Council, Havant Borough Council, Gosport Borough Council and parts of Fareham, Winchester and East Hampshire.

⁴ The Submission Havant Borough Plan can be viewed by following this link:

<https://cdn.havant.gov.uk/public/documents/CD01%20Submission%20Local%20Plan%20Format%20Update%20June%202021.pdf>

⁵ The Regulation 18 Portsmouth Plan can be viewed by following this link

<https://democracy.portsmouth.gov.uk/documents/s31724/Draft%20Portsmouth%20Plan%20-%20Appendix%20A%20-%20Draft%20Reg%20A.pdf>. Tipner

⁶ The Tipner West development proposals are detailed on the Council's dedicated webpage that can viewed by following this link: <https://lennoxpoint.com/>

However, to make the ecological impact of this site worse still, the Council is proposing land reclamation that will effectively 'eat' into these designations. The site should not therefore be classed as suitable for development. Viability of the current Tipner West proposals has also not been adequately assessed. Values in Portsmouth are challenging and when combined with the considerable build cost (for example, but not limited to, extensive under-croft parking) and costs associated with the land reclamation and land remediation, the site is unlikely to be viable. When these issues are considered in round the Tipner West site cannot, at this stage, be claimed to be developable. As such, the housing numbers from this site (and the City Centre sites) should not be counted towards PCCs housing requirements. It follows, therefore, that Portsmouth's housing requirement to be reduced accordingly, and this unmet need should then be accommodated elsewhere in the Portsmouth HMA area. In Persimmon's view, Fareham Borough is the most appropriate location for this unmet need to be addressed.

16. It is also noteworthy, as set out in minutes of the above PCC Cabinet meeting, that even the political leaders of Portsmouth Council are not convinced that the Tipner development should/will be brought forward. The Decision summary of the Cabinet meeting (partly reproduced in the bullet points below) in relation to Tipner is telling:

6. Also believed the target cannot be met without significant impact on the protected habitats that surround Portsmouth. It would be wholly wrong for the Government to unaccountably require the Council to cause environmental harm by over-riding environmental protection legislation.

7. Asked therefore the Leader to write to the Government to establish whether the Secretary of State for Housing Communities and Local Government believes the housing target and the necessary associated development in the Tipner-Horsea Island area are of such overriding public interest as to justify the scale of development required and the impacts on the ecology of the Solent Waters.

17. In light of the above, there is a real danger that the unmet needs in Portsmouth City are being significantly underestimated in the City Plan; potentially to tune of nearly 3,500+ additional homes should Tipner be deemed as undeliverable, and possible nearly 5,000 additional homes should the City Centre sites not come forward as planned. Given that the emerging Fareham Plan (and emerging Havant Plan for that matter) are proceeding in advance of the Portsmouth Plan⁷, it is important that a realistic understanding of unmet needs emanating from the City is established now so that Fareham Borough Council is able to make an appropriate contribution towards meeting such need through this current plan cycle. Should this not occur, and the Fareham Plan proceeds without due regard to the above, there is strong possibility that City's unmet need will be not be addressed due to the misalignment of the respective Local Plan production timetables for these LPAs.
18. To summarise on unmet housing needs relevant to the Fareham RLP; the Council's suggested contribution of 900 homes towards unmet supply is wholly inadequate in the context of

⁷ The Portsmouth LDS (July 2021) (Cabinet Draft) anticipates submission of the City Plan toward in Spring 2022 with adoption towards the end of 2022. A copy of the Portsmouth LDS can be viewed by following this link: <https://democracy.portsmouth.gov.uk/documents/s31717/Local%20Development%20Scheme%20update.pdf>

extensive sub-regional unmet needs across the PFSH area (at least 11,000 homes) and with regards to the Portsmouth HMA as summarised in Table 2 below.

Table 2: PHSC Analysis of Unmet in the Portsmouth HMA

	LPA confirmed unmet need	PHSC expected unmet need
Portsmouth City	1,000	3,500 – 8,105
Gosport Borough	TBC	2,000
Havant Borough	0	0
East Hampshire (part)	0	0
Winchester (part)	TBC	TBC
Total	1,000	5,500 – 10,105

19. Whilst the above situation is clearly challenging, it is PHSC’s view that **the Fareham RLP can still be found sound with reference to NPPF soundness test a) subject to modifications including the inclusion of additional housing sites to meet sub-regional unmet housing needs.** As such, the above situation should not prevent the Council from submitting the RLP for examination, as it is considered that a pragmatic approach to the examination can be taken whereby omission sites are considered as part of the examination process. This approach has been taken in respect of the Havant Local Plan examination, where the Inspectors have struck an appropriate balance between the need to progress a Local Plan in a timely fashion whilst also recognising that there are deficiencies in terms of housing supply.

Further Uplifts to H1 Requirements

20. In addition to our concerns above regarding the Policy H1 Housing Requirement, Councils are advised through national planning policy / guidance to consider whether any adjustments should be made to the LHN figure to account for other factors (alongside DtC issues) such as economic growth and affordable housing provision (which appears to be absent from the RLP). With regards to affordable housing, the Council commissioned a Housing Needs Survey as part of its previous 2020 Regulation 18 consultation draft Plan in 2017. At the time, the Survey suggested that there is a net affordable housing need of 302 dpa, which equates to approximately $\frac{3}{4}$ of the H1 housing requirement. Whilst the Standard Methodology accounts for affordability (or lack thereof in Fareham’s Borough’s case), actual affordable housing need indicates that a further uplift to Fareham’s LHN may be necessary.

Stepped Housing Requirement

21. The H1 Policy Requirement is expressed in the RLP as a stepped housing requirement, which backloads housing delivery towards the latter part of the Plan period. This approach is at odds with the NPPF’s objective to boost the supply of housing (see Paragraph 60) and therefore **the RLP is unsound in the context of soundness test b). To remedy this issue, Policy H1 should be expressed as an average requirement; it should not be stepped.**

RLP Housing Supply: Windfall Allowance

22. Policy H1 includes an estimated 1,224 windfall dwellings. The Council's Housing Windfall Projections Background Paper (June 2020) does not provide a detailed breakdown of which sites are being considered as windfall. The Council's figures cannot therefore be scrutinised. Until such time as the Council publishes this detail underpinning the windfall allowance, this element of the supply should not be counted towards the Council's housing requirement.

RLP Housing Supply: Proposed Housing Allocations

23. Allied to above, a further 3,358 homes are identified on Housing Allocation sites (i.e. sites prefixed with a HA reference in the RLP). However, a number of these sites are rolled forward allocations from the current adopted Local Plan - and in some cases (i.e. HA29 and HA30) are sites that formed part of the Western Wards growth area that was originally identified in the 1970's - but have failed to be delivered. As such, it is questionable whether the Council has properly assessed deliverability / developability of some of the proposed allocation sites comprising its supply. It is advisable therefore that the quantum of housing expected from some of the questionable supply sites should not be counted against the housing requirement in the Plan, and alternative sites (such as those set out in the Omission Sites section of PHSC's representations) should be identified to ensure the Council's housing requirements are met.

RLP Housing Supply: Welborne

24. In addition to the above, the deliverability issues associated with Welborne are well documented. The Oakcroft Lane appeal proposal (discussed in greater detail below under Policy H54 below) Statement of Case (May 2021) (SOC) (see **Appendix 3**) that has been prepared by Savills on behalf of Persimmon Homes provides a detailed analysis of the likely delivery timescales of the Welborne site (see SOC Paragraphs 7.18 to 7.45 in particular). Whilst this SOC focusses on the current five year supply period (i.e. 2021/22 to 2025/26), it confirms that first completions at Welborne are unlikely to occur until around year 2024/25 or 2025/26 (as opposed to first completions in 2022/23 as per the Council's trajectory). The consequence of a delay to the start of the site, would mean that the Council's Welborne trajectory would be 'pushed back' further in the Plan Period resulting in further units at being delivered outside of the plan period. This would have the effect of further reducing the Council's housing supply across the plan period. The further reduction in supply should be addressed through the identification of further omission sites to 'plug' this gap.

Policy HP4 Five-Year Housing Land Supply

25. With regards to the first Paragraph of this Policy, the Council's has suggested a change of wording that states that a development 'will be' permitted as opposed to 'may be' permitted. This amendment has created a positively worded policy and has removed any potential for ambiguity in its implementation by decision-makers. This is supported by PHSC.
26. With regards to criterion (b) the Policy states that a development should be '...integrated with the neighbouring settlement'. It is unclear whether this mean a physical link between the development and the adjoining settlement or whether that a development should be integrated in design terms. This needs to be clarified.

27. Criterion c) seeks to prevent development in a strategic gap that may significantly affect its integrity. As per our comments in respect of Policy DS2, this is a highly subjective policy criteria that will be challenging to interpret by decision-makers and applicants alike. It is also noted that Policy DS2 sets out different policy requirements with regards to the protection of Strategic Gaps (i.e. proposals should not affect the physical and visual separation of settlements). This has the potential to create an internal conflict within the Plan as it is unclear which policy requirements (either HP4 or DS2) would take precedent where the Council is unable to demonstrate adequate five year supply. It is suggested therefore that the wording for Criterion c) is deleted or replaced with a cross reference to Policy DS2 (including Persimmon's suggested amendments to Policy DS2).

HOUSING ALLOCATION POLICIES

28. The following section address some of the key allocation sites identifies in the RLP.

Policy BL1: Broad Location for Housing Growth

29. This is new Policy in the RLP that identifies a 'Broad Location for Growth' within Fareham Town Centre that is expected to deliver 620 new homes within years 10-16 of the Plan period.
30. The BL1 Policy states that there are a number of sites that form part of the 'Broad Location', including the surface and multi-storey car parks, the police station and bus station offices, Fareham Shopping Centre, Fareham Library, Ferneham Hall and the Civic offices. However, the RLP does not ascribe a capacity to any of these sites, so it is not possible to confirm whether the overall capacity for the BL1 Policy is accurate. It is noted that sites proposed in the previous iteration of the emerging Plan (i.e. FTC1: Palmerstone Car Park and FTC2: Market Quay), which are both located in the BL1 area, were identified as having a combined capacity of 120 dwellings but have now been deleted from the Plan. These FTC sites were originally perceived by the Council as key regeneration sites so their deletion from the RLP casts considerable doubt over whether the other sites in the BL1 area are likely to come forward.
31. Furthermore, given that the RLP anticipates that development within this Broad Location will come forward towards the end of Plan Period (i.e. a developable housing site), in line with the NPPF Glossary, the Council should be satisfied that there is '*a reasonable prospect that [it] will be available and could be viably developed at the point envisaged*'. PHSC has not been able to find any such assessment in the Council's Plan or in the supporting evidence base (including the SHELAA). Indeed, the Policy wording for BL1 seems to indicate the opposite; that viability of re-development in the BL1 area will be very challenging and that many sites may not be available for development due to existing uses / multiple ownerships.
32. Whilst PHSC recognises that Local Plans should be ambitious, they should also be realistic and deliverable. As such, it is Persimmon view that the BL1 site should continue to be identified in the Plan (in order to allow the proposed Town Centre SPD to be brought forward and set the framework for the proposed regeneration proposal of BL1), but any supply for BL1 should be excluded from the RLP plan period supply. The position regarding the BL1 site can then be reassessed as part of the requisite Plan review that will need to take place in 5-years following adoption of the Plan.

Policy HA54: Land east of Crofton Cemetery and west of Peak Lane

33. Policy HA54 relates to a site located to the north of Stubbington that is controlled by Persimmon Homes.
34. The following section of these representations set out the planning background for the H54 site before providing commentary on the Policy wording and the relevant Local Plan evidence base.

H54 Planning Context / Background

35. By way of background, a planning application was submitted by PHSC in March 2019 on the H54 site for development proposals comprising 261 new homes and supporting uses (LPA Application Ref: P/19/0301/FP). This application was refused in August of the same year. The Decision Notice associated with this application is provided at **Appendix 4**.
36. In response to this refusal, PHSC made significant revisions to the 2019 scheme, and submitted a revised planning application in July 2020 for 206 new homes and associated development (LPA Application Ref: P/20/0522/FP). As demonstrated though the Case Officer's Reports to Planning Committee (see **Appendix 5 and 6**), following detailed and extensive technical work and negotiation between the Council and Persimmon Homes, the application was recommended for approval by officers. However, the scheme was subsequently refused by members at Planning Committee in February 2021 (see Decision Notice at **Appendix 7**). For brevity, the key Plans and technical evidence base supporting the 2020 application (and as considered most relevant to the H54 Policy) are listed below and are provided with these representations for ease of reference for the Council and the Inspector(s). However, Persimmon would urge the Council and the Inspector(s) to review the application / appeal proposals information in full⁸.
 - Location Plan (**Appendix 8**)
 - Site Layout Plan (**Appendix 9**)
 - Building Heights Plan (**Appendix 10**)
 - Landscape and Visual Impact Assessment (**Appendix 11**)
 - Ecology Management Plan (**Appendix 12**)
 - Shadow Habitat Regulation Assessment (**Appendix 13**)
 - Flood Risk Assessment (**Appendix 14**)
 - Archaeological Written Scheme of Investigation (**Appendix 15**)
 - Archaeological Desk-Based Assessment (**Appendix 16**)
 - Arboricultural Method Statement (**Appendix 17**)
 - Travel Plan (**Appendix 18**)
37. In light of the above, it is Persimmon's strong and considered view that the H54 site is capable of delivering 206 new homes and that application should have been approved by the Council. PHSC has therefore lodged an appeal against this refusal (Appeal Ref:

⁸ A link to the application is as follows:

<http://www.fareham.gov.uk/casetrackerplanning/ApplicationDetails.aspx?reference=P/20/0522/FP&uprn=10012131685>

APP/A1720/W/21/3275237). The appeal inquiry date is 19th October 2021. Based on the Council's LDS (June 2021), it is likely that the appeal will be decided part way through the RLP examination. It is suggested, therefore, that the Planning Status section of the H54 Policy should make reference to the live appeal.

38. Following the refusal of the revised the 2020 application, the Council published an updated version of its Regulation 19 Local Plan in June 2021 (which is the subject of these representations). The 2021 Regulation 19 Plan identified Persimmon's site as a housing allocation (Policy H54: Land east of Crofton Cemetery and west of Peak Lane) for 180 new homes. Without prejudice to the comments set out in these representations (and PHSC's appeal case), the Company has submitted a revised planning application for 180 dwellings, which aligns with the site capacity set out in the emerging H54 Policy. However, for the avoidance of doubt, PHSC remain firmly of the view that the site is capable of delivering a minimum of 206 new homes.

H54 Policy and Relevant Local Plan Evidence Base

SHELAA

39. Persimmon strongly supports the allocation of the H54 site in the emerging Local Plan, and welcomes the Council's acknowledgement that the principle of residential development at the site is acceptable.
40. The site was not included as a draft allocation in the 2020 Regulation 19 draft of the Plan but, as confirmed in the SHLEAA 2021, a re-assessment of the site (SHELAA Ref 1341) by the Council resulted in it being deemed 'suitable', 'available' and 'achievable' and therefore a 'developable' housing site (i.e. it can be brought forward in the post-five year period). Persimmon supports the SHLEAA's conclusion with regards to the site's 'suitability', 'availability' and 'achievability', and the Company confirms (as evidenced in the technical reports associated with the 2020 application) that there are no issues/constraints associated with the site that would prevent it from being brought forward for housing in the short term.
41. As touched upon above, however, Persimmon do not support the 2021 SHELAA conclusion that site is only capable of accommodating 180 new homes, and contend that the site is capable of delivering a minimum of 206 new homes. Paragraphs 4.9 to 4.11 of the SHELAA confirm that site capacities have been determined using a generic gross to net conversion (60% gross to net for sites above 2ha) before applying a density multiplier to the resulting net area (usually 30 dph, but lower densities are applied where surrounding existing development justifies a reduction). Given that the SHELAA identifies the site as having a gross area of 19.25, using the Council's gross to net conversion (i.e. net area of 11.55ha), the net density of the site would equate to only 15.6 dph. Notwithstanding the fact that the Case Officer and the Council's Urban Designer deemed 206 dwellings to be appropriate for the site, it is clear that the SHELAA capacity of 180 dwellings is very low. Furthermore, the net density applied by the Council bears little relationship to the character and prevailing density of the surrounding area; particularly that of the existing development immediately to the east of the site around Spartan Drive (**Appendix 19**) and Summerleigh Walk (**Appendix 20**) that have the strongest relationship with the H54 site (c. 24 dph and 29 dpa, respectively)⁹. Were these net densities

⁹ It is noted that the net density of the existing development located beyond the woodland area to the south of the site, around Mark's Tey Road (**Appendix 21**) is calculated at approximately 15.9 dph. However, the

applied to the Oakcroft Lane net area (as determined through the Council’s SHELAA methodology) the resulting yield for the site would be between 277 and 334 dwellings.

42. PHSC would caution against such crude density-based assessments of site capacity for housing allocations, as development quantum is, in Persimmon’s view, far better understood through site-specific constraint analysis / technical assessment and design work (as has been the case with the appeal proposals). It is also noted that the development to the south around Mark’s Tey Road (which appears to have been the driver for 180 capacity at H54) does not include a varied mix of housing (comprising of only large detached dwellings) nor any affordable housing provision. To use the net density of this residential area as justification for a very low density development at the Oakcroft site is therefore unjustified and unreasonable. It is clear, based on the above, that the 280 homes capacity (as advocated by Persimmon Homes) sits comfortably within the lower end of the 24-29 dph density range cited above. In Persimmon’s view, the Council’s approach to assessing the site’s capacity in the SHELAA is overly simplistic, does not take proper account of the site’s context, and has not had regard to the detailed technical work undertaken and submitted by PHSC as part of the 2020 application / appeal proposals. Furthermore, by proposing the site for only 180 dwellings, the Council is not making an effective use of land in line with the requirements of the NPPF (see NPPF Paragraph 119, in particular).
43. Turning to the delivery timeframe of the H54 site, there appears to be some confusion in terminology used in the SHELAA 2021. Persimmon are of the view (and this appears to be confirmed in SHELAA 2021 commentary) that the site is ‘deliverable’ (i.e. it can be brought forward entirely within first five years of the Plan, based on adoption date set out in the LDS). An update to the Council’s SHLEAA 2021 to confirm the above is therefore required. It would also be beneficial for the Council to include a detailed trajectories for the individual sites that comprise its supply (including the H54 site) to allow proper scrutiny of the Council’s assumptions (including for the five year period). To assist the Council, Persimmon has provided its anticipated delivery trajectory for the H54 site (based on a 208 site capacity). This is set out in Table 3 below.

Table 3: PHSC H54 Delivery Trajectory

2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
0	28	50	50	50	30

44. It is clear, given our comments above (particularly those made in relation to housing requirements and supply), that the Land east of Crofton Cemetery and west of Peak Lane site forms a vital component of the Council’s housing land supply both in terms of the five year supply and the Local Plan supply across the plan period more generally. As such, the Council should not be seeking to unnecessarily (and without adequate justification) limit the capacity of the H54 site to 180 homes. This is at odds with requirement in the NPPF to positively plan for development, including meeting the housing needs of the Borough and the extensive unmet needs of neighbouring LPAs. Furthermore, as demonstrated by the

relationship between this residential area and the H54 site is poor due to the intervening vegetation and large residential property and grounds at 18 Lychgate Green.

Officer Report and the supporting technical work for the 2020 application this proposal, combined with the deficiencies in the approach taken in the SHELAA, the 180 dwelling capacity proposed in the draft Plan is not justified by evidence. **As currently drafted this element of the Policy may not be regarded not sound, but could be made sound through a modification that increases the site capacity to a minimum of 206 new homes¹⁰.**

45. Alongside the proposed allocation of the site, the Council is proposing that the southern part of the H54 site (south of Oakcroft Lane) is removed from the Strategic Gap designation. This proposed amendment to the gap boundary in this location is justified by the Technical Review of Areas of Special Landscape Quality and the Strategic Gaps (September 2021) evidence base (notably Paragraphs 8 and 12), and is therefore strongly supported by PHSC.

Strategic Flood Risk Assessment

46. It is noted that the Council has undertaken an update of the Strategic Flood Risk Assessment for Fareham (2021). The update report confirm that, from a flood risk perspective, *'Safe development is achievable by taking the sequential approach on [the H54] site'*. Persimmon concurs with this assessment, which corroborates the evidence prepared in respect of the application / appeal proposal. The report concludes that it is appropriate to allocate the site, but, as detailed in the section below, PHSC do not agree with the report's assertion that it is necessary for the H54 Policy to *'stipulate that areas at risk of flooding now and in the future must be avoided'* as this repeats policy provisions that are found elsewhere in the RLP.

H54 Policy Criteria Analysis

47. Turning to the policy criteria of H54, Persimmon Homes supports Criterion a) (subject to the capacity changes set out above) and Criterion b) that relates to the position of the primary highways access point.
48. With regards to Criterion f) (building heights), it is considered that the requirements of this element policy could be adequately address through the application of Policy D1: Design. It is also noted that the Council has not provided any evidence to support a restriction on building heights to two storey. Criterion f) is therefore unnecessary and unjustified and should be deleted. However, should the Council seek to retain Criterion f), the maximum building height should be two storey with accommodation in the roof (i.e. 2.5 storeys) as this was considered acceptable in design and landscape terms by officers as demonstrated through the 2020 application. Allowing for some two storey buildings within the accommodation roof-space is considered to be a more efficient and effective use of land that allows living space to be maximised without increasing the height of the buildings significantly; this approach is supported by NPPF¹¹. Alternatively, as there is no statutory definition of storey height (and considerable variation between housing types), Criterion f) may be better expressed in terms of the maximum ridge height of buildings. As demonstrated through the 2020 application, in particularly the Landscape Visual Impact Appraisal work, no harm was demonstrated with regards to the proposed houses, which comprised a maximum ridge height of 9.6m. In Persimmon's view, therefore, a maximum

¹⁰ For the avoidance of doubt, and for consistency with our comments set out above, the Local Plan's housing requirement and the allocation policy capacities should be expressed as a minimum number of homes.

¹¹ The approach is also in general conformity with the Government's drive to encourage upwards development on existing buildings through 'Airspace Development' (i.e. adding extra storeys to create extra square footage from the same footprint at ground level) and loft conversion permitted development rights.

ridge height of 10m may be a more appropriate restriction for the heights of buildings at the H54 site.

49. Turning to Criterion k) (Construction Environmental Management Plan to support a planning application), it is Persimmon’s view that this requirement would be better set out in an updated Local List (or a separate policy in the draft Plan), as opposed to be referenced in individual site allocation policies. This is because the requirement for a Construction Environmental Management Plan may also be applicable to other (windfall) sites that are not identified in the Plan.
50. With regards to Criterion i), as set out in Table 4 below, it is Persimmon view that this policy provision is addressed through other Local Plan policies, national planning policy and legislation (notably the Community Infrastructure Regulations 2010 (as amended)). It is also considered that it is not necessary for the Criterion i) to specify what new provision and/or contributions should be sought from the development. This should be determined at the point an application is submitted and through negotiation with the LPA and relevant bodies, having regard to existing provision, demand created by new development and the Council’s own Infrastructure Delivery Plan (which is a live document and may be subject to change, as confirmed in Paragraph 10.28 of the draft Local Plan).
51. The Council will be aware that, the NPPF requires Local Plans to be succinct (Paragraph 15) and to avoid unnecessary duplication of policies (Paragraph 16). It will also be aware that, when considering applications for development, the Local Plan should be read as a whole. In this context, with regards to the remaining criteria of the H54 (namely criteria c), d), e), g), h), i), j) and l)), in order for the Plan to be consistent with national policy (and therefore meets NPPF soundness test d)), the following criteria should be deleted from H54. For ease of reference, Table 4 below sets out the individual H54 criteria and the associated policies contained elsewhere in the Plan and/or National Policy and legislation that cover these particular issues.

Table 4: H54 Policy Criteria Analysis

H54 Criterion	Relevant other Local Plan Policy / National Policy
c) Development shall only occur on land to the south of Oakcroft Lane, avoiding areas which lie within Flood Zones 2 and 3, retaining this as open space.	<ul style="list-style-type: none"> • LP Policy CC2 • NPPF Section 14
d) Land to the north of Oakcroft Lane shall be retained and enhanced to provide Solent Wader & Brent Goose habitat mitigation in accordance with Policy NE5.	<ul style="list-style-type: none"> • LP Policies NE3 and NE5 • NPPF Section 15 • The Conservations of Habitat and Species Regulations 2017 (as amended)
e) The scale, form, massing and layout of development to be specifically designed to respond to nearby sensitive features such as neighbouring Solent Wader and Brent Goose sites shall be provided.	<ul style="list-style-type: none"> • LP Policies D1 and NE5 • NPPF Section 15 • The Conservations of Habitat and Species Regulations 2017 (as amended) • Fareham Design SPD

g) A network of linked footpaths within the site and to existing PROW shall be provided.	<ul style="list-style-type: none"> • LP Policies D1 and TIN2 • NPPF Para 100
h) Existing trees subject to a Tree Preservation Order should be retained and incorporated within the design and layout of proposals and in a manner that does not impact on living conditions.	<ul style="list-style-type: none"> • LP Policies NE6, NE9 and D2 • NPPF Para 174
i) Provision of a heritage statement (in accordance with policy HE3) that assesses the potential impact of proposals on the conservation and setting of the adjacent Grade II* and Grade II Listed Buildings.	<ul style="list-style-type: none"> • LP Policy HE3 • NPPF Section 16
j) As there is potential for previously unknown heritage assets (archaeological remains) on the site, an Archaeological Evaluation (in accordance with policy HE4) will be required.	<ul style="list-style-type: none"> • LP Policy HE3 • NPPF Section 16
l) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3.	<ul style="list-style-type: none"> • LP Policies TIN1, TIN4 and NE3. • NPPF Para 34 • Community Infrastructure Levy Regulations

52. It is noted that, alongside the H55: Longfield Avenue housing allocation policy working, the Council has produced a 'Land Use Framework Plan' to the support this proposal. The Framework Plan appears to identify the land to the north of Oakcroft Lane (that forms part of Persimmon's H54 site) as part of the Longfield Avenue proposal¹². Persimmon has had no discussions with the Council (or the promotor of the H55 site) on this matter. It is therefore surprising and concerning that the Council has identified Persimmon controlled land on the Framework Plan when this does not relate to the H54 allocation. Should the Council and/or site promotor wish to use Persimmon's land to support the H55 allocation, it is imperative that this is formally discussed with PHSC. In the absence of such discussions it may not be possible to regard the H55 as a deliverable/developable housing allocation. If this land is not required to deliver the H55 allocation, to avoid any confusion for reader of the Plan, this land should not be shown as shaded green on the H55 Framework Plan.

HRA

53. The Council has commissioned a focused update of the emerging Local Plan's HRA that takes into account the changes made to the Plan since the previous Regulation 19 draft Plan. This update considers the H54 proposed allocation and concludes that, in terms of the requirement Habitats Regulations, the site can be allocated. It should be noted that as part of the Oakcroft Land appeal proposal, PHSC submitted a site specific 'shadow' HRA. The

¹² Albeit that this land is shown to be located outside of the H55 red line boundary.

report prepared by ECOSA (and appended to these representations) concluded the following:

'The screening stage of the shadow Habitats Regulation Assessment concluded that there would be a likely significant effect as a result of the proposals on European sites within the Zone of Influence of the proposals when considered both alone or in combination with other plans or projects. Therefore, an Appropriate Assessment was required in order to determine whether the proposals would have an effect on the integrity of these sites.

Following the incorporation of appropriate mitigation, including creation of a new Ecological Enhancement Area, financial contributions to the Solent Bird Aware strategy and implementation of pollution control measures it has been concluded that there would be no adverse impact on site integrity either alone or in-combination with other plans or projects on the Solent and Southampton Water SPA/Ramsar site, Portsmouth Harbour SPA/Ramsar site, Solent Maritime SAC and Solent and Dorset Coast SPA.'

54. It is also noted that the officer report (including those comments made by the Council's ecologist) did not consider that the application should be refused due to HRA issues.

Conclusions on Policy H54

55. To conclude on the H54 Policy, PHSC support the principle of the allocation but not the current drafting, which fails the soundness tests in respect of: not being positively prepared, not being justified nor consistent with national policy. However, in the Company's view the Policy could be made sound through a number of changes. For ease of reference PHSC has suggested alternative policy text for the H54 site. This is provided at **Appendix 22**.

CLIMATE CHANGE

Strategic Policy CC1: Climate Change

56. PHSC previous comments made in response to Policy CC1 still stand. However, it is noted that Criterion e) now makes reference to the exceedance of Building Regulation requirements. It is assumed that this new element of the Policy is referring to the Optional Building Regulations. If this is the intention of the Policy, the Policy working should confirm / clarify this.

NATURAL ENVIRONMENT

Policy NE2: Biodiversity Net Gain

57. PHSC's previous comments made in response to Policy NE2 still stand. However, Persimmon has a further comment to make in respect of this Policy with regards to the 10% Biodiversity Net Gain (BNG) requirement.
58. Paragraph 174 of the NPPF states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

.... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;' (PHSC's emphasis)

59. The NPPF does not, however, require 'at least 10% net gain'. This provision is set out in the Environment Bill which has not yet received royal assent. Once the Bill becomes law, all Councils will be required to seek at least 10% BNG as part of planning applications.
60. Until such time as the Environment Bill becomes law, it is not appropriate for the Policy NE2 to specify the percentage BNG net gain. Instead, the amount should be determined through negotiation between an applicant, the Council and Natural England (where appropriate).
61. It is recognised, however, that the Environment Bill is relatively well progressed and may become law in the not too distant future. As such, the Policy should be redrafted so that at least 10% BNG (or whatever percentage eventually materialises through the Bill) will only be required once the Bill has become law (taking into account any transitional arrangements that may be set out in the emerging legislation).
62. It is also noted that Paragraph 6.30 of the supporting text to Policy NE2 states that the Policy will not apply to land contained within the Welborne Plan. As indicated above, once the Environment Bill becomes law all planning application will be required to achieve this required BNG increase. There are no provisions in the Bill to exempt sites (including Welborne) from this requirement. As such, Paragraph 9.30 should be deleted from the RLP.

Policy NE5: Solent Wader and Brent Goose Sites

63. PHSC's previous comments made in response to Policy NE2 still stand. However, the Company has a further comment to make in respect of this Policy with regards to Criterion c).
64. This element of the Policy requires that '*A suitable replacement habitat is provided on a like for like basis broadly close to the site*' the Council's evidence for this assertion is absent. Indeed as set out in legal advice commissioned by Havant Borough Council (see **Appendix 23**) in respect of its Warblington Farm bird mitigation proposal, it is only necessary for replacement habitat to mitigate the same population of bird species. Redrafting of this Policy is therefore required that takes into account the advice provided above.
65. It is also questioned whether it is appropriate for the Council to show the Solent Wader and Brent Goose Sites on the RLP Policies Map. The Council will be aware that Bird Aware Solent maintain a GIS database of the Wader and Brent Goose sites on their website¹³, and these sites are subject to relatively frequent change. By showing the Solent Wader and Brent Goose Sites on its Policies Map, the Map will quickly become dated, and could become

¹³ <https://solentwbgs.wordpress.com/page-2/>

misleading. It is PHSC's recommendation therefore that the Solent Wader and Brent Goose Sites are deleted from the RLP Policies Map.

Policy NE8: Air Quality

8. Persimmon Homes acknowledges the national direction of travel with regards to Electric Vehicles (EVs) and role they can play in addressing climate change issues. However, the Company would welcome further elaboration in the supporting text or policy regarding the specification of changing points, particularly with regards to expected power output / capacity.
9. There are practical issues (and potentially unintended consequences) with regards to site design that may arise through the implementation of this policy (including in relation to the retro-fitting of homes). PHSC would highlight that the Government currently provides a 75% subsidy to homeowners towards the cost of installing EV charging points. However, this subsidy is only available to properties that have on-plot parking. This should be considered by the Council in terms how parking should be accommodated in developments, as frontage on-plot parking is preferable in terms of the subsidy (as opposed to shared rear parking courts which are often favoured by Fareham Council). The Council should be aware of the potential design implications of this element of Policy NE8.
10. The Council should also be aware that as EV charging infrastructure become more prevalent in new developments, and the take up of EVs increases over time, the cumulative energy demands of said development will increase considerably therefore necessitating the provision of additional sub-stations as part of development that would otherwise not be required. It is unclear whether this has been factored into the Council Local Plan viability assessment.

Policy NE10: Protection and Provision of Open Space

11. The Council has proposed some additional wording to Policy NE10 as show below:

'The open space, or the relevant part, is clearly shown to be surplus to local requirements and will not be needed in the long-term; or '

12. The word 'clearly' introduces a significantly degree of subjectivity into the policy which is unnecessary and will ultimately make interpretation of the Policy more difficult for the decision-maker and applicants alike. It is PHSC's recommendation therefore that the word 'clearly' be deleted from the NE10 policy wording.

4: OMMISION SITES

13. PHSC’s representations on the previous Regulation 19 Plan, highlighted six site that are being promoted by Persimmon on the periphery of Stubbington that were not selected for allocation in the draft Plan. With regards to the Land at Oakcroft Lane site (Site 6 in PHSC’s previous representations), the Council has now identified this site for housing allocation (see above commentary on Policy H54). However, with regards to the other five sites listed in Table 5 below, the Council has opted not to take these site forward in the RLP. This is extremely disappointing in the context of the housing pressures evident in Fareham Borough.

Table 5: Persimmon Homes’ Omission Sites

Site Number	Address	Gross Area Acres (Hectares)	Site Capacity Estimate*
1	Land East of Burnt House Lane, Stubbington	23.53 (9.52)	240 - 320
2	Land West of Peak Lane, Stubbington	46.25 (18.72)	TBC
3	Land North of Titchfield Road, Stubbington	4.83 (1.95)	40 -50
4	Land South of Titchfield Road, Stubbington	2.78 (1.12)	10 - 30
5	Land West of Cuckoo Lane, Stubbington	52.76 (21.35)	150-200
Total		130.15 (53.08)	440 - 600

*Based on net developable area, not gross area.

14. It is noted that despite the Council revisiting a number of sites in the SHELAA, its conclusion with respect to the PHSC sites listed in Table 5 have not changed. As such the comments set out in PHSC previous reps still stand.
15. It is Persimmon view, **in light of the extensive unmet LHN and unmet sub-regional housing need more generally, the RLP is not currently sound. However, as highlighted above, the Plan could be made sound through consideration of omission sites (including those listed in Table 5) through the examination process and subsequent modification to the Plan.**

**REPRESENTATIONS TO THE
REVISED FAREHAM LOCAL PLAN 2037**

On behalf of

Raymond Brown Minerals & Recycling Ltd

**Lynne Evans
BA MA MRTPI MRICS
Consultant**



Client: Raymond Brown Minerals & Recycling Ltd

Date: July 2021

Ref: F/376/LE/1

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APPENDICES:

- 1) Appeal Decisions: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185
- 2) Text from Petition to Government and Government Response re Prioritising Brownfield Land
- 3) Housing, Communities and Local Government Report: The Future of the Planning System in England and Wales, June 2021
- 4) Rookery Farm: Site Ownership Plan
- 5) Rookery Farm: Concept Masterplan OSP Architecture 17056/C02A
- 6) Rookery Farm: Phase I Environmental Site Assessment TRC Companies Ltd 2017
- 7) Rookery Farm: Phase II Geo-Environmental Site Assessment 2018
- 8) Confirmation of Implementation of P/18/0798/CC (Rookery Farm)



1.0 INTRODUCTION AND SUMMARY

- 1.1 Southern Planning Practice are instructed by Raymond Brown Minerals & Recycling Ltd (Raymond Brown), to submit representations to the Regulation 19 version of the Fareham Local Plan 2037 Revised, published in June 2021 (LP Revised). Raymond Brown is acting on behalf of the two landowners, Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd (please see attached land ownership plan at Appendix 4).
- 1.2 Raymond Brown is part of the Raymond Brown Group, a leading recycling and waste management business and distributor of primary and recycled aggregates for use in construction applications. One of their sites is at Rookery Farm, Fareham. The land is located immediately north of the M27 motorway and to the west of Whiteley. Access is from Botley Road, approximately 100m north of the bridge over the M27.
- 1.3 Raymond Brown submitted representations to the Regulation 19 version of the draft Plan published in November 2020, which was premised on a requirement for a lower housing figure, based on draft methodology produced by the government for consultation purposes, and which has not been proceeded with. This has necessitated a further review of the draft Plan and the publication of this revised Regulation 19 draft. Raymond Brown have reviewed this LP Revised and continue to find it UNSOUND and fails to comply with the Duty to Co-operate.
- 1.4 These representations set out the reasons why: -
1. the Plan is considered to be UNSOUND and
 2. fails to comply with the Duty to Co-Operate
- and sets out the steps that require to be taken to make the Plan SOUND.
- 1.5 Separate representation forms have been submitted against each policy and paragraphs which is considered to be UNSOUND, but the case to be made is set out in full in this document.
- 1.6 In summary, OBJECTION is raised to Strategic Policy H1 Housing Provision on the grounds that the figures promoted are not soundly based or justified. This is addressed in detail in Section 2.0. A detailed objection to Policy HP4 is also raised in the same section. Objection

is raised to the allocation of a number of the housing sites in that they are not suitable, and /or available and/or achievable, particularly within the Local Plan period. This is addressed under Section 3.0.

- 1.7 Section 4.0 sets out why Land at Rookery Farm should be allocated as a Housing Site to start to address the issues identified in Sections 2.0 and 3.0. Section 5.0 draws these matters together with consideration of modifications that are required to be made to the Plan to ensure that it is SOUND and will provide a sound planning framework to deliver the much needed housing over the Plan Period.
- 1.8 It is concluded that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available, achievable and, indeed, deliverable.
- 1.9 Objections are therefore raised to the Development Strategy, Policies H1, HP4, FTC3, FTC4, FTC5, HA7, HA13, HA4, HA55, HA56, BL1 and HA42 and the omission of an allocation for housing for Rookery Farm, Botley Road, Fareham. Objections are also raised to the Development Strategy which is UNSOUND to meet the Council's Vision and Strategic Objectives, as well as the supporting text to Policy H1 (4.1 to 4.20 and tables 4.1, 4.2 and 4.3). An objection is also raised to the SA/SEA in that it should have reassessed the alternatives sites that had previously been considered suitable and appropriate for allocation, such as Rookery Farm, against the new proposed allocations.
- 1.10 All references in these representations are to the revised National Planning Policy Framework (NPPF) published on 20 July 2021.

2.0 OBJECTION to Strategic Policy H1 – Housing Provision

Overview

- 2.1 The objections to this Policy are several and are addressed individually below. The individual and cumulative failings render the policy UNSOUND and as Strategic Policy H1 forms the basis for the provision of much needed housing across the whole Borough, it follows that the whole Plan is rendered UNSOUND. It should be noted that although the issues have been subdivided into several sections, many of the issues interrelate and cumulatively exacerbate the conclusions drawn that the Council is failing to provide properly for its housing need.
- 2.2 The objections to this Policy include:
- (i) Objectively Assessed Housing Need;
 - (ii) Duty to Co-Operate and Unmet Need – Fareham has not undertaken this Duty in a sound manner;
 - (iii) Additional factors Contributing to the Shortfall, including the 5 year Housing Land Supply Position and Contingency Provision;
 - (iv) Over-reliance on Welborne to provide a significant proportion of Fareham’s housing which is considered to be a very high risk strategy, resulting in a need for more sites to be allocated;
 - (v) Inability to meet the identified Affordable Housing Provision;
 - (vi) Over-reliance on Windfall allowance.
 - (vii) Lack of Priority to Brownfield Sites
- 2.3 Before analysing the approach adopted by Fareham, it is first worth reviewing the clear guidance on the approach to be followed as set out under the National Planning Policy Framework July 2021 (NPPF) and the Planning Practice Guidance (PPG). It is important to note that the NPPF makes it clear that “*strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas*” (Paragraph 11 b)).
- 2.4 Paragraph 61 builds on this and states that:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

This clarifies how the housing numbers calculated by the standard method should be considered when preparing a Local Plan. Paragraph: 004 (Reference ID: 2a-004-20190220) of the Planning Practice Guidance confirms that the standard method should be used to calculate a **minimum** (emphasis added) housing need figure.

2.5 In addition to the Borough's own housing needs, as acknowledged by the draft Local Plan, its housing figure needs to incorporate the needs of neighbouring authorities. Paragraph 35 a) of the NPPF sets out that in order for a plan to be sound it must be:

a) *Positively Prepared - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs (our emphasis); and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*

2.6 The following sections demonstrate how Fareham has failed to follow this clear guidance with the result that Strategic Policy H1 and the Plan is UNSOUND.

i) **Objectively Assessed Housing Need**

2.7 Since the last Publication Draft in 2020, the Revised Local Plan correctly points out at Paragraph 4.2 that '*Local housing need should be determined by using the Standard Method set out in national Planning Practice Guidance (PPG). This Method currently combines 2014-based household projections with affordability data released in March 2020 to calculate the annual need. Using this method, the housing need for Fareham currently stands at a minimum of 541 dwellings per annum (dpa).*'

2.8 Previously Fareham had chosen to use the new Standard Method set out in the 'Changes to the Current Planning System' White Paper which would have resulted in a woefully

inadequate housing provision. Therefore, we welcome the amendment in the latest Local Plan to provide housing to meet the objectively assessed need as calculated by the up to date Standard Methodology. However, we would like to highlight that there are a few inconsistencies within the Revised Local Plan relating to the housing requirement, which require to be addressed.

2.9 Whilst we are supportive of the Local Plan planning for the homes required by the standard method, we would like to highlight that

*“the standard method for calculating local housing need provides a **minimum** number of homes to be planned for. **Authorities should use the standard method as the starting point** when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.”* (our emphasis). (Paragraph: 001 Reference ID: 68-001-20190722 of the Planning Practice Guidance).

2.10 Fareham have taken the figure calculated by the standard method as an exact, final figure not a starting point. Paragraph 4.3 of the revised Local Plan tries to justify this approach to housing numbers by setting out “

The PPG makes it clear that this is a minimum figure and the Council could adopt a higher figure for its housing requirement. One of the reasons for doing so would be if the need for affordable housing is greater than that likely to be delivered through the delivery of the level of growth aligned with the standard methodology. The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market. Through calculating the affordable housing provision in line with the proposed policy (Policy HP5: Provision of Affordable Housing, see Chapter 5), the Council's affordable need will be met. Therefore, the Council believes it is fully justified in its approach towards meeting affordable need in the Publication Local Plan and there is no further requirement for an adjustment of the need figures for the Borough.”

It is understood from the Revised Local Plan that at present Fareham do not have a sufficient supply of affordable homes and therefore the Local Plan should be looking to make adequate provision for such housing. Fareham's affordable housing provision is discussed in more detail below.

- 2.11 Paragraph 4.4 of the draft Local Plan further attempts to justify taking the housing figure calculated by the standard method as an exact figure,

*“One of the other scenarios why a council could adopt a higher housing figure as its Local Plan ... Through the Partnership for South Hampshire (PfSH), the Council is aware that there is a **significant likelihood of a substantial level of unmet need in the sub-region**. (our emphasis) Figures released in September 2020, suggest that over the plan period, the unmet need in the sub-region could be circa 10,750 dwellings. This figure is derived from eleven councils who are all at different stages of plan preparation, and importantly, is based on the current standard methodology and not the proposed new methodology which will see some levels of housing need fall in the sub-region, while other levels will increase substantially. In addition, while their need figure may be calculated from publicly available data, details of the housing sites that may form part of their Local Plan supply is not entirely known. Therefore, the level of unmet need across the wider sub-region will change as the new standard methodology is introduced and as other Local Plans progress.”*

Given the constraints presented to the neighbouring authorities particularly with both environmental and landscape designations (the sea and National Park), it is believed that the unmet need across the wider PfSH area will only grow. Fareham’s contribution to neighbouring authorities unmet need is discussed in detail below.

ii) Duty to Co-Operate and Unmet Need from Neighbouring Authorities

- 2.12 As acknowledged in the Revised Local Plan, Fareham Borough Council is a member of the Partnership for South Hampshire (PfSH). In September 2019, Fareham Borough Council and Havant Borough Council together with all the authorities of the PfSH published a Statement of Common Ground (SOCG). The SOCG sets out how the local authorities in South Hampshire have successfully worked together on strategic planning matters and how they continue to do so. As part of the Local Plan Review, a Statement of Compliance with the Duty to Cooperate has been produced. This is in accordance with Paragraph 24 of the NPPF. This confirms that the Council is proposing to take the approach that the issue of unmet need is not dealt with as specific to any authority, but as a general contribution (Paragraph 4.5).
- 2.13 Fareham Borough Council is identified as being within the Portsmouth Housing Market Area (HMA). The PfSH Strategic Housing Market Assessment (SHMA) indicates an overall

objectively assessed need figure of 121,500 dwellings, over the whole PfSH area from 2014-2036. It should be noted that the SHMA was prepared in January 2014 and the identified housing need is not based on up to date figures, therefore its housing numbers are considered to be out-of-date. The SOCG acknowledges that the housing need figures within the PfSH Spatial Position Statement (SPS) (2016) are not in accordance with standard methodology set out in NPPF (2019), or the most recent standard method which is now required to be used to calculate housing need. A key role of the SPS has been to consider the capacity of different areas within PfSH to accommodate housing. It is used to inform Local Plans where there is the ability to meet unmet need from the relevant housing market area provided it is reasonable to do so. The SPS is being reviewed to bring it in line with updated development needs. However, there is still no indicative timescale for the SPS review and given the Housing White Paper and the recent changes to the standard methodology, such a statement is unlikely to come out ahead of the submission of the Fareham Local Plan. Therefore, Fareham must take a pragmatic view based on the up-to-date evidence from neighbouring authorities to establish and contribute to their unmet housing needs in the absence of an up-to-date SPS.

- 2.14 One key issue arising for the PfSH Portsmouth HMA/PfSH East (Portsmouth, Havant, Fareham, Gosport, Winchester) is the challenge of delivering sufficient homes to meet the housing need of the area given the significant geographical constraints and nationally important environmental and landscape designations. It is acknowledged that some authorities within the PfSH East area are more constrained than others. Portsmouth, Havant and Gosport are all physically constrained as well as having coastal environmental designations, to varying degrees. Therefore, as Fareham Borough is less constrained and physically has the space to provide housing in addition to its own need, the Borough must look to accommodate unmet need arising from neighbouring authorities as a key part of the Local Authority's duty to cooperate requirement.
- 2.15 It has been acknowledged for some time that Portsmouth cannot meet its housing need and a key role of PfSH has been to consider the capacity of other local authorities in the PfSH area which could contribute to accommodating the unmet need arising from Portsmouth. As acknowledged, Fareham Borough has relatively few constraints compared to its neighbouring authorities, indeed Fareham Borough has been identified as an area which can help to accommodate the unmet need arising from Portsmouth. Portsmouth City Council have written to Fareham to request a contribution of 1,000 dwellings to their unmet need.

Paragraph 4.5 of the revised Local Plan consultation sets out that based on the September 2020 figures the unmet need figure is estimated to be 669 dwellings, however it is understood that this is not an up to date figure and the unmet need housing figure is still being further considered by Portsmouth; this has been indicated by Portsmouth in its draft Regulation 18 Local Plan (considered by Cabinet on 27 July 2021) on 19 July:

At this time, a possible contribution of 1,000 units from other local authorities has been retained while Duty to Cooperate discussions continue and as Portsmouth's final unmet need housing figure is determined.

- 2.16 It should also be noted that at Portsmouth's Full Council meeting on 19 July 2021, a report was considered with a request to review the allocation of the 'Tipner West' site which is allocated for some 4,200 homes. If this allocation were not to come forward or be modified or delayed significantly, this could have major consequential effects on Portsmouth City Council's housing numbers. (A copy of these Committee reports have not been attached as they are publicly available but can be provided if requested.)
- 2.17 Paragraph 4.5 also confirms that there is likely to be an unmet need in the region of 2,500 homes arising from Gosport alone, and Havant cannot contribute to meeting unmet arising from neighbouring authorities as they may struggle to meet their own needs. Therefore, it is apparent that the only authority capable of accommodating unmet need in the PfSH east area is Fareham. As such, Fareham must look to increase the housing requirement over the plan period to accommodate additional unmet housing need arising from neighbouring authorities.
- 2.18 However, in the Revised Local Plan Fareham have only included 900 dwellings in the total housing requirement to contribute to the unmet need of neighbouring authorities when in reality the need is far greater. Whilst this figure seeks to provide an additional 53 homes since the last Local Plan consultation, this figure is alone not enough to provide for Portsmouth's unmet need, never mind the other authorities, particularly Havant and Gosport, within the PfSH East area. It is evident therefore that the plan is not appropriately planning for unmet need arising from neighbouring authorities within the PfSH east area and has not been positively prepared in accordance with paragraph 35 a) of the NPPF. The Revised Local Plan therefore remains **unsound**.

2.19 The following table looks at the housing need per annum for all the authorities within the PfSH East area. It sets out the current local plan requirement, the average delivery rate over the last 3 years and the housing figure under the current standard methodology. It is evident from the figures in Table 1 that all of the Local Authorities housing requirements have increased under the standard method and they are going to struggle to meet their housing requirements if they continue to provide homes at their past delivery rates.

PfSH East	Current Local Plan Requirement	Average Delivery (last 3 years)	New Standard method	Difference between current Local Plan requirement and standard method	Difference between standard method and delivery
Portsmouth	547	328	855	+308	+527
Fareham	147	310	514	+367	+204
Gosport	170	145	238	+68	+93
Havant	315	402	504	+189	+102
Winchester	625	643	692	+67	+49
Total	1,804	1,828	2,802	+998	+974

Table 1 – Housing need per annum and delivery rates for authorities within PfSH East

2.20 It is also pertinent to note that whilst Fareham has now adopted the appropriate Standard Methodology for its own figures, it has not acknowledged the implications arising in terms of the Duty to Co-operate and that there is a significant uplift overall in the housing requirements, including for those authorities potentially already struggling, including Portsmouth, Havant and Gosport.

2.21 In Summary:

- No Local Authority in the PfSH East has been able to deliver their housing need as required by the current standard method in the last 3 years. In fact, most of the Local Authorities have made inadequate contributions to their housing need which has further exacerbated the unmet need issue in the PfSH east area.

- The total housing need in the PfSH East area under the new standard method is far higher than the previously identified housing need and the homes planned for through the current Local Plans.
- No Local Authority is planning enough homes to meet the unmet need arising from the other Local Authorities in the PfSH East area.

iii) Additional Factors affecting Fareham's Housing Numbers, including 5 Year Housing land supply position and Contingency Provision

2.22 Table 1 (Housing need per annum and delivery rates for authorities within PfSH East) confirms that no Local Authority in the PfSH East area has been able to deliver their housing need as required by the current standard method in the last 3 years. There could be several explanations for the authorities not meeting their housing need including reliance on large sites not coming forward or delivering at the rate they should, not appropriately planning for the homes they need and the recent Solent nitrate issue could all be contributing factors.

2.23 In February 2021 Fareham published its housing supply figures claiming a 4.2 housing supply in years, although in June 2020, Fareham had only a supply of 2.72 years. However, the position was considered recently at an appeal under References: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185 on land at Newgate Lane (North) and (South), Fareham. A copy of the decision letter is appended at Appendix 1. Both appeals were dismissed. At paragraph 87 of that appeal decision, the Inspector set out the housing land supply position as required and the assessment by both the Council and the Appellant:

The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on

either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

2.24 *On this matter the Inspector concluded in paragraph 91:*

Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic.

2.25 This supply obviously falls substantially below the government's requirement of a 5 year supply, as set out in Paragraph 74 of the NPPF. The Council therefore needs to be more ambitious in its housing numbers to try and achieve an improved housing land supply position.

2.26 It is also apparent that the Council remains reliant on a few large housing sites coming forward to contribute to the housing land supply in future years. Of even further concern, the Council is relying on sites which clearly cannot start to deliver large numbers of housing until much later in the plan period, including Welborne and the town centre redevelopment, to name just two of the sites.

2.27 To be able to meet the increased housing needs in a sustainable manner, and to maintain a 5 year supply of deliverable housing sites across the Plan period, the Council must look to all tier settlements in the hierarchy to deliver homes through a range of sites. However, it should be noted that strategic sites should not be solely relied on due to lengthy lead in times. Instead, a mix of housing sites should be sought and allocated to enable a 5 year supply to be achieved and maintained.

2.28 In addition to bolstering the supply going forward, Fareham need to seek to address the backlog of unmet need. In particular, the South Coast Nitrate crisis put thousands of homes on hold for some time to resolve the eutrophication issues of the Solent to reduce impact on the protected habitats and species. The Nitrate Neutrality Update Report to PfSH Joint Committee (14 October 2019) acknowledged that *"given that there is a severely reduced number of permissions being granted in the PfSH in the financial year 2019/20, it is not*

unnecessary to assume that the delivery of homes will be suppressed in the years 2020/21 and 2021/22.”

2.29 The submission Local Plan is very conservative in its ambitions for growth in the Borough, especially considering it is under a Duty-to-Cooperate to meet neighbouring authorities' unmet need. It does not allocate many new sites and instead relies heavily on sites that have been allocated previously. Strategic Policy H1 confirms this, as the provision for 10,594 homes comprises the following:

- Around 1000 homes already with planning permission
- Over 4,000 homes on sites with resolution to grant permission (Welborne contributes the large majority of these homes)

2.30 Therefore, around 50% of the housing provision already has planning permission or resolution to grant, despite a very poor housing land supply and a record of under delivery in the Borough. As such, the emerging Local Plan MUST look to allocate further sites accordingly.

2.31 The contingency figure of 15% applied to the previous draft has been reduced to 11% without any explanation (paragraph 4.12 and Table 4.3). Reflecting the above the application of a 11% contingency appears woefully inadequate.

2.32 It is also considered UNSOUND to try and rely on Policy HP4 (Five Year Housing Land Supply) as a strategy to meet a failure to meet the five year housing land supply. Whilst there is no objection to the inclusion of this policy per se, the Plan itself should be planning to ensure that it has an adequate 5 year housing land supply. (Please see paragraph for objection raised to specific policy wording for HP4)

iv) Over Reliance on Welborne Garden Village

2.33 Fareham is relying very heavily on one strategic site to deliver a significant element of its housing provision, namely Welborne Garden Village. Table 4.2 indicates some 3,610 units to be delivered by 2037, approximately a third of the overall housing supply. This is not without significant risks.

- 2.34 The original application (P/17/0266/OA) for some 6000 dwellings together with a wide mix of other uses was submitted in March 2017 and benefits from a number of Committee resolutions to grant outline permission, the most recent of which was on 23rd July 2021, subject to legal agreements. (A copy of the Committee report is not enclosed as held by Fareham BC and publicly available). The application has been beset by problems, not least of which are the escalating costs of the various highway improvements, most notably at Junction 10 of the M27. The County Council has confirmed in its Cabinet Committee report of 13 July 2021 that the value of the M27 J10 improvements scheme in the County Council Capital Programme requires to be increased in value from £4.65m to £97.55 m.
- 2.35 Whilst a mechanism has been arrived at to deliver the scheme and the highway works the County Council is clear in its Cabinet Committee report that there remain many potential risks and delays to delivering the project. Attention is particularly drawn to the small amount of housing that would be delivered in the first part of the Plan and whether the numbers could be achieved after 2027 must remain under doubt given all the uncertainties surrounding the delivery.
- 2.36 There must therefore be a question mark over the number of houses that can be brought forward by Welborne in the Local Plan period.

v) Affordable Housing

- 2.37 Paragraph 4.3 of the Revised Local Plan confirms that *'The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market'*. The Council goes on to state that it is confident that it will meet its affordable housing needs through the provision based on its Policy HP5 and it does not need to make any further adjustments to its overall housing figures. It uses this as a reason why the housing requirement calculated by the standard method has been used as a final figure, not a minimum as required by national policy.
- 2.38 However, paragraph 5.29 of the Revised Local Plan indicates that one of the key issues facing residents in the Borough is the unaffordability of homes to buy or to rent, and that therefore the delivery of homes that are affordable is a priority. The Council's Affordable Housing Strategy 2019 – 2036 (2019), as referenced at paragraph 5.30 of the Revised Local

Plan, indicates that there is a need for some 3,500 affordable homes up until 2036. It goes on to state that the delivery of new affordable homes is a vital part of the overall housing delivery in the Borough. However, it is not clear how the proposed housing numbers can and will meet the identified affordable housing demand. It is also pertinent to note that the additional sites included in the Revised Local Plan are largely very small and would not contribute to Fareham's affordable housing requirement as they fall under the 10 dwellings or more threshold. At the very least, Fareham should revise the Local Plan to seek to allocate sites of 10 dwellings or more which must provide affordable housing.

2.39 Key concerns include:

- The reliance on the number of houses, including affordable housing, to be delivered by Welborne which will be in the latter stages of the plan period. The concerns over the deliverability of housing from Welborne in a reasonable timeframe in the plan period has already been addressed; the issues identified have a consequential impact on the delivery of affordable housing;
- Furthermore and as set out in the Officer's report to Planning Committee on 23 July 2021 on the Welborne development under application reference: P/17/0266/OA, the very significant costs associated with the delivery of the M27 Junction 10 improvements means that the Council is having to accept a minimum of only 10% affordable housing, which could be further reduced to 7.3% if the cost over runs for the highway works are required. This figure is substantially below the 30% target for affordable housing for the Welborne Development set out under policy. There can be no certainty at this stage that even these percentage figures can be achieved.
- The allocation of additional small sites which are firstly not appropriate for allocation in the Local Plan and secondly will not contribute to affordable housing as they fall under the threshold.
- The heavy reliance in terms of the overall housing provision on windfall sites, many of which are likely to fall under the threshold of 10 or more dwellings and therefore not deliver any affordable housing;
- The reliance on a range of allocated sites (Section 3) which appear and are evidenced by recent refusals and dismissed appeals, to be aspirational rather than realistic and therefore again the impact on the provision of affordable housing.

2.40 The Council fully recognises its substantial affordable housing need across the Borough over the Plan period, however it is simply not at all clear that the numbers required can be met under the housing provision being made particularly with the reliance on very small sites which will not contribute towards the affordable housing numbers. The Revised Local Plan has not sought to increase the housing requirement above the standard method figure to try to help this need. It is therefore concluded that the very clear potential that the need for affordable housing in the Borough will not be met leads to a need to increase the overall housing requirement over and above the minimum figure calculated by the standard method.

vi) Windfall Allowance

2.41 The Revised Local Plan sets out that part of the Housing Provision of Fareham Borough is to be met through unexpected (windfall) development. There is no issue in principle with including an allowance for windfall development, however the figure must be realistic and based on evidence as to how many homes can be achieved through such provision.

2.42 The NPPF defines windfall sites as '*sites not specifically identified in the development plan*'. Paragraph 71 of the NPPF sets out that where an allowance for windfall sites is to be made, there should be compelling evidence that they will provide a reliable source of supply, using the strategic housing land availability evidence, historic windfall delivery rates and expected future trends to support such an allowance.

2.43 In this case, the Council is relying on 1,224 new homes to come through windfall development out of total of 9,560 new homes. The number of windfall homes has not changed since the previous draft Local Plan. Whilst it is appreciated that the methodology for calculating windfall allowances have changed over time, it is worth noting that in the current adopted Local Plan Part 2: Development Sites and Policies (2015), the average historic windfall allowance was calculated to be 20 (Appendix F). In the 5 Year Housing Land Supply Position Paper to Planning Committee on 24 June 2020, the Council included a small site windfall allowance of 37 dwellings for each of 2 years (years 4-5).

2.44 In comparison to the current delivery rates of windfall sites, in the Revised Local Plan the reliance on windfall sites has jumped to 1,224 which if crudely divided by the length of the Plan period (16 years) gives an annual figure of 76.5. There is no explanation to justify such an over reliance on windfall figures and no evidence to suggest this figure can be realistically

achieved. It is pertinent to note that due to the increased housing requirement as a result of the revised standard method, the Revised Local Plan has sought to allocate more sites for development to meet this need. However, these sites are largely very small (ie below 10 dwellings) which would usually come forward for allocation through Neighbourhood Plans or would be windfall sites. Therefore, this raises concern over further small sites coming forward as 'windfall' development.

vii) Inadequate Priority to Available Brownfield Sites and Over Reliance on Greenfield Sites

2.45 Paragraph 119 of the NPPF under the heading Making effective use of Land states:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. and

Paragraph 120 c) states:

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

2.46 Previously developed land or brownfield land is defined in the Glossary to the NPPF, as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

2.47 There is a current petition to government to *Prioritise brownfield development in law to protect green belt and farmland* which is open for signatures to be added to 23 August 2021. Whilst the government has indicated in its reply date 3 June 2021 that it has no plans to introduce a legal requirement that all brownfield sites are fully developed before any development is allowed on non-brownfield land, it has once again set out its commitment to making the most of brownfield land where possible and practicable. A full copy of the government's response to the petition together with is set out at Appendix 2 but the following statements are set out below:

The Government is also committed to making the most of brownfield land. The Framework strongly encourages regeneration and re-use of brownfield, especially for housing - helping to level up communities across the country while taking off some of the pressure to consider other land, such as Green Belt, for new homes. The Framework expects local authorities to give substantial weight to re-using suitable brownfield when Plan-making or deciding planning applications. These sites should be given priority where practical and viable, and local authorities should consider building up, and higher densities in towns.

2.48 The Housing Communities and Local Government Committee have published a report on The Future of the Planning System in England and Wales in June 2021 (Appendix 3). With particular reference to the issue of prioritising brownfield land the report has recommended:

- incorporate availability of brownfield sites into calculations for determining housing need
- publish evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to deliver the required homes
- explain why the proportion of new residential address created on previously developed land has fallen in recent years
- enable Local Plans to prioritise the use of brownfield sites for development ahead of other sites.

2.49 Whilst the government has set out why it does not plan to set out in law that brownfield sites should automatically take priority over greenfield sites, the advice is clear that priority should be given to bringing forward such sites wherever possible.

2.50 The Council sets out its Development Strategy in Section 3 yet there is one very limited reference to using previously developed land. However, paragraph 3.21 sets out the development strategy for the Plan to include:

- Provision for at least 9,556 new residential dwellings and 121,964m² of new employment floorspace;
- The strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200 m² of employment floorspace over and above that already planned for;
- Strategic opportunities in Fareham Town Centre that contribute to the delivery of at least 961 dwellings as part of a wider regeneration strategy;
- Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas.

2.51 It will be shown that the Council has not followed its own development strategy in that it has not allocated available previously developed land (including land at Rookery Farm), before resorting to unsuitable greenfield sites.

2.52 The following sections look to analyse the proposed allocations, and in particular the new allocations added since the November 2020 version of the Plan and then Section 4.0 seeks to promote Rookery Farm, which is a sustainably located brownfield site which has been overlooked for allocation. The Plan is clearly **UNSOUND** in that it does not seek to bring forward suitable and achievable brownfield sites ahead of less suitable and achievable greenfield sites.

Conclusions in respect of Strategic Policy H1

2.53 Whilst the Revised Local Plan has used the appropriate standard method to calculate its housing need, it is clear that there are still fundamental concerns over many aspects of the Council's housing provision which have been explored in this Section. Therefore, there can only be one conclusion that the housing provision is woefully inadequate and as a result the Local Plan is **UNSOUND**.

- 2.54 The housing provision also fails to accord with the development strategy set out in the Plan and objection is also raised in this regard.

OBJECTION to Policy HP4 – Five Year Housing Land Supply

- 2.55 As stated at Paragraph 2.32 of these representations, there is no objection in principle to the inclusion of a policy relating to development coming forward in the absence of a five year housing land supply position. However, objection is raised that the detailed wording is UNSOUND and goes beyond the presumption in favour of sustainable development set out at paragraph 11 of the NPPF and in particular the steps to be taken in decision making as set out at paragraph 11 d) in the event that the Local Planning Authority cannot, amongst other matters, demonstrate a five year housing land supply.
- 2.56 The criteria need to be reassessed to accord with the NPPF and a criterion added to promote the re-use of suitable brownfield sites before greenfield sites. It is unreasonable to require that a suitable, available and deliverable site which might come forward should necessarily accord with each and all of the criteria.

3.0 Analysis of Housing Allocations

- 3.1 The Council has amended some of its proposed allocations in this draft LP Revised Plan both in an attempt to meet the higher housing numbers and for a number of other reasons. However, it has failed to allocate Rookery Farm, which was included in the earlier draft Plan in early 2020, despite it being a brownfield site and scoring highly on many key sustainability criteria. The merits of Rookery Farm and the reasons why it should be allocated are set out in detail in the following section (Section 4). This section analyses the other proposed allocations in the LP Revised.
- 3.2 The Council has allocated and is relying on a number of ‘development’ sites to assist in the delivery of and in meeting its housing provision. However, the suitability, availability and achievability of several of these sites needs to be questioned and whether they can and will deliver the number of units proposed. It is acknowledged that these sites are not proposed for delivery of housing numbers in the early years of the Plan but it must still be questioned whether there is sufficient confidence that these sites will be brought forward, that they should be included in the plan.
- 3.3 This analysis has only focussed on the medium to larger of the sites, most of them proposing to bring forward in excess of 50 units and there may well be serious issues of suitability, availability and achievability with some of the smaller sites. It is noted that at least 9 of the sites are indicated to make provision for less than 10 units. It is unusual for sites yielding such a small number of units to be included as specific allocations; it begs the question as to whether the Council has needed to bring in such small sites to secure its numbers.
- 3.4 The number of sites where there are serious concerns and questions over their suitability, availability and achievability total at least 6, which in total would provide some 400 – 500 residential units. These sites are addressed below, and the order selected should not be regarded as implying any weighting in terms of the objections raised.

FTC3 Fareham Station East (Indicative Dwelling Yield: 120) (SHELAA ref: 0211)

- 3.5 There are fundamental questions about the suitability and achievability of this site for the intended development. This site has been carried forward from the adopted Local Plan Part

2 where it was allocated for some 90 residential units, but has now, without explanation, been increased in the draft Plan to accommodate some 120 units. Such an ambitious scheme would appear to depend on a comprehensive approach, particularly given the limited access options. Yet, even the SHELAA assessment identifies that the site is in multiple commercial and industrial uses, including railway related uses which brings into question site assembly issues both in terms of achievability and timing.

3.6 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.7 There appear to have been no changes since the November 2020 Plan.

**FTC4: Fareham Station West (Indicative Dwelling Yield: 94)
(SHELAA Ref: 0212)**

3.8 This is a long and very narrow site sandwiched between the railway to the east and protected trees to the west. The allocation and the SHELAA recognise the multiple constraints facing this site in terms of bringing it forward for development. These constraints include, amongst others, the multiple uses existing on the site, the access constraints including that the existing access crosses land in Flood Zone 2, noise, contamination and amenity issues.

3.9 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.10 There appear to have been no changes since the November 2020 Plan.

**FTC5: Crofton Conservatories (Indicative Dwelling Yield 49)
SHELAA Ref: 1325**

3.11 This site continues to be in active retail use, following the expiry of a temporary permission for retail use and the potential availability of the site is questioned.

3.12 There appear to have been no changes since the November 2020 Plan.

HA7: Warsash Maritime Academy (Indicative Dwelling Yield 100)

SHELAA Ref: 3088

- 3.13 This site has a long history and has been carried forward from the Local Plan Part 2. The site faces considerable issues in terms of bringing forward a suitable and viable housing development, not least of which is that the western part of the site must be excluded from development because of flooding issues and discussions with Natural England would potentially exclude further land to secure appropriate buffers to sites of international nature conservation significance. As a result, the majority of the development and residential units would necessarily be brought forward through the conversion of the existing listed buildings on site, potentially impacting on viability.
- 3.14 The site lies in the countryside and is remote from shops and facilities. There are traffic problems along Newton Road which is the only access solution leading to Warsash Centre and up to Park Gate where permission exists for some 800 residential units.
- 3.15 The viability and achievability of this site for some 100 residential units must therefore be questioned.
- 3.16 Due to the ecological and highway issues the Council has determined that any planning application should be submitted with an EIA.
- 3.17 There appear to have been no changes since the November 2020 Plan.

HA13 Hunts Pond Road (Indicative Dwelling Yield 38)

SHELAA Ref: 305

- 3.18 Under the Local Plan Part 2 this site was allocated under Policy DSP53 for Community Uses as part of a larger scheme to include education and open space. It is understood that the site is no longer required by Hampshire County Council for educational purposes, but there is no confirmation that a proper assessment has been undertaken of the continued need of this land for local community uses.
- 3.19 There appear to have been no changes since the November 2020 Plan.

HA4 Downend (Indicative Dwelling Yield 350)

SHELAA Ref 3030

- 3.20 Site HA4 at Downend for some 350 residential units has been the subject of two planning applications both of which were refused by Fareham's Planning Committee, against officer recommendation on highway and pedestrian safety issues on Downend Road. The first planning application was dismissed at appeal, upholding the council's reason for refusal. The second application (Ref P/20/0912/OA) was refused in November 2020; the Planning Committee's stance in terms of determining both applications on this site brings into question whether the council really support this housing allocation. It is therefore questioned whether the Council should be relying on the site as a housing allocation which the Council has found, in the form of the most recent applications, wholly unacceptable. A further appeal has been lodged with an inquiry in August 2021.
- 3.21 One of the key issues relates to the narrow access over an existing rail bridge and works have been proposed to try and overcome this matter. However, it would appear that there is no contract with Network Rail to date. In respect of the application, Hampshire County Council set out the processes required to be followed to ensure the safe delivery of the scheme:
- It is understood from the applicant and Network Rail's response to this application that discussions are ongoing regarding the parapet height requirements. The required height of the parapets is a matter to be determined by Network Rail and in the absence of confirmation and agreement of these requirements we are unable to confirm that should the parapets need to be raised that these works could be delivered by the applicant and would not be cost prohibitive. The Highway Authority therefore require assurance that these works can be undertaken before we could be sure that the shuttle working arrangement with improved footway provision can be provided. Therefore, the Highway Authority are requesting a pre-commencement condition which requires an Asset Protection Agreement to be in place with Network Rail prior to commencement of any development.*
- 3.22 Access and egress from the site impacts on Downend Road site HA56. It is unclear whether the highway assessment for this application has taken into account the other site HA56 or the proposed allocation HA56 taken account of the issues relating to this site.

HA55 Longfield Avenue (Indicative Dwelling Yield 1250)

SHELAA ref 3153 (part)

3.23 There is a current planning application under Ref: P/20/0646/OA for up to 1200 homes together with 80 bed care home, which is subject to a significant number of objections. The greenfield site is located within the countryside and within a strategic gap. It would be contrary to the Council's own policies for development in strategic gaps.

3.24 In terms of the status of the application, there are

- Holding Objection from Highways
- Ecology and POS objections
- Gosport Borough Council objection

3.25 With regard to the site, the 'Fareham Landscape Assessment' 2017 states: -

So, overall, the sensitivity of the landscape resource within area 7.1a is judged to be high (moderate to high value and high susceptibility to change), with very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character.

While the area does not play a significant role in the topographic setting of the urban area, it is notable for a general lack of development and for providing both physical and visual separation between the settlements of Stubbington to the south and Fareham to the north, and between Stubbington and Gosport to the east. The significant role of the area in separating and preventing coalescence of these settlements is enshrined in policy, with the area designated a Strategic Gap in the Fareham Borough Local Plan.

Overall, however, there is very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings.

3.26 Comments in the 'Technical review of Areas of Special Landscape Quality and Strategic Gaps' 2020 state

Potential Development Impact - As stated earlier, the potential impact of development is high within the Fareham-Stubbington Gap, with the potential to develop large tracts of farmland.

For this section of the Gap, this analysis agrees with the summary findings of LDA in Chapter 3 of the Fareham Borough Landscape Character Assessment 2017 - “The landscape performs a highly effective role in providing a 'sense' of separation and the experience of moving between one settlement and the other.Edges of Fareham and Stubbington are clearly defined by strong boundary vegetation and there is a clear distinction between 'town and country' there is a strong sense of leaving one urban area and moving through open countryside before entering another. Scale of the gap allows the time to appreciate sense of being in open countryside. Being able to see far across the gap and identify the edges, also strengthens the sense of separation.” (page 41) .

- 3.27 Development of the site would clearly undermine proposed policies relating to development in the strategic gaps (Policy DS2). Therefore, the allocation would undermine the plan as a whole

HA56 Downend (Indicative Dwelling Yield 550)

SHEELA ref: 3009

- 3.28 This greenfield site was previously considered and discounted in 2017, largely due to access issues

Site Name: Down End West (Land at Down End Road)	
Allocation Policy: n/a	SHLAA Reference: 3009 (SA assessment 3009)
SHLAA Status: Developable Housing Site	
Overview: This site was considered in conjunction with the preferred site allocation HA4 (SHLAA ref. 3030). SHLAA ref. 3009 relates to Down End West on its own and 3127 considered the wider sites east and west of Down End Road. Overall this site had a reasonable SA result although some double negatives were noted against the SEA Objectives. However, the larger issue with this site was the detailed highway solution was not been established. Furthermore, the extent of highway works to support the scale of development would have a lengthy lead in time and could rely on working with a third party.	
Overall Conclusion of Site:	Developable but not preferred

- 3.29 A key issue with this proposed allocation is the two proposed accesses:

1. Access from the slip road from the motorway. It is not clear if this access would be in and/or out. It would affect the current layby. If egress is allowed then it could result in problems of vehicles trying to get across two lanes to get onto the flyover. In addition any issues with traffic accessing the site the site could result in tailbacks and potentially block the motorway and junction.
2. Egress onto Down End Road would affect use of the bridge that resulted in site H4 being refused. The highways information for site H4 does not have regard to increased capacity resulting from the site allocation. This would put significant pressure on the bridge and the capacity at the junction with Down End Road and the A27.

3.30 Other issues raised by the allocation include: -

- Pedestrian access across the bridge.
- Noise from motorway
- Overhead power lines
- Relationship with urban boundary railway provides a natural break
- Accessibility. The assessment in the SHLAA is only 3/10.

3.31 With regard to the site the 'Fareham Landscape Assessment' 2017 states: -

The open, expansive character of the landscape and its characteristic lack of tree cover would make development difficult to integrate without unacceptable adverse effects. Extensive woodland/ tree planting would be inappropriate, although there is scope for the introduction of some individual blocks or belts of trees as landscape features without creating uncharacteristic enclosure. There may also be scope for some limited small-scale development to be integrated within parcels of land isolated by roads or contained by strong vegetation in the south western corner of the area. Overall, however, the sensitivity of the landscape resource in this area is judged as relatively high, with limited scope to accommodate development and to mitigate the effects of change.

The open, denuded character of areas 11.3a and 11.3c would make development more difficult to integrate than within a more enclosed, diverse landscape.

In particular, the undeveloped character of the eastern side of area 11.3a is clearly visible on the approach to Portchester from the north along Downend Road, with the heavily treed railway corridor currently forming a strong urban edge and a minor 'gateway' to the residential area of Downend to the south. Visible development within this area may potentially blur the strong definition between town and 'country'

Town Centre (Indicative Dwelling Yield 650)

BL 1

- 3.32 This allocation is just a red line around the town centre and is too vague. It is impossible to deduce how the figure of 620 dwellings is arrived at. There is a reliance on sites coming forward but there is no guarantee even over the later stages of the plan. The identification of sites as Broad Locations does not guarantee that they will be released for housing. There should be a reasonable prospect that the site is available and could be viably developed. If the development comes forward in a piecemeal way this could impact on affordable housing provision.

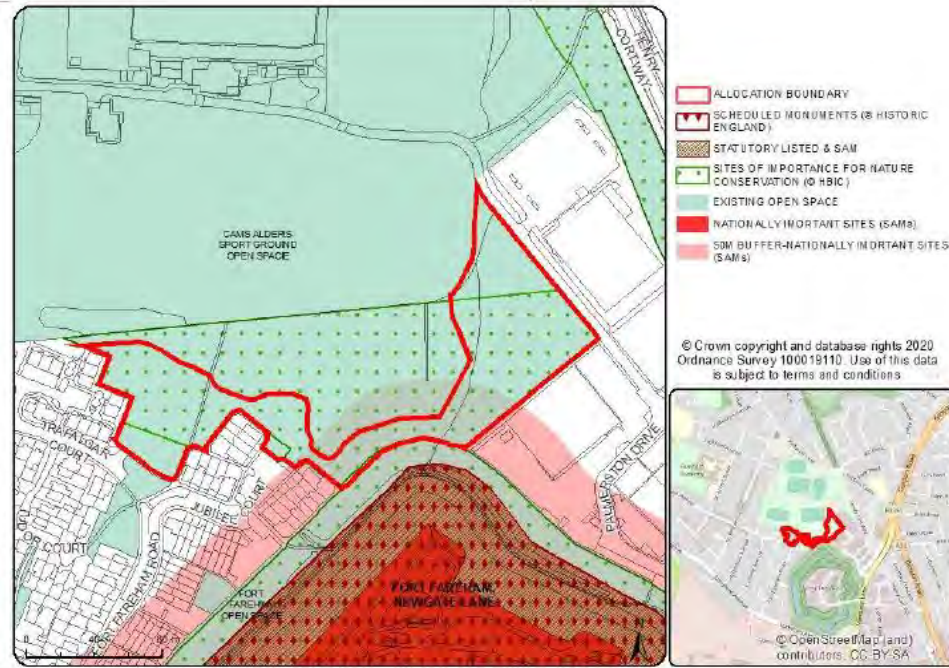
Paragraph 017 Reference ID: 3-017-20190722 of the Planning Practice Guidance states that: *Plan-makers will need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This will provide information on which a judgement can be made as to whether a site can be considered deliverable within the next five years, or developable over a longer period.*

- 3.33 There is no indication within the local plan that the authority have undertaken this exercise and neither does there appear to a sustainability appraisal for the town centre. In addition, these 620 dwellings would not be available, if at all, until later in the plan however Fareham have a significant shortfall at present.

HA42: Land South of Cams Alders

SHEELA Ref: 2843

- 3.34 It is difficult to ascertain how it will be possible to achieve some 60 units within the site, particularly given its very strange physical shape. The site also has significant constraints in terms of ecology and heritage.



Other Sites

3.35 There are potential constraints with a number of the other sites, which may at the very least delay their delivery or even bring into question their achievability. Site FTC6, Magistrates Court at Fareham and allocated for some 45 units is held up by a complicated deal to resolve the nitrates issue, involving land within Winchester District.

Conclusions and Implications Arising

3.36 This analysis demonstrates that there are serious and substantial questions over the suitability, availability and achievability of a number of the allocated sites and whether they will be able to provide the housing figures, either in whole or in part which Fareham is seeking to rely upon. It is therefore contended that it is UNSOUND for Fareham to rely on each and all of these housing sites to deliver all of the dwelling units proposed

3.37 This adds to the strength of the argument, as set out under Section 2, that Fareham needs to bring forward additional sites for allocation to help meet its housing need. The next section focuses on why land at Rookery Farm should be included as a housing allocation in the Local Plan.

3.38 Furthermore, Fareham is relying on greenfield sites to deliver much of the new housing required. Of the larger sites, at least 2,390 new homes would be delivered from greenfield sites, were all the allocations to be taken forward. The Council has not properly sought to bring forward available and deliverable brownfield land, such as Rookery Farm, to assist in securing its housing numbers. The Plan is therefore also UNSOUND in this regard.

4.0 Rookery Farm

4.1 It is clear from Sections 2.0 and 3.0 that not only has Fareham under provided on the housing figures it requires to meet over the Local Plan period, but it is very unlikely that it will be able to deliver even the numbers it is proposing to provide. Fareham therefore needs to allocate further housing sites to improve housing deliverability; Rookery Farm should be allocated as a housing site. This was allocated in the draft Reg 18 Supplement in early 2020 under the Policy Reference HAX (SHELAA ref: 0046) and has been shown to be suitable, available, sustainable and deliverable.

Site Location

4.2 The site is located immediately north of the M27 Motorway and west of Whiteley. Access is from Botley Road approximately 100m north of the bridge over the Motorway. Please see attached site plan showing the land forming part of the proposed development area. It is estimated at this early stage that the site could accommodate in the region of 150-200 residential units including an element of affordable housing and a mix of housing types to accord with Fareham's policies and approach to housing mix.

4.3 146 Botley Road (also known as Rookery Farm) lies to the north of the land and is in separate private ownership. The dwelling is listed. Residential development along Swanwick Lane lies further to the north.

4.4 The residential development of Whiteley is to the east. To the south are the local centre at Park Gate and the railway station at Swanwick, both within easy walking distance of the site.

4.5 Rookery Avenue is opposite the access to the site. At present this is a cul de sac however there is a safeguarded road extension to continue Rookery Avenue into Whiteley, linking Botley Road to the Parkway South roundabout.

4.6 To the south of the site is a vehicular and pedestrian bridge that provides access to residential properties at Bridge Road.

4.7 The following provides an overview of the location of local facilities and services in relation to the site to demonstrate the sites accessible, sustainable location. Please note that these measurements are taken from the entrance to the site.

- 50m (1 min walk) from site entrance to bus stops providing frequent access to Fareham, Swanwick and Hedge End.
- 320m (4 min walk) from site to Swanwick Railway Station which provides frequent links to Southampton, Portsmouth, London and Brighton.
- 300m (4 min walk) from Yew Tree Woodland Park
- 480m (6 min walk) to Pharmacy
- <1km (10 min walk) to Whiteley Primary School
- <1km (11 min walk or 3 min cycle) to Co-operative Food
- 1.1km (10 min walk or 5 min cycle) to Sainsbury's Local
- <2km (24 min walk or 6 min cycle) to Brookfield Community School
- 2km (27 min walk or 7 min cycle) to Whiteley Shopping Centre

In summary, the site is located in a very sustainable location. The sustainability appraisal concurs with this statement.

The Site

4.8 The site as a whole occupies approximately 20.05 Ha of land accessed from Botley Road just to the north of the M27 Motorway. The front part of the site is visible from Botley Road however the access road, which is between an earth bund to the north and embankment to the south, drops to a lower central area where aggregate recycling has, until recently, taken place.

4.9 Adjacent to the motorway is a large embankment created by historic land raising. The central part of the site comprises a relatively flat operational area where recycling materials have been stockpiled. To the north is the Orchard where the land gradually drops towards the rear of properties fronting onto Swanwick Lane.

4.10 At present due to the change in levels and the surrounding housing only the front part of the site adjacent to Botley Road is visible from outside the site.

- 4.11 The site at present has two principal landowners Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd, with Raymond Brown acting on their behalf

Site Planning History

- 4.12 Rookery Farm was originally a fruit farm and some evidence of this former use is still evident in an area of remnant orchard to the north-west of the site. Part of the site adjacent to the M27 has been land raised and restored to grazing land. This forms a large embankment which screens the central part of the site from the M27 and Botley Road.
- 4.13 Planning permission was first granted on appeal in 1987 (APP/Z1700/A/55/049143) for the infilling of agricultural land with c.1.3 million cubic metres of construction and demolition wastes with restoration to agricultural use. Tipping commenced in 1988 and temporary planning permission for waste recovery (recycling) was granted in 1995.
- 4.14 A further temporary planning permission for the inert waste recycling operation was granted in 2006 (P/06/0443/CC), time limited to expire in 2021. This permission introduced an expiry date for land raising operations of 31st December 2026.
- 4.15 In 2014, planning permission (P/14/0857/CC) was granted for the permanent retention of the aggregate recycling facility. In 2016 (P/15/1213/CC) and 2018 (P/18/0978/CC) planning permission was granted which, in effect, extended the validity of the development pursuant to planning permission P/14/0857/CC until 25 October 2020. This date has also since been extended by way of The Business and Planning Act 2020 to 1 May 2021.
- 4.16 Details pursuant to the remaining pre-commencement conditions were submitted to Hampshire County Council for approval in January 2021 and have since been discharged. The planning permission for permanent aggregate recycling was acknowledged by Hampshire County Council as having been implemented on 13 April 2021 (please see Appendix 8). The site has subsequently, in planning terms, predominately formally become previously developed (brownfield) land.
- 4.17 Note there have been no minerals operations at the site and any changes to the landscape are as a result of land raising, not from extraction activities.

- 4.18 The main body of the site is currently safeguarded for aggregates recycling in the Hampshire Minerals & Waste Plan. Hampshire County Council have indicated that there is overcapacity for inert waste recycling at present. As such if the site was to be allocated for housing then the safeguarding status would be reviewed.
- 4.19 It should be noted that in its comments on the draft Plan 2020 (Regulation 18 Draft Local Plan 2036 Supplement) when the site was allocated for residential development, Hampshire County Council as Minerals and Waste Authority advised:

Hampshire County Council has concluded that sufficient aggregate recycling capacity is currently in place to deal with the additional waste and as such no objection to this allocation will be raised

Site Appraisal

- 4.20 It is noted that the site was found to be a developable housing site within the Fareham Local Plan 2036 Strategic Housing and Employment Land Availability Assessment (SHELAA) December 2019, but subsequently discounted as unsuitable in the Fareham Local Plan 2037 Strategic Housing and Employment Land Availability Assessment (SHELAA) September 2020 (and in the 2021 Update).
- 4.21 In considering the site developable, the SHELAA (2019) makes the following comments regarding suitability of the site:

'Overall suitable for housing development. Further work required to ascertain an appropriate development structure and net developable areas, having regard to site ground conditions, drainage, habitat surveys, movement connections and retention of existing cover of woodlands, trees and hedgerows. Eastern part of site has good pedestrian accessibility to existing local services. Potential scope to include a small convenience store to improve sustainability of main core of the site. Suitable highways improvements required, with linkages to surrounding movement networks. Potential impact of noise and air quality to be assessed and appropriately mitigated'.

- 4.22 In subsequently discounting the site, the SHELAA (2020) makes the following comment regarding reason for discounting the site as un-developable:

'Site topography and boundary likely to create isolated cul de sac development. Main developable area of the site is not well related to existing settlement and is relatively isolated from local services'.

4.23 The reasoning behind the change in conclusion reached by the SHELAA (2020) is unclear as there has been no substantive change in circumstances or new information related to the site not previously provided to the Local Planning Authority. Furthermore, the SHELAA (2020) attributes the same 8 out of 10 score for accessibility to facilities from the site as the SHELAA (2019), recognising the inherently sustainable location adjacent the urban area of Swanwick, the proximity to Swanwick Railway Station and nearby shops/amenities. As identified in the SHELAA (2019) suitability summary, if necessary, sustainability of the main core of the site could further be improved via development of a small convenience store in-situ.

4.24 Paragraph 4.28 of the SHELAA (2020) states that *'the information from the SHELAA forms an important part of the evidence base for the Local Plan 2037, providing a source of developable sites which are suitable for future development needs, available within the plan period and viably achievable. Developable sites which can be brought forward under the Council's development strategy will contribute to the housing and employment supply for the Local Plan 2037...'*

4.25 Paragraph 3.21 of the Publication Version of the Fareham Local Plan 2037 states:

'3.21 The development strategy proposed by the Local Plan includes:

Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas'.

4.26 As the site should be considered to be previously developed/brownfield land, it is sequentially preferable for development based on the Council's Local Plan development strategy and the 'great weight' afforded to the redevelopment of previously developed land set out in the NPPF. Furthermore, paragraph 4.18 (Assessing Site Suitability) of the SHELAA (2020) states that 'sites outside the urban area will not necessarily be excluded as they could be

considered alongside a review of urban area boundaries as part of Local Plan development...’.

4.27 Paragraph 3.3 of the Background Paper: Settlement Boundary Review (September 2020) states that ‘the reasons for establishing settlement boundaries include:

- *Directing development to more sustainable locations in terms of accessibility and proximity to public transport, and in terms of being well served by existing essential services and facilities’....*
- *‘To assist in urban regeneration, by encouraging the re-use of brownfield land’.*

4.28 Considering the proximity of the existing Settlement Boundary to the site (approximately seven metres distance on the opposite (eastern) side of Botley Road), Rookery Farm site would represent an entirely reasonable and logical extension to the established urban area which would be in accordance with the development strategy contained within the Local Plan.

4.29 Cul de sac type development formats are well established and entirely functional residential layout present in the vicinity of the site. Discussion with the Council’s Policy and Urban Design Officers in July 2020 indicated that the Council was prepared to accept a cul-de-sac development. Such a development format would therefore reflect the prevailing development pattern and design vernacular and be sympathetic to existing communities. Indeed a number of the sites put forward in the current draft plan would potentially result in cul de sac developments, including:

FTC3 – Fareham Station (120 dwellings)

FTC4 – Fareham Station West (90 dwellings)

HA3 Southampton Road (348 dwellings)

HA4 Downend Road (350 dwellings)

4.30 The site presently benefits from permanent planning permission for development and use for aggregate recycling. This is significant in terms of both vehicle movements and future development potential. Current planning permissions contain conditions limiting HGV movements to 240 per day, all of which utilise the current site access point on Botley Road. These authorised HGV movements would be replaced by domestic vehicle movements, substantially mitigating any perceived increase in road traffic on Botley Road. In addition, the

imminent completion of the North Whiteley Link Road is anticipated to reduce vehicle movements on Botley Road. Without wanting to pre-empt the outcome of any Transport Feasibility Assessment, development of the site could also facilitate the development of the western end of the Rookery Avenue extension as there is space within the site to accommodate a roundabout.

- 4.31 Planning permission P/18/0978/CC includes for considerable earthworks to create extended and raised bunding to re-model the site and mitigate against noise impacts from the recycling use. A significant proportion of this re-modelling is on the south western boundary of the site. Such earthworks would be very similar in scale and form to those likely to be required to reduce noise levels from motorway traffic to appropriate levels for inhabitants of any future residential development on the site.
- 4.32 The Council has previously been furnished with a Phase 1 Contaminated Land Assessment and Slope Stability Assessment for the site, identifying that the embankment/land raise slope adjacent to the M27 is stable and that the site could be suitable for re-development in accordance with the indicative masterplan previously submitted.
- 4.33 Any future development scheme pursuant to an allocation would also include mitigation to address potential air quality concerns associated with proximity to the motorway. Such issues can be effectively managed through building design and layout amongst other techniques.
- 4.34 The site comprises circa 20 hectares of land with a net developable area of circa 10 hectares. Significant land is therefore available within the land ownership for biodiversity enhancement, on-site nitrate mitigation and dedication to public open space.
- 4.35 The following points detail the benefits of residential development on the Rookery Farm site:
- Now the permanent recycling permission has been implemented the site has become previously development land/brownfield and its development will reduce the need for more sensitive (greenfield) sites within the Borough;
 - The site is in a highly sustainable location in proximity to a railway station and amenities, is deliverable and would provide necessary housing capacity within the Plan;

- It should be noted that in its response to the draft 2020 Plan (Regulation 18 Draft Local Plan 2036 Supplement) showing the inclusion of Rookery Farm, the County Council responded as follows:

This allocation is close to Swanwick railway station. The County Council supports the opportunity for this site to provide high quality walking and cycling routes to Swanwick station. This may include a new active modes bridge over the motorway and enhanced interchange at Swanwick Station with new local bus services. The development brief also needs to include provision for off-site improvements to address the inadequate bus, walking and cycling connections to the Segensworth business parks.

- Provision of Public Open Space on a former land raise site and access to it from existing footpath routes;
- Removal of a 'heavy industry' use from an otherwise residential setting;
- Could facilitate the Rookery Avenue extension. This would provide better access to the motorway, the industrial area of Whiteley and Whiteley District Centre;
- Opens up pedestrian links across the motorway to Addison Road;
- The site would not be visually prominent and would form a logical urban extension. Development could enable biodiversity enhancements associated with long-term habitat management plans and the re-instatement of a pre-existing stream across the site;
- The development would be offset by the loss of 240 HGV vehicle movements a day.

4.36 Please see Appendices 4, 5 6 7 and 8 in respect of further information provided in respect of Rookery Farm.

5.0 Modifications Required to the Plan to Make it Sound

- 5.1 There is no need to revisit the arguments and issues which have been set out at length in the earlier sections and which demonstrate that the Plan as drafted is UNSOUND. The Plan as drafted will not and cannot deliver the Council's stated Vision set out at 2.10 and its Strategic Priorities at 2.12 and in particular the Strategic Priorities 1 and 2. The Development Strategy as set out in section 3 is flawed
- 5.2 The modifications required are set out below in bullet form. It will be immediately clear that the required work to ensure that the Plan is SOUND extends well beyond detailed amendments to drafted policy wording; a fundamental review of the Plan and the basis upon which it has been prepared is required.
- 5.3 The revised approach to the preparation of the Plan, with consequential implications for the redrafting of **Strategic Policy H1**, requires:
- a) The Duty to Co-operate has not been undertaken properly and thoroughly; Fareham has underprovided in terms of meeting the needs of the adjoining authorities who are struggling to meet their housing needs, including Portsmouth, Gosport and Havant all of which are geographically very constrained. The exercise needs to be undertaken again to ensure that Fareham properly plans to accommodate the needs arising from surrounding authorities.
 - b) The Council has a history of under delivery of housing figures and its 5 year housing land supply figure currently stands at under 3 years and potentially at under 1 year. On the basis that the NPPF and PPG are both clear that the housing provision numbers should be regarded as minimum, and reflecting the above position, Fareham requires to be considerably more ambitious in terms of its overall housing provision figures.
 - c) There is a very concerning over reliance on the achievability of so much of the housing provision from one site, namely Welborne Garden Village. The amount of reliance that can properly be placed on the delivery of housing numbers from this one development needs to be reviewed and significantly reduced.

- d) There is also a potential over reliance on windfalls to deliver a significant proportion of the overall housing figures; this requires to be revisited with a downward adjustment.
- e) The Council is in very real danger of not being able to meet its affordable housing requirements, given all the constraints identified. The housing numbers and potential affordable housing provision requires to be recalculated with the need to increase the overall housing numbers if the affordable housing needs are to be met.
- f) There is an over reliance on the allocation unsuitable greenfield sites, whilst suitable, available and achievable brownfield sites have been overlooked.

5.4 The Council also needs to review its approach to housing provision alongside its development objectives; the approach fails to meet its Vision and Strategic Objectives.

5.5 In addition to the above the Council also requires to re-address a number of its allocated housing sites, including at the very minimum **Sites FTC3, FTC4, FTC5, HA4, HA7, HA13, HA42, HA55, HA56 and BL1**. This reassessment in terms of suitability, achievability and availability is likely to reduce substantially the number of new dwelling units that can be achieved from these allocations.

5.6 The Council is clearly underproviding in terms of its overall housing numbers and the reliance it is placing on sites that face constraints and may not be achievable. The Council needs to make further allocations, and this should include Land at Rookery Farm which is suitable, available and achievable and subject to planning, deliverable within a 5 year period. The site has been considered suitable, available and achievable and was allocated in the Local Plan Supplement; the principal reason why it no longer appears as an allocation is because of the Council's unsound change in the methodology it is applying to calculate its housing numbers. **Rookery Farm should be reinstated as a housing allocation.**

5.7 The Council also needs to review the detailed wording of **Policy HP4** to bring it into line with government guidance in the NPPF.

5.8 It follows that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be

allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available and achievable and, indeed, deliverable.

Appeal Decisions

Inquiry Held on 9-12, 16-19 and 23-25 February 2021

Accompanied site visit made on 13 April 2021

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th June 2021

Appeal A Ref: APP/A1720/W/20/3252180

Land at Newgate Lane (North), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Fareham Land LP against Fareham Borough Council.
 - The application Ref. P/18/118/OA, is dated 19 September 2018.
 - The development proposed is demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Appeal B Ref: APP/A1720/W/20/3252185

Land at Newgate Lane (South), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bargate Homes Ltd. against Fareham Borough Council.
 - The application Ref. P/19/0460/OA, is dated 26 April 2019.
 - The development proposed is demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Decisions

1. Appeal A is dismissed and the outline planning permission sought is refused.
2. Appeal B is dismissed and the outline planning permission sought is refused.

Procedural matters

3. In each case, the planning application subject of appeal is in outline, with all detailed matters except access reserved for future consideration. While the application subject of appeal B was with the Council for determination, the scheme was revised with the agreement of the Council by limiting the unit numbers to 'up to 115 dwellings', rather than 'up to 125 dwellings' as identified on the planning application form. The change was supported by amended plans. I have considered the appeal on the basis of the revised scheme and reflected the details in the summary information above.
4. Following the submission of the appeals, the Council's Planning Committee determined on the 24 June 2020 that, were it still in a position to do so,

it would have refused to grant planning permission in both cases. In support of its view, the Council cited 15 reasons for refusal in each case (a)-o)).

The reasons for refusal were the same with the exception of: appeal A reason e), which relates to the loss of best and most versatile agricultural land; and, appeal B reason i) related to the protection and enhancement of Chamomile. Prior to the Inquiry, the Council confirmed that, in each case, 3 of the other reasons for refusal had been satisfactorily addressed: appeal A reasons f), g) and i); and, appeal B reasons e), f) and h).

5. Each of the schemes is supported by a formally completed unilateral undertaking (UU): appeal site A-UUA; and, appeal site B-UUB, which seek to secure a number of financial contributions, Affordable Housing and sustainable travel measures. In addition, the appellants have provided a unilateral undertaking related to off-site mitigation for the loss of a low use Solent Wader and Brent Goose site (UUC). I have taken those UUs into account.
6. Reasons for refusal j) and k) relate to the absence of appropriate measures to mitigate likely adverse effects on the integrity of European Protected Sites. The appellants and the Council are content that those matters have now been satisfactorily addressed by mitigation measures secured by the unilateral undertakings. Nonetheless, there is no dispute that if I were minded to allow the appeals, I would need to re-consult Natural England and undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017*.
7. Reasons for refusal k)-o) relate to the absence of legal agreements to secure other necessary mitigation measures. However, the Council now considers that those reasons have been satisfactorily addressed by the submitted UUs or could be addressed through the imposition of suitable conditions.
8. Insofar as appeal A reason for refusal h) and appeal B reason for refusal g) relate to the capacity of the Newgate Lane East junction with Newgate Lane, the Council withdrew¹ that aspect of its case before the appellants presented their evidence on the matter². Therefore, I have not considered it further.

Main Issues

9. I consider that the main issues in these cases are: the effect of the proposals on the character and appearance of the area; the effect on highway safety; whether, with reference to accessibility, the schemes would be sustainably located; the effect on the spatial development strategy for the area; and, the effect on housing land supply.

Reasons

10. Appeal site A comprises 3.95 hectares of agricultural land, which is bounded by a small area of agricultural land to the north, Newgate Lane to the west and Newgate Lane East to the east. The site shares a small proportion of its southern boundary with Hambrook Lodge and the remainder is shared with appeal site B. The appeal A proposal would involve the development of up to 75 dwellings within the site as well as other associated works. Appeal site B comprises 6.1 hectares of agricultural land, which is bounded by Woodcote Lane to the south, Newgate Lane to the west and Newgate Lane East to the

¹ Including the evidence given by Mr Whitehead.

² Inquiry document no. 23.

- east. Part way along its length, the northern boundary of the site wraps around the western, southern, and eastern boundaries of the grounds of Hambrook Lodge. Otherwise appeal site B shares its northern boundary with appeal site A. The appeal B proposal would involve the development of up to 115 dwellings within the site as well as other associated works.
11. Vehicular, cycle and pedestrian access to each site would be provided by an access road leading from Newgate Lane. A pedestrian/cycle route is also proposed from appeal site A through appeal site B to Woodcote Lane, leading to the proposed Toucan crossing of Newgate Lane East and Bridgemary. The proposed Toucan crossing would be funded through the provision of a contribution secured by UUB. The *Statement of Common Ground-Linked Delivery* (SoCGLD) has been agreed between the appellants and the Council. It indicates that it would be possible to ensure that the appeal A scheme cannot come forward independently of the appeal B scheme through the imposition of a Grampian condition, thereby ensuring the provision of those proposed access links.
 12. The appeal sites form part of an area of countryside situated between the urban settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north. The settlement referred to as Peel Common in the evidence of the main parties is limited to the residential and commercial properties located off Newgate Lane, Woodcote Lane and Albert Road, within the administrative area of Fareham Borough Council (the Council). Under the terms of the Development Plan, Peel Common does not have a defined settlement boundary and it is also situated in the area of countryside that includes the appeal sites. Furthermore, it does not include the 'Peel Common' housing estate located further to the east within Gosport Borough Council's administrative area. The closest urban boundary to the appeal sites is to the east and is associated with a number of areas within Gosport, such as Bridgemary, Woodcot and the 'Peel Common' housing estate. For simplicity, those areas have been jointly referred to in the evidence of the main parties as Bridgemary. I have taken the same approach in these decisions.
 13. Policy CS14 of the *Fareham Local Development Framework Core Strategy, 2011* (LP1) indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function. Policy DSP6 of *the Local Plan Part 2: Development Sites and Policies, 2015* (LP2) indicates that there will be a presumption against new residential development outside the defined urban settlement boundaries (as identified on the Policies Map) and that proposals should not result in detrimental impact on the character or landscape of the surrounding area.
 14. The area of countryside situated between the settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north also forms part of the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gap (Fareham-Stubbington Gap), shown on the LP2 Policies Map Booklet. LP1 Policy CS22 indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
 15. However, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

The reasoned justification for LP2 Policy DSP40 indicates that the Council is committed to delivering the housing targets in the Core Strategy, and so it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery. To that end, Policy DSP40 indicates that where it can be demonstrated that the Council does not have a five-year supply of land for housing, additional sites, outside the urban area boundary, within the countryside and Strategic Gaps, may be permitted where they meet a number of criteria (the DSP40 contingency). Those criteria are not as restrictive as the requirements of LP1 Policies CS14 and CS22 or LP2 Policy DSP6. To my mind, it follows that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced and would be outweighed by compliance with LP2 Policy DSP40.

Character and appearance of the area

16. Criterion (ii) of LP2 Policy DSP40 requires that the proposal is well related to the existing urban settlement boundaries and can be well integrated with the neighbouring settlement. To ensure that this is the case, the reasoned justification for the Policy indicates that sensitive design will be necessary. The Council and the appellants agree that the existing urban settlement boundary of Bridgemary is relevant in this context. Criterion (iii) of Policy DSP40 requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps. In this context the main parties agree that both Bridgemary and Peel Common are relevant neighbouring settlements. The reasoned justification for LP1 Policy CS22, which deals with development in Strategic Gaps, indicates that they do not have intrinsic landscape value but are important in maintaining the settlement pattern. I consider therefore, that the Strategic Gap designation is of little relevance to this particular main issue. I deal with the effect on the Fareham-Stubbington Gap later in this decision.
17. Peel Common would be the closest settlement to both appeal sites. The pattern of built development there is characterised, for the most part, by ribbon development that fronts onto the western side of Newgate Lane, with small spurs eastwards along the southern side of Woodcote Lane and westwards along Albert Road. Along Newgate Lane the ribbon of development only extends northwards to a point just beyond the alignment of the southern boundary of appeal site A on the opposite side of the highway. I consider that the only notable development to the west of appeal site A, on the western side of Newgate Lane, comprises: Peel Common Wastewater Treatment Works, which is set well back from the highway and is screened from view by landscaping; and, Newlands' Solar Farm, which is relatively low profile. Peel Common is described by the *Fareham Landscape Assessment, 2017* (FLA) as an isolated small settlement and, in my view, given its scale, pattern of development and location in the countryside, that is a reasonable assessment.
18. Both appeal sites are divided into an eastern and western section by the River Alver, which runs in a north-south direction through the sites. To the east of the river the land within the appeal sites is predominantly arable and to the west grassland. The latest Illustrative Masterplans submitted in support of the schemes indicate that, in both cases, the proposed dwellings would be clustered on the eastern side of the River Alver and the land to the west would comprise public open space. To my mind, the absence of residential

development from the western sections of the sites would be necessary, due to the environmental constraints associated with the land to the west of the river, and it could be secured by condition. The constraints include areas at high risk of surface water flooding and of particular ecological value.

19. As a result, and in stark contrast to the existing settlement pattern of Peel Common, none of the proposed residential properties would front onto Newgate Lane or be directly accessed from either Newgate Lane or Woodcote Lane. Links between appeal site B and Woodcote Lane would be limited to a pedestrian/cycleway connection. In each case, the main access to the proposed residential areas would comprise a single access road between Newgate Lane and the eastern section of each site. The sections of these roads through the proposed public open space, in the western sections of the sites, would be devoid of roadside development for the reasons set out above, which would further weaken the relationship between the proposed residential areas and the existing settlement. I understand that in terms of dwelling numbers, the appeal B scheme would be larger than the size of the existing settlement of Peel Common and the appeal schemes together would be approximately double its size. I consider that, with particular reference to their size and location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Peel Common, contrary to the aims of LP2 policy DSP40(iii). Furthermore, in my judgement, due to the site constraints, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
20. The area of Bridgemarky, which is situated to the east of the appeal sites, is primarily residential in character, with a variety of building styles generally of 1 to 2-storeys in height. A network of roads and footways provides for ease of movement within that residential area and closely integrates it with the much larger urban area of Gosport. The appeal proposals would also be residential in character and proposed buildings of a similar scale could be secured by condition. However, the appeal sites would be set well apart from that existing urban area, beyond agricultural fields and a recreation ground. The most direct access route between them would be along Woodcote Lane, across Newgate Lane East and along Brookes Lane; a route unsuitable for cars. In my judgement, the appeal schemes, whether considered on their own or together would comprise and would be perceived as islands of development in the countryside set apart from the existing urban settlements. They would not amount to logical extensions to the existing urban areas. I consider that, with particular reference to their isolated location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Bridgemarky. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemarky or well-integrated with it. In these respects, the proposals would conflict with LP2 Policy DSP40(ii) and (iii). In my judgement, due to the location of the sites, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
21. In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and

development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment.

22. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal sites are not the subject of any statutory or non-statutory landscape designations. Nonetheless, *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA)* by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued. Furthermore, insofar as it seeks to minimise any adverse impact on the countryside, I consider that LP2 Policy DSP40 is consistent with the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
23. As the planning applications the subject of these appeals are in outline, a full assessment of the landscape and visual impacts of the proposed schemes cannot be carried out at this stage. Nonetheless, the illustrative layout plans indicate that, in each case, the proposed dwellings would be set back from the perimeter of the site beyond relatively narrow areas of landscaping. To my mind, the scope for landscaping would be unlikely to be significantly greater, given the number of dwellings proposed and that it would not be reasonable to seek to use a condition to modify the developments to make them substantially smaller in terms of unit numbers than that which was applied for. In my view, that would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. Whilst the Design and Access Statements indicate that the proposed buildings may be up to 3-storeys in height, the appellants have indicated that they could be limited to 1-2 storeys, in keeping with the surroundings, through the imposition of conditions and without reducing the numbers of units proposed.

Landscape impact

24. GLVIA indicates that the assessment of landscape effects involves assessing the effects on the landscape as a resource in its own right. This is not just about physical elements and features that make up the landscape; it also embraces the aesthetic³, perceptual and experiential aspects of the landscape that make different places distinctive/valued.
25. Natural England's *National Character Assessment* places the appeal sites within the South Coast Plain National Character Area, the characteristics of which include that the plain slopes gently southwards towards the coast and there are

³ CD138 page 84 Box 5.1 'scenic quality...landscapes that appeal primarily to the visual senses', perceptual aspects...perceptual qualities, notably wilderness and/or tranquillity', 'experiential 'evidence that the landscape is valued for recreational activity where experience of the landscape is important'.

- stretches of farmland between developed areas. At a county level, the sites form part of the Gosport and Fareham Coastal Plain Landscape Character Area, as identified by the *Hampshire Integrated Character Assessment 2012* (HICA), and within that area part of the Coastal Plain Open Landscape Type. Its characteristics include, amongst other things, extensive and flat or gently sloping plain, often associated with arable land uses and some of the most densely developed areas in Hampshire have occurred in this landscape. The HICA informed the *Fareham Landscape Assessment, 2017* (FLA), which was commissioned by the Council to inform emerging Local Plan policy.
26. The FLA identifies the area within which the appeal sites are situated as Landscape Character Area 8 (LCA 8), Woodcot-Alver Valley. LCA 8 forms part of the easternmost extent of the Fareham-Stubbington Gap and is divided into 5 Local Landscape Character Areas (LLCAs). More specifically appeal site A and the majority of appeal site B, with the exception of the strip of land to the west of the River Alver, fall within LLCA 8.1a. This area is generally bounded by Newgate lane to the west, Woodcote Lane to the south, the western edge of Bridgemary to the east and Speedfields Park Playing Fields to the north. Outside of this LLCA, to the west and south are the main residential sections of the Peel Common settlement, which fall within LLCA 8.2: *Peel Common and Alver Valley*, as does the western section of the appeal B site. Newlands' Solar Farm and Peel Common Wastewater Treatment Works, which are sited to the west of the appeal sites, fall within LLCA 7.1: *Fareham-Stubbington Gap*.
27. The FLA comments both on the character of LLCA 8.1a prior to the completion of Newgate Lane East and on the likely implications of that highways scheme.
28. Prior to the completion of Newgate Lane East, the FLA recognises that LLCA 8.1a is not covered by any current national or local landscape designation, its scenic quality is not exceptional and it is affected by some localised intrusion of urban features around its periphery. It indicates that LLCA 8.1a shares the typically flat, low-lying character of the coastal plain landscape and whilst it lacks the very open, expansive character of other parts of the coastal plain (including adjacent land within the Strategic Gap to the west), it nevertheless has a relatively open and large-scale character. More specifically, it is generally devoid of built development (apart from buildings at Peel Farm⁴), retains a predominantly open, rural, agricultural character, and tree belts along its boundaries to the north, east and south give the area a sense of enclosure from surrounding urban areas and contribute to its aesthetic appeal. The FLA indicates that overall, the landscape value of LLCA 8.1a is moderate to high. Furthermore, the FLA identifies that the landscape resource has a high susceptibility to change, as it has very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character. Whilst these judgements are not disputed, the Council and appellants disagree over the impact that the construction of Newgate Lane East has had.
29. Regarding Newgate Lane East, the FLA anticipated that as the road corridor would be relatively narrow, unaffected land within the rest of the area should be of sufficient scale to maintain its essentially rural character. In my view, this is the case notwithstanding that the roadside planting, which has the potential to reduce the visibility of the highway and associated fencing, has yet to

⁴ Around Hambrook Lodge.

mature. Furthermore, given the relatively low profile of the road scheme, the openness of the area is largely unaffected. Under these circumstances, I consider that whilst the landscape value of LLCA 8.1a has been reduced by the road scheme to medium, the susceptibility of the landscape to change remains high, rather than low/medium identified by the *Landscape and Visual Impact Assessments* submitted in support of the applications (LVIAs). Support for this judgement is provided by the FLA, which indicates that significant further development in addition to the road scheme would almost certainly have an overwhelming urbanising effect, potentially tipping the balance towards a predominantly urban character. Overall, I regard the sensitivity of the landscape resource within LLCA 8.1a to be medium/high, consistent with the Council's Landscape and Visual Assessment findings, and contrary to the low/medium findings set out in the LVIAs.

30. In both cases, the proposals would replace a significant proportion of the agricultural land within LLCA 8.1a with residential development. Whether single-storey or taller buildings are proposed, the massing of each development would add to the sense of enclosure of this LLCA, greatly diminishing its open character and the duration of the impact would be long term. Considering each scheme on its own, the size and scale of the change, taken together with the existing limited intrusion from surrounding urban influences and the effect of Newgate Lane East, would be sufficient in my judgement to tip the balance towards a predominantly urban character. I acknowledge that the impact would not extend beyond LLCA 8.1 to affect a wider area of landscape. Nonetheless, I judge the magnitude of change as medium and the significance would be moderate to moderate/major adverse, even after mitigation. In my view, the effect would not be as low as the minor/moderate or minor adverse significance of effect identified by the LVIAs, which the appellants suggest would be considered acceptable and would not constitute an overall 'harm' to the landscape.
31. As I have indicated, the only section of the appeal sites that falls within LLCA 8.2 is the western section of appeal site B, the development of which would be constrained by its ecological value. Therefore, I give little weight to the view set out in the FLA regarding LLCA 8.2 that there may be potential for some modest, small scale development associated with the existing built form at Peel Common.
32. I consider overall that the proposals would each cause significant harm to the landscape of the area.

Visual impact

33. There is no dispute that the area from which the proposed developments would potentially be visible, the visual envelope, would be limited. This is due to a combination of the flat topography of the surroundings and the effects of vertical elements such as neighbouring settlement edges and some tall vegetation. As a result, the visual receptors identified by the Council and the appellants are relatively close to the appeal sites and the associated assessments of visual effects provided by those parties are broadly comparable, finding a number of adverse impacts of moderate or greater significance.
34. As regards the users of Newgate Lane, I consider them to be of medium sensitivity to change, consistent with the position set out in the LVIAs and by

- the Council. However, the proposed development would significantly alter views eastwards. Currently long views can be enjoyed from some vantage points across relatively open countryside, Newgate Lane East being low profile infrastructure, towards the tree lined edge of Bridgemary and the 'big skies' noted by the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* (2020)(TR). As a result of either appeal scheme on its own, residential development would become a prominent feature in the foreground of such views, notwithstanding the proposed setback beyond an area of open space between the highway and the proposed dwellings. From some vantage points, the long rural view would be interrupted entirely, being replaced by a short suburban view of one of the appeal schemes, which would be likely to break the existing skyline and greatly reduce the sense of space. I regard the magnitude of impact as high and the significance of impact as major/moderate adverse, in common with the Council.
35. The LVIA's did not consider vantage points along Newgate Lane East, which was under construction when the assessments were undertaken. I consider users of Newgate Lane East to be of medium sensitivity to change, in common with users of Newgate Lane. It is anticipated that the proposed buildings would be set back from Newgate Lane East beyond a strip of landscaping, within the sites and along the edge of the highway. Nonetheless, given the likely scale and disposition of the built development, I consider it likely that it would still be visible to some extent from that neighbouring road. In my judgement, when travelling between the built-up areas to the north and south, the respite provided by the surrounding countryside along Newgate Lane East is of notable value. That value would be greatly diminished as a result of either scheme. Both would foreshorten views to the west and tip the balance from a predominantly rural to suburban experience. The magnitude of impact on that receptor would be medium and the significance of impact moderate adverse.
36. Overall, I consider that the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area.
37. The FLA sets development criteria to be met in order to protect the character and quality of landscape resources, views, visual amenity, urban setting and green infrastructure. Whilst the aim of LP2 Policy DSP40 is to minimise, rather than avoid, any adverse impact, I consider that they are of some assistance when judging the extent to which there would be an impact and whether it can be regarded as being minimised. I acknowledge, that in the context of making some provision for housing land supply in the countryside, it would be unrealistic to expect the open, predominantly agricultural and undeveloped rural character of area LLCA 8.1a to be entirely protected as the FLA suggests. However, the proposals would cause significant harm in that regard. Furthermore, rather than situating the proposed developments to the east of Newgate Lane East, next to existing urban areas, the schemes would amount to the creation of substantial new pockets of urbanising built development within existing open agricultural land.
38. I conclude that, in each case, the proposal would cause significant harm to the character and appearance of the area, having had regard to the location, disposition, likely scale and landscape treatment, each would fail to minimise the adverse impact on the countryside. The proposals would conflict with LP2 Policy DSP40(ii) and (iii).

Highway safety

39. The *Statement of Common Ground on Transport (SoCGT)*, agreed between the Council and the appellants, states it is agreed that the individual and cumulative impacts of the northern and southern sites would have a detrimental impact on the operation of the existing right turn lane priority junction between Newgate Lane and Newgate Lane East. Furthermore, this cannot be mitigated by priority junction improvements and so a signalised junction is proposed.
40. The proposed signalised junction would introduce a flare from 1 to 2-lanes on the northbound Newgate Lane East approach to the junction and a merge back to 1 lane some distance after the junction. Furthermore, the SoCGT indicates, in relation to southbound vehicles seeking to access Newgate Lane from Newgate Lane East across 2 lanes of on-coming traffic, the proposed signal method of control would be the provision of an indicative arrow right turn stage. Under the proposed signalling arrangement, right turn movements from Newgate Lane East into Newgate Lane could occur at three points in the cycle of the signals: firstly, turning in gaps in the free flowing northbound traffic; secondly, during the intergreen period when the northbound flow is stopped and before the Newgate Lane traffic is released; and, then if right turners are still waiting after the cycle, the indicative arrow would be triggered to allow them to turn unopposed. The SoCGT confirms that the appellants are proposing an indicative arrow arrangement rather than the provision of a fully signalised right turn stage, as the latter would operate unacceptably in terms of capacity.
41. The appellants' *Stage 1 Road Safety Audit (RSA)* identifies a potential problem with the proposed right turn lane arrangement, with reference to CD 123 of the *Design Manual for Roads and Bridges (DMRB)*. In the context of right turning traffic movements at signal-controlled junctions, CD 123 indicates that where the 85th percentile approach speed is greater than 45 mph, there is an increased risk of accidents between right-turning vehicles seeking gaps and oncoming vehicles travelling at speed. It confirms that where the 85th percentile approach speed is greater than 45 mph, right hand turns should be separately signalised. Against that background, the RSA raises the concern that higher northbound vehicle speeds (particularly in off-peak traffic conditions) may mean that gap acceptance by the drivers of right turning vehicles could lead to right-turn collisions or to sudden breaking and shunt type collisions. It recommends that, at detailed design stage, signal staging/phasing should incorporate a separately signalled right-turn into Newgate Lane and that it would be appropriate to measure northbound vehicle speeds to design signal staging and phasing arrangements accordingly.
42. DMRB CA 185 sets out the approach to vehicle speed measurement on trunk roads where existing vehicle speeds are necessary to set the basis for the design of signal-controlled junctions. CA 185 confirms that 85th percentile vehicle speeds shall be calculated where designs are to be based on measured vehicle speeds. It is common ground that, whilst this standard is intended for use in relation to trunk roads, in the absence of any other reference, it can be used to guide the measurement of vehicle speeds on other roads, such as Newgate Lane East.
43. The SoCGT identifies 3 speed surveys whose results are relevant to the consideration of northbound speeds on Newgate Lane East. They were

undertaken in: September/October 2018; February/March 2020; and November 2020. All three surveys include measurements undertaken at weekends, contrary to the CA 185 protocol which indicates that speed measurements shall not be undertaken at weekends. Nevertheless, they were not limited to weekend measurements. Each survey included measurements on other days of the week, and I have not been provided with any evidence to show that the 85th percentile speeds derived from the surveys are not reasonably representative of the weekdays surveyed. However, the last survey was carried out during a period affected by movement restrictions associated with the coronavirus pandemic and the recorded average flow rates are noticeably lower than those recorded at the same times of day in the other two surveys. I consider that, under these circumstances, greater weight is attributable to the results of the earlier two surveys.

44. CA 185 indicates that a minimum number of 200 vehicles speeds shall be recorded in the individual speed measurement period and speed measurements should be taken outside of peak traffic flow periods. The peak hours identified by the *Transport Assessments* submitted in support of the appeal planning applications are 08:00-09:00 hrs (AM peak) and 17:00-18:00 hrs (PM peak). Whilst CA 185 indicates that non-peak periods are typically between 10:00-12:00 hrs and 14:00-16:00 hrs, I share the view of the Highway Authority (HA) that this does not rule out consideration of other non-peak periods, so long as a minimum number of 200 vehicles speeds are recorded in the individual speed measurement period as required by CA 185. Having regard to the results of the September/October 2018 and February/March 2020 surveys for northbound traffic on Newgate Lane East, in addition to the typical periods identified above, the period from 05:00-06:00 hrs meets these criteria, falling outside of the peak hours and having a recorded average flow greater than 200 vehicles.
45. The September/October 2018 and February/March 2020 survey results record 85th percentile speeds in the periods 10:00-12:00 hrs and 14:00-16:00 hrs in the range 41 mph-44.8 mph when a wet weather correction is applied. The upper end of this range being only marginally below 45 mph. In the period 05:00-06:00 hrs the results exceeded 45 mph. CA 185 indicates that where there is a difference in the 85th percentile speeds derived from the individual speed measurement periods, the higher value shall be used in the subsequent design.
46. I give little weight to the view of the appellants that the introduction of traffic signals, as proposed, would be likely to result in drivers being more cautious and so reduce their vehicle speeds. Even if that were the case, it is not clear that it would reduce 85th percentile speeds in the period 05:00-06:00 hrs to below 45 mph or that this undefined factor should be taken into account in the design. The appellants have suggested that in the absence of any demand over-night, the signals would revert to an all red stage, which would further slow the speeds of vehicles. However, it appears that there would be likely to be demand in the period 05:00-06:00 hrs. Furthermore, the HA has confirmed, for a number of reasons, that is not the way multi-arm junctions are set up on its network. Firstly, for junction efficiency, the signals would be expected to rest on green on Newgate Lane East, allowing traffic to proceed unimpeded on the main arm. Secondly, this approach reduces the likelihood of drivers, who wrongly anticipate that the lights will turn from red to green on their approach,

- proceeding without slowing and colliding with others. In light of the HA's established approach, I give little weight to the appellants' suggestion.
47. I consider that the proposals, which would not include separate signalisation of the right-hand turn, would conflict with CD 123.
48. The operation of the existing priority junction involves some drivers turning right from Newgate Lane East into Newgate Lane across a single northbound lane and there is no dispute that at present the junction operates safely. However, the proposed junction arrangement would give rise to the possibility of right turning vehicles gap-seeking across 2 opposing lanes, a practice which the HA considers would be unsafe. I note that Rule 180 of the *Highway Code* indicates that right turning drivers should wait for a safe gap in oncoming traffic. However, the basis of the HA's concern is that a right turning driver may not be able to see an oncoming nearside northbound vehicle, due to screening by offside northbound vehicles, until it is too late to avoid a conflict. The Rule 180 illustration is of a single opposing lane and it does not grapple with the potential for unsighted vehicles in a two opposing lanes scenario. In support of its concern, the HA has identified other junctions where the frequency of accidents involving right turning vehicles has been reduced by moving from a situation where gap-seeking across 2 lanes is allowed to a fully signalised right turn phase.
49. With respect to the modified junctions drawn to my attention by the HA, I agree with the appellants that, in the absence of data with respect to traffic flows, speeds and percentage of right turners at those other junctions, it cannot be determined that they are directly comparable to the appeal junction in those respects. However, nor can it be determined that they are not. Nonetheless, the improved accident record at those other junctions following the introduction of a fully signalised right turn phase appears to me to support, for the most part, the HA assessment that the practice of gap-seeking across 2 lanes was previously a contributory factor to the incidence of accidents⁵. In relation to this matter, I give greater weight to the assessment of the HA, as it is likely to be more familiar with the historic operation of its network, than that of the appellants' highway witnesses.
50. The appellants consider that an arrangement which allows vehicles turning right across two opposing lanes by gap-seeking is common. In support of that view, they have identified 2 junctions in the area where the HA has not prevented right turning vehicles from crossing 2 lanes without signalling: A27/Ranvilles Lane; and, A27/Sandringham Road. However, the HA has indicated that there is a history of accidents associated with right turn manoeuvres at the A27/Ranvilles Lane junction, the most recent having occurred in 2020, and the junction will be taken forward on the HA's provisional list for safety remedial measures during 2021/2022. The A27/Sandringham Road junction is located close to the point at which the speed limit reduces from 40 mph to 30 mph on the A27. Furthermore, Sandringham Road is a cul-de-sac serving far fewer dwellings than would be the case at Newgate Lane as a result of either of the appeal A or B schemes, and so the number of daily or peak hour right turning movements associated with it would be likely to be much lower than the appeal junction. To my mind, the circumstances associated with these two junctions do not lend support to the appeal schemes.

⁵ Whether a 3-year or 10-year accident record period is considered.

51. The appellants argue that in circumstances where a vehicle is waiting at the proposed junction for an approaching northbound offside vehicle to pass before turning right onto Newgate Lane, it is likely that a nearside vehicle screened from view by that offside vehicle would also have passed when the waiting vehicle starts to cross the lanes. To my mind, that would not necessarily be the case, as it would depend on the degree to which the pair of northbound vehicles are staggered and their relative speeds. Some screened vehicles may be slowing to turn left into Newgate Lane causing a right turning vehicle to pause in the offside lane when that previously screened nearside vehicle comes into view and that would potentially bring it into conflict with other approaching offside vehicles. Furthermore, it is foreseeable that right turning drivers seeking gaps may be faced with a stream of traffic in both opposing lanes and with some variation in approach speeds. A nearside vehicle moving past an offside stream of traffic may be unsighted until a late stage and may be closing the gap faster than the right turning driver had anticipated, leading to conflicting movements.
52. With reference to the appellants' *Transport Assessment Technical Note-Junction Modelling Results (TATN)*, by the 2024 design year, the cumulative impact of each appeal scheme and other developments would be likely to result in a marked increase in the total number of right turning vehicles into Newgate Lane. Furthermore, the appellants' traffic modelling predicts that in the AM peak there would not be any suitable gaps in free-flowing northbound traffic for right turning vehicles to cross. However, the proposed signalling arrangement would not prevent drivers from gap-seeking and they may still attempt to do so, if they thought that they could get across, rather than waiting for the intergreen period or the indicative arrow. The modelling predicts that in the PM peak almost all of the right turning traffic would cross in gaps in free-flowing northbound traffic.
53. Against this background, I share the concern of the HA that right turning vehicles gap-seeking to cross 2 oncoming lanes at the proposed junction poses a far greater risk of collisions than the existing arrangement and a significant risk to highway safety.
54. I conclude that the proposed junction arrangement, whether one or both of the appeal schemes were to proceed, would have an unacceptable impact on highway safety. Furthermore, in my view, this harm could not be reduced to an acceptable level through the imposition of a condition(s). As I have indicated, the Council and appellants agree that a fully signalised right turn stage would operate unacceptably in terms of capacity. The proposals would conflict with LP2 Policy DSP40(v), which seeks to ensure that development would not have any unacceptable traffic implications, and it would not fit well with the aims of LP1 Policy CS5(3) insofar as it supports development which does not adversely affect the safety of the local road network. These Policies are consistent with the Framework, which indicates that development should only be prevented or refused on highway grounds in limited circumstances, including if there would be an unacceptable impact on highway safety. This weighs very heavily against the schemes.

Sustainably located, with reference to accessibility

55. LP1 Policy CS15 indicates that the Council will promote and secure sustainable development by directing development to locations with sustainable transport

- options. LP1 Policy CS5 indicates that development proposals which generate significant demand for travel and/or are of high density, will be located in accessible (includes access to shops, jobs, services and community facilities as well as public transport) areas that are or will be served by good quality public transport, walking and cycling facilities. LP2 Policy DSP40(ii) seeks to ensure that proposals are sustainably located adjacent to the existing urban settlement boundaries.
56. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and identifies that this should be taken into account in decision-making. I acknowledge that the appeal sites are in the countryside. However, they are situated in a relatively narrow countryside gap between urban areas, rather than a larger rural area where opportunities for sustainable transport could reasonably be expected to be limited. In any event, consistent with Development Plan Policies CS15, CS5 and DSP40, the Framework also indicates that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
57. The appeal sites are not near to, but are set well apart from: the western, urban area boundary of Bridgemary, as defined by the *Gosport Borough Local Plan 2011-2029 Policies Map*, which is to the east of the appeal sites on the far side of an area of agricultural land that adjoins the eastern side of Newgate Lane East; and, further from the southern settlement boundary of Fareham, which is defined by the LP2 Policies Map Booklet and is located some distance further north at the edge of HMS Collingwood and Speedfields Park. Peel Common does not have a defined urban settlement boundary. As such, I consider that the sites are not adjacent to any existing urban settlement boundary, contrary to the requirement of LP2 Policy DSP40(ii).
58. I acknowledge that the Council appears to have taken a flexible approach to the 'adjacency' requirement in a number of other cases. However, in the cases drawn to my attention, with the exception of the site to the south of Funtley Road, development has taken place or been approved between the application site and the nearest existing urban settlement boundary. In the case of the site to the south of Funtley Road, it abuts a highway on the opposite side of which is some of that other development and the site boundary is a relatively short distance across undeveloped land from an existing urban settlement boundary. The circumstances are not directly comparable to those in the cases before me, in relation to which the sites would be set further apart across undeveloped land from the nearest existing urban settlement boundary. In any event, each case must be considered primarily on its own merits and in my view, the Council's approach elsewhere would not justify harmful development of the appeal sites. I give little weight to those decisions of the Council. Furthermore, appeal decision Ref. APP/L3625/X/16/3165616 considered adjacency in the context of the relationship between a highway and gates set back from it by around 1 metre. The circumstances are not comparable to those in the cases before me and are of little assistance.
59. I turn then to consider the accessibility of the sites with reference to modes of transport. The *National Travel Survey, 2019* (NTS), identifies, amongst other things, the average trip length and duration in England by all modes of travel for the trip purposes of: commuting; education; personal business; shopping; sport (participate); and, entertainment/public activity. There are a range of

- employment, education, retail, health, sport, and leisure uses well within those average distances and durations of the appeal sites. This indicates that there are likely to be some opportunities for residents of the proposed developments to travel less when compared to the national average journey distances and durations, and in this context, the locations of the appeal sites limit the need to travel. However, the NTS 'all modes of travel' includes, amongst other modes, car travel and so it does not automatically follow that the proposed developments would be served by good quality public transport, walking or cycling facilities.
60. The *Manual for Streets* indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 800 metres walking distances of residential areas which residents may access comfortably on foot. However, it indicates that this is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres. This is echoed by the Department for Transport *Local Cycling and Walking Infrastructure Plans (2017)*, which indicates that for walking, 'the distances travelled are generally...up to 2 kilometres'.
61. The Institute of Highways and Transportation's (now CIHT) *Guidelines for Providing for Journeys on Foot, (2000)* (PfJoF) gives more detailed guidance, setting out, with reference to some common facilities, suggested desirable, acceptable and preferred maximum walking distances which range up to a preferred maximum of 2 kilometres for some facilities. The approach is consistent with CIHT's more recent *Planning for Walking, April 2015* (PFW), which indicates that most people will only walk if their destination is less than a mile away (equivalent to around 1.6 kilometres) and about 80% of journeys shorter than 1 mile are made wholly on foot, the power of a destination determining how far people will walk to get to it. To illustrate the point it indicates that while for bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point, people will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.
62. Having regard to the Department for Transport's NTS (Table NTS0303-2020 update), there have been no significant changes in the average walking trip length in the period 2002-2019. To my mind, this indicates it is unlikely that attitudes towards walking trip length have altered to any great extent since the publication of PfJoF. This is consistent with the position taken by my colleague who dealt with appeal Ref. APP/A1720/W/19/3230015, which related to a site elsewhere, in Portchester. I am content therefore, that the PfJoF guidance on acceptable walking distances is not out of date and it provides a reasonable basis for the assessment of whether, having regard to the locations of the appeal sites, walking can be regarded as a genuine choice of transport modes. In addition, PFW indicates that propensity to walk is not only influenced by distance, but also by the quality of the experience, having regard to factors such as the attractiveness and safety of the route.
63. I note that the Council's position regarding the accessibility of the sites is not based on an objection in relation to that matter raised by the Highway Authority, but rather an assessment undertaken by a planning professional with reference to PfJoF, amongst other things. In my view, it does not follow that the weight attributable to the Council's assessment should be reduced. As reported by the appellants, the PfJoF states it is the task of the professional

- planner or engineer to decide if a lower standard is acceptable in given circumstances.
64. There is no dispute that there are a range of services and facilities within 2 kilometres of the appeal sites. However, to my mind, in the absence of any consideration of the 'power of the destinations' and the quality of the experience that is of little assistance. Applying the PfJoF approach, which reflects the 'power of destination', facilities and amenities within its 'acceptable' walking distances of the southern and linked appeal sites are limited to a primary school, a church, and a recreation ground. Within its 'preferred maximum' walking distances there are additionally a college campus (CEMAST), a limited number of small shops and a pub in Bridgemary, an employment area (HMS Collingwood) and four other schools.
 65. However, the appeal sites only fall within the catchment area of one of the five schools, Crofton Secondary School, which is barely within the preferred maximum walking distance. Whilst I understand that Crofton Anne Dale Infant and Junior School, which would serve the appeal sites, is within the maximum walking distances for schools identified by the Department for Education, it falls outside the PfJoF preferred maximum walking distances.
 66. Although PFW indicates that in residential areas, 400 metres has traditionally been regarded as a cut-off point, the CIHT's more recent *Buses in Urban Developments, January 2018* (BUD) provides more detailed guidance. It identifies maximum walking distances between developments and bus stops with the intention of enabling the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability. It recommends a maximum walking distance of 300 metres to a bus stop served by a service which is less frequent than every 12 minutes.
 67. The SoCGT indicates that the closest bus stop to the appeal sites is on Newgate Lane East and only the southern site would meet that BUD recommendation. Furthermore, the buses return approximately with a frequency of every 75 minutes in each direction and the first northbound bus in the morning, towards Fareham, departs from the bus stop at 09:12 hrs. Notwithstanding that the bus trip duration to the train station may be shorter than the national average trip time by local bus of 36 minutes, to my mind, the start time and frequency of the service would limit the attractiveness of the service as far as northbound commuters are concerned. Whilst there is a bus stop on Tukes Avenue served by a more frequent service, it is significantly further away from the sites than the maximum walking distance for high frequency services recommended by BUD.
 68. The SoCGT indicates that the closer of the 2 appeal sites is some 3.7 kilometres from Fareham Railway Station, a distance well beyond the 800 metres identified by PFW.
 69. I note that the PfJoF was one of the documents that informed the accessibility standards set out in the Council's *Fareham Local Plan 2037 Background Paper: Accessibility Study 2018*, the application of which in the cases before me appears not to result in a significant difference in outcome compared with the application of the PfJoF guidance.
 70. The appellants have applied a Walking Route Audit Tool to the local walking routes, which assesses the attractiveness, comfort, directness, safety, and

coherence of the routes. Whilst a number of the findings are disputed by the Council, I consider that the current condition of the likely route east of the sites to the limited number of shops and the pub referred to in Bridgemaury is of greatest concern. That walking route would involve crossing Newgate Lane East and walking along Brookers Lane. However, difficulties crossing Newgate Lane East, due to the speed and volume of traffic, would be satisfactorily addressed by the proposed provision of a Toucan crossing, funded by a contribution secured by the UUB. Currently, the character of the initial section of Brookers Lane would be likely to dissuade users, due to a lack of street lighting and the potential for people to conceal themselves from view from approaching walkers in trees along the southern side of the route, giving rise to potential safety concerns. However, I consider that these matters could be satisfactorily addressed through the provision of unobtrusive lighting and fencing along the southern side of the route, which would be unlikely to have a material adverse impact on the character or appearance of the locality and could be secured by condition. I acknowledge that these improvements may be of some benefit to the wider community, not just residents of the appeal sites, to which I attribute limited weight.

71. In my judgement, the quality of local walking routes could be made acceptable. However, applying the PfJoF and more recent BUD guidance on walking distances to destinations, the number and range of facilities and amenities within the ranges identified would be limited. I consider overall that the accessibility of the area by walking would be poor and, for the most part, walking cannot be regarded as a genuine choice of transport mode.
72. The site subject of previous appeal decision Ref. APP/A1720/W/19/3230015, was found to satisfy LP2 Policy DSP40(ii). However, the factors taken into consideration in relation to that matter included, amongst other things, that the site was well related to the existing urban settlement boundary for Portchester and close to many other dwellings in Portchester, and accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Those circumstances are not directly comparable to those in the cases before me. The appeal sites are not well related to an existing urban settlement boundary or close to dwellings within one. Whilst accessibility to local services and facilities would be similar for existing residents of Peel Common, it is a small settlement relative to which each of the appeal schemes would be larger in terms of households. Under the circumstances, I consider that the policy finding of the previous appeal decision is of little assistance in these cases.
73. Within 5 kilometres of the appeal sites, which is a distance commonly regraded as reasonable cycling distance, there is a much greater range and number of services, facilities, amenities, and employment sites. Furthermore, there are shared cycle pedestrian/cycle routes in the vicinity of the appeal sites which would facilitate access by bicycle to the areas to the north, south, east, and west of the sites. I consider therefore that the sites would be served by good quality cycling facilities and cycling could be regarded as a genuine choice of transport modes. However, having regard to the NTS for 2019, in comparison with 250 trips per person per year associated with walking, only 16 trips per person per year were associated with cycling. To my mind, it is likely therefore, that relatively few future residents of the appeal sites would cycle, reducing the weight attributable to this factor.

74. As I have indicated, the bus services available within the maximum walking distances recommended by BUD are very limited and the nearest train station is located well outside the PfJoF preferred maximum walking distance. I acknowledge that the sites would be within reasonable cycling distances of Fareham Train Station and residents could drive there by car. Nonetheless, I consider overall that the sites would not be well served by good quality public transport, the accessibility of the area by public transport would be poor and, for the most part, it cannot be regarded as a genuine choice of transport modes.
75. The Framework indicates that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location. A Travel Plan for each site has been agreed by the HA. However, in my view, it does not automatically follow that the appeal sites would be sustainably located with reference to accessibility. The *Planning Practice Guidance* (PPG) indicates that the primary purpose of a Travel Plan is to identify opportunities for effective promotion and delivery of sustainable transport initiatives, for example walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes.
76. The proposed Travel Plan measures include, amongst other things, the provision of: information to promote sustainable modes of travel; electric vehicle charging/parking facilities on the sites; a Travel Plan Coordinator as well as contributions towards: the improvement of the Newgate Lane East crossing at Woodcote Lane/Brookers Lane; the provision of shared pedestrian/cyclist infrastructure along parts of the routes between the appeal sites and local schools; and, supporting the use (travel vouchers for residents) and operation of the existing limited bus service in the vicinity of the sites for a number of years. Having regard to these matters, I am satisfied that a number of appropriate opportunities to promote sustainable transport modes have been provided for, in accordance with the aims of LP1 Policy CS15 and the Framework. However, as identified above, I consider that the attractiveness of the existing bus service to commuters would be limited and, in my view, this casts significant doubt over the indicative Travel Plan target which anticipates an increase in bus service use, notwithstanding some provision for travel vouchers.
77. I conclude that the appeal sites would be in a location with some, albeit limited, sustainable transport options and in this respect would accord with LP1 Policy CS15. However, the limitations are such that they would not be in an accessible area, with particular reference to public transport and walking facilities, and I do not regard the sites as being sustainably located adjacent to an existing urban settlement boundary. Insofar as they seek to ensure that development is sustainably located with reference to accessibility, I consider overall that the proposals would conflict with LP1 Policy CS5, LP2 Policy DSP40 and the Framework.

Spatial development strategy

78. The reasoned justification for LP1 Policy CS22 indicates that gaps between settlements help define and maintain the separate identity of individual

settlements. It states that Strategic Gaps do not have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. The Policy indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

79. The appellants place some reliance on the proposed allocation of land for development in the Fareham-Stubbington Gap in the Regulation 18 consultation draft of the emerging *Fareham Local Plan 2036* (LPe). This included allocation HA2 for residential development on land between Newgate Lane East and Bridgemary, within the Fareham-Stubbington Gap. Whilst the Regulation 19 draft of the LPe did not include that allocation, it was based on the assumed imposition of Government's proposals to introduce a new Standard Method, which was not subsequently supported. However, going forward, there is no certainty that the proposed allocation of HA2 will be reinstated by the Council. Furthermore, even if it were, that proposed allocation was the subject of objections at the earlier stage and there is no dispute that the emerging plan is at a relatively early stage towards adoption. Under the circumstances, I give little weight to the possibility that proposed allocation HA2 would form part of the LPe when adopted.
80. The appeal sites fall within the Fareham-Stubbington Gap. The TR indicates that the purpose of this gap is to avoid coalescence between the settlements of Fareham and Bridgemary with Stubbington and Lee-on-the-Solent. Drawing a straight line east-west across the gap between Stubbington and Bridgemary, the appellants have estimated that the appeal schemes would reduce the gap from some 1.6 km to around 1.1 km. However, to my mind, that cross-country approach does not represent the manner in which the gap is likely to be experienced and, as a result, generally understood.
81. Consistent with the TR, I consider that a key vehicle route between the settlements of Fareham and Stubbington from which the Strategic Gap is experienced is along Newgate Lane East (between Fareham and Peel Common Roundabout)/B3334 Gosport Road (between Peel Common Roundabout and Marks Road, Stubbington). Along that route travellers leave behind the urban landscape of Fareham at HMS Collingwood and Speedfields Park and travel to the edge of Stubbington, via Peel Common Roundabout, through an area which includes the appeal sites and is predominantly characterised by undeveloped countryside. The Strategic Gap designation washes over some development, which includes Newlands' Solar Farm, Peel Common Wastewater Treatment Works (WWTW) and the settlement of Peel Common. However, along the route identified, intervening planting prevents the WWTW from being seen and limits views of the low-profile solar farm to glimpses. Furthermore, I consider that, when seen from those highways to the east and south, Peel Common is easily understood as comprising, for the most part, a small, isolated ribbon of development within the gap between the larger settlements of Fareham, Stubbington and Gosport.
82. In each case, the proposals would involve substantial development to the east of Peel Common and, as identified above, it would be sufficient to tip the balance of the character of the area between Peel Common, Bridgemary and Fareham from predominantly rural to suburban. Whilst Fareham, Peel Common and Bridgemary would remain physically separate, the contribution of this area

to the sense of separation provided by the Strategic Gap would be greatly diminished. I acknowledge that the proposals would not materially alter the experience of the Strategic Gap along the B3334 Gosport Road, between Peel Common and development at Marks Road, as they would not be visible from there. However, the appellants have estimated that the distance between the two is as little as 560 metres and, in my view, the limited sense of separation it provides is likely to be eroded by the Stubbington Bypass, which is under construction there. The FLA recognises that the role played by the area between Peel Common and Bridgemary in preventing coalescence between Stubbington and Gosport is likely to become more significant as a result of developments along Gosport Road, such as the bypass.

83. I consider overall that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of settlements, with particular reference to the experience of travellers along the Newgate Lane East section of the Newgate Lane East/B3334 Gosport Road key route, contrary to the aims of LP1 Policy CS22.
84. Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap. The proposals would fail to minimise any adverse impact on the Strategic Gap, contrary to the aim of LP2 Policy DSP40(iii).
85. There is no dispute that the proposals would accord with criterion (i) of LP2 Policy DSP40, being relative in scale to the demonstrated five-year housing land supply shortfall. Turning then to criterion iv), which requires a demonstration that the proposals would be deliverable in the short term. The current tenant of appeal site A has suggested that the formal procedures associated with the surrender of the agricultural tenancy may delay implementation of that scheme. However, based on the timeline and formal procedures for obtaining possession outlined by the appellants, it appears to me that delivery in the short term would be possible⁶. In any event, this matter could be satisfactorily addressed, in relation to both sites, through imposition of conditions that required reserved matters applications to be made within 12 months of the grant of planning permission and the commencement of development within 12 months of the approval of reserved matters, as suggested by the appellants. Under the circumstances, I am satisfied that the proposals would not conflict with criterion iv) of LP2 Policy DSP40. Nonetheless, they would conflict with criteria ii), iii) and v) and I consider overall that each proposal would conflict with LP2 Policy DSP40 taken as a whole.
86. I conclude that each of the schemes, which would conflict LP1 Policy CS22 and LP2 Policy DSP40, would not accord with and would undermine the Council's Spatial Development Strategy.

Housing land supply

87. The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated

⁶ Michelmores LLP letter dated 20 January 2021 and Lester Aldridge LLP letter dated 3 February 2021.

against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

88. A significant proportion of the difference between the supply figures of the Council and the appellants is associated with applications with a resolution to grant planning permission (709 units) and allocations (556 units).
89. In respect of the majority of the sites with resolutions to grant planning permission, which date from 2018, it remains necessary, before planning permission could be granted in each case, for the Council to complete Appropriate Assessment (AA) to establish whether the scheme would have a significant effect upon European Protected Sites. To inform the AA, it is necessary for the developers to demonstrate that their schemes would not increase the levels of nitrates entering the Solent. In order to facilitate that process, in September 2020, the Council established a legal framework through which developers/applicants can purchase nitrate credits associated with land use at Little Duxmore Farm (LDF). However, at the Inquiry, the Council was unsure whether there would be sufficient capacity at LDF to provide mitigation in relation to all the identified sites and whilst it is seeking to secure additional capacity elsewhere, the associated negotiations are not yet complete. Furthermore, since September 2020, only a relatively small number of dwellings have been taken through this process culminating in the grant of planning permission. With respect to the other sites, which together account for over 500 units, I consider that in the absence of favourably completed AAs there is significant doubt about the deliverability of housing within the five-year period on those sites. Furthermore, AA is not the only issue. In a number of the cases, while some progress has been made, necessary planning obligations have yet to be formally secured. This adds to the uncertainty.
90. The Welborne allocation accounts for 450 units included in the Council's assumed supply figure. The site was subject to a resolution to grant outline planning permission for up to 600 dwellings in October 2019, subject to planning obligations being secured. Although the Council expected the planning obligations to be secured pursuant to section 106 of the *Town and Country Planning Act 1990* by the end of the summer 2020, this was not achieved. In December 2020, the developer submitted amended plans for the site. Whilst in January 2021, the Council resolved to grant planning permission for the revised scheme, it would also be subject to planning obligations and a pre-commencement condition would be imposed to ensure that funding had been secured for the improvement of junction 10 of the M27. At the Inquiry, the Council confirmed that whilst funding sources have been identified, not all the necessary agreements are in place to secure the funds. In light of the limited progress made since October 2019 and the outstanding areas of

uncertainty, I consider it likely that housing delivery on that site within the five-year period will fall well short of that assumed by the Council.

91. Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic⁷.
92. The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come.
93. The appellants anticipate that around 123 of the 190 proposed appeal dwellings could be completed within the current five-year period. Against this background, I consider it likely that each of the appeal schemes would make a modest contribution towards reducing the significant shortfall in housing land supply. Having had regard to other appeal decisions drawn to my attention⁸, I give those contributions substantial weight.

Other matters

Planning obligations

94. Each of the schemes is supported by a formally completed unilateral undertaking: appeal site A-UUA; and appeal site B-UUB. Amongst other things, they include provisions for: a Solent Recreation Mitigation Strategy contribution; on-site open space and play area provision and maintenance contributions; an education contribution; provisions to secure on-site Affordable Housing delivery, sustainable travel measures as well as the implementation of a Travel Plan. UUB also makes provision for: the implementation of a Chamomile Management Plan, for the purpose of conserving the ecological features in the Chamomile and Meadow areas of the site, consistent with the aims of LP2 Policy DSP13; and, a Toucan crossing contribution. Having had regard to the Council's *Community Infrastructure Levy Regulations Compliance Statement, February 2021*, I consider that the UUs would accord with the provisions of Regulation 122 of the *Community Infrastructure Regulations 2010* and the tests of obligations set out in the Framework. Furthermore, I conclude that the infrastructure provisions referred to above would accord with the aims of LP1 Policy CS20.
95. With reference to the ecological assessments submitted in support of the applications, the appellants have indicated that, subject to mitigation measures which would be secured either by the submitted UU's or by condition, the schemes would each provide moderate ecological benefits for the sites, consistent with LP1 Policy CS4 and LP2 Policy DSP13. Furthermore, measures would be incorporated in the design of the schemes to limit energy and water consumption as well as carbon dioxide emissions, which could be secured by condition and would amount to minor environmental benefits, consistent with

⁷ Statements of Common Ground, January 2021 (paragraphs 7.14).

⁸ Such as APP/A1530/W/19/3223010, APP/G1630/W/18/3210903, APP/E5900/W/19/3225474, APP/N1730/W/18/3204011 and APP/G1630/17/3184272.

LP1 Policy CS16. I have no compelling reason to take a different view. However, in my judgement, they do not weigh significantly in favour of the schemes, as the benefits would be only moderate/minor and the Framework commonly requires the provision of net gains for biodiversity, minimisation of energy consumption and the prudent use of natural resources.

96. UUC would secure off-site mitigation for the loss of a low use Solent Wader and Brent Goose site. Having regard to the measures secured by UUA, UUB and UUC and with reference to the 'Shadow Habitat Regulations Assessments' submitted in support of the applications, the appellants have indicated that the proposals would not have an adverse effect on the integrity of any European Protected Sites, consistent with the aims of LP2 Policies DSP14 and DSP15, and this would weigh as neutral in the planning balance. These matters are not disputed by the Council.
97. It is common ground that there is an unmet Affordable Housing need in Fareham Borough. The shortfall appears to be sizeable. Looking forward, the Council's adopted *Affordable Housing Strategy (2019)* identifies a need for broadly 220 Affordable Homes per annum over the period to 2036. This can be compared to the delivery of an average of 76 Affordable Homes per annum in the period 2011-2019, well below the need identified for that period by the Council's *Housing Evidence: Overview Report (2017)*. 40% of the proposed dwellings in each case would comprise Affordable Housing, consistent with the requirements of LP1 Policy CS18. Furthermore, I understand that the commercial profits of Bargate Homes Ltd, which is owned by Vivid and has contractual control of both sites, are reinvested in Vivid's wider Affordable Housing Programme. I consider that the proposals would amount to meaningful contributions towards addressing the identified need and the Affordable Housing benefits attract substantial weight in each case.
98. The Council considers that the public open space provision shown on the illustrative masterplans submitted in support of the applications would be sufficient to meet the requirements of LP1 Policy CS21 and I have no reason to disagree. Whilst I acknowledge that the proposed public open space may be of some value to existing local residents, given the accessibility of the countryside thereabouts, I consider that any benefit in that regard would be small and I give it little weight.

Economic benefits

99. The Framework gives encouragement to development that would support economic growth. The proposals would be likely to give rise to a range of economic benefits. For example, the appellants have estimated that the proposed households would be likely to generate expenditure in the region of £6.4 million per annum, some of which would be spent locally. Furthermore, the proposals could support an estimated 191 jobs during the three-year build programme and could generate an additional £33.8 million of gross value added for the regional economy during that period. The proposals would help to support the growth of the economy, which has been adversely affected by the current coronavirus pandemic. I give the economic benefits likely to result from the proposals in each case substantial weight.

Best and most versatile agricultural land

100. Appeal site B contains land classified as best and most versatile (BMV) agricultural land, which would be lost as a result of the scheme, contrary to the aims of LP1 Policy CS16, which seeks to prevent the loss of such land. However, with reference to the Framework, which indicates that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land, I consider that LP1 Policy CS16 is unduly onerous. Furthermore, as BMV agricultural land makes up only a very small proportion of the site, I share the view of the appellants that the weight to be given to the loss is very limited.

Privacy

101. At present, Hambrook Lodge occupies an isolated position in the countryside, set well apart from other dwellings. In this context the proposed developments on land adjacent to that property would be likely to have some effect on the privacy of the existing residents. However, the elevations of the dwelling that contain the majority of its habitable room windows are set back from the boundaries shared with the appeal sites. I consider that it would be possible to ensure, through careful design and layout of the schemes controlled at the reserved matters stage, that reasonable levels of privacy would be maintained in keeping with the aims of LP1 Policy CS17.

Community services and facilities

102. I do not share the concerns raised by a number of residents of the Borough of Gosport that the proposals would adversely affect their community services and facilities. As indicated above, it is likely that spending associated with the schemes would benefit the local economy. As regards facilities, I understand that the appeal sites are not within the catchment area of Gosport schools. Whilst some future residents may wish to use the recreation ground situated to the southeast on the other side of Newgate Lane East, there is no compelling evidence before me to show that the numbers would be large or that such activity would be problematic.

Planning balance

103. The Framework indicates, with reference to succinct and up-to-date plans, that the planning system should be genuinely plan-led. For decision making this means approving development proposals that accord with an up-to-date Development Plan without delay. The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and so in these cases the relevant policy for determining the acceptability of residential development on the site is LP2 Policy DSP40. I consider that each of the schemes would conflict overall with LP2 Policy DSP40. However, in these cases, that is not the end of the matter.
104. LP1 Policy CS2 sets out the housing development needs in the plan period, and Policy CS6 establishes the settlements and allocations to deliver development needs. However, Policy CS2, which pre-dated the publication of the Framework, does not purport to represent an up-to-date Framework compliant assessment of housing needs. The housing requirement set out in the Development Plan has not been reviewed within the last 5 years and so the

five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This generates a higher figure. To my mind, it follows that LP1 Policies CS2 and CS6 are out-of-date. Furthermore, against this background, I consider that the weight attributable to conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6, which place strict controls over development outside settlement boundaries, is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements⁹.

105. Furthermore, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, under the terms of paragraph 11 of the Framework it follows that the policies which are most important for determining the appeals are deemed out of date. The Framework indicates that decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, this means granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This approach is reflected in LP2 Policy DSP1.
106. Under these circumstances, I consider that little weight is attributable to the identified conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6. This is reinforced by my earlier finding that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced.
107. LP2 Policy DSP40 is also deemed out of date for the purposes of paragraph 11 of the Framework. However, I consider, for a number of reasons, it does not automatically follow that conflicts with this Policy also attract little weight, contrary to the approach of my colleague who dealt with appeal decision Ref. APP/A1720/W/18/3209865.
108. Firstly, the DSP40 contingency seeks to address a situation where there is a five-year housing land supply shortfall, by providing a mechanism for the controlled release of land outside the urban area boundary, within the countryside and Strategic Gaps, through a plan-led approach. I consider that in principle, consistent with the view of my colleague who dealt with appeal Ref. APP/A1720/W/18/3200409, this approach accords with the aims of the Framework.
109. Secondly, consistent with the Framework aim of addressing shortfalls, it requires that (i) the proposal is relative in scale to the demonstrated supply shortfall and (iv) it would be deliverable in the short-term.
110. Thirdly, criteria (ii) and (iii) are also consistent with the Framework insofar as they: recognise the intrinsic character and beauty of the countryside by seeking to minimise any adverse impact on the countryside; promote the creation of high quality places and having regard to the area's defining characteristics, by respecting the pattern and spatial separation of settlements;

⁹ CDK5-Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37, para 63.

and, seek to ensure that development is sustainably located. They represent a relaxation of the requirements of Policies LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6 in favour of housing land supply. However, I consider that the shortfall in the Framework required five-year housing land supply, which has persisted for a number of years and is larger than those before my colleagues¹⁰, indicates that the balance they strike between those other interests and housing supply may be unduly restrictive. Under these circumstances, in my judgement, considerable, but not full weight is attributable to conflicts with LP2 Policy DSP40(ii) and (iii).

111. Fourthly, insofar as LP2 Policy DSP40(v) seeks to avoid an unacceptable impact on highway safety, with particular reference to traffic implications, it is consistent with the Framework and conflict with that requirement would be a matter of the greatest weight.
112. Whilst the proposals would accord with criteria i) and iv), they would conflict with criteria ii), iii) and v), causing significant harm to the character and appearance of the area, having an unacceptable effect on highway safety, they would not be sustainably located with reference to accessibility and they would fail to minimise any adverse impact on the Strategic Gap. I have found that the proposals would conflict with LP2 Policy DSP40, undermining the Council's Spatial Development Strategy. I consider overall that these matters weigh very heavily against each of the proposals.
113. In each case the proposals would provide a mix of housing types and styles. They would make meaningful, albeit modest, contributions towards addressing the shortfall in the five-year supply of deliverable housing land as well as the need for Affordable Housing supply. The appeal schemes would also be likely to provide employment opportunities and economic benefits to the area. In these respects the proposals would be consistent with the Framework, insofar as it seeks to significantly boost the supply of homes, provide for the size, type and tenure of housing needed for different groups in the community and to support economic growth. I give those benefits substantial weight. I give little weight to other identified benefits, such as the proposed measures to secure net gains for biodiversity, the minimisation of energy consumption and the prudent use of natural resources. Although I give a number of the benefits substantial weight, in my judgement, it would fall well short of the weight attributable to the harm identified.
114. I consider on balance that, in each case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the schemes would not represent sustainable development under the terms of either LP2 Policy DSP1 or the Framework. In light of these findings, it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued, it would not have affected the planning balances or my conclusions on these appeals.

Conclusions

115. Whilst acknowledging that appeal scheme A would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case

¹⁰ APP/A1720/W/18/3199119, APP/A1720/W/18/3200409

would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal A should be dismissed.

116. Whilst acknowledging that appeal scheme B would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal B should be dismissed.

I Jenkins

INSPECTOR

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Of Counsel

He called

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Pegasus Group

Pegasus Group

Red Wilson Associates

Pegasus Group

WYG

Pegasus Group

Pegasus Group

INTERESTED PERSONS:

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The Crofton Division of Fareham

Mrs A White

Mr A Thomas

Borough Councillor J Forrest

The Stubbington Ward

Mr B Marshall

County Councillor S Philpott

The Bridgemary Division

Mrs A Roast

Borough Councillor C Heneghan

The Stubbington Ward

Interested party

Local resident

Local resident

Interested party

Fareham Society

Interested party

Lee Residents' Association

Interested party

DOCUMENTS

- 1 Letters notifying interested parties of appeals A and B.
- 2 Appeals notification responses
- 3 Councillor Philpott-updated proof of evidence
- 4 Ms Parker-revised appendices to proof of evidence and errata
- 5 Council-opening statement
- 6 Appellants-opening statement
- 7 Councillor Forrest-proof of evidence
- 8 Statement of Common Ground (Transport)
- 9 Fareham Society-updated proof of evidence
- 10 Councillor Philpott-updated proof of evidence
- 11 Mr Thomas-email dated 10 February 2021
- 12 Red Wilson Associates-Delay Tables Summary Note
- 13 Mr Thomas-email dated 11 February 2021
- 14 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)
- 15 Community Infrastructure Levy Regulations Compliance Statement (including education contributions email dated 9 November 2020 and Planning Obligations Supplementary Planning Document
- 16 Bargate Homes-Delivery Rate Update, dated 16 February 2021
- 17a Composite masterplan
- 17b Settlement boundaries proximity plan
- 17c Land south of Funtley Road Committee Report Ref. P/18/0067/OA
- 17d Consolidated conditions schedule
- 18 Mrs White-proof of evidence
- 19 Natural England guidance documents and Conservation Objectives.
- 20 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)-references included.
- 21 Land south of Funtley Road Committee Report Ref. P/18/0067/OA, dated 18/07/2018.
- 22 Ms Parker- response to Inquiry document 16
- 23 Council's letter withdrawing reason for refusal (h)-appeal A and (G)-appeal B insofar as they relate to the capacity of the junction of old Newgate Lane/Newgate Lane East
- 24 Fareham Society-proof of evidence summary
- 25 Ms Hoskins-Linsig model results, junction layouts note and extract from the Highway Code
- 26 Highway Authority-Note dated 18 February 2021 regarding highway capacity point raised by Gosport Borough Council
- 27 Councillor Philpott-supplementary notes
- 28 Councillor Hayre-proof of evidence
- 29a Mrs White-proof of evidence summary
- 29b Mrs Roast-proof of evidence summary
- 30 Updated Report to inform HRA Stage 1 and Stage 2
- 31 Plan-Gosport Road Fareham Air Quality Management Area 2017 (A)
- 32 Gosport Borough Council Ward Maps-Peel Common and Bridgemary North

- 33 Pegasus-1) Traffic Flows at the old Newgate Lane and Newgate Lane East Junction and 2) 21 and 21A Bus Service
- 34 Birds Unilateral Undertaking-update
- 35 Appeal A-Main Unilateral Undertaking
- 36 Highway Authority-Note in response to new information provided by the appellants under cross examination of Ms Hoskins, Ms Parker-note on settlement terminology and Mr Gammer-updated proofs of evidence.
- 37 Councillor Philpott-email dated 19 February 2021, air quality clarification
- 38 Tetra Tech-Note on Winter Bird Mitigation Area Nitrogen Budget, 23 February 2021
- 39 Council-email dated 23 February 2021, consultation responses
- 40 Council/appellants-Consolidated Conditions Schedule
- 41 Council-Boundary plans related to Brookers Lane
- 42 Pegasus-Newgate Lane East Capacity note
- 43 Ms Parker-Status and weight of Local Plan Evidence Based Landscape Documents
- 44 Mr Sibbett-Note on qualifying features
- 45 Fareham Society-closing statement
- 46 Highway Authority-Note addressing queries relating to the southern site Unilateral Undertaking
- 47 Planning Inspectorate-contaminated land model conditions
- 48 Councillor Heneghan-consultation response, dated 29 October 2018
- 49 Lee Residents Association-Closing statement
- 50a Council/appellants-additional conditions
- 50b Pegasus-scale and density note
- 51 Councillor Heneghan-proof of evidence
- 52a The Civil Engineering Practice-Technical Note on Flood Risk and Discharge Restriction
- 52b Appeal A-Main Unilateral Undertaking-tracked changes
- 53 Pegasus note-Ownership and status of the Brookers Lane shared footway/cycleway between Newgate Lane East and Bridgemary
- 54 Ms Parker-Further advice on the consultation responses to the Fareham Landscape Assessment (FLA)(2017)(CDG15)
- 55 Tetra Tech-Report to inform Habitats Regulations Assessment Stage 1 and stage 2-updated
- 56 Acon Uk-Air Quality note
- 57 Birds Unilateral Undertaking-update (tracked changes)
- 58 Council-closing statement
- 59 Council-email confirmation, dated 25 February 2021, of the red line site boundary drawing numbers for the applications
- 60 Birds Unilateral Undertaking-update
- 61 Appellants-closing statement
- 62 Formally completed unilateral undertakings

Petitions UK Government and Parliament

<https://petition.parliament.uk/petitions/575169>

Petition

Prioritise brownfield development in law to protect our green belt and farmland

Enshrine in law all brown field sites to be fully developed within a 25 mile radius of green belt or farmland before any development is allowed on non-brownfield land. Ensure in law the democratic wishes of local residents and local authorities as a precedent and limit ministerial powers to suit.

More details

The Government has a duty to protect the environment against climate change, protect local areas of outstanding beauty and natural habitat. Preserve today's biodiversity and bio abundance for the generation of tomorrow. Nature and wildlife is at threat of extinction at the detriment of unnecessary housing development and where today's generation may still have the benefit of existing wildlife tomorrow's generation will only have the benefit of wildlife pictures.

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13,680 signatures

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100,000

Government responded

This response was given on 3 June 2021

The Government has no plans to introduce a legal requirement that all brownfield sites are fully developed before any development is allowed on non-brownfield land.

Read the response in full

This Government is committed to protecting and enhancing the natural environment, as well as mitigating the effects of climate change. This commitment is stated in the National Planning Policy Framework and supporting guidance, to which all local planning authorities should have regard when drawing up local plans, or determining planning applications. The Framework expects local authorities to not only protect landscapes, soils and sites of biodiversity but go further by enhancing these valued surroundings. The Framework also outlines that the character and beauty of the countryside, including trees and woodland, should be recognised in the planning of future development. Strong protections are in place for Areas of Outstanding Natural Beauty, Green Belt, Sites of Special Scientific Interest and other designated land. The Government will continue to apply policy and law as appropriate to prevent harm to wildlife-rich habitat, and to restrict development in open countryside.

The Government is also committed to making the most of brownfield land. The Framework strongly encourages regeneration and re-use of brownfield, especially for housing - helping to level up communities across the country while taking off some of the pressure to consider other land, such as Green Belt, for new homes. The Framework expects local authorities to give substantial weight to re-using suitable brownfield when Plan-making or deciding planning applications. These sites should be given priority where practical and viable, and local authorities should consider building up, and higher densities in towns.

However:

- the term 'brownfield' comprises almost all types of previously developed land, including inhabited housing and land occupied by functioning businesses and industry;
- not all vacant brownfield is in the right place for sustainable residential use;
- some is valuable for ecology;
- some has high upfront costs for demolition or decontamination;
- each local authority is already required by law to publish a register of brownfield land in its area that would be suitable for housing-led development;
- not all owners will wish to develop or release sites, for different reasons; and
- the rules on compulsory purchase of building sites are strict, and generally require compensation for the owner, reflecting the current land value.

Elected local authorities are responsible for deciding the right location and type of sustainable future development in each area, in accordance with national policies in the Framework. Rightly, planning decisions are not made on the basis of the number of objectors or supporters. Instead, each local authority is responsible for preparing a vision for future development in its area using a Local Plan. The Local Plan outlines how land should be used and takes account of any necessary restraints on development. The Plan is created in consultation with the local community, and submitted for rigorous independent examination by a planning inspector. If the Plan is judged to be properly prepared, justified, and consistent with national policy in the Framework, it can come into effect.

The Government is clear that to help make home ownership affordable for more people, and help more people rent their own home, we need to deliver more homes. To get enough homes built in the places where people and communities need them, a crucial first step is to plan for the right number of homes. Local housing need introduced in 2018 is a measure of an area's housing need, against which councils must then consider their local circumstances and supply pipeline. Local authorities draw up a local housing target, taking into account factors including land availability and environmental constraints such as Green Belt. Following consultation to changes to the method (from August to October 2020) on 16 December 2020 we changed the formula to increase need in the 20 most populated urban areas.

Protecting the Green Belt remains a priority and our national planning policy reinforces regenerating previously developed land, known as brownfield sites, and prioritising urban areas. The uplift in local housing needed within our biggest cities and urban centres in England will direct homes to where they are better served by infrastructure, and therefore protect our countryside. It also supports our wider objectives of regenerating brownfield sites, renewal, and levelling up. Green Belt decisions as outlined above will remain with local authorities and communities, ensuring they have influence over development, location and design.

While continuing to apply strong policies to limit harm to Green Belt and the countryside, this Government is encouraging local authorities to make the most of their brownfield land. We are providing extensive financial support for this. For example, in 2020 the Prime Minister announced that seven Mayoral Combined Authorities would receive a share of the £400 million Brownfield Housing Fund. This will help unlock 26,000 homes across England by bringing under-utilised brownfield land back into use. In addition we are investing £75 million in a Brownfield Land Release Fund for authorities not eligible for the Brownfield Housing Fund. This is new capital funding to accelerate release of local authority-owned land for housing. The Brownfield Land Release Fund is expected to release land for 7,000 homes by 2024.

Ministry of Housing, Communities and Local Government

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At 100,000 signatures, this petition will be considered for debate in Parliament

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Report on the future of the planning system in England published



House of Commons
Housing, Communities and
Local Government Committee

**The future of the
planning system in
England**

First Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 27 May 2021*

Housing, Communities and Local Government Committee

The Housing, Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Housing, Communities and Local Government.

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Summary

This report considers the Government's proposed reforms to the planning system announced in August 2020. It also builds on our predecessor committee's report into land value capture. We will continue to examine future proposals for reforming the planning system, and stand ready to undertake pre-legislative scrutiny of the Planning Bill.

We heard consistently in our evidence that there was a need for greater detail about how the Government's proposed reforms would work. There were concerns about the omission of various important issues relating to housing and to non-housing elements of the planning system.

The Government's three areas proposal

The Government has proposed that local areas will be divided (through Local Plans) into three parts: growth, renewal and protected, with different planning rules applying in each. We have sympathy with the Government's wish to enhance the importance of Local Plans, but we are unpersuaded that the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system.

The Government should reconsider the case for the three areas proposal.

If the Government does proceed with the principle of the three areas proposal, consideration should be given to the inclusion of additional categories. Further details also need to be provided—particularly around how much detail will be needed in Local Plans, the impact of the three areas proposal on vital infrastructure, and who will be determined if Local Plan requirements have been met.

Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people.

Public engagement and reforms to Local Plans

The Government proposes to shift public engagement from individual planning applications to the Local Plan stage. We found that far more people engage with individual planning proposals and fear that the proposed change will reduce public involvement in the planning process.

All individuals must still be able to comment and influence upon all individual planning proposals.

To ensure that public engagement throughout the planning process is facilitated we welcome the Government's plan to expand the role of digital technology. The benefits of virtual planning meetings have been demonstrated during the Covid-19 pandemic and

should be retained. This needs to sit alongside exploring new methods of interaction such as citizens assemblies; ensuring the public is consulted about the draft Local Plan before rather than concurrently with Secretary of State; and through retaining more traditional methods of notification about planning proposals such as signs on lampposts.

We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area.

We welcome the introduction of a statutory obligation that requires that all local authorities have a Local Plan. We also support a timeframe for introducing the new Local Plans. But we heard it would be impractical to deliver them within the Government’s proposed thirty-month timeframe, and in particular for statutory consultees to comment on each plan during its development. To ensure there is effective cooperation between local authorities the Government also needs to explain how it plans to replace the duty to cooperate that places a legal duty on councils to work together on planning issues that cross their borders.

The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation.

Housing formula

In August 2020 the Government proposed reforms to the current formula (the ‘Standard Method’) used to determine housing demand in each local authority. Whilst our evidence endorsed the principle of having a nationally set formula, the majority disapproved of this new proposed formula. In December 2020 the Government announced a new approach, preserving the existing formula whilst adding an ‘urban uplift’ to the demand figures for twenty major town and cities. This would greatly increase the numbers in those areas. We would like clarity from the Government on how these major towns and cities can deliver the housing demanded given restrictions on the availability of land, both in terms of brownfield sites and constraints posed by seas, rivers and protected green spaces.

We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice.

Housing delivery

To meet the Government’s 300,000 housing unit target there is a need to speed up the delivery of housing. The problem of ‘build out’ rates needs to be tackled, with a mixture of carrots and sticks needed to achieve this.

The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

To command public support there also needs to be greater clarity on why and how the housing target needs to be delivered, including why relying on brownfield sites alone would be insufficient.

The Government should lay out the evidential basis for its 300,000 housing units a year target and how it will achieve it, both by tenure and by location.

We support measures to promote specialist, affordable and social housing. Given the failure of the previous Starter Homes programme, a clear timeframe is also needed for delivering First Homes without adversely affecting other housing tenures. To reflect local circumstances, local authorities should have discretion over what proportion of affordable houses must be First Homes.

Funding infrastructure

The Government has proposed replacing the current Section 106 and Community Infrastructure Levy with a national infrastructure levy. We find that there is a case for replacing the latter, but not the former. Preserving Section 106 will protect against a possible loss of affordable housing. We think that the proposals of the 2017 review into the Community Infrastructure Levy and our predecessor committee's recommendations for greater land value capture represent the best way of ensuring sufficient revenue. If the Government does proceed it will need to charge various local rates and provide additional funding for the infrastructure that will not be met out of the levy revenues.

Resources

There is a need for additional resources for planning departments, and specialist skills. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as local planning authorities are also operating the current system.

The Ministry for Housing, Communities and Local Government should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

Design and beauty

We welcome the Government's commitment to enhance the place of design and beauty in the planning system. It was emphasised to us that this enhancement needs to consider

a broader definition of design than one focused on aesthetics, important though that is. This should include ensuring innovations in design are not unduly stifled and the subjective nature of beauty is recognised.

Green Belt, and environmental and historical protections

One of the most contentious issues in planning is the status of the Green Belt. We heard passionate defences of it; whilst also hearing calls for a review of its status.

A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate.

A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.

We recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites.

1 Our current planning system

Our inquiry

1. Against the backdrop of the COVID-19 pandemic the Government has proposed reforms to the planning system in England. The Ministry of Housing, Communities and Local Government (MHCLG) launched six consultations in August 2020, including a new White Paper,¹ and consultations on significant changes to the planning system.²

2. Given the strong public and planning sector interest in this subject we decided to hold an inquiry to inform the development of government planning policy. Our aims were to assess the Government's proposed reforms and to take stock of the planning system. The inquiry was launched on 8 October 2020. It built on previous committee inquiries into land value capture and social housing.³ We received 154 pieces of written evidence and held three virtual oral evidence sessions. We heard from fourteen different witnesses representing stakeholders from across the planning system; and our third and final oral evidence session involved questioning the Minister of State for Housing, the Rt Hon Christopher Pincher MP, and the Director of Planning at MCHLG, Simon Gallagher. We also wanted to hear the views of the wider public, knowing how important planning is to many individuals. Accordingly, we undertook a survey to provide a snapshot of wider public views on planning and held an online public engagement event. The findings from these activities are set out in the appendices to this report. We are grateful to everybody who has contributed to this inquiry. We are also grateful for the support and advice throughout this inquiry from our two specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics at the London School of Economics and Political Science, and Kelvin MacDonald, Senior Fellow at the Department of Land Economy, University of Cambridge.

3. The remainder of Chapter 1 deals with views about the current planning system and the Government's proposed reforms. Chapter 2 then concentrates on the Government's three areas proposal. Chapter 3 scrutinises the Government's proposals for reforms to Local Plans alongside the wider question of planning that crosses local authority boundaries. Chapter 4 considers the potential impact of reforms on public engagement. Chapter 5 examines the Government's proposals for reform of the housing formula and the housing delivery target. Chapter 6 then considers the Government's commitment to deliver 300,000 housing units a year. Chapter 7 turns to consider omissions from the White Paper, particular the non-residential aspects of the planning system. Chapter 8 looks at the Government's proposed replacement for the Community Infrastructure Levy (CIL) and Section 106 agreements.⁴ Chapter 9 examines the argument for additional

1 MHCLG, [White Paper: Planning for the Future](#), August 2020. Although termed a White Paper it was not presented to Parliament and does not have the customary command number.

2 MHCLG, [Changes to the current planning system](#), August 2020

3 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766; Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173

4 Planning obligations, also known as Section 106 agreements (based on that section of the Town & Country Planning Act 1990) are private agreements made between local authorities and developers and can be attached to a planning permission to make the development acceptable. The agreement refers to the land which is being developed and must be directly relevant to the proposed development. The agreements can prescribe the nature of the development (e.g. requiring a proportion be affordable housing), they can compensate for the loss or damage caused by the development (e.g. the loss of open space), and to mitigate the impact of the development (e.g. through increasing public transport provision).

resources and specialist skills in local planning authorities (LPAs). Chapter 10 focuses on the potentially enhanced role for design and beauty in the planning system. Chapter 11 considers the future of the Green Belt. Chapter 12 examines historical and environmental protections.

Attitudes to the current planning system

4. The Government’s White Paper laid out nine criticisms of the current system:

- “It is too complex”,
- “Planning decisions are discretionary rather than rules-based”,
- “It takes too long to adopt a Local Plan”,
- “Assessments of housing need, viability and environmental impacts are too complex and opaque”,
- “It has lost public trust”,
- “It is based on 20th-century technology”,
- “The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear”,
- “There is not enough focus on design, and little incentive for high quality new homes and places”,
- “It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest.”⁵

5. The current planning system received some praise and support in the evidence. Specific aspects of the planning system that witnesses singled out for praise included neighbourhood plans,⁶ the “flexibility and democratic accountability” of the planning system,⁷ and the protection of the natural and historic environment.⁸ Hackney Council declared that “The UK’s planning system is the envy of many other countries. At its core are the principles of sustainable development, social equality and cohesion and balance and fairness.”⁹ Planning lawyer Claire Dutch defended aspects of the current system and argued against wholesale reform:

Since I have been in planning, everybody always criticises the planning system, but it is robust. We have a robust legal framework in this country and, by and large, it works. It is not resourced properly ... Some of it needs to be simplified. We do not need to throw the baby out with the bath water. The main things is resourcing to make the current system work.¹⁰

5 MHCLG, [White Paper: Planning for the Future](#), pp 10–12

6 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Locality ([FPS0086](#))

7 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

8 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#))

9 London Borough of Hackney ([FPS0091](#))

10 [Q91](#) (Claire Dutch)

6. There were also stinging criticisms of the current planning system. PricedOut declared that “Our planning system is broken.”¹¹ The specialist housing provider Anchor Hanover declared: “the current planning system is not fit for purpose. It is often convoluted, varies wildly in policy-terms from area to area, and results in outcomes and decisions that are often questionable.”¹² Several submissions argued that the failure of the planning system was demonstrated by the housing crisis and a lack of house building to address it.¹³ The system was criticised for not delivering enough affordable housing,¹⁴ and housing for disabled people.¹⁵ It was blamed for having reinforced economic imbalances, favouring London and other high growth areas.¹⁶ Other criticisms included that it had failed to provide sufficient replacement minerals;¹⁷ that it incentivised car dependence;¹⁸ provided only imperfect protection for the environment;¹⁹ and did not ensure clean air.²⁰ Our public engagement survey also highlighted unhappiness at a perceived lack of effective enforcement of planning conditions.²¹

7. Another strand of criticisms in the written evidence concentrated on local authorities, with submissions arguing that Local Plans were either absent or outdated,²² that there was a lack of regional and strategic planning,²³ that the system was excessively politicised,²⁴ and that local planning authorities (LPAs) were under-resourced.²⁵ The process of the planning system also attracted the ire of some. There were allegations of a fixation with process,²⁶ and widespread complaints that the system was too complex, obscure and slow.²⁷ Accessible Retail stated that: “The three characteristics most associated by our members with the current system are cost, delay and uncertainty, all of which impact deleteriously

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- 11 PricedOut ([FPS0129](#))
- 12 Anchor Hanover ([FPS0074](#))
- 13 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)) Homes for the South West ([FPS0070](#)) Adam Smith Institute ([FPS0085](#)) PricedOut ([FPS0129](#))
- 14 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))
- 15 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 16 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 17 CLA ([FPS0049](#)), Mineral Products Association ([FPS0050](#)) Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 18 Cycling UK ([FPS0123](#)) Sustrans ([FPS0151](#)). This echoed concerns expressed in the final report of the Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 13–15
- 19 David Eagar ([FPS0009](#)) Woodland Trust ([FPS0045](#)) Water UK ([FPS0140](#))
- 20 Clean Air in London ([FPS0087](#))
- 21 See also Mrs Allyson Spicer ([FPS0162](#)) who commented “It has become apparent what LPAs are actually doing is not enforcement but mitigation.”
- 22 Tamworth Borough Council ([FPS0013](#)) South Worcestershire Councils ([FPS0015](#)) Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 23 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#)), UK2070 Commission ([FPS0128](#))
- 24 Liam Clegg (Lecturer at University of York) ([FPS0019](#)), Peel L&P ([FPS0094](#)), Land Promoters and Developers Federation ([FPS0138](#)), [Q90](#) (Steven Quartermain)
- 25 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Bartlett School of Planning, University College London ([FPS0097](#)), [Q.90](#) (Steve Quartermain)
- 26 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 27 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Accessible Retail ([FPS0053](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Hills Homes Developments Ltd ([FPS0084](#)), Lifestory Group ([FPS0116](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), Land Promoters and Developers Federation ([FPS0138](#)), GL Hearn ([FPS0141](#)), National Housing Federation ([FPS0158](#)), [Q.65](#) (Philip Waddy)

on the development industry's ability to provide the buildings the nation needs."²⁸ The consequence of these problems, according to Midland Heart, is that planning applications for large and complex sites that should take 13 weeks to resolve can take up to a year.²⁹

8. Criticisms of the current system sometimes incorporated criticism of the Government's past measures and new proposals.³⁰ The expansion of permitted development rights and permissions in principle received particular censure.³¹ Highgate Society described it as "the disastrous widening of permitted development which means that "planning" for communities is almost impossible."³² Other critiques of recent changes argued there had been an excessive focus on housing delivery.³³ Furthermore, the result of proposals supposed to simplify and speed up the planning system had been to make it more complicated.³⁴ This view was supported at our public engagement event, where we were told:

Our experience is that the system is complex, though that is largely due to a decade and more of ill-considered bolt-on legislation, particularly the widening of permitted developments, which has made a basically sound system hugely more complex, certainly for communities and local authorities, through making it much more difficult for them to holistically plan their areas. (*Participant B, Room 2*)

9. Our public engagement survey and event included various assertions that the system was biased towards developers.³⁵ This was reflected in several submissions.³⁶ We were also told a reason for the slowness of the current system were the "overly long or incomplete documentation submitted by developers."³⁷ There were complaints that the system favoured homeowners and secure tenants.³⁸ Our engagement event heard complaints that councillors lacked expertise; and that Planning Inspectors had become more risk averse, for instance through demanding more documentation and rejecting more planning proposals at appeal.

10. These various criticisms suggest that there can be improvements to the planning system. At the same time, in considering the Government and others' proposals for changes, we also bear in mind the salutary warning made by Pocket Living: "Planning is a highly complex eco-system and the history of planning reform includes well-intentioned reforms leading to unintended consequences."³⁹

28 Accessible Retail ([FPS0053](#))

29 Midland Heart ([FPS0152](#))

30 Tenterden Town Council ([FPS0003](#)), Mark Stevenson ([FPS0083](#))

31 Tamworth Borough Council ([FPS0013](#))

32 The Highgate Society ([FPS0155](#))

33 Ashford Borough Council ([FPS0016](#))

34 NALC ([FPS0021](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Paul G. Tucker QC ([FPS0153](#)), The Highgate Society ([FPS0155](#))

35 See Appendix 1 Para 10; Appendix 2 Para 5

36 London Borough of Hackney ([FPS0091](#)) London Tenants Federation ([FPS0112](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

37 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

38 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

39 Pocket Living ([FPS0023](#))

The Government's proposed reforms

11. The Government's reforms to the planning system have taken two forms. The first set of reforms took place during and resulted from the Covid-19 pandemic. There were immediate changes to certain aspects of planning policy. These included extensions to permitted development rights, permitting the demolition and rebuilding of unused buildings for residential or commercial purposes, and the extension of new homes. The stated aim was to revive high streets and town centres.⁴⁰

12. The second, longer-term, set of reforms were proposed in the six consultations the Government launched in 2020–21.⁴¹ Key proposals in the White Paper and associated consultations include:

- Moving to a threefold designation of land as growth, renewal, and protected areas.
- Quicker, simpler Local Plans produced to a statutory deadline, with the duty to cooperate abolished.
- A National Design Guide and a “fast track to beauty” of “high quality developments where they reflect local character and preferences.”
- Replacing Section 106 and the Community Infrastructure Levy (CIL) with a nationally set value-based charge, the Infrastructure Levy.
- Greater use of digital technology in the planning process.
- ‘Streamlining’ the opportunity for consultation at the planning application stage.

13. The extent to which the changes represented a revolutionary overhaul was a matter of disagreement. Planning lawyer Claire Dutch said:

There are the bare bones of what the White Paper is saying. We still have plans. We still have planning applications. We still have permitted development rights. The bare bones are still there, but what is being proposed is radical. It is almost utopian. It is broad-brush. It is quite crude and simplistic.⁴²

In contrast, Ingrid Samuel from the National Trust remarked that “I do not think it is particularly revolutionary. It is still based on local planning and local decision-making.”⁴³

40 [“New laws to extend homes upwards and revitalise town centres”](#), MHCLG Press Notice, 21 July 2020. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 ([SI 2020/755](#)); Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 ([SI 2020/756](#))

41 MHCLG, [White Paper: Planning for the Future](#), August 2020; MHCLG, [Changes to the current planning system](#), August 2020; MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020; MHCLG, [Raising accessibility standards for new homes](#), August 2020; MHCLG, [Supporting housing delivery and public service infrastructure](#), December, 2020; MHCLG, [National Planning Policy Framework and National Model Design Code](#), January 2021

42 [Q91](#) (Claire Dutch)

43 [Q93](#) (Ingrid Samuel)

14. There was considerable criticism of the lack of detail about elements of the Government’s proposals, which we expand upon in Chapter 5.⁴⁴ Several submissions claimed that the White Paper was more akin to a Green Paper, a discussion document rather than a document detailing proposed legislation.⁴⁵ This lack of detail led former Chief Planner Steve Quartermain to comment that it was unclear what the Government considered to be the purpose of planning.⁴⁶ When this was raised with the Minister, he stated the planning system should be “able to engage communities effectively”, that it should work “speedily and efficiently ... ensure that design and quality are embedded ... so that it can deliver the numbers of houses that our country needs”. He was challenged that planning involved more than housing. This he accepted this whilst reaffirming the main focus on housing: “[t]here are a great many considerations other than housing, but housing is the central aim of the White Paper that we are producing.”⁴⁷

15. The Minister acknowledged that would need to be legislation, for instance to make Local Plans compulsory.⁴⁸ The Bill was subsequently announced in the Queen’s Speech in May 2021.⁴⁹ We asked the Minister about the timetable for a possible Planning Bill to make the necessary changes to primary legislation required to implement the proposed reforms. He answered that “We will need to work with the business managers to work out the appropriate timetabling of the Bill. It will be a big Bill and I suspect, therefore, it will take some time.” Asked about pre-legislative scrutiny, he said that would be a matter for those business managers in the two Houses of Parliament, “but I note the appetite of the Committee for its work.”⁵⁰ In January 2021 the Government published a revised draft of the National Planning Policy Framework (NPPF), whilst acknowledging that “A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.”⁵¹

16. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen’s Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.*

44 St Albans Civic Society ([FPS0057](#)), Civic Voice ([FPS0076](#)), [Q84](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel), [Q111](#) (Steve Quartermain)

45 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Shelter ([FPS0154](#))

46 [Q 90](#) (Steve Quartermain)

47 [Qq118–119](#) (The Minister)

48 [Q123](#), [Q134](#), [Q141](#), [Q173](#) (The Minister)

49 HM Government, [The Queen’s Speech 2021](#), 11 May 2021, pp 9, 61–2

50 [Qq173–174](#) (The Minister)

51 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021

2 The Government's three areas proposal

17. A key part of the Government's proposal is that every local authority, through its Local Plan, would allocate land into three areas: growth, renewal, and protected areas. These are defined as:

- *Growth areas* are places “suitable for substantial development”, including “land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites ... [and possibly] sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses.” Proposals in these areas “would automatically be granted outline planning permission for the principle of development ... Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.” The Government also stated that detailed planning decisions would be delegated to planning officers.
- *Renewal areas* are places “suitable for development”, including “gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as growth or protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area”. Pre-specified forms of development that meet the design and other conditions of the Local Plan would then receive automatic consent. Other proposed developments would have a faster planning application, being judged against the Local Plan and NPPF, or could be agreed through a local or neighbourhood development order.
- *Protected areas* are places “which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability ... such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space ... it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas.” Proposals would continue to come through the same planning application process as presently, except where there permitted development rights or development orders.⁵²

18. There was some support for the three areas proposal. The Centre for Cities praised the proposals because they could end the housing shortage and unaffordable prices in cities and large towns.⁵³ Other arguments advanced in favour of the proposals were that it would facilitate the construction of housing on brownfield sites,⁵⁴ could support self and

52 MHCLG, [White Paper: Planning for the Future](#), pp 24, 29, 32

53 Centre for Cities ([FPS0144](#))

54 National Grid ([FPS0088](#))

custom built housing,⁵⁵ ensure quicker and better quality planning proposals,⁵⁶ and could help (through strict rules) to reduce polluted air and ensure low carbon emissions.⁵⁷ The Adam Smith Institute commented that:

The White Paper has rightly concluded that transitioning to a more predictable and efficient rules-based system—with locally-selected zones of different kinds—can reduce the costs of development, and that strengthening design quality can help build popular support for a good supply of homes.⁵⁸

19. However, the majority of our submissions expressed opposition to the proposals. The Town and Country Planning Association (TCPA) were among those who expressed outright opposition to the proposals. They stated that

we do not support the overall proposals for a three zone system in England. The implementation of these three zones will not necessarily improve outcomes for people but they will be highly disruptive to deliver and will, along with other measures outlined in the White Paper, reduced democratic accountability.⁵⁹

The Local Government Association (LGA) reflected a wider body of opinion when they said that the proposed areas “are too restrictive and do not reflect the complexity of the areas that Local Plans need to plan for.”⁶⁰ Southwark, Bristol and Newcastle councils all argued there were particular problems in cities owing to the complex nature of their neighbourhoods.⁶¹ To resolve these issues, Pocket Living suggested that there could be an ‘urban regeneration’ area. This would capture small brownfield sites where infills could be included in otherwise protected parts of urban areas.⁶² London School of Economics (LSE) London noted that whilst the Government is proposing to rely on 4 or 5 pages of rules, in America, with its zonal system, the design code can run to 1,410 pages.⁶³ Consequently, several submissions suggested that there might need to be a great number of areas or sub-categories to cope with the diverse situation on the ground.⁶⁴

20. Four other sets of problems with the three areas proposals were expressed to us. First, various organisations argued that the proposed reforms would not address the

55 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

56 Association of Convenience Stores ([FPS0069](#))

57 Clean Air in London ([FPS0087](#))

58 Adam Smith Institute ([FPS0085](#))

59 TCPA ([FPS0034](#))

60 Local Government Association ([FPS0056](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

61 Southwark Council ([FPS0110](#)), Bristol City Council ([FPS0119](#)), Newcastle City Council ([FPS0159](#))

62 Pocket Living ([FPS0023](#))

63 LSE London ([FPS0139](#))

64 Woodland Trust ([FPS0045](#)), CLA ([FPS0049](#)), Historic England ([FPS0092](#)), Aldersgate Group ([FPS0120](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#)), [Q4](#) (Philip Barnes)

housing shortage and high houses prices, and might be counter-productive by raising land prices and delaying the bringing forward of housing developments.⁶⁵ Secondly, some submissions wished to know how the reforms would interact with, and avoid hindering, other priorities such as promoting sustainable transport,⁶⁶ and bolstering town centres.⁶⁷ Thirdly, the planning lawyer Claire Dutch told us that the level of detail that would be given in the prospective Local Plans would be insufficient for developers. It would be less than that currently given for outline permission. Consequently, developers feared the plans “might have a bare outline. They think the plans might be too conservative,” forcing them to resort to the alternative option of proceeding by traditional planning permission.⁶⁸ Fourthly, there is need to clarify the role of statutory consultees and vital infrastructure. The National Grid warned the removal of existing checks would “increase the likelihood of incompatible development being allowed”.⁶⁹ The Nuclear Legacy Advisory Forum emphasised that nuclear legacy sites “may not respect zonal boundaries” and that it is unclear how they would be addressed in the new system.⁷⁰ Similarly, Water UK highlighted concerns that the frontloading of processes in growth areas would make it hard to assess issues such as integrated water management.⁷¹ This reflects the fact that the statutory consultees who must be consulted for planning permissions of certain types or in certain locations,⁷² do not have to be consulted at the Local Plan stage. LPAs only need to consult those bodies they “consider may have an interest in the subject of the proposed local plan”.⁷³

Growth areas

21. Developers, the Royal Town Planning Institute (RTPI), and Centre for Cities all expressed support for the Government’s proposed automatic permission in principle in growth areas, as this could provide “greater certainty.”⁷⁴ One benefit highlighted was that it would encourage self-builders, particularly through the proposal to permit LPAs to identify sub-areas for self-build.⁷⁵

65 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Woodland Trust ([FPS0045](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Rutland County Council ([FPS0071](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)) London Borough of Hackney ([FPS0091](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Southwark Council ([FPS0110](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Housing Federation ([FPS0158](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

66 The Smith Institute ([FPS0038](#)), London Gypsies and Travellers ([FPS0067](#)), Association of Convenience Stores ([FPS0069](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q6](#) (Kate Henderson)

67 Association of Convenience Stores ([FPS0069](#))

68 [Q95](#) (Claire Dutch)

69 National Grid ([FPS0088](#))

70 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

71 Water UK ([FPS0140](#)) see also Anglian Water ([FPS0146](#))

72 MHCLG, [Consultation and pre-decision matters](#), December 2020, Table 2

73 The Town and Country Planning (Local Planning) (England) Regulations 2012 ([SI 2012/767](#)), Part 6, Regulation 18 para 2(a)

74 Peel L&P ([FPS0094](#)), Stonewater ([FPS0103](#)), Royal Town Planning Institute ([FPS0113](#)), Centre for Cities ([FPS0144](#))

75 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

22. On the other hand, we were told that land placed in growth areas would have higher prices, making affordability of housing harder, and favouring large developers over smaller builders.⁷⁶ Another set of objections focused on the outline planning permission envisaged for growth areas. Pocket Living worried that were the same level of evidence and assessments currently needed for outline planning permission required under the new system it would “slow down the preparation of local plans.”⁷⁷ Alternatively, it feared that less information would be required from developers and once an area was designated “there appears to be no democratic method of stopping an unsuitable development.”⁷⁸ This loss of information tied to fears about the consequences of such developments. The Oxfordshire Neighbourhood Plans Alliance argued that:

the proposed ‘Growth’ category is so broad, it removes all nuance and ignores the individual nature of different places which might fall into that category by, for example, being unfortunate enough to be near a university or ‘urban extension site’.⁷⁹

The LGA suggested further consultation on the consolidation of the different existing routes for permission⁸⁰

23. Evidence suggested that other specific issues which may need further consideration by Government include the impact on cultural sites,⁸¹ and on data centres.⁸² The Canal and River Trust were anxious to ensure their continued involvement in the granting of Local Development Orders by local authorities, which is one way detailed consent in a growth area could be permitted.⁸³

24. Giving evidence, the Minister argued one of the benefits of the “zoning” approach would be that, by removing “the capricious element” of planning permission, it would reduce incentives for developers to landbank. He also maintained it would let communities decide on non-housing areas too—for example the site of commercial developments.⁸⁴ One contributor to our public engagement survey had said that “a zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled”. We put this comment to the Minister. He denied this—with developers, “we are trying to cut through the garble and the gobbledygook of the present system to make one that is much more transparent, speedy, and frankly, engaging of local people.”⁸⁵

Renewal areas

25. Similar concerns were voiced about aspects of renewal areas as for growth areas. The LGA argued renewal areas would involve wide-ranging permitted development powers and weaken the oversight of local authorities. They feared it would lead to a dual approach where applicants would either use permitted developments rights following a national

76 Mark Stevenson ([FPS0083](#)), Greater London Authority ([FPS0149](#))

77 Pocket Living ([FPS0023](#))

78 Rother Association of Local Councils (RALC) ([FPS0012](#))

79 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

80 Local Government Association ([FPS0056](#))

81 WMCA (Cultural Leadership Board) ([FPS0029](#))

82 Ark Data Centres ([FPS0063](#))

83 Canal & River Trust ([FPS0048](#))

84 [Q131](#), [Q133](#) (The Minister)

85 [Q137](#) (The Minister)

pattern book or apply on the basis their proposal matched Local Plan requirements. They suggested establishing sub-areas where “local areas and guidelines should take precedence over national guidelines.”⁸⁶ We were also warned by Urban Vision Enterprise & D2H Land Planning Development that renewal designation would reduce individuals’ ability to influence planning decisions in their neighbourhood. They proposed instead “complex areas”, which would be

where change is taking place, but proper planning scrutiny is essential, including the ability for people and businesses to influence proposals at the planning application stage. Such areas could include town and city centres, residential, business and commercial areas, conservation areas and designated neighbourhood areas.⁸⁷

Other submissions voiced fears about the loss of cultural assets,⁸⁸ and that renewal areas would lead to the loss of green spaces in villages.⁸⁹

26. The RTPI expressed support for growth and protected areas but thought renewal areas were “too simplistic” and “what is left over when the other two designations are determined.”⁹⁰ Richard Blyth, Head of Policy at RTPI, argued in oral evidence that “Renewal embraces a vast range of types of existing built-up areas. ... it certainly would need to be much more fine-grained if it was going to work.” He suggested there could be a pilot or staged approach for different types of renewal areas. These could include areas of industrial change, a resident-led approach to densification, and a separate approach for town and city centres.⁹¹

27. We raised this criticism with the Minister. He argued that renewal areas could help with levelling up. He stated that renewal zones could be areas where smaller development is going to take place. These could include “a smaller rural area or a town centre, where, essentially, you are looking to regenerate existing buildings.” These could operate through the upfront rules whilst a more bespoke proposition that does not fit those requirements would proceed through a planning application. He summed up “[t]hat is how we see renewal zones: a zone where, essentially, you are renewing what is already there, to make best use of existing assets for the present and future generations.”⁹² It has subsequently been reported that Ministers are undecided on whether to include this renewal area in their final proposals.⁹³

Protected areas

28. Opinions were divided about what protected areas would do and should do. This included whether they would permit too many or too few developments. The LGA welcomed the idea of individual planning proposals continuing in protected areas, but commented it was unclear what would be the criteria for including land and buildings within it.⁹⁴ They were not alone in wanting further details—there were calls for more

86 Local Government Association ([FPS0056](#))

87 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

88 WMCA (Cultural Leadership Board) ([FPS0029](#))

89 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

90 Royal Town Planning Institute ([FPS0113](#))

91 [Qq66–67](#) (Richard Blyth)

92 [Qq138–9](#) (The Minister)

93 “[Boris Johnson to relax rules on building new homes](#)”, The Times, 10 May 2021

94 Local Government Association ([FPS0056](#))

details on the definition of greenfield sites such as golf courses, parks, and playing fields;⁹⁵ on whether national parks would be included (and how they would be affected by adjoining land designated growth or renewal status);⁹⁶ and the treatment of ancient woodland in city centres.⁹⁷ Tenterden Town Council stressed the unresolved questions about whether Green Belt land would be included in protected areas, and urged that “The community needs faith that these protected areas mean protection with no development.”⁹⁸

29. There were countervailing fears that protected areas would be too restrictive. The Federation of Master Builders, who represent many small builders, were concerned that ‘windfall sites’ designated in protected areas would face additional delays compared to those in growth and renewal areas, which “risks further pricing SMEs out of the market.”⁹⁹ We were told that conservation areas (especially in town centres), and river and canal areas needed to be able to adapt.¹⁰⁰ Fears were also raised that protected areas would stifle growth in rural areas, through excessive restrictions on building,¹⁰¹ and discourage developments of energy and water infrastructure.¹⁰² Savills worried blanket inclusion of Green Belt in protected areas would stymie development in local authorities with over 40% of their land designated as Green Belt.¹⁰³

30. The perceived lack of detail fed into proposals to amend the Government’s proposals. It was proposed that separate designations should be created for places already protected (e.g. National Parks or Areas of Outstanding Natural Beauty) or land use was set locally (Green Belt).¹⁰⁴ The National Trust suggested reframing ‘Protected Areas’ as ‘Areas for Protection and Enhancement’ “in order to promote positive change.”¹⁰⁵ The Woodland Trust wanted a “highly protected area”, which would be specified in planning documents and include a 50 metre buffer zone, as an additional safeguard, a proposal echoed by the Aldersgate Group.¹⁰⁶ Contrastingly, Hackney Council argued the protected areas were unnecessary as existing environmental and historical protections are sufficient.¹⁰⁷

31. We asked the Minister how he intended to satisfy the divergent wishes for thorough protections and for development in protected areas. He replied: “Essentially, it is for local authorities to designate what they want their protected zones to be. We will need to define up front some national rules, which can then be localised.” He recognised that preservation can permit change, when it is “well thought through”, and thus protected areas would need appropriate rules in place. The Ministry was still considering the consultation responses and would welcome the Committee’s views on striking the right balance.¹⁰⁸

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- 95 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#))
- 96 Campaign for National Parks ([FPS0043](#)) They also proposed requiring planning permission for the conversion of a property to second home use.
- 97 City of London Corporation ([FPS0148](#))
- 98 Tenterden Town Council ([FPS0003](#))
- 99 The Federation of Master Builders (FMB) ([FPS0125](#))
- 100 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Canal & River Trust ([FPS0048](#)), Rutland County Council ([FPS0071](#)), Locality ([FPS0086](#)), Historic England ([FPS0092](#))
- 101 CLA ([FPS0049](#)), Royal Town Planning Institute ([FPS0113](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 102 National Grid ([FPS0088](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))
- 103 Savills ([FPS0101](#))
- 104 Land Promoters and Developers Federation ([FPS0138](#))
- 105 National Trust ([FPS0157](#))
- 106 Woodland Trust ([FPS0045](#)), Aldersgate Group ([FPS0120](#))
- 107 London Borough of Hackney ([FPS0091](#))
- 108 [Q140](#) (The Minister)

32. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.*

33. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*

- *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the Local Plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
- *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.*
- *The Government should consider the proposals for sub-areas within the 'renewal area', where permission in principle would not apply and individual planning permission would be required.*
- *The Government should implement a 'highly protected' alongside a 'protected' area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
- *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
- *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning*

applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns.

34. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government's proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects.*

3 Local Plans

35. Local Plans are prepared by LPAs, laying out planning policies in their area. They must be consistent with national policy, including the National Planning Policy Framework. They were initially introduced for district councils in 1965. The current process was laid down in 2012.¹⁰⁹ Our predecessor committees have long called for reform of Local Plans. In 2002 it was recommended that a strict timeframe for Local Plans, with appropriate penalties to enforce them, be implemented.¹¹⁰ In 2014 the then Committee called for a consultation into making Local Plans a statutory requirement on local councils, with a three-year timeframe to put them in place.¹¹¹ That same report called for reduced complexity and an increased accessibility of Local Plans, and that local authorities should be encouraged and enabled to carry out reviews of aspects of their Local Plans to ensure they were up to date.¹¹² In 2018 our predecessor Committee reiterated calls for Local Plans to be up to date and a statutory duty upon local authorities.¹¹³

Views on current Local Plans

36. The majority of the evidence criticised existing Local Plans. The criticisms focused on the absence of up-to-date plans across the whole of the country.¹¹⁴ Furthermore, the CPRE pointed out that only 30% of Local Plans meet the current NPPF requirements to be ‘up to date’, because the plans are either more than five years old or no longer identify sufficient land for five years of housing development.¹¹⁵ Other criticisms were that the Local Plans did not properly reflect local views,¹¹⁶ that they had neglected people in caravans and houseboats,¹¹⁷ and favoured larger stakeholders.¹¹⁸ They were thought to take too long to complete and involved too much documentation.¹¹⁹ The Royal Institution of Chartered Surveyors (RICS) pinpointed two further problems: “After spending years participating in the plan making process the local community still has little or no idea about what is going to be built in their area” and that “[a]fter spending a lot of time and money developers are often still very unsure about what the outcome of a planning application will be.”¹²⁰ We were told greater resources and stability in legislation and policy, and permitting incremental updating of plans were needed to ensure they were up to date.¹²¹

109 Town and Country Planning (Local Planning) (England) Regulations 2012 ([S.I. No. 767](#))

110 Transport, Local Government and the Regions Committee, Thirteenth Report of the Session 2001–2, [Planning Green Paper](#), HC 476-I, para. 61

111 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, para 40

112 *Ibid*, paras 32, 43

113 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766, para 110

114 South Worcestershire Councils ([FPS0015](#)), Home Builders Federation ([FPS0073](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

115 CPRE the countryside charity ([FPS0077](#))

116 Mr Richard Gilyead ([FPS0022](#)), Dennis Elsey ([FPS0145](#)), Robert Rush ([FPS0163](#))

117 London Gypsies and Travellers ([FPS0067](#))

118 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

119 Institute of Historic Building Conservation ([FPS0044](#)), Stonewater ([FPS0103](#)), Oneill Homer ([FPS0111](#)), GL Hearn ([FPS0141](#))

120 Royal Institution of Chartered Surveyors ([FPS0065](#))

121 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), City of London Corporation ([FPS0148](#))

Reforms to Local Plans

37. We have already considered aspects of the Government’s reforms to Local Plans, namely the three areas proposal. The next chapter will consider the greater use of technology. Other important proposed reforms are:

- Local Plans would be developed over 30-months, with two points of public engagement. Local councils would work to enhance public engagement in the creation of Local Plan.
- The White Paper also suggested one option of reforming the current examination process of Local Plans which would include removing the ‘right to be heard’ and having the planning inspector determine attendance at the hearings.
- There should be more focused and shorter Local Plans.
- Local Plans would be subject to a single statutory ‘sustainable development’ test. This would replace the four criteria ‘tests of soundness’ that are currently laid down in the NPPF.¹²²

38. We heard support for many of these proposals. There was widespread support for the idea that all LPAs must have an agreed Local Plan.¹²³ There was some support for the principle of “simpler, standardised and faster” Local Plans,¹²⁴ for nationally set development management policies (albeit not always as part of the NPPF).¹²⁵ There was some support for a simpler sustainable development test;¹²⁶ but far greater reservations about the lack of detail and public understanding of the phrase.¹²⁷

39. However, it was thought that Local Plans would lack the necessary detail to adequately cover local circumstances, or to guide developers clearly enough.¹²⁸ The Urban Mobility Partnership argued the current and proposed system would not enable Local Plans to be “living documents” that were up to date. They proposed letting supplementary documents to the core Local Plan be subject to rapid and individual revision.¹²⁹

122 These are: (1) That the Local Plan provides a strategy that at least meets the area’s objectively assessed needs and takes account of agreements with neighbouring areas to meet their unmet need. (2) There is an appropriate strategy which had considered reasonable alternatives and is based on proportionate evidence. (3) It was deliverable over the time period and is based on cross-boundary matters having been dealt with rather than deferred. (4) The Plan is consistent with national policy laid down in the NPPF.

123 Tenterden Town Council ([FPS0003](#)), Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), The Smith Institute ([FPS0038](#)), Rentplus-UK Ltd ([FPS0047](#)), Home Builders Federation ([FPS0073](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

124 Pocket Living ([FPS0023](#)), Homes for the South West ([FPS0070](#))

125 Pocket Living ([FPS0023](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), National Grid ([FPS0088](#))

126 Pocket Living ([FPS0023](#))

127 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Cllr John Crawford ([FPS0008](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Just Space ([FPS0115](#)), Greater London Authority ([FPS0149](#))

128 Tenterden Town Council ([FPS0003](#)), Mr Richard Gilyead ([FPS0022](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q95](#) (Claire Dutch)

129 Urban Mobility Partnership ([FPS0122](#))

40. A second strand of objections resulted from these proposals perceived impact on public involvement. We were told the new approach “squeezes out the local community who have the local knowledge of their specific parish.”¹³⁰ The District Councils Network noted that public involvement at the end of the Local Plan process, concurrent with the plans going to the Secretary of State, would be too late for the public to influence the development of Local Plans.¹³¹ Claire Dutch was doubtful the community would suddenly be involved in Local Plans, and too broad brush an approach to the plans would mean “we are not going to get that level of community engagement that we would get with the application side of things.”¹³² There was also objections to the possible abolition of the ‘right to be heard’ at the examination stage of Local Plan formation.¹³³

The role of statutory consultees

41. Another area of specific concern concerned statutory consultees. We were told that statutory consultees were often very slow to engage with developers.¹³⁴ This reflects a long-standing complaint.¹³⁵ Simon Gallagher said that consultees “find quite a lot of the individual case-by-case decision-making quite reactive, whereas they would like to get involved earlier in shaping the places and working out how they can best mitigate their concerns.”¹³⁶

42. Existing statutory consultees, notably the Canal and River Trust, emphasised that they needed to be involved in all types of proposed developments likely to affect their waterways, “to limit the potential for catastrophic infrastructure failure and consequential harm to people and property.” The National Grid explained that they are not a statutory consultee but wish to be so when their infrastructure is affected. This applies both for Local Plans and individual proposals. They argued that currently, if they miss a notification and their assets are affected, it can impact on public safety and prove expensive to fix.¹³⁷ This wish for a strengthening of statutory consultees’ role in plan making received support in our written and oral evidence, especially given the challenge of every local authority trying to produce a Local Plan in thirty months and requiring input from statutory consultees.¹³⁸

A timeframe for Local Plans

43. A major area of debate was over the viability of the Government’s proposed 30-month statutory timescale, including the proposed six-week consultation phase. Developers were among those welcoming this move.¹³⁹ In contrast, during our oral evidence, local authority representatives were sceptical about the timeframe. Andrew Longley told us:

130 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#))

131 District Councils’ Network ([FPS0082](#))

132 [Q94](#) (Claire Dutch)

133 WMCA (Cultural Leadership Board) ([FPS0029](#)), The Smith Institute ([FPS0038](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Just Space ([FPS0115](#))

134 Abri ([FPS0078](#))

135 Public Accounts Committee, Thirty-third report of session 2008–09, *Planning for Homes: Speeding up planning applications for major housing developments in England*, HC236, paras 14–5

136 [Q145](#) (Simon Gallagher)

137 National Grid ([FPS0088](#))

138 WMCA (Cultural Leadership Board) ([FPS0029](#)), [Q69](#) (Paula Hewitt)

139 Anchor Hanover ([FPS0074](#)), Abri ([FPS0078](#)), Peel L&P ([FPS0094](#))

There is a huge frontloading involved here and I cannot foresee that being achieved in 30 months. We will certainly try to rise to the challenge. Previously, where the Government have given incentives through a planning-delivery grant or other sources of funding for authorities that are really trying to push it and get to certain targets, that is always useful, but I would be extremely worried if there were any sort of sanction involved in not meeting an imposed timescale.¹⁴⁰

Lisa Fairmaner said “On the 30 months, we do not believe that that is anywhere close to being adequate. One of the reasons for that is that good engagement is an iterative process and it takes time.”¹⁴¹ This echoed written evidence that we had received.¹⁴² The National Fire Chiefs Council and the Canal and River Trust were worried that stakeholders comments would not be given due regard given “unrealistic” timeframes. The latter suggested that a “more phased introduction could be appropriate.”¹⁴³ The GLA warned us that the timescale would not permit enough time for the increased focus on beauty and design that the Government wanted.¹⁴⁴

The Minister’s views

44. The Minister robustly defended the timeframe for producing Local Plans. He argued that as it was thirty months from when the legislation coming onto the statute book, “Local authorities will have a lot of time to think about this.” He argued it was in the interest of Local Authorities to have an up-to-date plan and he encouraged them to continue working on their plans. Regarding statutory consultees, he agreed “it may be effort that they need to undertake” but he pointed to environmental assessment processes and argued that if communities could produce plans in thirty months, statutory consultees could do their part. Simon Gallagher did acknowledge, regarding smaller consultees such as the Canal and River Trust, that “There is a good bit of work for us to do about how that can work through most effectively, but most of the larger statutory consultees would welcome getting involved a bit earlier and a bit more in the plan-making process.”¹⁴⁵ The Minister also argued that “The right to be heard is not being withdrawn. Local people will be able to—in fact, I am very keen that they do—get involved in the design of their communities”.¹⁴⁶

45. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch.*

140 [Q42](#) (Andrew Longley)

141 [Q43](#) (Lisa Fairmaner)

142 Daventry District Council ([FPS0011](#)), Local Government Association ([FPS0056](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))

143 National Fire Chiefs Council ([FPS0040](#)), Canal & River Trust ([FPS0048](#))

144 Greater London Authority ([FPS0149](#))

145 [Q141](#) and [Q145](#) (The Minister), [Q145](#) (Simon Gallagher)

146 [Q152](#) (The Minister)

The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans.

46. We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the ‘right to be heard’.*

47. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales.

Neighbourhood planning

48. An MHCLG commissioned review of the impact of neighbourhood plans was published in May 2020. It concluded that neighbourhood plans increased housing supply, improved the designs of houses, helped enhance consideration of housing for specific societal groups, improved local engagement with LPAs and contributed to place-making beyond land use planning. Although they did not speed up the delivery of housing, they did foster greater acceptance by the community. Neighbourhood plans are less likely to be found in urban areas and northern parts of England. 865 neighbourhood plans have been formally agreed and further 16 more have passed the referendum that is a precondition of agreement. The vast majority were led through parish or town councils rather than dedicated forums.¹⁴⁷ The White Paper committed to including neighbourhood plans in the formation of local design guides and codes and wanted the plans to be more focused, to reflect the reforms to Local Plans and to harness digital tools.¹⁴⁸

49. There was some scepticism in our evidence about the value of neighbourhood plans. For instance, Hill Homes Developments Ltd stated that “If anything public engagement is already too high, the introduction of neighbourhood plans more often than not has muddied the water.” They opined the plans did not allocate enough land for developments.¹⁴⁹ Moreover, neighbourhood planners tended to be predominantly people with greater wealth and time on their hands.¹⁵⁰ This scepticism was however countered by

147 Prof. Gavin Parke, Dr Matthew Wargent, Dr Kat Salter, Dr Mark Dobson, Dr Tessa Lynn and Dr Andy Yuille, [Impacts of Neighbourhood Planning in England](#), May 2020, pp. 3–13

148 MHCLG, [White Paper: Planning for the Future](#), pp 25, 36, 44

149 Hills Homes Developments Ltd ([FPS0084](#))

150 Centre for Ageing Better ([FPS0055](#))

a louder chorus of praise. Neighbourhood plans were singled out for their effectiveness in engaging local communities.¹⁵¹ Lisa Fairmaner explained how existing plans created very local planning frameworks and encouraged public engagement in London.¹⁵² We raised with her the reputed lack of support in London for neighbourhood plans mentioned by Neighbourhood Planners London.¹⁵³ She acknowledged that different boroughs had been mixed in their responses.¹⁵⁴

50. Consequently, there was strong criticism of the Government's perceived downgrading of neighbourhood plans.¹⁵⁵ Particularly singled out was the loss of involvement in development management, as threatening community engagement and confidence.¹⁵⁶ The Government's reforms to Local Plans were seen likely to squeeze out neighbourhood plans; and there was worry that neighbourhood plans would not apply where planning applications would no longer be required for development.¹⁵⁷

51. Seeking to strengthen neighbourhood plans, the National Association of Local Councils stated that neighbourhood plans should also cover historical assets as well as land use. They also stressed the importance of certainty, noting that many communities had been "crushed" when their plans were overturned for providing insufficient housing land or numbers.¹⁵⁸ We were also told plans needed to be put in place more quickly and cheaply.¹⁵⁹ We raised the uncertainty over the role of neighbourhood plans with the Minister. He stated: "I am very keen on it", whilst noting that there were fewer neighbourhood plans in the north and in urban areas. He added that the Government were looking at making them "a more effective network of plans rather than a patchwork of plans as they perhaps tend to be at the moment."¹⁶⁰

52. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.

151 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

152 [Q43](#) (Lisa Fairmaner)

153 Neighbourhood Planners London ([FPS0032](#))

154 [Q45](#) (Lisa Fairmaner)

155 The Smith Institute ([FPS0038](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

156 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Kent Association of Local Councils ([FPS0028](#))

157 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

158 NALC ([FPS0021](#)),

159 Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#))

160 [Q144](#) (The Minister)

Strategic infrastructure and the duty to cooperate

53. The duty to cooperate was defined in the Localism Act 2011. This abolished the previous approach whereby England was sub-divided into nine regions and each region produced a regional spatial strategy. It is defined as a legal duty on LPAs and county councils to engage constructively, actively and on an ongoing basis with other authorities to maximise the effectiveness of a Local Plan in the context of strategic cross boundary matters.¹⁶¹ One of our predecessors, in 2011, expressed reservations about the draft version of the duty to cooperate, noting its lack of definition and sanctions for a lack of cooperation, clarity on resolving conflicts between local authorities or requirement to cooperate.¹⁶² In 2014 the same committee recommended giving combined authorities the power to oversee local authorities' duty to cooperate.¹⁶³ The same year they recommended encouraging local authorities to group together to produce joint core strategies, and that where they exist combined authorities should coordinate these endeavours.¹⁶⁴ The Government rejected this idea in their response.¹⁶⁵ In 2016 a House of Lords committee found mixed evidence about the effectiveness of the duty to cooperate. It was not thought to be an adequate substitute for regional spatial strategies; but there were good examples of coordination.¹⁶⁶

54. These conclusions were repeated in our evidence. We were told that the duty to cooperate had been ineffective in ensuring strategic planning “partly because at any one time planning authorities are at different stages of plan making.”¹⁶⁷ The County Council Network opined that:

Since being implemented, the duty has proven to be a rather blunt tool and seen as a tick-box exercise rather than a mechanism that promotes constructive engagement. Of course, in some areas it has worked, but this has been the exception rather than the rule. Much of the time, the duty gets stuck in conversations around housing numbers, rather than wider matters such as infrastructure provision and delivery.¹⁶⁸

55. We were given specific examples of its failings in different council areas across England, such as the collapse of St Albans' Local Plan.¹⁶⁹ The LGA said that the duty “has had mixed success and does not always guarantee a successful outcome from the process.”¹⁷⁰ The negative consequences of the duty were that it was “piecemeal and fragmented”,¹⁷¹ had not effectively delivered infrastructure, mineral supply and waste

161 Localism Act 2011, [Section 110](#)

162 Communities and Local Government Committee, Second Report of the Session 2010–11, [Abolition of Regional Spatial Strategies: a planning vacuum](#), HC 517, para 69

163 Communities and Local Government Committee, First Report of the Session 2014–15, [Devolution in England: the case for local government](#), HC 503, para 97

164 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, paras 47–8

165 HM Government, *Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework*, [Cm 9016](#), February 2015, para 56

166 House of Lords, *Building better places*, Select Committee on National Policy for the Built Environment, Session 2015–16, [HL Paper 100](#), paras 407–10

167 Daventry District Council ([FPS0011](#)). See also [Q97](#) (Ingrid Samuel)

168 County Councils Network ([FPS0121](#))

169 [Q100](#) (Claire Dutch), South Staffordshire Council ([FPS0142](#))

170 Local Government Association ([FPS0056](#))

171 National Grid ([FPS0088](#))

management,¹⁷² discouraged urban councils from maximising their own land before calling on neighbouring rural councils whilst lengthening the time taken for Local Plan examinations,¹⁷³ and that it delayed the delivery of new plans and housing sites.¹⁷⁴

56. The lack of sub-national or regional planning was seen to weaken the English planning system, “hindering the wider consideration of growth, economic development, dealing with environmental change and providing an important mechanism for communities to shape the long-term development of their areas.”¹⁷⁵ We were told every other European country has a spatial plan system.¹⁷⁶ The White Paper was thought not to have provided sufficient information about it.¹⁷⁷ The benefits of strategic planning for infrastructure was particularly stressed. It could support sustainable transport,¹⁷⁸ tackle infrastructure challenges such as water provision, minerals, meeting net-zero, and create “communities where people want to live, work and relax.”¹⁷⁹

57. However, the duty is clearly working in some places. We were told it has been operating successfully in north Northamptonshire,¹⁸⁰ between Newcastle and Gateshead,¹⁸¹ and “in the south-west, in Norfolk and beyond, which have been produced specifically to address some of these questions around infrastructure”.¹⁸² Examples of regional planning cited to us included the Oxford–Cambridge Arc,¹⁸³ the Oxfordshire Growth Board,¹⁸⁴ and Greater Manchester combined authority (all of which divided opinion).¹⁸⁵ The spatial plans in Glasgow and the Clyde Valley, and Cambridgeshire and Peterborough Combined Authority were also praised.¹⁸⁶

What should replace the duty to cooperate?

58. Despite the criticism of the duty, there was concern about its proposed abolition without clarity on what would replace it.¹⁸⁷ Abolishing it might hinder the delivery of

172 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))

173 South Staffordshire Council ([FPS0142](#))

174 Bristol City Council ([FPS0119](#))

175 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

176 [Q98](#) (Steve Quartermain)

177 British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

178 Bus Users UK Charitable Trust Ltd ([FPS0026](#))

179 Institution of Civil Engineers ([FPS0035](#)), Mineral Products Association ([FPS0050](#))

180 [Q37](#) (Andrew Longley)

181 [Q31](#) (Philip Barnes)

182 [Q135](#) (Simon Gallagher)

183 Daventry District Council ([FPS0011](#)), [Q37](#) and [Q52](#) (Andrew Longley) were positive. [Q77](#) (Philip Waddy) noted the problems, particularly with Buckinghamshire Council pulling out.

184 Savills ([FPS0101](#)) were positive. Paul G. Tucker QC ([FPS0153](#)) highlighted difficulties with it.

185 UK2070 Commission ([FPS0128](#)) and [Q31](#) (Kate Henderson) were positive. Paul G. Tucker QC ([FPS0153](#)) instead stressed its lack of progress.

186 UK2070 Commission ([FPS0128](#))

187 Kent Association of Local Councils ([FPS0028](#)), Institution of Civil Engineers ([FPS0035](#)), Civic Voice ([FPS0076](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), British Property Federation ([FPS0127](#))

infrastructure projects,¹⁸⁸ and a lack of consideration of infrastructure had created challenges for the Oxford–Cambridge Arc.¹⁸⁹ There were numerous proposals on how to enhance co-operation. Some favoured retaining the existing duty.¹⁹⁰ or a strengthened or compulsory requirement for LPAs to work together.¹⁹¹ There was support for using pre-existing bodies, such as sub-national transport bodies (STBs),¹⁹² devolved administrations with elected mayors making use of spatial development strategies,¹⁹³ Local Nature Recovery Strategies,¹⁹⁴ and organisations such as the Northern Powerhouse.¹⁹⁵ UK2070 Commission proposed building on these organisations by establishing a similar body for London and the wider south east.¹⁹⁶ Spatial frameworks, drawing on the Oxford to Cambridge Arc idea, was also cited as an alternative approach.¹⁹⁷ Subsequently the Government has published an introduction to the spatial framework for the Arc.¹⁹⁸

59. Others urged the creation of a national spatial strategy.¹⁹⁹ Some advocates of this linked it with developing a framework for regional and sub-regional planning accompanied by either networks of Local Plans,²⁰⁰ or regional planning bodies.²⁰¹ There were calls for a “sub-national strategic planning mechanism”,²⁰² including regional associations either directly elected or composed of local councillors.²⁰³ Ireland’s model of regional authorities were also cited as a possible model.²⁰⁴ CPRE argued increased strategic planning had to come with “statutory safeguards for public engagement, scrutiny, and accountability” and large amounts of autonomy for local authorities.²⁰⁵ However, there was also resistance to reverting to regional spatial strategies, which were described as a “resource-heavy, hungry layer of complexity”.²⁰⁶ There was also disagreement over the Government’s suggestion of greater use of Development Consent Orders under the Nationally Significant Infrastructure Projects regime for new towns.²⁰⁷ This was supported by the Institution of Civil Engineers,²⁰⁸ but vigorously opposed by the LGA.²⁰⁹

60. The Minister acknowledged there “is a strong case for looking at how local authorities co-operate across boundaries”, and noted that political, economic, and physical geographies did not always co-align. He suggested that possible routes might include using mayoral combined authorities, and development corporations, and stressed

188 Institution of Civil Engineers ([FPS0035](#)), Water UK ([FPS0140](#))

189 Stonewater ([FPS0103](#))

190 Institution of Civil Engineers ([FPS0035](#)), The Smith Institute ([FPS0038](#)), [Q100](#) (Claire Dutch)

191 NALC ([FPS0021](#))

192 England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#))

193 Greater London Authority ([FPS0149](#)), National Housing Federation ([FPS0158](#)), [Q31](#) (Kate Henderson)

194 Wildlife & Countryside Link ([FPS0075](#))

195 The Chartered Institute of Building ([FPS0096](#))

196 UK2070 Commission ([FPS0128](#))

197 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

198 MHCLG, [Planning for sustainable growth in the Oxford-Cambridge Arc: An introduction to the Oxford-Cambridge Arc Spatial Framework](#), February 2021

199 Home Builders Federation ([FPS0073](#)), UK2070 Commission ([FPS0128](#))

200 Civic Voice ([FPS0076](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

201 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

202 Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#)), [Q77](#) (Philip Waddy)

203 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Royal Town Planning Institute ([FPS0113](#)), County Councils Network ([FPS0121](#))

204 The Chartered Institute of Building ([FPS0096](#))

205 CPRE the countryside charity ([FPS0077](#))

206 [Q100](#) (Claire Dutch) See also [Q31](#) (Philip Barnes and Brian Berry)

207 MHCLG, [White Paper: Planning for the Future](#), p 30

208 Institution of Civil Engineers ([FPS0035](#))

209 Local Government Association ([FPS0056](#))

he wanted a system “where sub-regional planning works more effectively than it does presently, while retaining—and this is important—the building block of local planning, which is the democratically accountable local authority.”²¹⁰

61. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.*

4 Public engagement

62. A crucial element of the planning system is the involvement of members of the public. Whether that is putting in a planning application, responding positively or negatively to another's application, or contributing to a Local Plan, this has been a mainstay of the system since 1947. The Government's proposals could potentially impact on public involvement in a significant way. Therefore, we were keen to examine the current rates of engagement, the possible impact of the Government's reforms, and how to ensure a strong public voice in the future planning system.

Current rates of public engagement

63. The Government does not routinely collect data on public involvement in the planning system. This makes it hard to determine how many people participate, let alone the characteristics of those individuals. The Government White Paper argued that the current system "allows a small minority of voices, some from the local area and often some not, to shape outcomes." This meant those likely to benefit from developments, such as young people, being amongst those less involved.²¹¹ Giving evidence to us the Minister twice cited figures of 3% and 1% for the proportion of the public involved in individual planning proposals and in Local Plan formation respectively.²¹² But these figures originated from an article published by Sue Manns on the RTPI website, not from nationwide figures.²¹³

64. We received evidence that argued members of the public felt disenchanted by the planning system and held low opinions of developers and local authorities.²¹⁴ The Government's view that participation was skewed towards particular groups, with younger people less likely to participate, also had some support.²¹⁵ Priced Out argued that young people were failed and local campaign groups, disproportionately made up of older and homeowner residents, dominated the system.²¹⁶ Save Greater Manchester Green Belt complained that:

Participation in planning currently doesn't feel like it is accessible to all. The systems are complex, and the language and systems seem to be from a bygone age. The White Paper is just adding to this inequality by not including the community at an early stage of participation. People with money, education, access, and time can navigate the system making it inequitable.²¹⁷

The Department of Urban Studies and Planning, University of Sheffield however stated that:

There are, however, significant dangers in justifying reductions in opportunities to participate on this basis. The dominance of unrepresentative

211 MHCLG, [White Paper: Planning for the Future](#), pp 11, 16

212 [Q128](#), [Q151](#) (The Minister)

213 Sue Manns '[Planning and public engagement: the truth and the challenge](#)', 10 May 2017

214 Civic Voice ([FPS0076](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#))

215 CLA ([FPS0049](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Centre for Cities ([FPS0144](#))

216 PricedOut ([FPS0129](#))

217 Save Greater Manchester Green Belt ([FPS0132](#)). See also the evidence from The Beaconsfield Society (Civic Society) ([FPS0130](#))

minorities in public and democratic life is certainly not restricted to the planning process and would not be accepted as a reason to abandon democracy in other spheres. Rather it should be understood as a reason to deepen and extend engagement amongst under-represented groups.²¹⁸

65. Numerous submissions argued that individuals mainly became involved in individual planning decisions rather than at the Local Plan stage. We were told that people's interest in planning issues results from nearby development.²¹⁹ This was because:

It is inevitable people are often more motivated to give up their time to engage on individual schemes where they can see a direct impact upon them [rather] than on plans which may influence development in years to come.²²⁰

66. Doubt was expressed that the disproportionate involvement of existing residents ends up blocking development.²²¹ Instead, the sense that planning proposals are agreed to despite local objections was frequently voiced in our survey. There were also worries that the changes would involve a missed opportunity: "There is much detail missing about how this will work in practice and a real risk that the opportunity for future proofing planning to be more age-friendly and foster connections will be missed."²²²

67. We compared the Minister's figures with other data about public involvement in the planning system. Polling by YouGov for Social Communications, shared with us, showed that 26% of people claim to have responded to a Local Plan. Polling of 16–18 year olds by Grosvenor found that 8% stated they had been involved in a survey about the future of their neighbourhood run by their local council or a property developer.²²³ Polling by Opinium in 2019 for the think-tank Demos found that 44% of those surveyed had engaged with the planning system—that is searched the council register for permissions in their local area, submitted, objected to or supported a planning application, campaigned to stop a development, or spoke at a committee or meeting about planning applications). They found those over 55 were most likely to have engaged (50% said they had), whilst 34–54-year olds had the lowest rate of involvement (43%). Homeowners, residents in London were more likely than renters and residents outside of London to have been involved.²²⁴

The Government's proposed reforms

68. The Government's proposals to public engagement flow from the changes to how the planning system will work. The Government emphasised that there would be public

218 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

219 Tenterden Town Council ([FPS0003](#)), South Worcestershire Councils ([FPS0015](#)), Neighbourhood Planners London ([FPS0032](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Locality ([FPS0086](#)), Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

220 Bartlett School of Planning, University College London ([FPS0097](#))

221 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

222 Centre for Ageing Better ([FPS0055](#))

223 Grosvenor, [I Live here too: Why young people want a stake in the future of their neighbourhood](#), October 2020, p 6

224 Demos, [People Powered Planning: How to better involve people in planning to get more homes built](#), September, 2019, pp 15–6

engagement at two points during the Local Plan stage: first, the LPA would call for suggestions for how areas should be designated as growth, renewal or protected. Secondly, the LPA would submit a draft Local Plan for public comment simultaneous with it being submitted to the Secretary of State for examination. A wider range of people will be engaged with the system, through the greater use of technology, such as social media and their phones. The Government also stated “we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes.” This included making the 8–13-week time limits firm deadlines for completing applications; alongside greater use of digital technology and software, of data, and of standardised process.²²⁵

69. There was support in some evidence for the reforms. Homes for the South West commented that:

Community engagement at the local plan stage should be a basis to move plans forward, with local consent. However, further community engagement when more detailed plans are brought forward can confuse a process when they fall back on the fundamental principle of a development. Instead, community engagement at the design stage should identify and address specific issues around homes that will be delivered for local communities.²²⁶

70. Other arguments advanced in favour of the changes were that they would reduce public disappointment at applications being overridden on appeal because of existing Local Plans,²²⁷ cause the system to work more efficiently by reducing political interventions that prioritise local resistance to development,²²⁸ and enable proper discussion of the trade-offs “rather than playing whack-a-mole with residents’ objections.”²²⁹

71. The majority of our evidence however thought that the proposals were likely to reduce public involvement. This would chiefly be through abolishing the ability of people to comment on individual planning applications in growth areas and other extensions to

225 MHCLG, [White Paper: Planning for the Future](#), pp 16, 32–5

226 Homes for the South West ([FPS0070](#)). See also [Q3](#) (Philip Barnes)

227 Adam Smith Institute (FPS085), Centre for Cities ([FPS0144](#))

228 Peel L&P ([FPS0094](#))

229 Centre for Cities ([FPS0144](#))

permission in principle.²³⁰ Historic England stated “we would like to see more evidence to demonstrate how the proposed changes will enable greater public participation in the planning system.”²³¹ The scale of the change being proposed was laid out by the RTPi:

it is still an enormous challenge to overturn 70 years of people’s expectations that they can be involved in individual planning decisions. At the very least, it will require a national campaign of education plus significant extra resources for community engagement at local level.²³²

72. Local authority representatives argued that “a lot of local authorities” go “to considerable lengths at the moment in their engagement to reach out to people who would not normally participate.” Their involvement at the Local Plan stage could feed into wider engagement.²³³ It was also stated by Andrew Longley from North Northamptonshire that:

Typically, on our plans, you will get in the low hundreds of people involved in the plan-making process who make formal representations, whereas, when it comes to the planning application, you can easily have thousands of representations on a controversial application. That is notwithstanding that those same sites—I have some in mind—were part of the local plans that have been subject to a process, but people really only engage when there is the immediacy of a planning application.²³⁴

73. We raised the concerns about reducing public engagement during our oral evidence session with the Minister. When asked about the criticism of the reduction in public involvement, he responded:

I do not agree with the proposition that we are reducing accountability or democratic involvement. We are shifting it forward, where we think it really ought to be, so that it can be about the upfront strategic design of communities rather than the reactive response to a particular application,

230 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), North Southampton Community Forum (FPS018), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), Neighbourhood Planners, London ([FPS0032](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), The Smith Institute ([FPS0038](#)), Woodland Trust ([FPS0045](#)), Mineral Products Association ([FPS0050](#)), The Heritage Alliance ([FPS0066](#)), Rutland County Council ([FPS0071](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Southwark Council ([FPS0110](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Commonplace ([FPS0136](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Sustrans ([FPS0151](#)), The Highgate Society ([FPS0155](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))

231 Historic England ([FPS0092](#))

232 Royal Town Planning Institute ([FPS0113](#))

233 [Q38](#) (Andrew Longley and Lisa Fairmaner)

234 [Q42](#) (Andrew Longley), [Q94](#) (Claire Dutch)

often where very few people get involved and it is rather difficult to navigate and understand what is being proposed. I do not recognise that characterisation of our proposals.²³⁵

74. He thought digitalisation could help get people involved in Local Plans, citing the recent 4,500 virtual viewings of the South Oxfordshire Local Plan examination (although this involvement did not appear to have caused significant alterations to be made to the plan). He explained that planning proposals that do not meet the “preordained strategic plan” (the Local Plan) in growth and renewal areas could still be brought forward through the present planning process.²³⁶ We raised with the Minister the absence of references to councillors in the White Paper.²³⁷ He assured us that “That is not by any means or in any way a desire to exclude local councillors”, and that he had spoken to councillors both individually and through bodies such as the LGA and District Council Network.²³⁸

Planning and the legal system

75. The evidence we received emphasised there would potentially be an increase in legal challenges, through judicial review, as a result of the Government’s reforms.²³⁹ Claire Dutch, a planning lawyer, told us that there was likely to be an initial flurry of judicial reviews. She expected once the system was established there would be fewer judicial reviews, but they would be directed against Local Plans. This, she warned, would be “more debilitating” because a successful review “can stop it [the Local Plan] in its tracks and stymie development generally in that area ... The JRs [judicial reviews] against plans does worry me.” She also emphasised that planning appeals would continue, as developers would proceed through the standard planning process when they thought the Local Plan’s requirements would not permit them the necessary “density, height, scale, massing, et cetera” in their proposals.²⁴⁰ The Smith Institute feared this potential increase in legal challenges “would be a major disaster—especially at this very difficult time.”²⁴¹ We were also warned that the changes would take time to bed in as new legal precedents were established.²⁴² The changes could also lead to a diversion of “resources into fighting off five-year housing-land-supply appeals”.²⁴³ One specific change likely to increase recourse to judicial review, highlighted by the Canal and River Trust, is the possible abolition of the ‘examination stage’.²⁴⁴ That is one option proposed by the Government in its consultation.²⁴⁵

76. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and*

235 [Q154](#) (The Minister)

236 [Q128](#) (The Minister)

237 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

238 [Q153](#) (The Minister)

239 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Commonplace ([FPS0136](#))

240 [Q110](#) (Claire Dutch)

241 The Smith Institute ([FPS0038](#))

242 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#))

243 [Q33](#) (Andrew Longley)

244 Canal & River Trust ([FPS0048](#))

245 MHCLG, [White Paper: Planning for the Future](#), pp 35–6

publishing of statistics about public involvement in Local Plans and in individual planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged.

77. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the Local Plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.*

78. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications. *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.*

Technology

79. Another significant part of the Government's proposed reform involved increasing the use of digital technology in the planning process. The main proposal was that "Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template." It was proposed that all development management policies and codes would be written in a machine-readable format. Furthermore, there should be greater digitalisation and standardisation of processes, including making data more easily available, using digital template for planning notices, the use of 3D mapping, and the delegation of detailed planning decisions to planning officers where the principle of development has been established. The Government argued this would draw in a younger audience, making information more easily available on a national level, and bolster the PropTech sector.²⁴⁶

80. The overwhelming majority of our evidence voiced criticisms of the current state of technology in the planning system. The Home Builders Federation described the current situation as "antiquated processes to engage the public."²⁴⁷ The Institute of Historic Building Conservation stated: "There is scope to utilise more digital technology in planning."²⁴⁸ We were told that there was a lack of access to datasets.²⁴⁹ Likewise, the CPRE argued that the sheer number of development plan documents made it hard for the public to know which were current and relevant.²⁵⁰ We also received complaints about an existing digital system called Planning Portal. This is a digital planning and building resource for England and Wales, which covers c.90% of planning applications, along with advice and guidance. It was founded by MHCLG but does not now receive taxpayers' money.²⁵¹ We were told that it was "not user friendly and should be revamped."²⁵²

246 MHCLG, [White Paper: Planning for the Future](#), pp 16, 33–4

247 Home Builders Federation ([FPS0073](#))

248 Institute of Historic Building Conservation ([FPS0044](#))

249 PortalPlanQuest Limited ([FPS0030](#))

250 CPRE the countryside charity ([FPS0077](#)). See also Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

251 PortalPlanQuest Limited ([FPS0030](#))

252 National Organisation of Residents Associations ([FPS0005](#)), North Southampton Community Forum ([FPS0018](#))

81. We were informed that parts of the current system do already make use of electronic and digital tools in plan-making, decision-making, and in sharing information about applications.²⁵³ There was praise for email notifications about applications on a street-level basis, and the use of virtual planning committee meetings introduced during the COVID-19 pandemic.²⁵⁴ It was noted those with care responsibilities and mobility problem had been able to participate.²⁵⁵ However the CPRE did note that even more people would have been engaged had meetings been recorded; and that the virtual format removed the opportunity for informal conversations with participants, leading “to a rather stale format rather than constructive conversation.”²⁵⁶ It was also suggested that direct subscriptions to get notifications of planning application should become commonplace.²⁵⁷

82. There was support for increasing the amount of digitalisation in the planning system, including maps and open data. It was thought likely to increase the involvement of younger people in the process, addressing their lower engagement at present,²⁵⁸ alongside retailers and prospective homeowners.²⁵⁹ It was also thought likely to increase the pace and efficiency of the system.²⁶⁰ There was support for the better collection of data with a creation of national data standards and templates;²⁶¹ and for 3D maps.²⁶² We were told information gathered through the planning system could help with building safety through fostering a golden thread of building information,²⁶³ and that digital technology could facilitate planning across local authorities.²⁶⁴ London was cited as an example of good practice that others aspired to. There social media has helped to bolster engagement, there is more open data available in a public format and on a single website, different 3D models are available, and data on strategic house land available can be collected live rather than through a rolling programme.²⁶⁵

253 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), National Organisation of Residents Associations ([FPS0005](#)), District Councils’ Network ([FPS0082](#)), Southwark Council ([FPS0110](#)), Greater London Authority ([FPS0149](#))

254 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

255 Just Space ([FPS0115](#))

256 CPRE the countryside charity ([FPS0077](#))

257 Home Builders Federation ([FPS0073](#))

258 South Worcestershire Councils ([FPS0015](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

259 Association of Convenience Stores ([FPS0069](#)), Sage Housing ([FPS0090](#))

260 Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), Historic England ([FPS0092](#)), [Q2](#) (Brian Berry)

261 PortalPlanQuest Limited ([FPS0030](#)), Locality ([FPS0086](#)), Water UK ([FPS0140](#)), GL Hearn ([FPS0141](#)), City of London Corporation ([FPS0148](#))

262 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

263 National Fire Chiefs Council ([FPS0040](#))

264 [Q116](#) (Steve Quartermain)

265 [Q61](#) (Lisa Fairmaner and Andrew Longley)

83. The general support for enhanced technology was coupled with wanting a continuation of existing, non-digital methods of communication.²⁶⁶ We were told that surveys had found 5.3 million people adults in the UK had not accessed the internet in the preceding three months,²⁶⁷ that 9 million people in the UK struggle to use the internet independently,²⁶⁸ and that 11.9 million people lack the digital skills needed to go online.²⁶⁹ The changes might adversely affect people living in rural areas (because of a less reliable connection to broadband),²⁷⁰ the elderly,²⁷¹ the poor,²⁷² those in manual occupations,²⁷³ those without English as a first language,²⁷⁴ disabled people,²⁷⁵ and Gypsy and Traveller communities.²⁷⁶ It was suggested, drawing on experience from neighbourhood plans, that IT was often the less successful way of engaging local people.²⁷⁷ The poor record of central government in delivering IT solutions was also emphasised.²⁷⁸

84. The possible automation of aspects of the planning process also attracted scepticism.²⁷⁹ Friends of the Earth argued it would lead to a tick-boxes approach devoid of consideration of the context of applications.²⁸⁰ The Civic Voice feared using digital technology to decide

266 Tenterden Town Council ([FPS0003](#)), Hever Parish Council ([FPS0007](#)), Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), CLA ([FPS0049](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Chartered Institute of Building ([FPS0096](#)), POETS (Planning Oxfordshire's Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Commonplace ([FPS0136](#)), LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Robert Rush ([FPS0163](#))

267 National Trust ([FPS0157](#))

268 The Heritage Alliance ([FPS0066](#))

269 News Media Association ([FPS0068](#))

270 Hever Parish Council ([FPS0007](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), CLA ([FPS0049](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), The Heritage Alliance ([FPS0066](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

271 Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), Centre for Ageing Better ([FPS0055](#)), London Borough of Hackney ([FPS0091](#)), London Tenants Federation ([FPS0112](#)), Newcastle City Council ([FPS0159](#))

272 Rother Association of Local Councils (RALC) ([FPS0012](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), London Borough of Hackney ([FPS0091](#))

273 Just Space ([FPS0115](#))

274 London Tenants Federation ([FPS0112](#))

275 Newcastle City Council ([FPS0159](#))

276 London Gypsies and Travellers ([FPS0067](#))

277 Rother Association of Local Councils (RALC) ([FPS0012](#))

278 Cllr John Crawford ([FPS0008](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#))

279 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Stonewater ([FPS0103](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

280 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

if design codes had been met would lead to “a uniformity of development which would not meet the aims of building beautifully.”²⁸¹ The Wildlife and Countryside Link argued that using simplified and digitised Local Plans would “undermine the role of local people in identifying and protecting natural spaces and in scrutinizing development applications and the planning process.” They wanted a continuation of ‘traditional’ Local Plans alongside the shorter digital ones.²⁸² The Canal and River Trust shared these concerns about arbitrary page limits, and added that “Machine-readable/automated approach and use of prescriptive technical standards not appropriate for issues most relevant to the Trust.”²⁸³

85. Consequently, there were calls for the preservation of existing methods of advertising planning applications and Local Plan consultations through signs on lampposts, walk in ‘town hall’ events, face to face engagement (e.g. through workshops), hard copy documentation, and notices in local newspapers. We were told that this helped to ‘push’ information to the public.²⁸⁴ The techniques of neighbourhood planning were recommended as a way to enhance public engagement.²⁸⁵ The News Media Association stressed to us the harmful impact on local newspapers that would result from withdrawing statutory notices.²⁸⁶ It was suggested in both written and oral evidence that a review of the role of local newspapers might be due.²⁸⁷

86. Several submissions suggested that citizens assemblies might have a role to play in planning.²⁸⁸ They were particularly recommended as a means to draw in hitherto under-represented members of a community.²⁸⁹ The CPRE saw it as a way to reduce the adversarial culture of planning.²⁹⁰ On the other hand, one individual from a borough reputedly already engaged in citizens assemblies expressed strong criticism of them and a preference for residents associations.²⁹¹

87. We put to the Minister the concerns raised about how greater use of digital technology could disadvantage certain people and communities. He argued that “as the years roll on, more and more people will have access to digital tools”. But he added that local authorities could decide to use other methods such as publishing adverts in local papers. Asked whether local authorities would be required to put notices on lampposts and in local newspapers the Minister said the Government would reflect on the consultation responses and that it was for authorities “to work out what they may need to do themselves to communicate with their constituents.” He suggested the Government might wish to see how the new method of mailing out Local Plans necessitated by COVID-19, rather than having them available in libraries or local authority buildings, played out.²⁹²

281 Civic Voice ([FPS0076](#))

282 Wildlife & Countryside Link ([FPS0075](#))

283 Canal & River Trust ([FPS0048](#)). See also Homes for the South West ([FPS0070](#)), Bristol City Council ([FPS0119](#))

284 Tenterden Town Council ([FPS0003](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

285 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

286 News Media Association ([FPS0068](#))

287 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), [Q60](#) (Lisa Fairmaner)

288 NALC ([FPS0021](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), UK2070 Commission ([FPS0128](#))

289 CLA ([FPS0049](#))

290 CPRE the countryside charity ([FPS0077](#))

291 Robert Rush ([FPS0163](#))

292 [Qq158–160](#) (The Minister)

88. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.*

5 The housing formula

89. This chapter chiefly focuses on the housing ‘formula’, sometimes called the ‘algorithm’, used for determining housing need. It considers the arguments for and against such a formula (the current formula, or ‘Standard Method’ was introduced in 2018); the reforms to the formula proposed in August 2020 (which we refer to as the “proposed formula”); and the subsequent revised formula announced by the Government in December 2020 (which we refer to as the “revised formula”). This revised formula involved retaining the 2018 formula but with the addition of an ‘urban uplift’ applied to twenty major towns and cities.

The current situation

90. Attempts by central Government to introduce targets for housing output in local areas have long proven contentious.²⁹³ The previous practice of having local authorities decide at the Local Plan stage was criticised for having been time-consuming and for worsening the affordability of housing.²⁹⁴ In July 2018 the current method for determining housing need, called the ‘Standard Method’, was introduced. This has three steps:

- The starting point, or baseline, is the 10-year average of the 2014-based household growth projections in England.
- The household growth figure is then adjusted based on the affordability of property in an area. Where average house prices exceed four times the average earnings of someone working in the area the figure is adjusted upwards. Consequently, where prices exceed income by eight times there will be 25% more housing above the household growth figure.
- A 40% cap then limits the increase an individual local authority can face over a ten-year period.²⁹⁵

91. The housing need calculated by the standard method feeds into the housing requirement for an area that is agreed to in Local Plans, joint and strategic plans.²⁹⁶ Performance by local authorities in achieving their required housing is measured on a yearly basis by the Housing Delivery Test, which shows the percentage of net homes delivered against the number of homes required over a rolling three-year period. From November 2020 LPAs have needed to meet 75% of the target; otherwise a presumption in favour of sustainable developments applies for planning applications in that authority.²⁹⁷

92. In September 2018 the Office for National Statistics (ONS) released 2016-based household projections, which showed much lower projections compared to those based on 2014.²⁹⁸ In October 2018 the Government held a consultation about possible changes to the ‘standard method’ partly in response to the ONS data. It argued the 2016-based

293 The Smith Institute ([FPS0038](#))

294 Sage Housing ([FPS0090](#))

295 MHCLG, [Changes to the current planning system](#), August 2020, p 10

296 MHCLG, *National Planning Policy Framework*, CP48, February 2019, paras 60, 65.

297 MHCLG, [National Planning Policy Framework Annex 1: Implementation](#), para 215; MHCLG, [Housing Delivery Test Measurement Rule Book](#), July 2018

298 ONS, [Household projections in England: 2016-based](#), September 2018. Figure 1 shows the comparison of the two projections.

projections did not mean there was a need for fewer houses and proposed to retain the 2014-based projections.²⁹⁹ These views were reiterated in February 2019.³⁰⁰ In June 2020 the ONS released 2018-based household projections, with results very similar to the 2016-based projections.³⁰¹

93. In August 2020 the Government justified moving to a new formula by pointing to criticisms of the household projection figures. These were that the projections are too volatile and have underestimated housing need in places of overcrowding and suppressed housing demand. It also argued the ‘Standard Method’ underestimated demand in the Northern Powerhouse, and would not deliver the target 300,000 housing units a year in England by the mid-2020s.³⁰² Homes for the North argued that the ‘Standard Method’ had resulted in the assessed housing need for the north of England requiring 13,340 fewer homes than previously agreed in existing Local Plans, thereby undermining the levelling up agenda.³⁰³

The Government’s initial proposal

94. In August 2020, the Government outlined its proposed reforms to the housing formula—which we refer to in this Chapter as the “proposed formula”:

- The baseline would either be the latest household projections, or an increase of 0.5% on the area’s current housing stock.
- The affordability adjustment would take account of changes in the affordability ratio over the last ten years. This would mean higher figures for areas where affordability had worsened; and a downward adjustment where prices were lower than four times higher than earnings.
- There would be no cap on housing need figures.

The Government estimated this would produce a total demand of 337,000 housing units.³⁰⁴ The Housing Delivery Test would remain in place, with the housing requirement made binding, and resulting from the standard method.³⁰⁵ In December 2020 the Government proposed revisions to this approach which we discuss later.

Do we need a standard method?

95. Our evidence fell into three categories: those who supported the Government’s proposed formula, those who approved of the principle of a standard method formula but dissented from the proposed formula, and those who disagreed with the method and wanted decisions on housing need determined locally. Our predecessor committees have previously expressed support for introducing a new standardised methodology, and for encouraging LPAs and the Planning Inspectorate to take account of it.³⁰⁶

299 MHCLG, [Technical consultation on updates to national planning policy and guidance](#), October 2018, pp 8–12

300 MHCLG [Government response to the technical consultation on updates to national planning policy and guidance](#), February 2019, pp 7–8

301 ONS, [Household projections for England: 2018-based](#), June 2020

302 MHCLG, [Changes to the current planning system](#), August 2020, pp 10–11. The mid-2020s timescale is given in National Audit Office, [Planning for new homes](#), [HC 1923](#), February, 2019, p 6

303 Homes for the North ([FPS0107](#))

304 MHCLG, [Changes to the current planning system](#), August 2020, pp 11–16

305 MHCLG, [White Paper: Planning for the Future](#), pp 27–8; Lichfields, [‘Setting a higher standard – a new method for assessing housing needs’](#), 7 August 2020

306 Communities and Local Government Committee, Fourth Report of the 2014–15 Session, [Operation of the National Planning Policy Framework](#), HC 190, para 70; Communities and Local Government Committee, Tenth Report of the 2016–17 Session, [Capacity in the homebuilding industry](#), HC 46, para 75

96. Various submissions, including from local authorities and other local groups, expressed the view that determining housing need should be predominantly or exclusively decided by local bodies. They were best placed to take account of local circumstances.³⁰⁷ Newcastle City Council thought

the national Local Housing Need formula [should] be withdrawn, as since its introduction it has led to uncertainty of planning for new homes targets in local plans, and invariably leads to at best crude estimates of need, and at worst would require authorities to plan for homes that are not needed.³⁰⁸

South Worcestershire Council, among others, favoured reverting back to LPAs using local evidence to calculate housing need and including it in Local Plans.³⁰⁹ There was also support for a regional approach.³¹⁰ Some did acknowledge there were merits to a standardised approach whilst ultimately still wanting decisions taken locally.³¹¹ The LGA said:

It is our view that assessment of local housing need, including overall numbers and tenure mix, should be determined locally based on the relevant, most up to date evidence, because what might be the optimum tenure mix in one place, will not be in another. Any proposed new method should be optional to use for local planning authorities where it is appropriate for the housing market that they operate within.³¹²

97. Some organisations supported the principle of a standard method, whilst wanting proper consideration of local circumstances and revisions to the proposed approach.³¹³ Kate Henderson, representing the National Housing Federation, supported having a transparent methodology for the standard method. But she added “we need a methodology that balances broader criteria. It needs to take into account both local and sub-regional expertise and judgment. There is going to need to be a backstop in the process as well.” She identified the current approach as lacking consideration of levelling up and differences between urban and rural areas.³¹⁴

307 National Organisation of Residents Associations ([FPS0005](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Greater London Authority ([FPS0149](#)), London Borough of Hackney ([FPS0091](#)), Mrs Allyson Spicer ([FPS0162](#))

308 Newcastle City Council ([FPS0159](#))

309 South Worcestershire Councils ([FPS0015](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Royal Town Planning Institute ([FPS0113](#))

310 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), Bristol City Council ([FPS0119](#)), Just Space ([FPS0115](#)), GL Hearn ([FPS0141](#))

311 Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Abri ([FPS0078](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), Stonewater ([FPS0103](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#)), [Q35](#) (Lisa Fairmaner and Andrew Longley).

312 Local Government Association ([FPS0056](#))

313 Ashford Borough Council ([FPS0016](#)), National Trust ([FPS0157](#))

314 [Q7](#) (Kate Henderson). See the National Housing Federation ([FPS0158](#))

98. There was also support for a more thoroughgoing national approach.³¹⁵ For example, South Staffordshire Council favoured a statutory duty to meet housing targets laid down nationally, which would ensure local authorities cooperated with one another.³¹⁶ The British Property Federation also argued that ensuring “sufficient housing is something that national governments should be held accountable for,” and thus they supported “the need for up-to-date local plans, standard methodology, and housing delivery test.”³¹⁷ Claire Dutch argued there needed to be a standard method, that communities coming up with the figure “has not really worked”. The current algorithm had not produced the right figures, and therefore she favoured a “top-down approach” with fine-tuning of the algorithm.³¹⁸

Views of the Government’s proposed formula

99. There was support, including from organisations linked to housing development and delivery, for the Government proposed new formula announced in August 2020. This was sometimes tempered by a wish for further details.³¹⁹ Pocket Living called for binding housing targets and clear penalties for under-delivery, an idea which was supported in oral evidence by Philip Barnes on behalf of Barratt.³²⁰

100. However, there was also considerable hostility towards the proposed formula. Tenterden Town Council called it “a weapon of “Mass Destruction” of unprecedented scale.” They argued this would squeeze out “the local community who have local knowledge of their specific parish.”³²¹ This was echoed in our public engagement event: “the planning white paper is proposing a tyranny of algorithm as well as of numbers.” (Participant D, Room 2)³²² Our evidence also included claims it would have a negative impact on the countryside, and preferences for local decision-making.³²³

101. A strong strand of criticism of the Government’s proposed formula was its impact on levelling up. It was seen to be increasing housing in London and south-east, whilst reducing the targets for housing in the north of England. We were warned the proposed

315 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Centre for Cities ([FPS0144](#)), Shelter ([FPS0154](#))

316 South Staffordshire Council ([FPS0142](#))

317 British Property Federation ([FPS0127](#))

318 [Q115](#) (Claire Dutch)

319 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Peel L&P ([FPS0094](#)), PricedOut ([FPS0129](#)), GL Hearn ([FPS0141](#)), South Staffordshire Council ([FPS0142](#)), Anglian Water ([FPS0146](#)), Midland Heart ([FPS0152](#))

320 Pocket Living ([FPS0023](#)), [Q2](#) (Philip Barnes)

321 Tenterden Town Council ([FPS0003](#))

322 The proposed reforms to the housing formula to determine housing need were actually outlined in a separate consultation document from the White Paper.

323 Tenterden Town Council ([FPS0003](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), London Borough of Hackney ([FPS0091](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), LSE London ([FPS0139](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

formula risked “directing development away from areas of potential growth.”³²⁴ These objections were to remain pertinent when evaluating the Government’s revised formula announced in December 2020.

102. The strong emphasis in the formula on household projections were seen as obliging councils that had already delivered high rates of housebuilding to continue doing so.³²⁵ There was criticism of the quality of the household projection data.³²⁶ Alan Wenban-Smith included a discussion of the issues posed by calculation of household projections and highlighted how “Around 90% of the housing market is turnover of existing stock”. Therefore, he argued “meeting housing needs is not simply a matter of new build equalling or exceeding the growth in the number of households.”³²⁷

103. Consequently, there were various ideas for amending the proposed formula. We were told that rather than using a house price to workplace earnings ratio, the use of a house to price to residence-based earnings would be more suitable in commuter areas.³²⁸ There were proposals to include natural population growth and exclude net migration in and out of an area,³²⁹ to include data on hidden households and local housing needs (particularly social housing),³³⁰ and that the formula should take account of median pension earnings to ensure housing for the elderly.³³¹ The CLA wanted to ensure settlements of under 3,000 houses were included in housing needs assessments.³³² Homes for the North proposed scrapping the household projections and starting instead with a 1% increase in existing housing, because this would encourage greater housebuilding in the north and focus growth in urban areas, alongside having the LPA lead on using past delivery rates, regeneration, vacancy and second home rates, and specific types of housing to determine local housing need, which would be validated by the Government and Planning Inspectorate.³³³ The Federation of Master Builders suggested greater use of developer forums to determine and agree local need, citing the example of North East Lincolnshire.³³⁴

104. The Adam Smith Institute called for more detail to be included on how the new target would work “including adjustments for constraints such as Green Belt, Metropolitan Open Land—much of which comprises irreplaceable parks—Conservation Areas and Areas of Outstanding Natural Beauty.”³³⁵ It was also proposed that the National Parks should be exempt from the method.³³⁶ The Centre for Cities wanted a greater emphasis placed on

324 The Smith Institute ([FPS0038](#)), Stonewater ([FPS0103](#)), Homes for the North ([FPS0107](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), [Q7](#) (Kate Henderson), [Q92](#) (Nigel Wilson)

325 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

326 LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#))

327 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

328 Hever Parish Council ([FPS0007](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cycling UK ([FPS0123](#))

329 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

330 TCPA ([FPS0034](#))

331 Anchor Hanover ([FPS0074](#))

332 CLA ([FPS0049](#))

333 Homes for the North ([FPS0107](#))

334 The Federation of Master Builders (FMB) ([FPS0125](#))

335 Adam Smith Institute ([FPS0085](#))

336 Campaign for National Parks ([FPS0043](#))

affordability and prices to ensure sufficient housing supply in prosperous areas.³³⁷ Attaching significance to affordability was championed by other submissions.³³⁸ This contrasted with Lisa Fairmaner, representing the GLA, who said that the affordability criteria created volatile housing targets, and that London does “not have the capacity to deliver”. Using it prevented ‘levelling up’ and meant building where there was no infrastructure.³³⁹ Andrew Longley, from North Northamptonshire Joint Planning and Delivery Unit, argued that the higher targets would not bring affordable housing, and “Relying on past household projections moving forward really just bakes in past performance”.³⁴⁰ There was wider support for the view that London needed to be treated differently, and that the number of houses for London in the new formula could not realistically be built.³⁴¹

105. The Minister explained that in devising reforms to the formula, the “first approach was to look at affordability”, because of the problems of very high house prices and demand exceeding supply “for far too long”. He then stated other considerations “such as brownfield regeneration and city centre regeneration, and levelling up ... These are all considerations we had to make as we were designing the methodology.”³⁴² He later added “We take levelling up into consideration when we look at the housing need and how that applies to different elements of the country.”³⁴³ He reiterated previous commitments to reconsidering the figures—foreshadowing the subsequent revised proposals.

The Government’s revised formula

106. On 16 December 2020 the Government published its response to the consultation on the proposed formula.³⁴⁴ The Government proposed to abandon the proposed formula and instead retain the current standard method. But this would be with the addition of a 35% ‘urban uplift’ to the post-cap number for 20 major towns and cities. These were London, Birmingham, Liverpool, Bristol, Manchester, Sheffield, Leeds, Leicester, Coventry, Bradford, Nottingham, Kingston upon Hull, Newcastle upon Tyne, Stoke-on-Trent, Southampton, Plymouth, Derby, Reading, Wolverhampton, and Brighton and Hove. It also published data for each local authority.³⁴⁵

107. The Government argued that the 20 major towns and cities subject to the uplift could better utilise existing infrastructure to support new housing, use former retail and commercial properties and brownfield sites, and building there would reduce high-carbon travel. It emphasised that the increase in new housing would be met by urban centres not by their surrounding areas, although LPAs would be expected to cooperate. It explained that the urban uplift in London would only be applicable once the recently agreed London Plan is subject to further revision towards the end of its five-year duration in 2026. The Government explained it would continue to use the 2014 rather than

337 Centre for Cities ([FPS0144](#))

338 Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#))

339 [Q33](#) [Q35](#) (Lisa Fairmaner)

340 [Q35](#) (Andrew Longley). See also North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

341 Historic England ([FPS0092](#)), Savills ([FPS0101](#)), Southwark Council ([FPS0110](#)), Land Promoters and Developers Federation ([FPS0138](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q7](#) (Philip Barnes), [Q35](#) (Lisa Fairmaner)

342 [Q129](#) (The Minister)

343 [Q130](#) (The Minister)

344 MHCLG, [Government response to the local housing need proposals in “Changes to the current planning system”, December 2020.](#)

345 See MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. Lichfields published their own estimates: [‘How many homes? The new Standard Method’](#) (no date)

2018-based household projections, because a change would cause a “substantial change in the distribution of housing need”. They preferred to continue to use a workplace-based rather than the residence-based earnings ratio proposed by those concerned about the impact of higher earners in commuter areas. This was because “people typically choose to live close to where they work—and therefore [the workplace-based earnings ratio] is a proxy for demand within the housing market.” The Government’s proposal also meant the removal of the downward adjustment where the affordability ratio was below 4.

Opinions on the revised formula

108. As the Government announced its revised formula after our final oral evidence session, we only received supplementary evidence about it from Homes in the North. They noted that the figures published by the Government when announcing the revised formula in December 2020 were lower than the number of houses delivered in the last three years in many rural and suburban areas of the north of England. But this was not so in Manchester, Leeds, Bradford, or Sheffield. They also stated there might be insufficient brownfield land in those cities to avoid having to encroach on the Green Belt.³⁴⁶ There has been criticism of the practicality of the proposed uplift by members of Leicester, Southampton, and Barking and Dagenham councils, and from the Mayor of London’s office.³⁴⁷ Analysis by Lichfields have shown the difference between existing building level and the revised formula. We note that the average delivery over the last three years has been higher than the revised formula (the standard method with urban uplift) in the West Midlands, the East Midlands, North West, North East, and Yorkshire and the Humber. This is not so for all the local authorities subject to the urban uplift in those regions.³⁴⁸

Table 1: Difference between current delivery and new formula

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
North East of England	9,816	6,625	-3,191	-32.51%
Newcastle upon Tyne	1,867	1,399	-468	-25.07%
North West of England	29,844	22,057	-7,787	-26.09%
Liverpool	2,500	2,103	-397	-15.88%
Manchester	3,108	3,527	419	+13.48%
Yorkshire and the Humber	19,930	18,851	-1,079	-5.41%
Bradford	1,415	2,300	885	+62.54%
City of Kingston upon Hull	940	536	-404	-42.98%
Leeds	3,014	3,763	749	+24.85%
Sheffield	2,454	2,877	423	+17.24%

346 Homes for the North ([FPS0166](#))

347 “Councils hit out at government’s ‘unrealistic’ new planning formula”, Inside Housing, 24 February 2021

348 Lichfields, ‘[Mangling the mutant: change to the standard method for local housing need](#)’, 16 December 2020

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
East Midlands	22,454	21,679	-775	-3.45%
Derby	645	1,189	544	+84.34%
Leicester	1,490	1,341	-149	-10.00%
Nottingham	1,552	1,551	-1	-0.06%
West Midlands	23,777	21,960	-1,817	-7.64%
Birmingham	3,696	4,829	1,133	+30.65%
Coventry	1,612	2,325	713	+44.23%
Stoke on Trent	905	675	-230	-25.41%
Wolverhampton	769	1,013	244	+31.73%
East England	26,655	34,089	7,434	+27.89%
London	36,686	93,579	56,893	+155.08%
South East	40,668	50,188	9,520	+23.41%
Brighton and Hove	461	1,247	786	+170.50%
Reading	710	876	166	+23.38%
Southampton	967	1,353	386	+39.92%
South West	26,006	28,210	2,204	+8.47%
City of Bristol	1,535	1,247	-288	-18.76%
Plymouth	1,010	841	-169	-16.73%

Source: Data derived from Lichfields, 'Mangling the mutant: change to the standard method for local housing need', 16 December 2020. They derived the average dwellings data from MHCLG, [Live tables on housing supply: net additional dwellings](#), November 2020. The data for the standard method with the urban uplift is from MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. The calculations on changes in numbers and percentages undertaken by the Committee. The data on each local authority with an urban uplift is underneath the figure for the whole of its respective region.

109. The outstanding issues resulting from this revised formula are sixfold. First, there is the question of the viability of the proposals, especially in London. As the table above shows average delivery in 2017–20 in London had been 36,686 dwellings per year. The new Government approach would require 93,579 dwellings per year—an increase of over two and half times the current number of dwellings being delivered. Secondly, there are important variations in the size of local authorities, with places such as Birmingham, Bristol, Liverpool, Brighton and Newcastle having tight boundaries and limited available land.³⁴⁹ There are also constraints posed by seas, rivers (with their flooding risk) and protected green spaces such as the South Downs National Parks. Thirdly, there are questions of whether there is sufficient brownfield land and the impact of using it.³⁵⁰ Fourthly, there is the continuing use of household projection figures from 2014, and not the latest figures as proposed in the August 2020 consultation. The recent findings of the Office for Statistics Regulation's report into ONS population estimates highlighted that estimates for small cities with large student populations had tended to be larger than local evidence suggested. Various recommendations were made to improve the reliability of

349 A point highlighted by Rutland County Council ([FPS0071](#)), National Trust ([FPS0157](#))

350 Rutland County Council ([FPS0071](#)) commented "the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered".

these statistics.³⁵¹ Fifthly, the decision to use workplace-based rather than residence-based earnings in the affordability ratio. Sixthly, whether it serves the objective of “levelling up” to have a reduction in the expected housing provision that is often lower than that provided in the last three years in certain local authorities.

110. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area.

111. We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres. *The Government should:*

- *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*
- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work.*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands.*

112. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should*

351 Office for Statistics Regulation, [Review of population estimates and projections produced by the Office for National Statistics](#), May 2021, pp 9, 19–20

also take account of criticisms of the existing 'standard method' and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.

- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority's assessment could then be evaluated by the Planning Inspectorate.*

6 How to deliver new homes

The challenge

113. The Government is committed to increasing the annual delivery of housing units in England to 300,000 units per year, enabling the supply of at least a million new homes by the end of the Parliament in 2024.³⁵² This is an immense challenge. During the 1930s there were several years when 300,000 housing units were completed. But since the Second World War in only six years (all in the 1960s) has this amount of housing been completed in England. This has only been achieved through extensive building of various types of housing, including social housing.³⁵³ The Government’s justification for the 300,000 new homes target is that “the result of long-term and persisting undersupply is that housing is becoming increasingly expensive.”³⁵⁴

114. There has been strong criticism of the failure of the Government to explain how it will deliver their target of 300,000 housing units. The Public Accounts Committee lamented in November 2020 that the Government had not clarified how it would achieve this target.³⁵⁵ Our report into *Building more social housing* in July 2020 called for targets for social rent, affordable rent, intermediate rent, and affordable homeownership. We argued that at least 90,000 social rent properties were needed.³⁵⁶

Views about the housing target

115. We received divided views about the 300,000 housing units target. Civic Voice told us that their survey of members found the majority accepted new housing, with strong support for the 300,000-unit target.³⁵⁷ Representatives from North Northamptonshire and the GLA supported it.³⁵⁸ The Adam Smith Institute thought 500,000 or a million homes a year should be produced given current prices.³⁵⁹ In contrast, other submissions stated that the 300,000 figure was “not based on any evidence”,³⁶⁰ or was “arbitrary.”³⁶¹ There was a questioning of the idea that increasing housing supply would automatically lower prices.³⁶² Having received doubts about whether the construction industry could deliver 300,000 units,³⁶³ we raised these concerns with developers. They assured us they could, although Philip Barnes noted that skills could be a barrier given the shortages of bricklayers and joiners.³⁶⁴

352 The Conservative and Unionist Party, [Get Brexit Done: Unleash Britain’s Potential](#), November 2019, p 31.

353 House of Commons Library, [Tackling the under-supply of housing in England](#), March 2020. See Tables 2.1 and 2.3 in the accompanying spreadsheet. The figures for the 1930s are from England and Wales, but the total number of completions exceeds the highest number of post-war completions in Wales. The calculation in the 1930s is from 1 April to 31 March, whereas post-war figures use the calendar year.

354 MHCLG, [White Paper: Planning for the Future](#), p 12. See also Oral evidence taken on 12 March 2018, HC (2017–19) 830, [Q3, Q11](#) (Dominic Raab MP)

355 Public Accounts Committee, Thirty First Report of the 2019–21 Session, [Starter Homes](#), HC88, para 3

356 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 53

357 Civic Voice ([FPS0076](#))

358 [Q36](#) (Andrew Longley and Lisa Fairmaner)

359 Adam Smith Institute ([FPS0085](#))

360 District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#))

361 South Worcestershire Councils ([FPS0015](#))

362 Mark Stevenson ([FPS0083](#)), London Tenants Federation ([FPS0112](#))

363 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

364 [Qq17–18](#) (Philip Barnes). This skills problem was also identified in Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, [Cm 9720](#), October 2018, p 9

116. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location.*

Build out

117. Much of the evidence dealing with housing delivery focused on the question of ‘build-out’ rates. This is the speed with which developments with planning permission are being completed. The Letwin Review, published in October 2018, examined build out rates on very large sites. It recommended increasing the number of mixed sites, with different types and tenures of housing, to tackle the problem.³⁶⁵

118. The Letwin Report’s conclusions were regularly cited by those attributing the slow delivery of new houses to developers rather than the planning system. It was also emphasised that one million planning permissions have been granted but not completed, and that nine out of ten planning applications are granted.³⁶⁶ Rutland County Council referred to remarks in 2017 by the then Minister for Housing, Alok Sharma MP, urging greater transparency about build-out rates.³⁶⁷ The council concluded that “Three years later no such action has been taken.”³⁶⁸ These complaints connected to the idea that local authorities were being unfairly blamed for not delivering housing and being penalised

365 Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, Cm 9720, October 2018, p 9

366 Tenterden Town Council (FPS0003), Cllr John Crawford (FPS0008), Daventry District Council (FPS0011), Rother Association of Local Councils (RALC) (FPS0012), Tamworth Borough Council (FPS0013), South Worcestershire Councils (FPS0015), North Southampton Community Forum (FPS0018), Liam Clegg (Lecturer at University of York) (FPS0019), Mr Richard Gilyead (FPS0022), Kent Association of Local Councils (FPS0028), TCPA (FPS0034), The Smith Institute (FPS0038), Campaign for National Parks (FPS0043), Institute of Historic Building Conservation (FPS0044), Oxfordshire Neighbourhood Plans Alliance (FPS0052), Local Government Association (FPS0056), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) (FPS0060), Rutland County Council (FPS0071), Wildlife & Countryside Link (FPS0075), Civic Voice (FPS0076), CPRE the countryside charity (FPS0077), Friends of the Earth England, Wales and Northern Ireland (FPS0081), Hills Homes Developments Ltd (FPS0084), Locality (FPS0086), London Borough of Hackney (FPS0091), Historic England (FPS0092), The Chartered Institute of Building (FPS0096), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) (FPS0108), Southwark Council (FPS0110), Royal Town Planning Institute (FPS0113), Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Aldersgate Group (FPS0120), Alan Wenban-Smith (Proprietor at Urban & Regional Policy) (FPS0124), The Beaconsfield Society (Civic Society) (FPS0130), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallant (FPS0131), Rother District Council and Burwash: Save our Fields (FPS0143), North Northamptonshire Joint Planning and Delivery Unit (FPS0147), City of London Corporation (FPS0148), Greater London Authority (FPS0149), Shelter (FPS0154), London Forum of Amenity & Civic Societies (FPS0156), National Trust (FPS0157), Action with Communities in Rural England (ACRE) (FPS0161)

367 Oral evidence taken on 1 November 2017, HC (2017–19) 494, Q90 (Alok Sharma MP)

368 Rutland County Council (FPS0071)

through the housing delivery test when slow build out rates were the true cause.³⁶⁹ Participants at our public engagement event also complained that developers were too slow at building out:

The government has been putting pressure on local authorities to get more houses built, but when you look at the number of sites that already have planning permission, there is no pressure on developers to build more next year than they built last year and to catch up on those sites. (Participant B, Room 1)

Our written evidence also highlighted that the retirement sector,³⁷⁰ and small builders tended to deliver faster build out rates because of the smaller scale of their development.³⁷¹ It was also claimed that build out rates were less of a problem with high-scale tower blocs in urban areas,³⁷² but that slow build out rates did stymie downsizing by the elderly.³⁷³

119. Defending their record, the Home Builders Federation also cited the Letwin Report to argue that “the delivery of housing is a complex issue that cannot merely be dismissed by criticising the build-out rate of sites with planning permission.” These included the differing times it takes to develop different sites, and local hostility to new housing.³⁷⁴ Developers disputed that they were deliberately slow, arguing instead that they encouraged swift delivery.³⁷⁵ Other explanations were offered, such as the challenges of viability as demonstrated by the slow pace of brownfield construction,³⁷⁶ and the uncertainty produced by a discretionary planning system.³⁷⁷ The Land Promoters and Developers Federation argued the one million unbuilt plots figure “does not reflect lapsed consents, large schemes where there is extensive work in progress, or schemes held back through un-discharged conditions or constraints.” It only accounted for three years’ worth of housing, despite LPAs needing to have five years’ worth of land included in their Local Plans.³⁷⁸ Barratt representative Philip Barnes cited various figures showing a need of 1 to 1.25 million planning permissions to deliver 250,000–300,000 homes a year. He later argued 4–5 million houses needed to either have permissions or be allocated in agreed Local Plans to be confident of getting 300,000 a year.³⁷⁹ He said that the greatest barrier to construction was the planning system.³⁸⁰

120. An alternative viewpoint was articulated by the estate agents Savills: “on balance we consider the planning system is not the greatest obstacle to delivery of housing in England.” Instead the problem was that permissions were not in the right place to reflect

369 Cllr John Crawford ([FPS0008](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), City of London Corporation ([FPS0148](#))

370 Lifestory Group ([FPS0116](#))

371 The Federation of Master Builders (FMB) ([FPS0125](#)), Midland Heart ([FPS0152](#)), [Q8](#) (Kate Henderson)

372 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

373 McCarthy & Stone ([FPS0061](#))

374 Home Builders Federation ([FPS0073](#))

375 Abri ([FPS0078](#)), [Q12](#) (Philip Barnes)

376 Peel L&P ([FPS0094](#))

377 Centre for Cities ([FPS0144](#))

378 Land Promoters and Developers Federation ([FPS0138](#))

379 [Q8](#), [Q11](#) (Philip Barnes)

380 [Q8](#) (Philip Barnes), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Abri ([FPS0078](#)), PricedOut ([FPS0129](#)), Centre for Cities ([FPS0144](#))

demand and the challenges of affordability.³⁸¹ Other submissions suggested both the planning system and build out rates were jointly at fault,³⁸² (or neither),³⁸³ or that the problem was multifaceted.³⁸⁴ Academics also cautioned against build out being seen as the primary problem, identifying instead “development finance, infrastructure provision, land ownership ... and legal delays.”³⁸⁵ A small number of submissions also mentioned the economic cycle,³⁸⁶ foreign ownership,³⁸⁷ lack of infrastructure,³⁸⁸ inequality,³⁸⁹ and a lack of demand.³⁹⁰

Speeding up build out rates

121. We received various suggestions on how to speed up build-out rates:

- Greater transparency in the land market and about which land has options on it.³⁹¹
- A mandatory delivery test that identified barriers to housing delivery and steps to mitigate them.³⁹²
- Greater delivery of housing through the public sector,³⁹³ including through the state purchasing land from non-builders and then selling it to developers with conditions on building within a particular timeframe.³⁹⁴
- Greater use of development corporations.³⁹⁵
- Empowering councils to direct diverse tenures be built within sites.³⁹⁶
- Streamlining the compulsory purchase process so local authorities can purchase land where developers have not met their agreed timescales for build out.³⁹⁷

381 Savills ([FPS0101](#))

382 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Homes for the South West ([FPS0070](#)), Sage Housing ([FPS0090](#)), National Housing Federation ([FPS0158](#))

383 Land Promoters and Developers Federation ([FPS0138](#))

384 The Chartered Institute of Building ([FPS0096](#)), Bartlett School of Planning, University College London ([FPS0097](#))

385 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

386 National Organisation of Residents Associations ([FPS0005](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

387 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

388 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), LSE London ([FPS0139](#))

389 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#))

390 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

391 [Q8](#) (Kate Henderson)

392 Cllr John Crawford ([FPS0008](#))

393 North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), The Chartered Institute of Building ([FPS0096](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#))

394 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

395 TCPA ([FPS0034](#))

396 Local Government Association ([FPS0056](#))

397 Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#))

- Penalties for major developers failing to build out permissions within a certain time frame without reasonable explanation.³⁹⁸
- Land value taxes,³⁹⁹ levying council tax a given amount of time after permission was granted,⁴⁰⁰ or taxing land in growth zones to encourage its rapid conversion to housing.⁴⁰¹
- Penalties (financial or through restriction of further consent) for delaying the completion of a planning permission.⁴⁰²
- Greater use of multi-tenure delivery on large sites, as proposed in the Letwin Review.⁴⁰³
- Requiring Section 106 agreements to be met within 12 months after permission was agreed, on pain of permission being cancelled.⁴⁰⁴

122. We asked developers about the proposals for taxes or penalties. Philip Barnes said: “They would have to be very, very carefully imposed”, and that mandatory build rates would need to be flexible to accommodate market circumstances. He mentioned that Barratt had previously reached such agreements with Homes England.⁴⁰⁵ He also expressed confidence Barratt could deliver within a three-year timeframe, except where the site was not yet owned when permission was granted. He noted 86% of sites with planning permission are not secured by housebuilders.⁴⁰⁶ Kate Henderson argued the “use it or lose it” approach was not the right way to deliver “the right homes in the high places of the right quality and with the right affordability in the face of a deep recession.” Brian Berry thought it would have little impact on small builders as they develop quickly, “but it would probably give a negative signal.”⁴⁰⁷

123. We asked the Minister about how the Government is ensuring planning permissions are built out, and about implementation of the Letwin Review’s recommendations. He argued some of the reforms proposed, such as zoning, would reduce incentives for developers to land bank (where land is purchased—or an option secured—for longer term strategic purposes rather than immediate development) because “they know that, as long as they tick the boxes and obey the law, they can build the homes.” It would reduce the fear of developers they would run out of land to build out before securing the next set of

398 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

399 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Campaign for National Parks ([FPS0043](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

400 Tenterden Town Council ([FPS0003](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), PricedOut ([FPS0129](#))

401 PricedOut ([FPS0129](#))

402 South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

403 British Property Federation ([FPS0127](#)), Greater London Authority ([FPS0149](#)), Midland Heart ([FPS0152](#))

404 Bristol City Council ([FPS0119](#))

405 [Q10](#) (Philip Barnes)

406 [Q14](#) (Philip Barnes)

407 [Q10](#) (Kate Henderson and Brian Berry)

planning permissions. These reforms would also encourage SMEs, which would reduce build out rates. He added he was keen to hear our thoughts on how to incentivise quicker build out.⁴⁰⁸

Encouraging small builders

124. One of the aims laid out in the Planning White Paper is to support small and self-builders, those wanting to build innovatively, to develop diverse types and tenures of housing, and use modern methods of construction (MMC). This is used to justify using a value-based charge in the National Infrastructure Levy. It also promised to explore how publicly-owned land can be used to support SME and self-builders.⁴⁰⁹ The Government also held a consultation on data on land control to help assist SMEs and new entrants to the housebuilding sector.⁴¹⁰ The Minister emphasised to us the role that he thought could be played by SMEs, arguing that funding for affordable housing would help SMEs develop, and that SMEs would help reduce build out times. Supporting them also justified the temporary raising of the Section 106 threshold on small sites.⁴¹¹ In February 2021 the Government announced a £250 million Housing Accelerator Fund resulting from a five-year lending alliance between Homes England and the United Trust Bank, to provide SME builders with loans worth up to 70% of the gross development value (the estimated value of what a completed development will be).⁴¹²

125. There has been a reduction in the contribution of small builders to house construction in recent years.⁴¹³ The Federation of Master Builders stated that SMEs had built 40% of new homes in 1980s, and 23% in 2008,⁴¹⁴ but now build only 12%.⁴¹⁵ The National Housing Federation agreed that the planning process was often harder for smaller developers, due to their lack of sites, equipment and specialist teams.⁴¹⁶ During our public engagement event we also heard concerns that the process was too onerous on small and self-builders:

Try and make them simpler. If it doesn't cause a problem with the neighbours, should it really go through an eight-week, £500 process? I don't think so. Some improvements in that area would be good for the smaller individuals.
(Participant A, Room 1)

126. We were informed that small builders “pay close attention to the quality of design and build, the building performance and the positive contribution the development can make to the locality.”⁴¹⁷ The Federation of Master Builders argued that SMEs do not landbank, foster “slow and organic growth” by building on small sites, and produce high quality homes that mitigate anti-development sentiments in communities. They proposed requiring Homes England to dispose of small parcels of land to SMEs with permission in principle for development. They also recommended requiring the ringfencing of land for self and custom build.⁴¹⁸ Other proposals included putting the Development Management

408 [Q131](#), [Q149](#) (The Minister)

409 MHCLG, [White Paper: Planning for the Future](#), pp 14, 49, 54–5

410 MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020

411 [Q126](#), [Q131](#), [Q147](#), [Q149](#) (The Minister)

412 MHCLG, [Homes England and United Trust Bank launch £250m Housing Accelerator Fund](#), 16 February 2021

413 Hills Homes Developments Ltd ([FPS0084](#)), The Chartered Institute of Building ([FPS0096](#))

414 [Q16](#) (Brian Berry)

415 The Federation of Master Builders (FMB) ([FPS0125](#))

416 National Housing Federation ([FPS0158](#))

417 Mark Stevenson ([FPS0083](#))

418 The Federation of Master Builders (FMB) ([FPS0125](#))

policies section of the NPPF on a statutory footing,⁴¹⁹ requiring that there be a minimum number of SME developers on large multi-developer sites, greater resources for local authorities to oversee larger housing sites, and the promotion of a wider range and mix of housing sites in Local Plans.⁴²⁰

127. However, the Government's proposals for SMEs was thought to have failed to address "wider issues about buying and assembling land, development finance, and legal issues" that act as barriers to entry SMEs.⁴²¹ We were also told aspects of the changes would harm SMEs, for example reducing available sites on the edge of settlements which would now become protected areas.⁴²²

128. It is important to be realistic about the contribution SMEs can make. The Federation of Master Builders' members reckoned they would build 12,000 homes in 2021, but with support and reforms to the planning system they could raise this to 65,000 homes by 2025.⁴²³ Nevertheless, the vast majority of the Government's 300,000 target would need to be produced by larger builders.

129. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

Specialist, affordable and social housing

130. In 2018 our predecessor committee published a report emphasising the importance of housing for older people.⁴²⁴ It was urged that the provision of specialist housing—for older people and the disabled—should play an important role in meeting the 300,000 unit target.⁴²⁵ The developer of retirement homes, McCarthy and Stone, commented that:

419 GL Hearn (FPS0141)

420 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin (FPS0033)

421 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098)

422 Stonewater (FPS0103)

423 The Federation of Master Builders (FMB) (FPS0125)

424 Housing, Communities and Local Government Committee, Second Report of the 2017–19 Session, [Housing for older people](#), HC 370

425 Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Lifestory Group (FPS0116)

The delays and uncertainty that we experience in the current planning process exacerbates the shortfall that already exists in specialist housing for older people. We therefore believe that the planning system should be adapted to facilitate the delivery of this much needed accommodation.⁴²⁶

131. Inspired Villages, a developer and operator of retirement communities, stressed the need for local authorities, through Local Plans, to identify and allocate appropriate amounts of different specialist housing.⁴²⁷ A specific issue highlighted by another specialist developer, Anchor Hanover, was the classification of retirement communities, some being deemed C2 class for residential institutions, and others C3 as dwelling houses. They suggested a broad C2R classification that would include retirement housing, which would include properties without 24/7 on site care/support but nonetheless provided extra care support.⁴²⁸

132. Our 2020 report on social housing recommended that a “social housebuilding programme should be top of the Government’s agenda to rebuild the country from the impact of COVID-19.”⁴²⁹ During this inquiry we were told that the only periods in post-war history where housebuilding rates had reached the 300,000 figure had been when there was very significant social housing building.⁴³⁰ This reflected support for affordable and social house construction being a significant part of the increase in housing units.⁴³¹ The survey and public engagement event highlighted a preference towards smaller housing, affordable or social housing, over larger homes. There were worries expressed that affordable housing supply would fall because of the Government’s proposed reforms.⁴³²

133. Shelter argued that there was a need for 90,000 social homes each year to meet housing needs.⁴³³ CPRE voiced support, with Crisis and the National Housing Federation, for 145,000 affordable homes per year. They proposed giving local authorities more support and powers over acquiring land and laying down requirements for housing types, designs, and tenures.⁴³⁴ Philip Waddy from RIBA eagerly supported the ideas in the White Paper for giving local authorities more power to develop their own housing.⁴³⁵ There was disagreement on whether affordable housing need should be determined locally,⁴³⁶ or that instead affordability calculations in the housing formula should be used to produce specific targets by types of housing tenure.⁴³⁷

134. We asked about the Government’s view of the role of affordable housing in delivering 300,000 housing units. The Minister pointed to funding through the affordable homes programme that had produced 240,000 new affordable homes in the past and aimed to produce 180,000 in the future (with 32,000 at social rent). Half of these were at affordable

426 McCarthy & Stone ([FPS0061](#))

427 Inspired Villages ([FPS0167](#))

428 Anchor Hanover ([FPS0074](#))

429 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 70

430 Rutland County Council ([FPS0071](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

431 TCPA ([FPS0034](#)), The Smith Institute ([FPS0038](#)), Local Government Association ([FPS0056](#)), Royal Institution of Chartered Surveyors ([FPS0065](#))

432 The Smith Institute ([FPS0038](#))

433 Shelter ([FPS0154](#))

434 CPRE the countryside charity ([FPS0077](#))

435 [Q77](#) (Philip Waddy)

436 Homes for the South West ([FPS0070](#))

437 Royal Town Planning Institute ([FPS0113](#))

or social rent; the other half being for owner occupation. He argued that Government reforms to the Housing Revenue Account had made it easier for local authorities to build social housing. In addition

our proposals to reform the planning system will make it much more transparent and much quicker, and will make sure that the infrastructure required to support homes is also built quickly. That is the objective. That should also help builders building homes, whether they are for private sale, private rent or affordable homes that are socially rented.”⁴³⁸

135. In January 2021, the Government announced the “opening a new Community Housing Fund to support community-based organisations to bring forward local housebuilding projects for the £11.5 billion Affordable Homes Programme, backed by £4 million of support for local plan.”⁴³⁹ But its unwillingness to have as specific target for social rent accommodation was reiterated by the Parliamentary Under Secretary of State for Rough Sleeping and Housing, the Hon. Eddie Hughes, when giving evidence to our inquiry about the impact of COVID-19 on homelessness and the private rented sector.⁴⁴⁰

136. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.

First Homes

137. Section 106 agreements are negotiated between local authorities and developers and place conditions on a development. For example, they might require a proportion of the housing being built be affordable housing. The Government consultation proposed that 25% of housing units built through Section 106 agreements would have to be provided through First Homes. These are properties which will be sold at a discount of at least 30%, to local people and prioritising first-time buyers, members and veterans of the armed forces and other key workers. The discount will be passed on to future buyers when they are resold.⁴⁴¹ There would be exceptions for certain sites. First Homes would also be exempt from the Community Infrastructure Levy.⁴⁴²

138. We were warned that First Homes risked weakening shared ownership provision. Homes for the South West reckoned it would reduce their delivery by 5–10%.⁴⁴³ Sage Housing calculated their delivery of shared ownership would fall from 9,000 per annum

438 [Q125](#) (The Minister)

439 [“All new developments must meet local standards of beauty, quality and design under new rules”](#), MHCLG, 30 January 2021

440 [Q347](#) (Eddie Hughes)

441 MHCLG, [First Homes: Summary of responses to the consultation and the Government’s response](#), August 2020, pp 3–8

442 MHCLG, [Changes to the current planning system](#), pp 19–24

443 Homes for the South West ([FPS0070](#))

to 1,500 per annum because of First Homes. They accordingly wanted greater flexibility on delivering both First Homes and Shared Ownership.⁴⁴⁴ There were also concerns about the loss of other types of affordable housing (and social housing) brought about by the Government's proposed requirement that 25% of affordable housing contributions should be First Homes. Doubts were expressed the First Homes would be affordable, particularly for key workers such as nurses and for those resident in London.⁴⁴⁵ It was also suggested there should be a much wider rural exemption.⁴⁴⁶ It was suggested that exemptions from the Infrastructure Levy should apply to all discounted market sale homes and affordable rent to buy properties.⁴⁴⁷ In April 2021 the Government reiterated their proposal that 25% of Section 106 units be First Homes, albeit with exemptions for certain sites.⁴⁴⁸

139. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.

Brownfield sites

140. Concerns have previously been expressed that housing policies, such as the housing delivery test, have promoted building on greenfield sites ahead of brownfield.⁴⁴⁹ This was reinforced by the drop in the proportion of new residential addresses being created on previously developed land. In the last year for which figures are available, 2017–18, 53% of such addresses were created on previously developed land. This was a lower proportion than in the four preceding years, especially the 61% figure for 2015–16.⁴⁵⁰

141. Our public engagement survey found widespread support for preferring brownfield sites over greenfield locations. Among the responses we were told:

Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.

Brown field should be exhausted until green belt building is even considered.

444 Sage Housing ([FPS0090](#))

445 Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), Locality ([FPS0086](#)), London Forum of Amenity & Civic Societies ([FPS0156](#))

446 Hever Parish Council ([FPS0007](#)), National Housing Federation ([FPS0158](#))

447 Pocket Living ([FPS0023](#)), Rentplus-UK Ltd ([FPS0047](#))

448 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

449 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, [HL Paper 330](#), para 329

450 MHCLG, [Land Use Change Statistics in England: 2017–18](#), May 2019, Table 1, p 4. These figures exclude conversation to residential, although the impact of doing so is minute.

142. There were similar calls to emphasise and use brownfield sites in our evidence.⁴⁵¹ This including possibly introducing compulsory brownfield targets,⁴⁵² or that undeveloped brownfield land could be taxed to encourage its development.⁴⁵³ We were told that brownfield sites could often be the location for specialist retirement housing.⁴⁵⁴ Debates over brownfield land often intertwined with discussions about the Green Belt. Those favouring a reconsideration of the Green Belt policy were often cautious about a brownfield-only approach.⁴⁵⁵ However Newcastle City Council warned “Development of ... brownfield land can be complex with off- and on-site infrastructure needs, underground contamination and abnormals that could not be assessed and mitigated via a permission in principle [approach].”⁴⁵⁶

143. The Government has allocated additional funding to brownfield sites, with £400 million allocated in the 2020 Budget to councils and Mayoral Combined Authorities,⁴⁵⁷ and a further £100 million for non-Mayoral Combined Authorities for 2021–22 at the 2020 Spending Review.⁴⁵⁸

144. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target.⁴⁵⁹ Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites.

Permitted Development Rights

145. We received extensive evidence about permitted developments rights (PDRs) where changes to buildings can take place without needing to apply for individual planning permission. PDRs cover a range of activities, including home extensions and the change of use of buildings. Although there was some support for the broader principle of speeding up development, particularly for utilities,⁴⁶⁰ there was far more criticism. The unintended consequences of successive reforms showed a consistent lack of safeguards.⁴⁶¹ PDR

451 National Organisation of Residents Associations ([FPS0005](#)), NALC ([FPS0021](#)), St Albans Civic Society ([FPS0057](#)), CPRE the countryside charity ([FPS0077](#)), Royal Town Planning Institute ([FPS0113](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

452 NALC ([FPS0021](#))

453 Silverdale Parish Council ([FPS0100](#))

454 McCarthy & Stone ([FPS0061](#)), Lifestory Group ([FPS0116](#))

455 British Property Federation ([FPS0127](#)), [Q105](#) (Nigel Wilson)

456 Newcastle City Council ([FPS0159](#))

457 HM Treasury, *Budget 2020*, [HC 121](#), March 2020, pp 47, 80

458 HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, pp 35, 73

459 A point acknowledged by the Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, p 43

460 McCarthy & Stone ([FPS0061](#)), Water UK ([FPS0140](#)), Midland Heart ([FPS0152](#))

461 Bartlett School of Planning, University College London ([FPS0097](#))

was also seen to the weaken local authorities' ability to shape places;⁴⁶² and diminish community engagement in the planning process.⁴⁶³ Concerns were raised about the poor quality of design and lack of amenities;⁴⁶⁴ the perceived negative impact of PDR in urban,⁴⁶⁵ and in rural areas;⁴⁶⁶ the loss of business space through conversion of offices to housing;⁴⁶⁷ the increase of potential fire risks;⁴⁶⁸ and the negative impact on cultural and creative clusters.⁴⁶⁹ There was alarm the extension of PDR would harm local listed heritage,⁴⁷⁰ and undermine the protection of habitats and species.⁴⁷¹ Given these concerns and our long-standing interest in this subject, we have now began a separate inquiry which will make recommendations on this subject.

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- 462 Tenterden Town Council ([FPS0003](#)), Local Government Association ([FPS0056](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Highgate Society ([FPS0155](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))
- 463 Tenterden Town Council ([FPS0003](#)), Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), City of London Corporation ([FPS0148](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 464 Institute of Historic Building Conservation ([FPS0044](#)), Bristol City Council ([FPS0119](#)), City of London Corporation ([FPS0148](#))
- 465 Newcastle City Council ([FPS0159](#))
- 466 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 467 Tenterden Town Council ([FPS0003](#))
- 468 National Fire Chiefs Council ([FPS0040](#))
- 469 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 470 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Royal Town Planning Institute ([FPS0113](#))
- 471 Wildlife & Countryside Link ([FPS0075](#))

7 Omissions

Introduction

146. The planning system deals with more than housing. A strong perception in our evidence was that the Government’s proposals unduly concentrate on housing at the expense of other elements of planning. Several submissions listed a series of omissions from the White Paper.⁴⁷² A first strand of omissions related to economic activities being ignored. These included mineral provision,⁴⁷³ commercial property,⁴⁷⁴ agriculture,⁴⁷⁵ local shopping areas,⁴⁷⁶ London, economic activities, the environment,⁴⁷⁷ and how the planning reforms are linked to bolstering employment.⁴⁷⁸ The British Property Federation simply stated “two words absent from the White Paper are ‘commercial property’”.⁴⁷⁹ A second strand of omissions related to housing—such as specialist housing for the disabled and the elderly (including how to cope with an ageing population),⁴⁸⁰ the role of credit and the impact of the financialisation of housing,⁴⁸¹ and provision for gypsy and traveller communities.⁴⁸² A third strand included worries about the omission of transport-related subjects, especially how sustainable transport would be encouraged.⁴⁸³ A fourth strand related to the lack of discussion of other subjects connected to the planning system, such as energy networks,⁴⁸⁴ and the perceived lack of detail around climate change,⁴⁸⁵ Green Belt,⁴⁸⁶ neighbourhood plans,⁴⁸⁷ and the protections for historic, environmental and architectural buildings,⁴⁸⁸ and leisure facilities for play and sport.⁴⁸⁹

The Minister’s response

147. We asked the Minister about these omissions. He stated that the three zones approach “is also designed to make sure that local communities can say what commercial sorts of developments they want in those places to support their local communities.” He pointed

472 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Peel L&P ([FPS0094](#)), City of London Corporation ([FPS0148](#))

473 Mineral Products Association ([FPS0050](#)), Rutland County Council ([FPS0071](#))

474 Accessible Retail ([FPS0053](#)), Ark Data Centres ([FPS0063](#))

475 Rutland County Council ([FPS0071](#))

476 Robert Rush ([FPS0163](#))

477 [Q96](#) (Claire Dutch)

478 Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

479 British Property Federation ([FPS0127](#))

480 Centre for Ageing Better ([FPS0055](#)), Rutland County Council ([FPS0071](#))

481 Bartlett School of Planning, University College London ([FPS0097](#))

482 London Gypsies and Travellers ([FPS0067](#)), Rutland County Council ([FPS0071](#))

483 Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunaeu (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Cycling UK ([FPS0123](#))

484 National Grid ([FPS0088](#))

485 Local Government Association ([FPS0056](#)), Rutland County Council ([FPS0071](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))

486 Paul G. Tucker QC ([FPS0153](#))

487 Paul G. Tucker QC ([FPS0153](#))

488 [Q100](#) (Claire Dutch), The Heritage Alliance ([FPS0066](#)), District Councils’ Network ([FPS0082](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

489 Mr Simeon Shtebunaeu (Doctoral Researcher at Birmingham City University) ([FPS0072](#))

to the permitted development rights announcement and funding through the Town Funds and High Streets Fund to show support for commercial spaces. Regarding other omissions he stated that:

I cannot commit to what is going to be in the legislation until we have seen what comes back in the consultation ... You have seen the key themes and foci that we have, but that does not mean to say that we will not include other things or refine things as we move through the consultation and toward legislation.⁴⁹⁰

148. We agree that the Government’s proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The ‘levelling up’ agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament*

8 Land capture and the funding of infrastructure

Background

149. There have been three attempts in the post-war era to capture the increases in land value that result from planning permission and housing development.⁴⁹¹ Subsequently, a Mandatory Tariff was proposed but not implemented in 2001, and an optional planning charge was only partially implemented as an alternative to Section 106 agreements. The Barker Review of 2004 recommended a planning-gain supplement when planning permission was granted.⁴⁹² Criticism of it, including from one of our predecessor committees,⁴⁹³ meant it was abandoned in 2006. Instead, in 2010, the Community Infrastructure Levy (CIL) was introduced.

150. The CIL is a locally determined, fixed-rate development charge, and is optional. The CIL charge is levied in terms of £ per square metre, and subject to two rounds of statutory public consultation and review by an Independent Examiner. Different areas of a planning authority and types of development can have different charging rates. Local authorities must publish a charging schedule and a list of priorities for expenditure.⁴⁹⁴ The CIL operates alongside Section 106 agreements. These agreements are legally enforceable contracts between the developer and the LPA to ensure the delivery of new infrastructure, including highways, public transport, education, community and cultural facilities, environmental mitigation and affordable housing. The main difference between the two is that the Section 106 agreements raises revenue for infrastructure mainly associated with a particular planning decision and its acceptability, whereas the CIL is intended to fund development across a wider area.

151. In 2017 a Government-commissioned review into the CIL was published.⁴⁹⁵ It found that the CIL was not raising as much money as central government and local authorities had expected, that developers preferred Section 106 over the CIL for large mixed-used sites, and the CIL receipts did not enable all necessary infrastructure to be delivered. They recommended introducing “a broad and low-level Local Infrastructure Tariff (LIT) and Section 106 for larger developments.” The LIT would be based on a national formula, based on local market value set at a rate of £ per square metre, with few or no exemptions. Where the cost of collection would be too high for local authorities, the levy would be charged on gross development. Small developments of 10 units or less should only pay LIT. However, in 2018, when the Government held a consultation on reforms to the CIL they did not

491 In 1947 a 100% development charge was set on value accruing because of the granting of planning permission. It was repealed in 1954. In 1967 a ‘betterment levy’ of 40% was introduced. That levy was repealed in 1970. A third effort took place in the 1970s. A Development Gains Tax was introduced in 1973, followed by a Development Land Tax introduced in 1976 and levied at 66.6% to 80% of development value. This tax was abolished in 1985.

492 Kate Barker, [Review of Housing Supply: Delivering Stability – Securing our Future Housing Needs, Final Report](#), (2004), p 87, recommendation 26

493 Communities and Local Government Committee, Fifth Report of the 2005–06 Session, [Planning Gain Supplement](#), HC 1024-I

494 MCHLG, [Community Infrastructure Levy](#), November 2020

495 MHCLG, [A New Approach to Developer Contributions: A report by the CIL Review Team](#), February 2017

recommend introducing a LIT.⁴⁹⁶ The Government did express support for the Mayoral Community Infrastructure Levies that apply in London and other mayoral Combined Authorities. Nevertheless, several submissions to our inquiry showed continuing support for the 2017 recommendations.⁴⁹⁷

152. In 2018 our predecessor committee published a report on land value capture. Among its main recommendations were urging further consideration of the 2017 review's Local Infrastructure Tariff, and that in the meantime the Government should reform the CIL to reduce exemptions and its complexity. It also argued that more uplift in land value could be captured. For instance, it urged reform of the Land Compensation Act 1961, moving away from the 'hope value' currently received by landowners from local authorities when land is compulsorily purchased. This value includes that which would result from speculative future planning permission. Instead the valuation should reflect the costs of providing affordable housing, infrastructure, services, and the profit the landowner would have made. Such changes could make a new generation of New Towns feasible. The Compulsory Purchase Order regime should be simplified, and decisions made locally. The report supported retaining Section 106 and improving the resources for local authorities to negotiate with developers. Section 106 should also not be undermined by the otherwise commendable idea of a Strategic Infrastructure Tariff, which could be extended across the country and fund major infrastructure projects.⁴⁹⁸ In 2019 a House of Lords Committee also recommended the Government establish a six-month inquiry into land value capture.⁴⁹⁹

153. We reiterated our commitment to reform of the Land Compensation Act 1961 in our recent report on social housing.⁵⁰⁰ Our terms of reference for this inquiry asked what progress had been made following the 2018 report. The main change noted in evidence was the increased transparency of viability assessments. Furthermore, the basis for judging the viability of schemes has shifted to 'existing use value' with a premium that considers Section 106 and CIL contributions.⁵⁰¹ Otherwise progress had been limited.⁵⁰² Reforms are still needed to the Land Compensation Act 1961.⁵⁰³ The National Housing Federation argued the White Paper had gone much further, through proposing the abolition rather than reform of Section 106 and the CIL.⁵⁰⁴

496 MHCLG, [Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing and infrastructure](#), March 2018; MHCLG, [Government response to supporting housing delivery through developer contributions](#), October 2018

497 [Q 2](#) (Philip Barnes), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#))

498 Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 766

499 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, , [HL Paper 330](#), para 361

500 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 36

501 TCPA ([FPS0034](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Peel L&P ([FPS0094](#))

502 TCPA ([FPS0034](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), District Councils' Network ([FPS0082](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Royal Town Planning Institute ([FPS0113](#)), Land Promoters and Developers Federation ([FPS0138](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#))

503 NALC ([FPS0021](#)), Greater London Authority ([FPS0149](#)), Homes for the South West ([FPS0070](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), PricedOut ([FPS0129](#)), Shelter ([FPS0154](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

504 National Housing Federation ([FPS0158](#))

154. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee’s report into land value capture. The Government’s response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. We call upon the Government to act upon the whole range of recommendations in our predecessor committee’s Land Value Capture report.

The Community Infrastructure Levy (CIL)

155. MHCLG sponsored research that was published in August 2020 showed that developers contributions in England in the financial year of 2018–19 paid through CILs and Section 106 agreements were valued at £7 billion (a real terms increase of 9% from 2016–17). The contributions were made up of 67% going into affordable housing, 18% from other parts of Section 106 contributions, 12% from the CIL and 3% from the Mayoral CIL. 90% of local authorities attached planning conditions using Section 106. The majority of developer contributions agreed were in London and the South East, although London’s share of the overall total had fallen from 38% in 2016–17 to 28% in 2018–19. By the end of 2019 48% of LPAs had adopted CILs compared to 39% in 2016–17.⁵⁰⁵

156. The Government White Paper proposed to replace Section 106 and the CIL with a new National Infrastructure Levy. This would be “a nationally-set value based flat rate charge.” Either a single or varied rate could be set by central government. It would be charged on the final value of a development and at the point of occupation. There would be a minimum threshold below which it would not be charged. Councils would be able to borrow against Infrastructure Levy revenues to fund infrastructure. Residences created through permitted development rights would be subject to the levy. The Infrastructure Levy could cover the provision of affordable housing, with in-kind delivery built on-site being discounted from the Levy charge. Local authorities would have greater flexibility over using levy funds and could demand cash contributions if no affordable housing provider was prepared to purchase the homes because they were poor quality. The Government argued that this approach would raise more revenue than under the current system, deliver as much or more affordable housing and remove the need for months of negotiations of Section 106 agreements. They also proposed retaining the Mayoral Community Infrastructure Levies, which apply in London and the mayoral combined authorities, “as part of the Infrastructure Levy to support the funding of strategic infrastructure”.⁵⁰⁶

157. The CIL came in for rigorous criticism, being described as “both complicating and challenging”.⁵⁰⁷ The CIL “does not work in low growth areas”,⁵⁰⁸ and “[t]he levy has been subject to many changes, has not always been spent on infrastructure critical to development and does not work well for large and complex sites.”⁵⁰⁹ The Federation of Master Builders’ survey in 2020 found 55% of their respondents thought the CIL and Section 106 rendered sites unviable, and thought “that CIL is arbitrary and unpredictable between different

505 MHCLG, [The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018–19](#), August 2020, pp 8–10

506 MHCLG, [White Paper: Planning for the Future](#), pp 47–53; [Q161](#) (The Minister)

507 Pocket Living ([FPS0023](#))

508 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

509 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

authorities”, resulting from “viability concerns” and “exemptions”.⁵¹⁰ However the City of London Corporation stated that the CIL and Section 106 were working well, providing valuable contributions, both financial and in training and skills, and thus “Wholesale replacement with a new system would be a retrograde step.”⁵¹¹ There was support for the mayoral CIL. The GLA told us that over £743 million had been collected in 2019–20, to help towards delivering Crossrail.⁵¹²

Section 106

158. Opinions about Section 106 were more positive than those of the CIL. The National Housing Federation drew this distinction, arguing that “In contrast to CIL and previous levies—and as the committee has recognised—Section 106 has been relatively successful and has scope to be improved.”⁵¹³ Their representative expressed a wish to preserve Section 106.⁵¹⁴ Section 106 was also praised for helping deliver affordable housing.⁵¹⁵ Particular stress was placed on how Section 106 imposes legally enforceable obligations on developers, facilitating affordable housing and sustainable transport. It was noted that the contracts existing under Section 106 agreements were not envisaged under the new levy.⁵¹⁶ Different infrastructure related organisations highlighted the importance of Section 106 agreements.⁵¹⁷ This fed into worries about the ambiguity of how the new Levy would operate in relation to nuclear legacy sites or decommissioning.⁵¹⁸

159. This was not a view shared by all. The Centre for Cities termed Section 106 “a deeply inefficient form of taxation, which delays development by inducing trench-warfare negotiations between developers and local authorities over planning obligations.”⁵¹⁹ The suspicion of secretive negotiations persisted despite the reforms to viability arrangements,⁵²⁰ alongside unhappiness at having to renegotiate them when developers offered a new viability case.⁵²¹ The LGA acknowledged councils “often do not have sufficient skills and capacity to evaluate viability appraisals and so outsource them to independent consultants for advice. In contrast developers are well resourced.”⁵²² Local authorities were in turn criticised for providing a “shopping list of aspirations” to developers to meet through Section 106.⁵²³ It was argued that both the CIL and Section 106 were also too narrowly focused, for instance with limited ability to fund different modes of transport.⁵²⁴

510 The Federation of Master Builders (FMB) ([FPS0125](#))

511 City of London Corporation ([FPS0148](#))

512 Greater London Authority ([FPS0149](#))

513 National Housing Federation ([FPS0158](#))

514 [Q22](#) (Kate Henderson)

515 Shelter ([FPS0154](#)), National Housing Federation ([FPS0158](#))

516 Daventry District Council ([FPS0011](#)), Savills ([FPS0101](#)), Stonewater ([FPS0103](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

517 National Grid ([FPS0088](#))

518 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

519 Centre for Cities ([FPS0144](#))

520 Just Space ([FPS0115](#))

521 [Q48](#) (Andrew Longley)

522 Local Government Association ([FPS0056](#))

523 Paul G. Tucker QC ([FPS0153](#))

524 Urban Mobility Partnership ([FPS0122](#))

160. The Minister defended reforming Section 106—he stated approximately 80% of councils had told him that Section 106 agreements do not work effectively, and were seen as opaque, slow, and subject to renegotiations that alter the end outcomes.⁵²⁵ Simon Gallagher did acknowledge that the non-financial functions of Section 106 agreements would need to be retained in a new system.⁵²⁶

161. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements.*

Views of the Government's reforms

162. As with other aspects of the Government's reforms, significant parts of our evidence were devoted to lamenting the lack of details about aspects of the proposed infrastructure levy. Homes for the South West stated:

The current proposals for an Infrastructure Levy (IL) to replace the Community Infrastructure Levy (CIL) and Section 106 planning obligations provide very little detail regarding how delivery will take place; how levels will be set, what the makeup will be, or indeed how it will be secured, delivered, if needed, varied and monitored on a site by site basis.⁵²⁷

This was echoed by the Home Builders Federation,⁵²⁸ and the British Property Federation who were concerned about whether the levy would apply to office developments and if viability assessments would persist.⁵²⁹ The LGA stated “It is unclear in the White Paper, however, how any new Infrastructure Levy will work with Neighbourhood Plans.”⁵³⁰

163. Daventry District Council provided a mixed view. They noted that the levy would “remove ‘cliff edge’ situations” where “a slight difference in [the] scale of development results in markedly different levels of contribution.” However, they noted site boundaries could be used to game the system by excluding adjoining land. They worried about the loss of the non-financial aspects of Section 106 agreements (e.g. restrictions on land use), and the delivery of affordable housing.⁵³¹

164. It was suggested that the white paper should have gone further—for example taxing increases in land value,⁵³² partially removing capital gains tax relief from principle private residences,⁵³³ and restricting the ability of developers to “claim later that the site is no longer financial viable”.⁵³⁴ Local authority organisations also urged the strengthening of compulsory purchase orders (CPOs) to enable them to “bring forwards stalled sites.”⁵³⁵ The CPRE urged that “Local councils should have first refusal on buying development land”, alongside confiscating planning permissions where build-out was too slow.⁵³⁶

525 [Q126](#) (The Minister)

526 [Q126](#) (Simon Gallagher)

527 Homes for the South West ([FPS0070](#))

528 Home Builders Federation ([FPS0073](#))

529 British Property Federation ([FPS0127](#))

530 Local Government Association ([FPS0056](#))

531 Daventry District Council ([FPS0011](#))

532 Rother Association of Local Councils (RALC) ([FPS0012](#)), North Southampton Community Forum ([FPS0018](#))

533 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

534 Rother Association of Local Councils (RALC) ([FPS0012](#))

535 District Councils' Network ([FPS0082](#)). See also Local Government Association ([FPS0056](#))

536 CPRE - The Countryside Charity ([FPS0165](#))

How much revenue would it bring in?

165. In considering the Government’s reforms, we examined how much money the shift to the Infrastructure Levy was likely to raise. We were given figures ranging from 25–30% of developmental value to 50–60% of land value for how much land value capture already takes place.⁵³⁷ The District Council Network argued that “Currently CIL and S106 are fairly limited in their effectiveness of capturing land value uplift.”⁵³⁸ Shelter cited the Centre for Progressive Policy’s estimate that reforming the Land Compensation Act 1961 could raise £214 billion over 20 years.⁵³⁹

166. We were told by the RTPI that because of the challenges of setting a single levy for the whole country it was difficult to judge how much revenue would be raised.⁵⁴⁰ Hackney Council expressed a hope that there would be an increase in the amount captured, arguing for “a genuinely meaningful contribution to the costs incurred.”⁵⁴¹ This echoed other calls for additional revenues to be raised through the reforms.⁵⁴² The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) thought that CIL rates were often too low and brought in less than Section 106 contributions—and feared the same would happen with the national infrastructure levy.⁵⁴³ Detailed assessment by academics submitted to us suggested the Infrastructure Levy would not raise much more than the current Section 106 and CIL contributions. The amount of revenue raised would depend on the rate of the levy, the threshold above which it is charged, and how much prioritisation is given to affordable housing compared to other infrastructure. There would be some additional funding resulting from the levy being applied more widely to non-residential developments.⁵⁴⁴

167. The Minister argued there would be more revenue due to the assessment of “land value on its final developable value” rather than assessing the value prior to construction.⁵⁴⁵

Local versus national rates

168. There was opposition to the idea of a single national rate for the new levy. This was mainly due to the differences in land values across the country.⁵⁴⁶ Furthermore, we were warned that charging a single rate would risk disproportionately impacting areas with lower land values but higher infrastructure costs - notably in northern towns and cities.⁵⁴⁷ A 20% national levy rate would be both too high for low land value areas whilst not capturing much from higher value areas.⁵⁴⁸ The British Property Federation argued “[t]he more any levy can be tailored to individual circumstances the more it is likely to raise.”⁵⁴⁹

537 CLA ([FPS0049](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#))

538 District Councils’ Network ([FPS0082](#))

539 Shelter ([FPS0154](#))

540 [Q76](#) (Richard Blyth)

541 London Borough of Hackney ([FPS0091](#))

542 Local Government Association ([FPS0056](#)), Anchor Hanover ([FPS0074](#))

543 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

544 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

545 [Q126](#), [Q161](#) (The Minister)

546 Pocket Living ([FPS0023](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), [Q46](#) (Lisa Fairmaner), [Q76](#) (Richard Blyth), [Q78](#) (Paula Hewitt)

547 Homes for the South West ([FPS0070](#))

548 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

549 British Property Federation ([FPS0127](#))

In contrast, the Federation of Master Builders applauded a single rate calculated “in a clear and transparent way” and “in a consistent way across the country”.⁵⁵⁰ The Minister stated that there had been no final decision over whether to have a national rate, or several localised ones.⁵⁵¹

Redistribution

169. The White Paper stated that “Revenues would continue to be collected and spent locally.”⁵⁵² This approach was supported by St Albans Civic Society who saw local spending as necessary to ensure public trust.⁵⁵³ Local authority representatives and the RTPI also wanted funds raised locally to be spent locally, although it was acknowledged it would be insufficient to cover “strategic infrastructure”.⁵⁵⁴ There was also a call for a stronger role for neighbourhood forums in deciding on local priorities for spending the levy revenue.⁵⁵⁵

170. In contrast the TCPA told us:

There is recognition but no discussion in the White Paper of the single biggest flaw of the current approach relating to capturing development values, which is its tendency to yield more for high demand communities providing no mechanism for redistribution for those places requiring regeneration.⁵⁵⁶

The Canal and River Trust also supported the need for redistribution.⁵⁵⁷ We were also told that the lack of redistribution would worsen existing regional inequalities.⁵⁵⁸ The RICS noted that the lack of land value capture “does not mean the funding is not needed for the infrastructure”.⁵⁵⁹ We were also told that the debate over land value capture reflected “London-centric assumptions on land economies” and that many parts of the country, including in south-east England, had “viability challenges.”⁵⁶⁰

171. The Minister explained a decision needed to be made about a national or a localised levy (with different rates in various parts of the country) before considering the questions around redistribution: “We will have to see where it lands and then what we need to do to make sure that we do not see areas disadvantaged.”⁵⁶¹

550 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q2](#) (Brian Berry)

551 [Q126](#), [Q161](#) (The Minister)

552 MHCLG, [White Paper: Planning for the Future](#), p 49

553 St Albans Civic Society ([FPS0057](#))

554 [Q47](#) (Lisa Fairmaner) [Q51](#) (Andrew Longley), [Qq80–81](#) (Richard Blyth)

555 Neighbourhood Planners London ([FPS0032](#))

556 TCPA ([FPS0034](#))

557 Canal & River Trust ([FPS0048](#))

558 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#)), [Q20](#) (Kate Henderson), [Q77](#) (Paula Hewitt), [Q78](#) (Philip Waddy)

559 [Q77](#) (Tony Mulhall)

560 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

561 [Q163](#) (The Minister)

At what point should the levy be charged?

172. The Government has proposed charging the levy at the point of the occupation of a property, and letting local authorities borrow against the expected levy revenue to finance infrastructure in advance. It was noted that this put the risk onto local authorities, who might have to borrow at relatively high rates “because of uncertainties about value and timing of such income.”⁵⁶² There were also complaints there would be gaming of the system.⁵⁶³ There were calls for clarity on whether residual land value or gross development value would be used.⁵⁶⁴ We were warned it could discourage brownfield sites being brought forward.⁵⁶⁵ The change would also increase the uncertainty surrounding the delivery of infrastructure linked to developments, which in turn would reduce the amount of infrastructure available.⁵⁶⁶ The British Property Federation also told us that while paying at the end “has cashflow attractions but would raise considerable challenges around trigger points and valuations” and their members had fears over the delivery of infrastructure on time.⁵⁶⁷

173. Developers did express support for the change.⁵⁶⁸ We were told that moving to the occupation point would help small developers,⁵⁶⁹ “obviate some of the issues around viability”,⁵⁷⁰ and would be more efficient through being applied to every development.⁵⁷¹ When asked about the possible burden on councils, the Minister said:

We want to design a system that protected local authorities but does not discourage developers, particularly smaller developers, from developing because the levy cost might be a barrier for entry to them.⁵⁷²

Affordable housing

174. There was some scepticism about funding affordable housing through the levy, either through payments or through in-kind delivery.⁵⁷³ It was noted that the levy would be less

562 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)). See also England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

563 Daventry District Council ([FPS0011](#)), Mr Richard Gilyead ([FPS0022](#)), London Borough of Hackney ([FPS0091](#))

564 Ark Data Centres ([FPS0063](#))

565 Homes for the South West ([FPS0070](#))

566 UK Women’s Budget Group ([FPS0025](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Institution of Civil Engineers ([FPS0035](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), [Q46](#) (Lisa Fairmaner)

567 British Property Federation ([FPS0127](#))

568 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q23](#) (Philip Barnes and Brian Berry)

569 Pocket Living ([FPS0023](#))

570 District Councils’ Network ([FPS0082](#))

571 Centre for Cities ([FPS0144](#))

572 [Q162](#) (The Minister)

573 Rother Association of Local Councils (RALC) ([FPS0012](#))

prescriptive than Section 106 in its requirements for affordable housing.⁵⁷⁴ These concerns fed into fears the new levy could result in less affordable housing.⁵⁷⁵ The GLA also singled out the infeasibility of handing affordable housing back to developers “if the subsidy from the affordable housing is greater than the amount of Levy to be paid.”⁵⁷⁶ The National Housing Federation, the main trade body for housing associations, stated:

We are also unclear on what the promised “as much, or more” affordable housing under the new system refers to. Is it the equivalent to the current system, which delivered 28,000 affordable homes through Section 106 in 2018/19—or the number in existing affordable tenures anticipated after proposed changes to introduce First Homes and raising the Section 106 threshold? The latter would mean a major reduction in the supply of current affordable tenures.⁵⁷⁷

It was also argued that including affordable housing in the levy would require proper appreciation of the costs of different types of affordable housing, whose values often fluctuates over time, resulting in greater complexity and risk for developers.⁵⁷⁸ The District Councils Network argued the risks of payment in kind for affordable housing was twofold. It could either leave insufficient revenue for other infrastructure,⁵⁷⁹ or spending on infrastructure would mean less affordable housing is delivered. They preferred on site delivery as being more cost effective.⁵⁸⁰ Conversely, the City of London Corporation welcomed the ability of affordable housing to be delivered off-site.⁵⁸¹ One way of breaking the potential conflict came from the RTPI, who suggested that the Government increase grant funding. This could build 145,000 social homes a year (90,000 at social rent), with reduced reliance on developer contributions.⁵⁸²

Small sites and rural areas

175. At present, affordable housing contributions should not be sought for developments of fewer than 10 housing units, except in designated rural areas where the threshold is five units or fewer.⁵⁸³ The Government consultation proposed temporarily raising the threshold for sites exempt from providing affordable housing to 40 or 50 dwellings.⁵⁸⁴ Supporters of this move emphasised it was necessary to “increase capacity in the housing market”, through promoting “micro-housebuilders”.⁵⁸⁵ However there were also concerns. We were told that the rural exemption from the higher threshold would only apply to 30% of parishes with populations of 3,000 or fewer.⁵⁸⁶ There were also fears there would be a loss of affordable housing generally, and particularly in rural areas.⁵⁸⁷ This lack of affordable housing would also leave smaller builders more vulnerable to a market downturn.⁵⁸⁸

574 Midland Heart ([FPS0152](#))

575 Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Just Space ([FPS0115](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

576 Greater London Authority ([FPS0149](#))

577 National Housing Federation ([FPS0158](#))

578 Pocket Living ([FPS0023](#))

579 District Councils Network. See also Locality ([FPS0086](#))

580 District Councils Network ([FPS0082](#))

581 City of London Corporation ([FPS0148](#))

582 Royal Town Planning Institute ([FPS0113](#))

583 MHCLG, [Changes to the current planning system](#), p 26

584 MHCLG, [Changes to the current planning system](#), pp 26–7

585 [Q21](#) (Brian Berry)

586 Action with Communities in Rural England (ACRE) ([FPS0161](#))

587 [Q19](#) (Kate Henderson)

588 National Housing Federation ([FPS0158](#))

176. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings.⁵⁸⁹ *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.*

589 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

9 Resources and skills

177. Two themes emerged in our evidence regarding the resourcing of the planning system. First, that LPA do not have enough resources. Second, that the Government's proposed reforms would increase the needs for particular skills that in turn would need further funding. Nobody argued that the current level funding for LPAs was adequate.

Need for additional resources

178. The National Audit Office has calculated that, even allowing for increases in revenue from planning fees, spending on planning had fallen by 14.6% from £1.125 billion in 2010–11 to £961 million in 2017–18.⁵⁹⁰ As planning fees do not cover the cost of applications, taxpayers are contributing nearly £180 million a year.⁵⁹¹ This reduction in funding contributed towards a 15% reduction in planning staff between 2006 and 2016. There was also a fall of 13% in planning inspectors between 2010 and 2018. In response to these reductions the Government has funded a bursary scheme and supported an RTPI initiative bid to establish a degree-level planning apprenticeship.⁵⁹² There has been a particular loss of specialist staff. Between 2006 and 2018 there was a fall of 35% in conservation officers, and a 34% reduction in archaeologists. Only 26% of English local authorities now have in-house ecological expertise. This was alongside reduced funding for statutory consultees, such as Natural England and Historic England.⁵⁹³ Other changes, such as the then Government's policy of removing design considerations from planning in the 1980s, were also blamed for a decline in those specialist skills.⁵⁹⁴

179. The lack of resources, coupled with a lack of expertise, were seen to have added to delays in the planning process.⁵⁹⁵ Brian Berry highlighted that speeding up the planning process, a key objective of the Government's reforms, depended on resources: "One of the things that worries me is resources. None of this is possible unless there are adequate resources to carry this out."⁵⁹⁶ Kate Henderson emphasised reforming the system "will require a huge amount of resource up front."⁵⁹⁷ The need for funding to undertake a transformation in the planning system was reiterated by local authority representatives,⁵⁹⁸ alongside the greater resources needed to enhance the digital aspects of the planning system.⁵⁹⁹ Additional costs may also result from the transitional period where there would have to be two planning systems simultaneously.⁶⁰⁰

180. We wanted to know how much additional funding was needed to meet the increased demands. The RTPI stated it had proposed £500 million to the comprehensive spending

590 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, p 39

591 Local Government Association ([FPS0056](#))

592 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, pp 11, 42–4

593 National Trust ([FPS0157](#))

594 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

595 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Peel L&P ([FPS0094](#))

596 [Q2](#) (Brian Berry)

597 [Q6](#) (Kate Henderson). See also [Q54](#) (Lisa Fairmaner and Andrew Longley)

598 [Q53](#) (Andrew Longley)

599 Local Government Association ([FPS0056](#)), Southwark Council ([FPS0110](#))

600 [Q75](#) (Richard Blyth)

review.⁶⁰¹ This would be divided amongst various sub-funds “which would be related to specific outcomes such as increasing community engagement, digital planning and place making.” This related to a fear the planning system was too dependent on planning fees for revenue.⁶⁰²

181. When this figure was put to the Minister he replied: “I am very conscious of the need for the right level of resources in local authorities and the time of those resources to do the job that they need to do.” He pointed to the £12 million provided at the 2020 Comprehensive Spending Review “to take forward the government’s radical planning reform agenda” as a beginning.⁶⁰³ He stated the Government was “committed to a review of resources and skills”, which will look at options for the new planning structure. He also argued a benefit of the Government’s reforms is that planning officials will have more time to focus on strategic planning rather than processing administrative paperwork.⁶⁰⁴

The need for skills

182. In its consultation the Government stated it would “develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.” It especially singled out digital skills.⁶⁰⁵ We were warned that a negative consequence of the proposed reforms could be that “through more automation and coding,” planning work would be reduced “to routine and administrative tasks, ignoring the role of skilled professionals in negotiating improved outcomes amongst multiple stakeholders.”⁶⁰⁶ Instead there was a need to improve the reputation of working in planning.⁶⁰⁷

183. The National Trust stressed that there would be various new demands introduced by the Government’s reforms:

In future planning authorities will be required to put greater effort into defining ‘areas’ and their requirements in their allocation of land (plan making); into complex cases and enforcement. Increased capability around design coding, master planning, managing spatial data and digital skills and community engagement expertise will also be needed to support the new local plan system.⁶⁰⁸

An array of different skills was identified as being needed to implement the Government’s reforms. Foremost amongst these was design.⁶⁰⁹ The Government has proposed all local

601 Royal Town Planning Institute, [Summary of Royal Town Planning Institute submission to the Comprehensive Spending Review \(CSR\)](#), September 2020

602 [Q83](#) (Richard Blyth)

603 [Qq170–171](#) (The Minister); HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, p 74

604 [Qq170–171](#) (The Minister)

605 MHCLG, [White Paper: Planning for the Future](#), p 57

606 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

607 Savills ([FPS0101](#))

608 National Trust ([FPS0157](#))

609 Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), City of London Corporation ([FPS0148](#)), National Trust ([FPS0157](#)), [Q6](#) (Kate Henderson), [Q53](#) (Andrew Longley)

authorities have a chief officer for design and place-making.⁶¹⁰ RTPI emphasised part of their proposed £500 million “would be a specific design element in order to get us over this initial investment that would be needed before you could arrive at some kind of steady state in which these codes would be operative and smoothly in place.”⁶¹¹ Most LPAs lack “a suitable level of design skills”, with planners not being trained in design and LPAs having lost their architectural departments and skills in conservation. Thus, we were told LPAs would need additional resources “to undertake proper design governance, such as detailed design briefs, site-specific guidelines or post-occupancy evaluation.”⁶¹²

184. Other skills areas highlighted to us where there are shortages included conservation skills,⁶¹³ local ecology specialists,⁶¹⁴ those with experience with heritage buildings,⁶¹⁵ and planning for minerals.⁶¹⁶ Local authorities also needed to improve their expertise in meeting the needs of the elderly,⁶¹⁷ and improving water management.⁶¹⁸ The development of digital platforms would also require LPAs to have “the resources and skills necessary to achieve this.”⁶¹⁹ To ensure place-makers are available in every local authority, the RTPI proposed these should be chartered town planners.⁶²⁰ The City of London Corporation expressed concern that the Government was not planning to provide additional resources for placemaking, whilst arguing LPAs “have limited resources to allocate to Local Plan-making”.⁶²¹ Similarly, the increased role of the Planning Inspectorate in evaluating Local Plans will “require sufficient resources to carry out this important role effectively.”⁶²² It was suggested that increased training and upskilling would ensure “local authority personnel across different areas are able to apply policy and guidance”.⁶²³

185. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government’s proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister’s assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now*

610 MHCLG, [White Paper: Planning for the Future](#), p 18

611 [Q75](#) (Richard Blyth)

612 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

613 Institute of Historic Building Conservation ([FPS0044](#)). See also CLA ([FPS0049](#)), London Borough of Hackney ([FPS0091](#))

614 Wildlife & Countryside Link ([FPS0075](#))

615 Institute of Historic Building Conservation ([FPS0044](#))

616 Mineral Products Association ([FPS0050](#))

617 Centre for Ageing Better ([FPS0055](#))

618 National Flood Forum [FPS126]

619 CPRE the countryside charity ([FPS0077](#))

620 Royal Town Planning Institute ([FPS0113](#))

621 City of London Corporation ([FPS0148](#))

622 British Property Federation ([FPS0127](#))

623 Woodland Trust ([FPS0045](#)). See also Locality ([FPS0086](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

186. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primary legislation, to clearly explain how the various skill needs of the planning system will be met.*

10 Design and beauty

Government proposals

187. The first pillar of the Government’s White Paper was the reforms to Local Plans. The second pillar of the reforms focused on design. The key proposals were:

- To introduce through policy and legislation a fast-track for beauty aimed at promoting “high quality development which reflects local character and preferences.” This would be achieved through updating the NPPF, permitting permission in principle where a proposal has a masterplan and site-specific code agreed, and through reform of permitted development rights.
- LPAs and neighbourhood plans would produce design guides and codes that would “provide certainty and reflect local character and preferences about the form and appearance of development.”
- Local authorities would be encouraged to use pattern books.
- A New Expert Design Board would be established.
- Each local planning authority would have a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- The creation of locally created design guidance and codes. Where they are not in place “the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.”⁶²⁴

188. The Secretary of State, in his forward to *Planning for the Future*, wrote “Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville.”⁶²⁵ The Government’s proposals followed hot on the heels of the Building Better, Building Beautiful Commission whose final report was published in January 2020.⁶²⁶ The Institute of Historic Building Conservation welcomed this new focus: “There has not been enough focus on design throughout the planning process and we welcome the move towards a more design-led approach.”⁶²⁷

189. In January 2021 the Government announced further measures on design, including launching a consultation on changes to the NPPF, and asked about its newly published National Model Design Code.⁶²⁸ Its objective was described as taking forward “our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework.” The Government wanted local councils to create their own local design codes which would “provide a local framework for creating beautiful and

624 MHCLG, [White Paper: Planning for the Future](#), pp 38–43

625 MHCLG, [White Paper: Planning for the Future](#), p 8

626 Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020

627 Institute of Historic Building Conservation ([FPS0044](#))

628 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021; “[All new developments must meet local standards of beauty, quality and design under new rules](#)”, MHCLG Press Release, 30 January 2021; MHCLG, [National Model Design Code](#), January 2021

distinctive places with a consistent and high-quality standard of design.” The required design details would be tailored to the specific place. An Office for Place would be established to support the creation of local designs. It also wanted “greater emphasis on beauty and place-making,” in the NPPF, including ensuring “that all new streets are lined with trees.” This would help ensure “poor quality” proposals were rejected. In contrast good designs would be encouraged, and were defined as either a “development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents”, or be “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area,” whilst being otherwise compatible with their surroundings.

Current situation

190. The Government’s wish for reform reflects wider concerns about the standard of design in recent buildings. There have been successful examples of design, such as the 2019 Stirling Prize winning development of council housing in Norwich.⁶²⁹ But the broad consensus was that design had been undervalued. We were told surveys and research had showed declining design standards,⁶³⁰ and low levels of satisfaction with the houses that people moved into.⁶³¹ Local buildings were denounced as “boring and unimaginative.”⁶³² Place Alliance drew our attention to their *A Housing Design Audit for England*, which found that 54% of new schemes were judged “mediocre”.⁶³³ They argued the root cause of poor design resulted from the main stakeholders failing to prioritise “the delivery of well-designed coherent bits of city that maximise ‘place value’.” Whilst developers standard house types might be thought to be of “popular design ... they give rise to the sort of homes that the *Housing Design Audit* identified as sub-optimum in terms of overall character and sense of place”. This resulted in resistance to their construction by local councillors.⁶³⁴ CPRE cited the same report to argue 75% of recent housing schemes (and 94% in rural areas) would not have been permitted under current design guidance.⁶³⁵

191. Different explanations were offered for this fall in standards, including the merger of Commission for Architecture and the Built Environment (CABE) with the Design Council,⁶³⁶ builders being able to ignore local design codes,⁶³⁷ the stronger negotiating position of housebuilders especially over design issues,⁶³⁸ and the tendency of schemes refused on design grounds to be overturned on appeal resulting in LPAs becoming risk averse about rejecting proposals.⁶³⁹ Accordingly, Richard Blyth on behalf of the RTPI told us 87% of their members “did not feel that the planning system has enough control over design at the moment.”⁶⁴⁰ Blame was also laid upon high land prices,⁶⁴¹ permitted

629 The Smith Institute ([FPS0038](#))

630 Cllr John Crawford ([FPS0008](#))

631 [Q73](#) (Richard Blyth)

632 North Southampton Community Forum ([FPS0018](#))

633 Place Alliance, *A Housing Design Audit for England*, February 2020

634 Place Alliance ([FPS0054](#))

635 CPRE the countryside charity ([FPS0077](#))

636 Institute of Historic Building Conservation ([FPS0044](#))

637 Rother Association of Local Councils (RALC) ([FPS0012](#))

638 CLA ([FPS0049](#))

639 Greater London Authority ([FPS0149](#))

640 [Q73](#) (Richard Blyth)

641 The Chartered Institute of Building ([FPS0096](#))

development rights,⁶⁴² prioritisation of “quantitative measures rather than aesthetic quality”,⁶⁴³ the 1980s policy change that removed design considerations from the planning system,⁶⁴⁴ and that housebuilders imitated the housing built elsewhere in the country.⁶⁴⁵

192. There was disagreement over whether poor design was reducing support for housing developments. The District Council Network expressed doubts that a greater focus on design would remove objections to planning proposals, arguing infrastructure and pressures on public services tended to be of greater concern to local residents.⁶⁴⁶ Contrastingly ADEPT argued local authorities did challenge proposals lacking local distinctiveness and reducing carbon.⁶⁴⁷ Furthermore, the RICS mentioned their own research had found people were prepared to pay a premium for places where there good placemaking and master planning.⁶⁴⁸

Beauty

193. The Government proposed to promote a “fast track for beauty”, following the recommendations of the Building Better, Building Beautiful Commission.⁶⁴⁹ The Government would establish this fast track through updating the NPPF to give preference to schemes complying with local design guides and codes. It would require that in growth areas a masterplan and site-specific code would need to be agreed as a condition of permission in principle. Legislation would also enable “popular and replicable forms of development” to be accelerated through permitted development.⁶⁵⁰ The most common phrase used in our evidence in response to the Government’s proposals for beauty was that “beauty is in the eye of the beholder.”⁶⁵¹ This reflected a wider perception that beauty is too subjective a criterion, and focusing on it overlooked other important aspects of design. The National Trust declared that “Good design is not just about design codes and aesthetics, it is about how a place works.”⁶⁵² The idea that beauty is subjective tied to doubts about a community-based approach to determining it. We were told “It is clearly not a legitimate purpose for the planning system to impose the personal stylistic preferences of the more vocal members of the community on the wider community.”⁶⁵³

642 LSE London ([FPS0139](#)). See also Newcastle City Council ([FPS0159](#))

643 St Albans Civic Society ([FPS0057](#)). See also The Chartered Institute of Building ([FPS0096](#))

644 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

645 National Organisation of Residents Associations ([FPS0005](#)), Tamworth Borough Council ([FPS0013](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

646 District Councils’ Network ([FPS0082](#))

647 [Q72](#) (Paula Hewitt)

648 [Q73](#) (Tony Mulhall)

649 Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 71–2

650 MHCLG, [White Paper: Planning for the Future](#), p 42

651 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), MCS Charitable Foundation ([FPS0102](#)), Land Promoters and Developers Federation ([FPS0138](#))

652 National Trust ([FPS0157](#))

653 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

194. Nonetheless we were surprised by the witness from the Royal Institute of British Architects (RIBA) telling us that “At the end of the day, ultimately, the aesthetic that comes out at the end is perhaps one of the least important aspects of the whole design process.”⁶⁵⁴ We were more persuaded by the view of Richard Blyth from the RTPI:

I suspect that, if it is a building in your own street, an infill, a replacement, a small site in your area, what it looks like is very important to you because you might be looking at it outside your window all the time ... When it comes to major greenfield expansion, design is nothing like as important to existing residents because they do not tend to see so much of it. It is of importance to people who are going to move into those new settlements.⁶⁵⁵

195. There was also criticism of the ‘fast track’ for beauty. We were told that the current rules on design, focused on ‘appearance’ were too vague and unenforceable,⁶⁵⁶ and that good design would require “site and scheme-specific participation”.⁶⁵⁷ Instead, various submissions urged a broader approach to design. Actions with Communities in Rural England (ACRE) noted that the Government’s National Design Guide mentioned ten characteristics of good design “context, identity, built form, movement, nature, public space, Uses, homes and buildings, resources and lifespan”, and argued these should be incorporated in design codes.⁶⁵⁸ A different emphasis was on the importance of function.⁶⁵⁹ Historic England emphasised that beautiful buildings “cannot be considered in isolation; the planning system must create beautiful and sustainable *places*.”⁶⁶⁰ They accentuated how historic environments could foster “good, modern design”. Environmental quality and climate change were also emphasised.⁶⁶¹ In terms of public engagement, the focus on appearance rather than design quality “patronises local communities by implying that they do not understand more fundamental design issues.”⁶⁶²

196. Concerns were also expressed that prescriptive measures—for example pattern books—would be a barrier to innovation.⁶⁶³ It was argued that “areas may not be seen as beautiful in the traditional sense, but can still be fun, vibrant and exciting spaces that people want to spend time in.”⁶⁶⁴ We were told that innovation in materials and methods was vital to tackling climate change and that design codes should accommodate that.⁶⁶⁵ The need for design to tackle energy efficiency was also stressed.⁶⁶⁶

654 [Q72](#) (Philip Waddy)

655 [Q73](#) (Richard Blyth)

656 Civic Voice ([FPS0076](#)), London Borough of Hackney ([FPS0091](#)), City of London Corporation ([FPS0148](#))

657 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

658 Action with Communities in Rural England (ACRE) ([FPS0161](#))

659 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Bartlett School of Planning, University College London ([FPS0097](#))

660 Historic England ([FPS0092](#))

661 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), City of London Corporation ([FPS0148](#)), [Q71](#) (Paula Hewitt), [Q73](#) (Richard Blyth)

662 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

663 Pocket Living ([FPS0023](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Southwark Council ([FPS0110](#)), PricedOut ([FPS0129](#))

664 Locality ([FPS0086](#))

665 [Q75](#) (Tony Mulhall)

666 CPRE the countryside charity ([FPS0077](#))

197. We put these concerns to the Minister. He argued that:

If you get a group of people together, they will give you their view of beauty and there are probably some key themes that come out of that consideration. Fundamentally, we are trying to achieve a system whereby local people's views of what looks good in their environment is properly taken into account.⁶⁶⁷

It was explained that the Government's reforms would permit proposals in renewal and protected areas to be brought forward that did not conform to the design requirements through the usual planning process.⁶⁶⁸

Public involvement

198. A key part of the Government's proposals is to involve the public in the design aspects of the new Local Plans. We were informed that currently "neither developers nor local authorities were very interested in involving the community. Many of the participants downplayed the role of community engagement in shaping design outcomes."⁶⁶⁹ Some welcomed this greater involvement by the community.⁶⁷⁰ We were also urged to consider a possible role for neighbourhood plans in setting local standards, drawing on their existing practices in setting detailed design policies.⁶⁷¹ However, doubts about public involvement were also expressed. There were fears locally popular design codes would become a popularity contest rather than focus on high quality in design;⁶⁷² and that elected members would favour "a more traditional pastiche approach ... which could become a barrier to great design that stands the test of time." Instead it was argued that Design Review Panels, with technical specialists, should have a greater role and influence.⁶⁷³

199. It was also argued that community support for a wider design code did not mean consent for a development on a specific site. The National Housing Federation argued that "the most effective codes appear to be site-specific", citing the *Housing Design Audit* that found they were five-times more likely to produce good or very good design outcomes.⁶⁷⁴ The loss of participation with specific sites was cited as reducing "the ability of people to influence detailed design matters. Design codes will not pre-empt all circumstances. The focus of design proposals on beauty, rather than design fundamentals, increases this problem."⁶⁷⁵

667 [Q164](#) (The Minister)

668 [Qq165–167](#) (The Minister and Simon Gallagher)

669 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

670 CPRE the countryside charity ([FPS0077](#)), Cifa CBA & ALGAO UK ([FPS0080](#)), Sustrans ([FPS0151](#))

671 Mr Richard Gilyead ([FPS0022](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Locality ([FPS0086](#)), Sustrans ([FPS0151](#))

672 Institute of Historic Building Conservation ([FPS0044](#))

673 Lifestory Group ([FPS0116](#))

674 National Housing Federation ([FPS0158](#))

675 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

A National Design Body

200. The Government’s proposal for establishing a national design body was broadly welcomed.⁶⁷⁶ We were told past successes had been achieved through the work of the former Commission for Architecture and the Built Environment (CABE) and by current Design Panels.⁶⁷⁷ We were advised that it should not be situated in Homes England and it should not only focus on aesthetics and beauty.⁶⁷⁸ Instead it should “positively promote innovative and creative design”.⁶⁷⁹

National and Local Design Guides and Codes

201. The National Design Guide was published on 1 October 2019,⁶⁸⁰ and praised for showing how well-designed places can be achieved.⁶⁸¹ It is also seen as primarily focused on residential developments.⁶⁸² The National Design Code was published in January 2021, after most of our evidence was received.⁶⁸³ Opinions about the principle of national and local design codes were divided. Advocates of design codes argued that they would provide better design control over officers’ discretionary judgement.⁶⁸⁴ Those who thought they had been neglected supported greater weight being given to them.⁶⁸⁵ We were told that design codes should also apply to non-residential developments.⁶⁸⁶ How the national and local codes should interact was touched on by the City of London Corporation:

The proposed national design guide, national model design code and the revised manual for streets could provide a framework for local decision making but should not provide an inflexible framework. National level guidance is not, in most instances, able to properly reflect specific local circumstances or the needs of local communities—vernacular building styles reflect local traditions and should be encouraged as part of a push to improve the beauty of buildings, for example.

They supported local design solutions agreed by local communities.⁶⁸⁷ The British Property Federation wanted clarity from the Government about the distinction between local and national design codes and guides. If the latter inform the former that might conflict with what is “popular and characteristic in the local area”. They argued however that significant differences in local codes would require different processes, material, and ways of working. Hence, they favoured nationally set design principles, which are “light

676 Pocket Living ([FPS0023](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

677 GL Hearn ([FPS0141](#))

678 Institute of Historic Building Conservation ([FPS0044](#))

679 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

680 MHCLG, [National Design Guide](#), October 2019

681 CLA ([FPS0049](#))

682 Accessible Retail ([FPS0053](#))

683 MCHLG, [National Design Code](#), January 2021

684 Dr Chris Foye et al ([FPS0033](#))

685 South Worcestershire Councils ([FPS0015](#))

686 Place Alliance ([FPS0054](#)), CPRE the countryside charity ([FPS0077](#))

687 City of London Corporation ([FPS0148](#))

touch design codes, that guide and inform rather than stipulate and require.”⁶⁸⁸ Similarly, it was emphasised that Local Plans needed to “set out clear tangible requirements” and not have subjective assessments.⁶⁸⁹

202. We also heard about the limitations of the current proposals. There were calls for greater information, for example about the definition of “popular and replicable forms of development”, and clarity on who judges “whether a proposal achieves acceptable design standards and how and what happens to proposals which don’t meet with a locally agreed design code”.⁶⁹⁰ The CPRE commented “Design codes in themselves cannot guarantee the design quality of future development.”⁶⁹¹ The Place Alliance argued there had to be a move away from a standardised approach towards appropriate design for each site.⁶⁹² There was scepticism that the design code could ensure the community would approve of the resultant buildings,⁶⁹³ and worries that the codes would take a long time to prepare and add little beyond other design statements such as masterplans.⁶⁹⁴ It was feared that the codes would adversely impact on historic areas be inappropriate for the local contexts.⁶⁹⁵ They were seen as possibly stifling innovation yet still permitting unsuitable developments.⁶⁹⁶ Consequently there were calls from the National Trust and from Southwark Council for a framework rather than a code which were more embracing and not a “tick-box exercise”.⁶⁹⁷

203. The Government’s focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals.*

688 British Property Federation ([FPS0127](#))

689 Midland Heart ([FPS0152](#))

690 Neighbourhood Planners London ([FPS0032](#)), National Trust ([FPS0157](#))

691 CPRE the countryside charity ([FPS0077](#))

692 Place Alliance ([FPS0054](#))

693 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

694 Home Builders Federation ([FPS0073](#))

695 Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), National Trust ([FPS0157](#))

696 Canal & River Trust ([FPS0048](#))

697 Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

11 Green Belt

Background

204. The Green Belt dates to 1947 and has remained largely unreviewed throughout the post-war era. The Government White Paper in 2020 stated that “The existing policy for protecting the Green Belt would remain.” They added “it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements.”⁶⁹⁸ There was criticism of the perceived neglect of the Green Belt in the White Paper.⁶⁹⁹ There were accordingly calls for details on what would be the “exceptional circumstances” in which Green Belt could be released for development through Local Plans.⁷⁰⁰

Support for the Green Belt

205. Our public engagement survey received numerous strong expressions of support for the Green Belt. Survey respondents opined that “Green belt should always stay as green belt and never be built on” and that “Brown field should be exhausted until green belt building is even considered”. There were various submissions urging that the Green Belt needed to be protected and promoted,⁷⁰¹ and should be extended.⁷⁰² The latter wish reflected fears about its reputed recent reduction. The Heritage Alliance stated there had been a 62% increase in the loss of “greenfield Green Belt land” since 2013.⁷⁰³ There has been a net reduction in Green Belt of 2.2% since 1997.⁷⁰⁴ The CPRE called for “stronger planning policies to support enhancement of the Green Belt.” They proposed closing loopholes in Green Belt, giving greater attention to the management of Green Belt land to enhance health and wellbeing, and prioritising brownfield sites. They warned against swaps of land when some it removed from the Green Belt.⁷⁰⁵ We were told the “Green Belt is good, positive planning” stopping urban sprawl and ensuring countryside near to cities.⁷⁰⁶ It was also suggested to us that Green Belts could become “carbon-negative sink for city emissions” with high environmental standards and mass tree planting.⁷⁰⁷

698 MHCLG, [White Paper: Planning for the Future](#), p. 28

699 CLA ([FPS0049](#)), Civic Voice ([FPS0076](#))

700 National Housing Federation ([FPS0158](#))

701 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), TCPA ([FPS0034](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Historic England ([FPS0092](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), National Trust ([FPS0157](#)), [Q62](#) (Lisa Fairmaner)

702 NALC ([FPS0021](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

703 NALC ([FPS0021](#)), K Paulson ([FPS0024](#)), The Heritage Alliance ([FPS0066](#))

704 MHCLG, [Local authority green belt statistics for England: 2019 to 2020](#), 10 September 2020. See the tab ‘Area since 1997’ in Accompanying tables: total area and net changes to the green belt by local authority district 2019–20 (annual).

705 CPRE - The Countryside Charity ([FPS0165](#))

706 National Organisation of Residents Associations ([FPS0005](#)), Hever Parish Council ([FPS0007](#))

707 Mr Richard Gilyead ([FPS0022](#)). See also Wildlife & Countryside Link ([FPS0075](#))

The function and purpose of the Green Belt

206. We were told that there is considerable misunderstanding about the purpose and function of green belt, including that people often conflated Green Belt and green fields,⁷⁰⁸ and overlook its original purpose having been to keep urban areas apart.⁷⁰⁹ It was pointed out that there are many Green Belts across the country serving different purposes.⁷¹⁰ Brian Berry, acknowledging the emotive nature of Green Belt, argued “It is not all lush, green land. It is some scrubland” that could be developed by small builders.⁷¹¹

Should the Green Belt be reviewed?

207. We received numerous calls for reviews of the Green Belt.⁷¹² There was only one submission proposing the outright abolition of the Green Belt.⁷¹³ Instead Professor Vincent Goodstadt declared “In the national housing debate [it] is now the over-riding political football which consistently reverts to a debate about releasing land from the Green Belt.”⁷¹⁴ One councillor told us the Green Belt was “an anti-growth mechanism” that drove up building heights and housing costs, echoing the language of the green belt as a “straightjacket” used in another submission.⁷¹⁵ Steve Quartermain proclaimed himself a “big fan” of Green Belt, and did not wish to undermine it, but added “you have to question whether or not some of the existing green-belt boundaries are still appropriate. There is scope for a wider review of the green belt, mainly to re-establish the purpose of green belt,” namely to keep settlements apart.⁷¹⁶ Claire Dutch echoed those calls, arguing “it is time for a grown-up conversation about the green belt. It has been a taboo subject for so long ... The fact we have green belt within the M25 quite frankly seems bonkers, and we need to look at this again.”⁷¹⁷ There was disagreement over the level at which such reviews should take place: at local authority or neighbourhood plan level,⁷¹⁸ or at a sub-national or “strategic” level,⁷¹⁹ or at a national level.⁷²⁰

708 Tamworth Borough Council ([FPS0013](#)), Homes for the South West ([FPS0070](#)). See also Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

709 [Q105](#) (Steve Quartermain). See also Inspired Villages ([FPS0167](#))

710 Chartered Institute of Building ([FPS0096](#))

711 [Q27](#) (Brian Berry)

712 CLA ([FPS0049](#)), Prof Vincent Goodstadt ([FPS0058](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Stonewater ([FPS0103](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), British Property Federation ([FPS0127](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Paul G. Tucker QC ([FPS0153](#)), [Q25](#) (Brian Berry)

713 PricedOut ([FPS0129](#))

714 Prof Vincent Goodstadt ([FPS0058](#))

715 Land Promoters and Developers Federation ([FPS0138](#)), LSE London ([FPS0139](#))

716 [Q105](#) (Steve Quartermain)

717 [Q107](#) (Claire Dutch)

718 Institute of Historic Building Conservation ([FPS0044](#)), Local Government Association ([FPS0056](#)), Abri ([FPS0078](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Stonewater ([FPS0103](#))

719 Prof Vincent Goodstadt ([FPS0058](#)), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

720 Home Builders Federation ([FPS0073](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), District Councils’ Network ([FPS0082](#)), British Property Federation ([FPS0127](#))

208. These calls for review often linked to a wish to develop Green Belt land. This included for affordable housing, to facilitate shorter commutes,⁷²¹ to build data centres and logistic facilities, and extract minerals.⁷²² This fed into the idea of permitting ‘transport corridors’, championed by the RTPI, where development is permitted near to railway stations. The Centre for Cities argued this could deliver 1.6 to 2.1 million homes.⁷²³ Savills proposed permitting garden towns/villages/communities in the Green Belt.⁷²⁴ The Yimby Alliance urged increased use of existing powers permitting parishes to authorise more houses (where they would not connect with other settlements) of an agreed design in the Green Belt.⁷²⁵ It was suggested that the Green Belt should be subject to the “same tests of soundness” as any other Local Plan policy.⁷²⁶ Contrastingly, the National Trust saw a review as a way for the Government to consider how Green Belt could deliver more public benefit, biodiversity, and local nature recovery networks.⁷²⁷

209. We asked the Minister whether the Government had shut the door to a review of Green Belt policy. He highlighted that the Green Belt was designed to stop urban sprawl and there was a manifesto commitment to maintain the Green Belt. He argued that the renewal zones and financial support for brownfield regeneration would avoid the need to encroach on “important green spaces that we know communities, yours and mine, feel very strongly about.”⁷²⁸

210. We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination.

Metropolitan Open Land

211. There was also emphasis placed on the importance of protecting Metropolitan Open Land in London, and other green spaces in urban areas. The Heritage Alliance was concerned that green spaces not in protected spaces were vulnerable.⁷²⁹ The GLA called for the same protections that apply to Green Belt to apply for Metropolitan Open Land, including consideration when settling housing targets.⁷³⁰

721 [Q25](#) (Kate Henderson) [Q26](#) (Philip Barnes)

722 Mineral Products Association ([FPS0050](#)), Ark Data Centres ([FPS0063](#)), Hill Homes Developments Ltd (FPS084), British Property Federation ([FPS0127](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

723 Royal Town Planning Institute ([FPS0113](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#)), Centre for Cities ([FPS0144](#))

724 Savills ([FPS0101](#))

725 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

726 Prof Vincent Goodstadt (FPS058), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

727 [Q106](#) (Ingrid Samuel)

728 [Q156](#) (The Minister)

729 The Heritage Alliance ([FPS0066](#))

730 Greater London Authority ([FPS0149](#)). See also Just Space ([FPS0115](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q62](#) (Lisa Fairmaner)

212. **Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. *We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt.***

12 Environmental and historical protections

Background

213. A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.⁷³¹ As a consequence much natural habitat and wildlife have been preserved, historic buildings spared the wrecking ball, and knowledge of the past enhanced by the archaeological works that often precede developments. However, these protections have not been enough to, for example, stop the UK undergoing long-term deterioration in 14 of 42 key biodiversity indicators. These have included declines in the status of UK habitats and species of European importance, and in farmland and woodland birds.⁷³² This chapter begins by considering the current protections framework. It then considers the impact of the Government’s reforms and whether further protections are required.

214. The Government White Paper included a commitment that new homes would have 75–80% lower CO2 emissions by 2025, with these properties being “zero carbon ready” and thus able to become “fully zero carbon homes over time as the electricity grid decarbonises”. This is part of achieving net-zero by 2050.⁷³³ This represented a restart in efforts to reduce carbon emissions, after the abandonment of the previous policy (in 2015) of achieving through the Code for Sustainable Homes zero-carbon new homes by 2016. The 2050 target for carbon neutral homes was seen as insufficiently ambitious.⁷³⁴ It appears to be behind what the construction industry could achieve. We were told that Barratt was planning to make their standard homes zero-carbon by 2025 and all their homes by 2030.⁷³⁵ We have begun a new inquiry to examine this subject more thoroughly and will make recommendations to Government.

731 Institute of Historic Building Conservation ([FPS0044](#))

732 Department for Environment, Food and Rural Affairs, [UK Biodiversity Indicators 2020](#), October 2020, pp 3–7

733 MHCLG, [White Paper: Planning for the Future](#), p. 45

734 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Policy Connect ([FPS0014](#)), South Worcestershire Councils ([FPS0015](#)), Kent Association of Local Councils ([FPS0028](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Centre for Ageing Better ([FPS0055](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)), MCS Charitable Foundation ([FPS0102](#)), Energy UK ([FPS0105](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), CoMOUK ([FPS0160](#)), Robert Rush ([FPS0163](#)), [Qq29–30](#) (Kate Henderson, Brian Berry), [Q74](#) (Philip Waddy), [Q84](#) (Paula Hewitt)

735 [Q30](#) (Philip Barnes)

Current protections

215. The broad consensus of submissions supported the current systems of environmental, heritage, and archaeological protections.⁷³⁶ There was very little support for weakening the existing rules, although there was criticism of specific listing decisions.⁷³⁷ An exception to this were the disagreements over environmental impact assessments (EIAs). The National Grid supported the current legislation and favoured using it as the starting point for a new framework.⁷³⁸ However, Energy UK saw this as an opportunity to reduce costs and delays and reform EIAs. This entailed publishing clear requirements and standards, placing a major focus on environmental management plans, including them at an earlier stage in the EIA process, and making the EIA process more digital.⁷³⁹

216. There were some concerns about enforcement under the current system. Water UK said the current system “provides an imperfect safeguard for the environment and communities.”⁷⁴⁰ Similar worries were echoed with respect to Areas of Outstanding Natural Beauty (AONB).⁷⁴¹ The CPRE warned about growing pressures to introduce housing units in Areas of Outstanding Natural Beauty (AONB), pointing to an increase of 82% in the housing units approved from 2012 and 2017 and a fivefold increase in the amount of AONB land approved for housing in the same period.⁷⁴² The National Trust were among those worried that enforcement was ineffectual through being under-resourced, discretionary, politicised, reactive, and lacking strong penalties.⁷⁴³ We were also told that Historic England had fewer planners than its predecessor, English Heritage; that local designations such as Village Design Statements and Parish Plans had been ignored in new Local Plans;⁷⁴⁴ and there was inadequate funding for bodies such as Local Nature Partnerships.⁷⁴⁵

Further protections—heritage, science and culture

217. Urban Vision Enterprise declared that “The Planning White Paper mentions heritage in passing, but with little focus.”⁷⁴⁶ It was similarly noted there had been no question on heritage protection in the consultation.⁷⁴⁷ Claire Dutch told us:

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- 736 Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), South Worcestershire Councils ([FPS0015](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Home Builders Federation ([FPS0073](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Lifestory Group ([FPS0116](#)), Bristol City Council ([FPS0119](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))
- 737 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))
- 738 National Grid ([FPS0088](#))
- 739 Energy UK ([FPS105](#))
- 740 Water UK ([FPS0140](#))
- 741 Roter District Council and Burwash: Save our Fields ([FPS0143](#))
- 742 CPRE the countryside charity ([FPS0077](#))
- 743 National Trust ([FPS0157](#)). See also St Albans Civic Society ([FPS0057](#)), Allyson Spicer ([FPS162](#))
- 744 NALC ([FPS0021](#))
- 745 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 746 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 747 Institute of Historic Building Conservation ([FPS0044](#))

The White Paper does not deal with heritage in any great respect ... We have an adequate framework for protection of historic assets in this country. It works, it does the job and we do not need to tinker with it.⁷⁴⁸

These comments echoed a widely felt wish for clarity about the impact on historical and environmental protections in ‘growth’, ‘renewal’, and ‘protected’ areas, for example for listed buildings, existing conservation areas, and green spaces.⁷⁴⁹ The Bartlett School of Planning at UCL argued that:

It is hard to see how well a listed building could be protected in relation to development proposals for immediately adjoining buildings in a ‘growth’ or ‘renewal’ area under the government’s proposals.⁷⁵⁰

Hackney Council, among others, also emphasised the importance of continuing to let local authorities play a crucial role in listing buildings or designating Conservation Areas.⁷⁵¹

218. There was some wariness about blanket protections for protected areas, with a wish for local authorities to take a flexible approach,⁷⁵² allowing for “improvement and enhancement to maximise opportunities.”⁷⁵³ There was a plea for greater consistency,⁷⁵⁴ and for ensuring historic buildings can be made energy efficient.⁷⁵⁵

219. However, both the National Trust and Historic England complained that the White Paper took too narrow a perspective of heritage and historic locations, and how existing protections would integrate into the proposed new system.⁷⁵⁶ The National Trust also highlighted how the planning system provided the only protection for “historic parks, gardens and battlefields”, for unlisted and Grade II listed buildings not on Historic England’s Heritage at Risk Register, and for undesignated sites.⁷⁵⁷ Their representative also stressed to us that heritage is not a barrier to development.⁷⁵⁸ Brian Berry from the Federation of Master Builders contended there needed to be more skilled workers to deal with historic buildings and ensure zero-carbon properties.⁷⁵⁹

220. To provide greater protections better up-front assessments of the historic environment were advocated. These would help identify sites in growth areas likely to be of archaeological interest. This linked to the need for more data and information about historic and environmental sites,⁷⁶⁰ as over 90% of heritage assets are undesignated (that

748 [Q102](#) (Claire Dutch)

749 South Worcestershire Councils ([FPS0015](#)), NALC ([FPS0021](#)), TCPA ([FPS0034](#)), Woodland Trust ([FPS045FPS0045](#)), The Heritage Alliance ([FPS0066](#)), Wildlife & Countryside Link ([FPS0075](#)), CifA, CBA & ALGAO UK ([FPS080](#)), District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#)), Savills ([FPS0101](#)), Royal Town Planning Institute ([FPS0113](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

750 Bartlett School of Planning, University College London ([FPS0097](#))

751 London Borough of Hackney ([FPS0091](#)). See also Institute of Historic Building Conservation ([FPS0044](#))

752 Abri ([FPS0078](#)), Stonewater ([FPS0103](#))

753 Locality ([FPS0086](#))

754 Hill Homes Developments Ltd ([FPS084](#))

755 British Property Federation ([FPS0127](#))

756 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

757 National Trust ([FPS0157](#))

758 [Q101](#) (Ingrid Samuel)

759 [Q28](#) (Brian Berry)

760 Cllr John Crawford ([FPS0008](#)), The Heritage Alliance ([FPS0066](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), National Trust ([FPS0157](#))

is not nationally listed)⁷⁶¹ The Heritage Alliance argued this would benefit locations not yet discovered (e.g. archaeological finds) or identified (e.g. buildings not yet listed) or that are part of wider historic landscapes (e.g. monuments and battlefields).⁷⁶² They proposed putting the Historic Environment Record datasets on a statutory footing, an approach supported by Historic England.⁷⁶³ Historic England recommended “a precautionary approach, and a duty to report finds at on-site stage.”⁷⁶⁴

221. Alongside improved information there were calls for increased protections, including through primary legislation. These included for World Heritage Sites,⁷⁶⁵ Jodrell Bank Observatory (to prevent interference with their telescopes),⁷⁶⁶ existing conservation areas with historic towns, such as Saltaire near Bradford,⁷⁶⁷ cultural venues that should have a ‘cultural characteristics’ designation in growth and renewal areas,⁷⁶⁸ and buildings of local interest.⁷⁶⁹ This linked to permitting local designations of green spaces and heritage sites.⁷⁷⁰

222. The Minister agreed that heritage was not an obstacle to development.⁷⁷¹ Simon Gallagher also argued that “a lot of the heritage considerations are best handled earlier at the plan-making point. If you have made the decision that an area is, in principle, available for development, there are some really challenging things for the heritage bodies to get involved in down there.”⁷⁷² In January 2021 the Government did announce that they were “doubling the available funding for areas under the “local heritage listing–monuments men” campaign, with up to £1.5 million now available for communities to nominate local heritage sites including historical buildings or modern architecture, art and memorials for inclusion in their council’s local heritage list.”⁷⁷³

223. There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas.

761 The Heritage Alliance ([FPS0066](#)). See also CifA, CBA & ALGAO UK ([FPS0080](#)), Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

762 The Heritage Alliance ([FPS0066](#)). See also South Worcestershire Councils ([FPS0015](#))

763 The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

764 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

765 [Q101](#) (Ingrid Samuel)

766 Dr Ken Morris ([FPS0001](#))

767 Tenterden Town Council ([FPS0003](#)), World Heritage UK ([FPS0046](#)), The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

768 WMCA (Cultural Leadership Board) ([FPS0029](#))

769 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

770 NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Neighbourhood Planners London ([FPS0032](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), Royal Town Planning Institute ([FPS0113](#))

771 [Q140](#) (The Minister)

772 [Q145](#) (Simon Gallagher)

773 “All new developments must meet local standards of beauty, quality and design under new rules”, MHCLG Press Release, 30 January 2021.

Further protections—flooding

224. There were also calls for greater safeguards against building in areas vulnerable to flooding. Although the Government’s proposals would designate areas at risk of flooding as protected areas, there were worries there was a lack of clarity as to what was deemed flood risk. The evidence we received opined historical data was a poor guide given the greater risks posed by climate change. There were also calls for the policy to be considered in the context of wider flooding policy.⁷⁷⁴ We also note that the Environment, Food and Rural Affairs Committee have asked the Government to explain how their reforms to the planning system will produce “better flood resilience outcomes than the current planning system.”⁷⁷⁵

225. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy.*

Further protections—nature and wildlife

226. A major feature of responses to our public engagement survey was the importance attached to nature and wildlife. This was the most mentioned subject; with concerns expressed that it was currently insufficiently considered, and that greater protection was needed. This was borne out in our written evidence. There was concern that there was already insufficient protection,⁷⁷⁶ and that the White Paper had said little beyond advocating tree lined streets.⁷⁷⁷ There were concerns that the proposals would weaken protection in growth and renewal areas.⁷⁷⁸ There was uncertainty whether environmental assessments would need to be carried out at the Local Plan stage or later in the process.⁷⁷⁹

227. There were concerns about a simplified process for environmental impact assessments.⁷⁸⁰ For example, the Institute of Environmental Management Assessment (IEMA) noted that the White Paper had not specified how their reforms would impact on the strategic environmental assessments (conducted at the Local Plan) and environmental impact assessments (conducted at a project-level), and their relationship to one another. They wanted clear requirements for both to be published. They also proposed considerable use of an environmental management plan for all proposals. These were described as a “single plan against which monitoring can be undertaken to ensure implementation/delivery post-consent compliance and evolve to provide the structure and control mechanisms of further plans.”⁷⁸¹

228. The CPRE called for further protections for non-Green Belt countryside around towns,⁷⁸² and there were also calls for better protections for parks, ancient woodlands and

774 Cllr John Crawford (FPS0008), Policy Connect (FPS0014), National Flood Forum (FPS0126), Water UK (FPS0140)

775 Environment, Food and Rural Affairs Committee, Fourth Report of Session 2019–21, *Flooding*, HC 170 para 73.

776 Tenterden Town Council (FPS0003)

777 Mr Daniel Scharf (Consultant at Pft Planning) (FPS0002), Tenterden Town Council (FPS0003), District Councils’ Network (FPS0082)

778 Wildlife & Countryside Link (FPS0075), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) (FPS0079)

779 Locality (FPS0086)

780 Friends of the Earth England, Wales and Northern Ireland (FPS0081), Aldersgate Group (FPS0120)

781 IEMA - Institute of Environmental Management and Assessment (FPS0168)

782 CPRE the countryside charity (FPS0077)

other green spaces in cities.⁷⁸³ The National Trust drew attention to the importance of ‘green infrastructure’ for health and wellbeing in the White Paper, something reinforced in our oral evidence session.⁷⁸⁴ Our public engagement event echoed the concerns raised in the survey. One participant said: “I think certainly there needs to be a consideration to perhaps more, and more useable, outside space. Manchester city centre has almost no useable parks, for example, whereas London has masses.” (*Participant G, Room 2*).

229. There were concerns raised about how the planning reforms will overlap with other reforms planned by the Government. The proposed Environment Bill and suggested reforms to environmental impact assessments will directly feed into the treatment of nature and wildlife. The TCPA expressed concerns it was unclear how the White Paper fitted with the Environment Bill or 25-year environment plan.⁷⁸⁵ This was echoed in our oral evidence session, by Paula Hewitt from ADEPT.⁷⁸⁶ Attempts to ensure zero-carbon homes connects with wider government efforts to reduce carbon emissions. Similarly, we were told changes in agricultural policy would impact on the planning system.⁷⁸⁷ Other measures proposed included the assessment of trees to determine their environmental and financial value,⁷⁸⁸ use of locally conducted landscape character assessments and implementation of Julian Glover’s *Landscape Review*.⁷⁸⁹ There were also calls for greater information about the impact on different types of species and habitats.⁷⁹⁰ The Woodland Trust highlighted their concerns about the incomplete nature of the Ancient Woodland Inventory, the Ancient Tree Inventory, and the lack of consistent records of Tree Preservation Orders.⁷⁹¹ There was also support for the retention of sustainability assessments,⁷⁹² and the establishment of Bioregional Forums that could map areas and feed into Local Plans, including resolving cross-boundary issues,⁷⁹³ and greater cooperation between local authorities.⁷⁹⁴

230. Similar concerns about the impact on the environment and healthy living was raised at our public engagement event, especially the impact on people in disadvantaged circumstances living in urban areas:

“In most cases, the growth areas are areas closest to public transport, mainly in urban areas. The issue there would be: would these growth areas be appropriately designed to provide open spaces and places where people can experience fresh air and get more healthy living? As we can see from the Covid pandemic, most people were locked up in their flats and couldn’t leave or experience the outdoors like those in the countryside, where the protection zoning might occur. So, we think that zoning—growth, renewal, protection—could further disadvantage those who are already disadvantaged.” (*Participant D, Room 3*)

783 Clean Air in London ([FPS0087](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))

784 National Trust ([FPS0157](#)), [Q84](#) (Paula Hewitt)

785 TCPA ([FPS0034](#)). See also the Campaign for National Parks ([FPS0043](#)), Local Government Association ([FPS0056](#))

786 [Qq84–85](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel)

787 [Q96](#) (Ingrid Samuel)

788 Cllr John Crawford ([FPS0008](#))

789 Cllr John Crawford ([FPS0008](#)), Campaign for National Parks ([FPS0043](#)); Julian Glover, [Landscapes Review](#), 2018.

790 Cllr John Crawford ([FPS0008](#))

791 Woodland Trust ([FPS0045](#))

792 UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

793 Mark Stevenson ([FPS0083](#))

794 [Q97](#), [Q106](#) (Ingrid Samuel)

231. We asked the Minister about environmental policy. Both the Minister and Simon Gallagher stated there had been close work with the Department for Environment, Food and Rural Affairs (DEFRA) who were taking the Environment Bill through Parliament.⁷⁹⁵ The Minister also wanted to ensure planning incorporated “green roofs, bee bricks, hedgehog highways and all those sorts of things.” This would be in line with the objective of the Environment Bill of ensuring a net gain in biodiversity. He also said that the national model design code would “focus on the hierarchy of green spaces in public spaces”, the importance of tree-lined streets and providing parks in urban areas.⁷⁹⁶

232. The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill.

795 [Q134](#) (Simon Gallagher and the Minister), [Q157](#) (The Minister)

796 [Q157](#) (The Minister)

Conclusions and recommendations

Our current planning system

1. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen's Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.* (Paragraph 16)

The Government's three areas proposal

2. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.* (Paragraph 32)
3. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*
 - *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the local plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
 - *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent*

overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.

- *The Government should consider the proposals for sub-areas within the ‘renewal area’, where permission in principle would not apply and individual planning permission would be required.*
 - *The Government should implement a ‘highly protected’ alongside a ‘protected’ area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
 - *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
 - *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns. (Paragraph 33)*
4. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government’s proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects. (Paragraph 34)*

Local Plans

5. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch. The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans. (Paragraph 45)*

6. We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the 'right to be heard'.* (Paragraph 46)
7. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales. (Paragraph 47)
8. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. *Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.* (Paragraph 52)
9. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.* (Paragraph 61)

Public engagement

10. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and publishing of statistics about public involvement in Local Plans and in individual*

planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged. (Paragraph 76)

11. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the local plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.* (Paragraph 77)
12. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.* (Paragraph 78)
13. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.* (Paragraph 88)

The housing formula

14. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area. (Paragraph 110)
15. We think the Government's abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government's revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres *The Government should:*
 - *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*

- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands (Paragraph 111)*

16. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should also take account of criticisms of the existing ‘standard method’ and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.*
- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority’s assessment could then be evaluated by the Planning Inspectorate. (Paragraph 112)*

How to deliver new homes

17. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location. (Paragraph 116)*

18. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. *The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the Local Planning Authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.* (Paragraph 129)
19. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. *The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.* (Paragraph 136)
20. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. *We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.* (Paragraph 139)
21. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target. *Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone are insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address*

created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites. (Paragraph 144)

Omissions

22. We agree that the Government's proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The 'levelling up' agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament (Paragraph 148)*

Land capture and the funding of infrastructure

23. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee's report into land value capture. The Government's response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. *We call upon the Government to act upon the whole range of recommendations in our predecessor committee's Land Value Capture report. (Paragraph 154)*

24. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements. (Paragraph 161)*

25. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings. *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.* (Paragraph 176)

Resources and skills

26. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government's proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister's assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.* (Paragraph 185)
27. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primarily legislation, to clearly explain how the various skill needs of the planning system will be met.* (Paragraph 186)

Design and beauty

28. The Government's focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design*

policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals. (Paragraph 203)

Green Belt

29. *We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination. (Paragraph 210)*
30. *Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt. (Paragraph 212)*

Environmental and historical protections

31. *There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas. (Paragraph 223)*
32. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy. (Paragraph 225)*
33. *The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the*

retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill. (Paragraph 232)

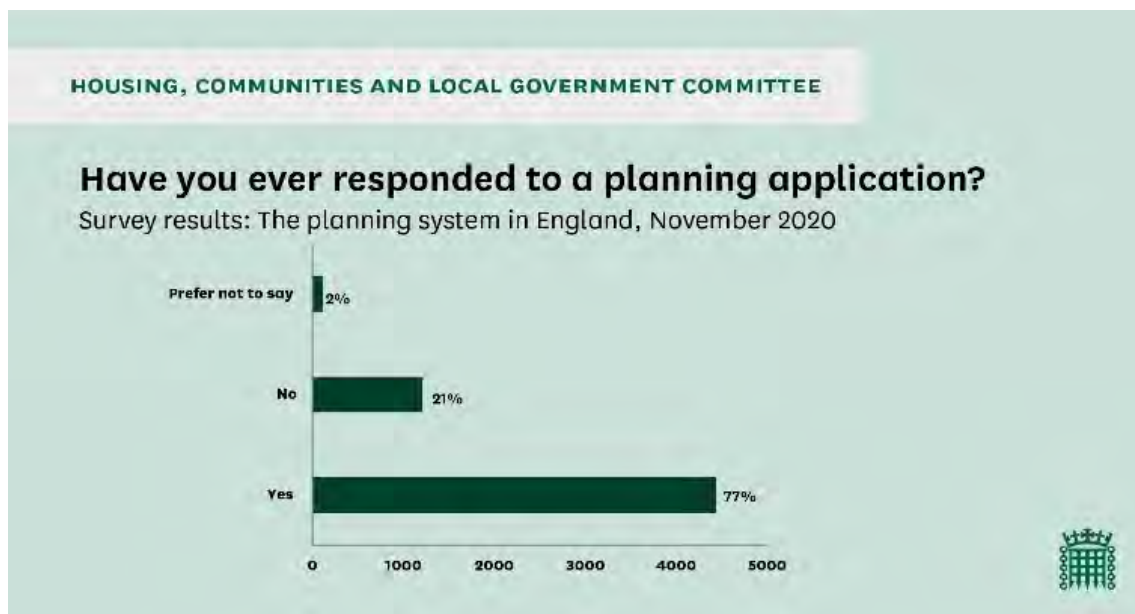
Appendix 1: Public engagement survey

About the survey

1. On 29 October 2020 we launched a public engagement survey for our inquiry, which ran until 12 November 2020. We received 5,756 responses. We would like to thank everybody who took the time to answer our questions and provide comments. Although the responses are not necessarily representative of the views of the wider public, they provide a useful snapshot of opinions and helped inform our inquiry. The responses have helped us consider issues that were not necessarily discussed in our oral and written evidence; and fed into questions for our final evidence session with Minister for Housing, Christopher Pincher.

2. This appendix summarises responses to the survey and includes anonymous quotations from those responses. It begins with respondents' engagement with the planning system, before turning to the major issues raised: nature and wildlife; the use of brownfield sites; views of the current planning system, including whether the planning system is making it too easy or too difficult to build; attitudes towards local authorities and planning departments. Next it covers opinions about local and national housing needs, including the Government's 300,000 housing unit a year target. It then focuses on attitudes towards the Government's proposed reforms to the planning system, and lastly it concludes with respondents' ideas for the future of planning.

Respondents' experience with the planning system



- 77% of the respondents to our survey had responded to a planning application.
- 50% of respondents had put in a planning proposal (against 47% who had not and 3% who preferred not to say.)
- 72% of respondents said that they had responded to a consultation for a Local Plan in their area.

Nature and wildlife

3. Nature and wildlife were the subjects most frequently mentioned, normally together, by respondents. There were over 1,200 references to nature, the environment, and wildlife. Here are some of the comments we received:

- “Impact on wildlife and nature should be given a much higher priority and surveys done by independent groups or using wildlife group data”.
- “Much more consideration needs to be given to the impact of future planning on wildlife and biodiversity in the area. This is the most important thing.”
- “Nature needs to be prioritised when considering building new homes. That’s the best way to ensure we can all have healthy, and sustainable places to live and work.”
- “Wildlife and the environment has to be at the heart of every planning decision so we all have places to live, work and visit which are beneficial to our physical and mental health and not detrimental to our precious environment and wildlife.”
- “Much more consideration should be given to protecting the country side and wildlife. Far too many green fields and woods have already been destroyed.”

4. These worries about the environment tied into support for building in more sustainable ways. This included improving insulation and ensuring houses were energy efficient:

- “The future of planning in England must always consider, protect and aim to improve the country’s ecosystems and natural resources. Developments must be genuinely environmentally sustainable; this is not an area that can be compromised in pursuit of cost-cutting or profit.”
- “All new homes should be environmentally friendly, with ground source heating, rain collection systems, solar panels and better insulation”.

Brownfield land

5. The next issue most mentioned was using brownfield land ahead of greenfield sites or building on the Green Belt. Clearly this was connected with concerns about nature and wildlife. There were also calls for better use of existing buildings—including converting offices and shops into housing:

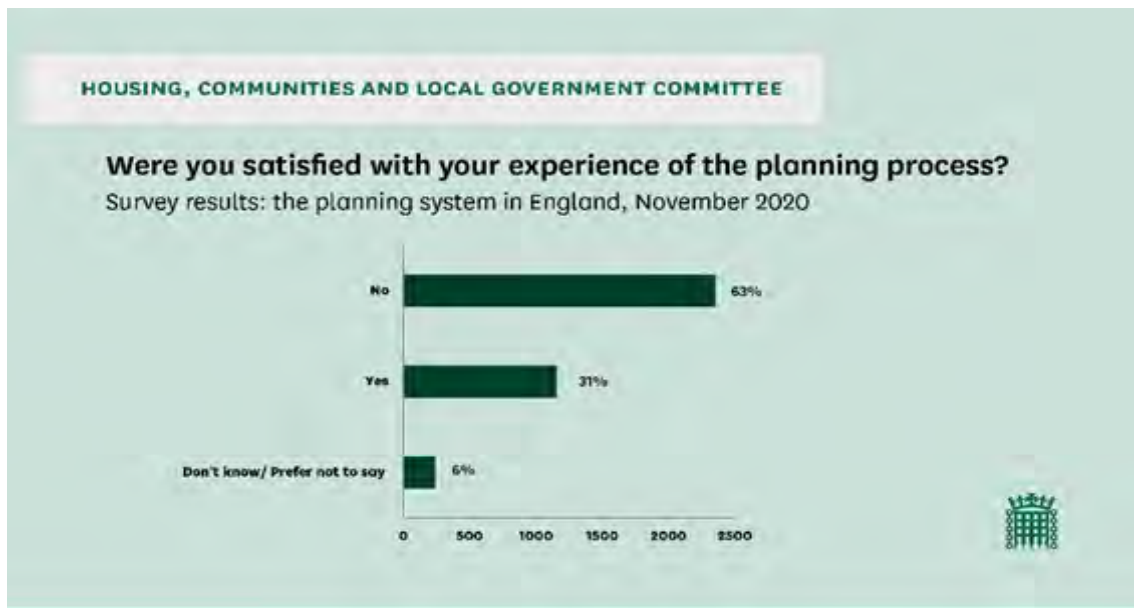
- “I would prefer that it is made more difficult to build on green belt when brownfield sites are available. Green belt should only be used when other options have been exhausted.”
- “Green belt should always stay as green belt and never be built on.”
- “Brown field should be exhausted until green belt building is even considered”.
- “We have concerns about the number of properties being built on greenbelt land. Yes, we need some new properties but not enough consideration is given

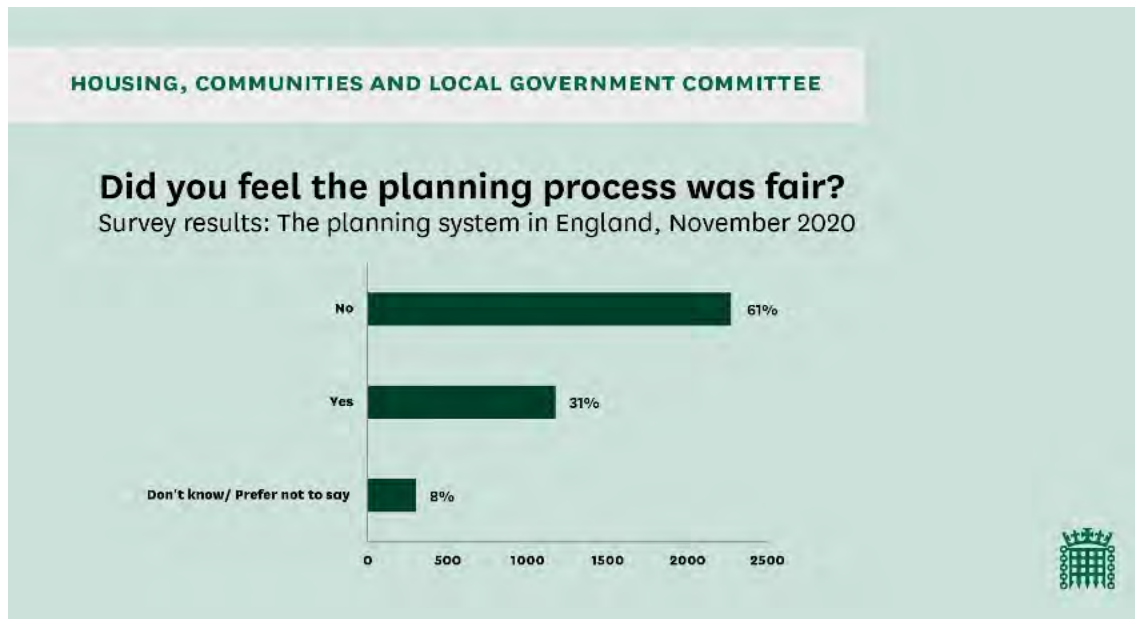
to the appearance of the buildings in relation to their environment. So many buildings are just an eyesore and they would be more acceptable if they looked appealing and fitted in with their surroundings. Our countryside and green space should not be sacrificed just to build more houses. More use should be made of brownfield sites and renovating existing buildings.”

- “Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.”
- “There are swathes of derelict offices and buildings that can be sensibly converted into homes.”
- “There may be some need for new homes but I doubt the number that is presently planned for. No mention is ever made of severely controlling second homes. If these were released the number of new builds would be greatly reduced. Unspoilt countryside is very much at a premium. Our countryside and nature cannot afford the sprawl that is envisaged.”

Experiences of the current planning system

6. We asked those who had said they had experience of the planning system whether they were satisfied with their experience, and whether they thought the process was fair.





- 63% said they were not satisfied with their experience. 61% said they did not think that the planning process was fair.

7. We also asked whether respondents felt the planning process reached decisions at the right speed. 54% disagreed that decisions were made at the right speed.

8. We wanted to know whether people could easily find out information about planning proposals. 17% of respondents thought information about planning proposals was easily available. 46% said that it was somewhat easily available, and 34% said it was not easily available.

9. The comments received also voiced concern about the state of the current planning system. There were complaints that the system was opaque, inconsistent, and was predisposed towards building more houses:

- “The current planning system is opaque and difficult for the layperson to navigate”.
- “EPlanning was intended to allow for 24/7 access. This hasn’t occurred. Too many records are not available online, which requires unnecessary time and money spent trying to access those records.”
- “Whilst my experience of the planning system has on the whole been reasonable it has been erratic and illogical with little ability to properly engage and get a consistent answer to what is acceptable and what isn’t which makes it time consuming, costly and frustrating.”
- “Planning consultations are too short and not well publicised. They don’t take enough account of the needs and demands of the area and should do this more.”
- “Planners have too much power of interpretation of ever more vague standards. Planning committees have mostly no idea on what is the right decision for a

particular submission. There is abuse of the system by developers and planners ... which leads to large scale developments being able to ignore local and national standards for a few pounds.”

- “We are supposed to live in a democratic society, how then is it possible that our very way of life our homes are amenities are under constant threat to developments that erode our very existence. The planning process is undemocratic and in the hands of unqualified people making the wrong decisions that affect whole communities we need a fairer system that allows the people to have more say in what gets built and how.”

10. There were also complaints that the system was biased towards developers, and that they were too slow at completing developments with planning permission:

- “The planning system is heavily weighted in favour of the developer on every level”.
- “It’s too expensive for councils to defend planning decisions against builders’ expensive lawyers and they always appeal so councils often have to stand down.”
- “The fact developers can keep on reapplying time and time again with a few tweaks, needs stopping. It is a waste of everyone’s time and money”.
- “Once there is an agreed house building requirement the process should be under local Government Control ... especially in the case of Planning Appeals. Large developers use ‘planning by appeal’ to overcome local objections and requirements such as infrastructure and affordable housing”.
- “There are already about 1 million planning permissions already granted for homes. The Government should concentrate on getting developers to build those houses now. Until those are built, no more permissions should be granted for sites of more 5 houses. The construction industry needs a stick more than a carrot.”
- “All new developments approved should have an agreed reasonable timescale for build out.”

11. Criticism of the planning system also came from those supportive of permitting more developments:

- “Narrow the range of people consulted in applications, currently too many people can effectively veto development from a surprisingly long distance away.”

12. Some respondents defended the current system, but with some criticisms about resourcing and other issues:

- “There is very little wrong with the current system except that the planning authorities have been deprived of resources and are therefore unable to perform effectively.”
- “Increase Local Authority resourcing to process and determine applications in accordance with timescales.”

- “Unfortunately too many local authorities, including the one I live in, made all of their planning officers redundant and have no professional input to the planning application process. This was short sighted and highly damaging.”
- “The system is fundamentally sound, however it is often over complicated by local issues which don’t relate to planning considerations being used to disrupt the system, it is also grossly underfunded at local government level which causes many problems and delays.”

Opinions about whether the planning system makes it too easy or too difficult to build

13. Some argued that the planning system was making it too difficult to build:

- “I am not averse to objections being made on planning grounds. However with the rise of social media the ease of a few objectors to promote unsubstantiated objections for their *[sic]* own purposes is increasing at an alarming rate ... I am in favour of a simplified system even to the extent of planning permissions for small schemes of under a certain size being decided by planning officers.”
- “There has to be a level of control to protect building standards and neighbourhood environments. However the balance between costs/timescales for builders and controllers (councils) and the needs/benefits to the community has to be right. I am literally amazed at the cost/ time taken to get to the build stage which is cost which will put pressure on the eventual build quality and demotivate self build/developers. My Neighbourhood Plan illustrates my point, it identifies poor quality housing—why should I invest if I cannot build what I would like/or get fair return. We must cut the cost of planning. The planners should be part of the team, not starting from a NO position but more of a proactive advisory role—guiding and nurturing. My pre-application experience gave me no advice how I could achieve what I was trying to do.”
- “The issue with the planning system is that local councillors do all that they can to frustrate housebuilding, despite the recognised housing crisis and need to address nearly 40 years of under-delivery. They see housing as a vote loser so actively obstruct it.”
- “I’m a renter paying enormous amounts of money. I don’t know if I will ever be able to afford a home. I am tired of the planning system being co-opted by wealthy homeowners who think that we don’t need more homes! Young people have a right to housing too but our voices are ignored.”

14. Contrastingly, opponents of additional building took the opposite view, that the planning system was making it too easy to build:

- “The planning process in Devon is driving social inequality. It is pitting communities and neighbours against each other and causing mental and physical distress and ill health. It is heavily weighted in favour of development and therefore those with the expertise and finances to exploit the planning to

its maximum. It needs to be significantly slowed down and for decisions to be given back to local planning office who are best placed to make the right decision for the community that they are at the heart of.”

- “Stop building so heavily in the south east and east of England we do not have the infrastructure and are losing all our lovely open space there is a lot of land north of Birmingham”.

Attitudes towards local authorities and planning departments

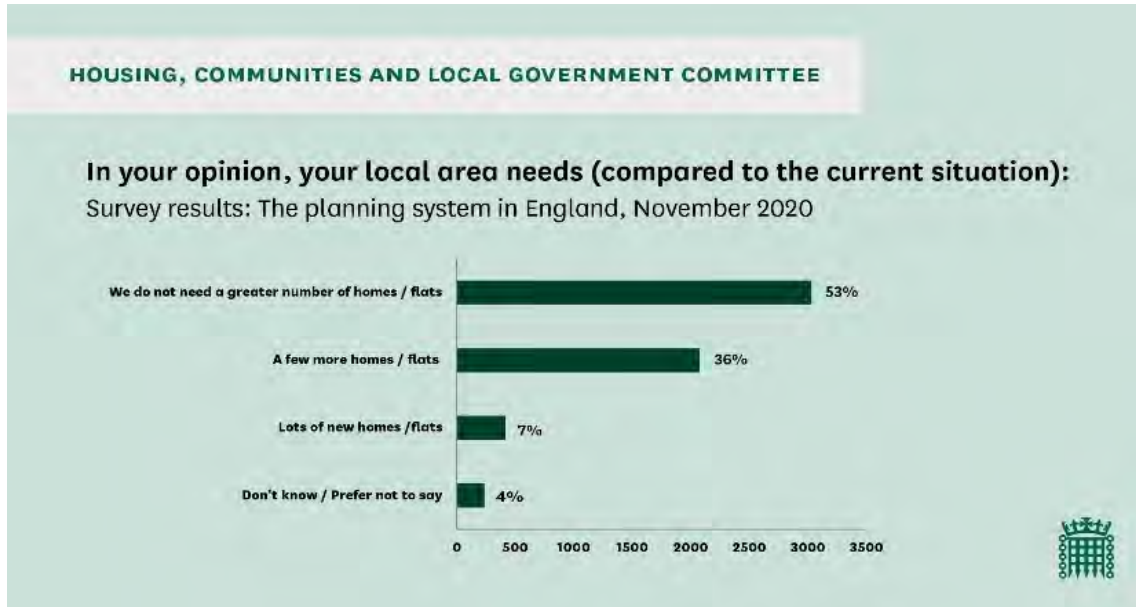
15. There were specific criticisms of the unhelpfulness and inconsistency of some planning offices. There were calls for planning committees to be better informed. Worries were also raised about conflicts of interest where councils are involved in the development. Some of the comments included:

- “At times it appears that the Planning Department deliberately obfuscate, do not make information available in a timely manner and generally would prefer it if the public did not get involved.”
- “Planning officers need to be more consistent. It seems that a successful application depends on which officer you get. New housing developments should go hand in hand with infrastructure improvements.”
- “Members of planning committees need to better understand the planning process and to read the information submitted with each application so as to avoid the frequent situation that arises where applications are refused despite the reason for refusal has been clearly dealt with within the application documents.”
- “Have been shocked at how corrupt the system is. Our District Council has become a housing developer and passes its own planning applications. Individual Councillors approve planning applications for their mates. Planning Inspectors can overturn decisions by other planning inspectors. Planning decisions are perverse - particularly in our Conservation Area. Entire system is broken, with poor or no oversight.”
- “I can only speak for applications in Cornwall but the move to give more power to Parish Councils and Town Councils who have very limited and often incorrect knowledge of planning policy and design issues is causing severe breakdown in the ability of planning applications to be dealt with fairly and promptly, the threat of refusals forcing applicants towards the costly and delayed process of an appeal is common and used as a tool for stopping and frustrating development that should otherwise simply be approved creating a more sustainable economy, improving the existing housing stock and delivering quality housing”.

Opinions about local housing need

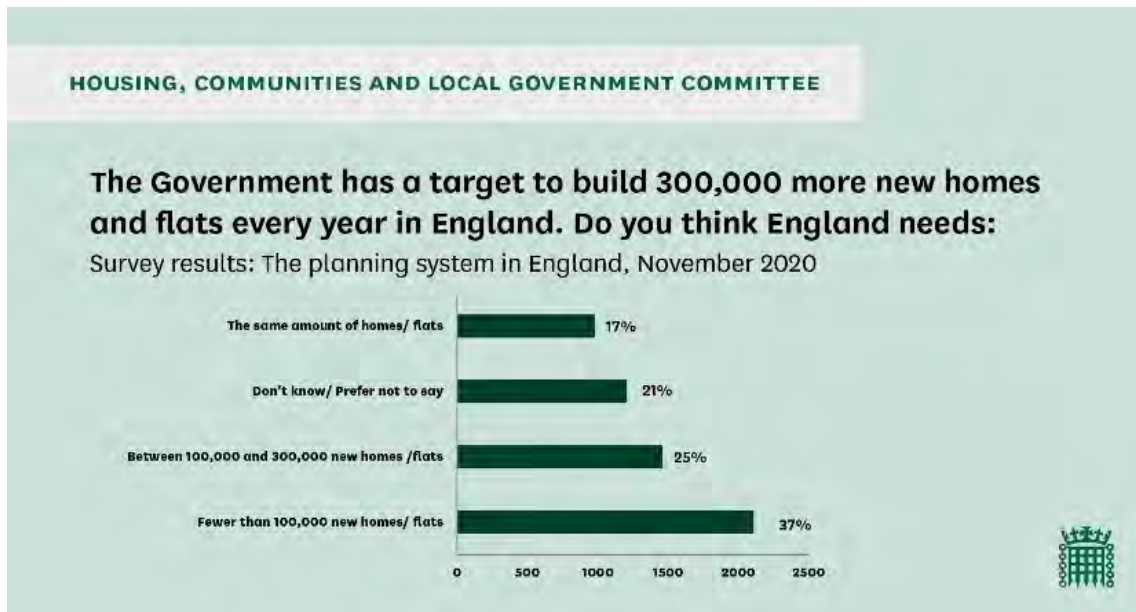
16. The majority of our respondents thought that it was too easy to build houses and flats in their area. This was echoed in responses to our question about how many new homes or flats were needed in their local area. 53% of respondents said their area did not need a

great number of homes and flats. Of those supporting more homes and flats in their area, the preferred option was for a few more properties (36%) rather than lots of additional homes or flats (7%).



Opinions about national housing need

17. To test whether people thought differently about building nationally than in their local area, we asked about the Government’s target of building 300,000 housing units a year in England. This question did elicit greater support – 17% agreed with the Government’s target. 21% did not know or preferred not to say. However, 25% preferred to build between 100,000 and 300,000 new homes and flats a year, whilst 37% preferred building fewer than 100,000 new homes and flats a year.



Government proposals for reform

18. We wanted to know respondents' views on the core principle of the Government's proposed reforms to the planning system. Accordingly, we asked our respondents which system they preferred – a system where every specific planning proposal has to be considered; or system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted; or another system entirely.

- 77% preferred a system where every specific proposal had to be considered. 15% preferred a set of rules and requirements, and 7% opted for another system.

19. There were supporters of the proposed reforms:

- “The presumption should always be in favour of development with an approval being deemed granted by the appropriate determination date for the application type, with only refusals issued where in breach of adopted policies or national guidance.”

20. Other participants proposed similar systems:

- “A system that has specific rules and requirements but each set of criteria would attract a number of “points”. These points could be varied by area but once an applicant has reached a certain threshold the application should be permitted. For example points for design, green credentials, local building style/materials, local occupancy, protection of fauna and flora, local housing need, proven local designs/locations etc. This would remove the subjectivity applied by local planning officers under delegated powers.”
- “Preapproved planning permission provided by government for these who want to build their own house”.

21. Some respondents did approve of the idea of a zoning model, but critiqued the current proposals:

- “A zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled.”
- “Whilst I agree with a set of rules and requirements that could facilitate automatic permission this is too broad a point for me to accept and support without details. These could be onerous or too wide, the devil is in the detail. So, although I support the principle I don't want the Government to think I can be counted as accepting current proposals which I feel are too broad.”

22. Other respondents were more generally critical:

- “As a practicing architect and member of an amenity group I feel that too much government policy is driven by the volume housebuilding lobby whose interests are in pushing forward unsustainable housing provision without proof of need.

We have seen the degradation of both our cities and countryside over the past few years and the powerlessness of the planning system to protect them. The White Paper will simply accelerate this.”

- “The current proposals will remove the opportunity for local people to have their say on, and influence local decisions on a case by case basis. Most ordinary people do not realise what is about to be taken away from them; they won’t understand until a new development is proposed which will impact on them and they find they have no right to comment or object.”
- “The proposal put forward by the government seems to be solving a problem that doesn’t exist. Most plans that get submitted are approved in a timely manner. The housing shortage is not caused by an issue with the planning process but by developers who are sitting on land until they can make a bigger profit.”
- “The proposals don’t seem to be based on actual experience of how the system works. Dividing the country into just three categories of land seems highly simplistic - often different types of land are mixed up with each other.”
- “The need for more homes is understood but automated permission is against democracy”.
- “The government proposals are simplistic and show a misunderstanding of the nature and inherent complexity of development in the UK. The current system, especially plan making, could do with some simplification but needs to be properly resourced and must remain locally democratically accountable.”
- “The problem with a rules and requirements approach is that it is a “one size fits all” approach and unfortunately all places aren’t the same so this will ultimately result in some bad developments taking place. The current “plan led” approach set’s out the rules and requirements to guide developers, but there is still necessary scrutiny to ensure bad developments don’t go ahead.”

23. There was a strong desire to retain—and in some cases expand—the involvement of local people and communities in the planning process:

- “Please do not take away our democratic right to comment on planning applications where we live.”
- “The English planning system takes into account local views that are important for maintaining a community.”
- “The proposed new system will take decision making away from local areas who know what is needed and know the area around them.”
- “It is vital that there is democratic involvement in considering individual planning applications, because the variety of applications and individual situations is so great that attempting instead to lay down detailed guidelines in Local Plans is bound to fail. Also I know from personal experience that most residents will not involve themselves in drafting Local Plans, and only become involved when there is an individual planning application near to their dwelling, or which affects their lives.”

Ideas for the future of the planning system

The importance of local community involvement

24. The concerns about the loss of local involvement fed into a wish to ensure local communities had a proper say in the system:

- “It is vital that the local community has a voice at every stage of planning from the local plan to individual planning applications. Neighbourhood plans have provided an excellent mechanism for community involvement and nothing must be done to reduce their effectiveness.”
- “Most of my experience is as a district councillor. The system is arcane, impenetrable and lacks transparency. The process needs simplification and more emphasis on localism. The present process of local decision followed by appeal to some random person from elsewhere embeds lack of trust even if the decision itself is fair. We need to build a new system from the ground up with local residents at the heart.”
- “Local communities should have more legal rights in terms of formal objections to a planning approval being given by a local authority, presently they only redress is via judicial review or calling in, both of which are very difficult for small rural communities to utilise.”
- “Planning approval must be kept local where local residents who will be affected by it are able to have their voice heard. Decisions should not be taken in London (or anywhere else) by people who will not be affected by the decision. This is what local democracy should be all about.”

25. This wish for local community involvement in turn linked to a wish to uphold and increase local democratic control of the planning system:

- “Localism is paramount, and to ignore it would be tantamount to riding roughshod over local democracy.”
- “The ideal DEMOCRATIC planning system would give Local ELECTED councillors the decision on where and what to build in their area, and eliminate the intervention by Appeal Inspectors who overrule them.”

26. There were mixed views about local authorities being involved. Most supported their involvement:

- “Local planners should continue to vet ALL proposed development.”
- “It is essential that any new system allows detailed local scrutiny of all new building proposals by local authorities and individuals so as to ensure that all buildings genuinely comply with environmental and energy saving requirements.”

27. However, we were also told that:

- “Controversial decisions would be better made by a small committee of experts representing a balance of interests, rather than rely a single planning officer making recommendations to elected councillors.”
- “Planning committee members should retire after a defined term, lay people should be involved and there should be greater transparency about the members and their spouse’s interests.”

Affordable and social housing

28. Respondents raised the need for affordable and social housing to be delivered through the planning system. Those supporting additional housing often emphasised that all or most of new residences should be affordable and social housing.

- “Planning should favour affordable, publicly sponsored, eco- and nature-friendly family housing.”
- “We need community ownership and community partnerships which deliver well built affordable homes.”
- “Planning on new homes should only be granted if the development actually includes properties that are available at a subsidised rate to local qualifying key workers and teachers.”
- “Ensure that there is social housing and bungalows in all planning permission—this important for elderly people who want to downsize but can’t find suitable accommodation.”
- “New homes should include more social housing.”
- “There is a significant need for social housing in the UK. However this should be balanced with the need to protect the environment. As a result, I believe more housing should be focused in inner city regeneration and brownfield sites.”

Infrastructure

29. Respondents also put considerable emphasis put on the importance of ensuring infrastructure is available:

- “Infrastructure (schools, hospitals, GP surgeries) have to be expanded before any new homes are approved.”
- “Proposals for housing must include details of infrastructure and how this will be increased in line with the increase in housing I.e. schools, doctors.”
- “All buildings that increase population need increase[s] [such as] ... utilities, health, schools, sports and recreational facilities, transport links, roads, sensible traffic & parking solutions as well a good spread of local commercial & retail outlets. Not just fast food, coffee shops, barbers, hairdressers and nail bars.”
- “There need to be levies to ensure mandatory infrastructure is put in place. It should be an integrated part of the planning process that where areas for housing

development are identified local authorities should be responsible for ensuring sufficient land within it [is] protected to build the necessary infrastructure to include as minimum new or extended education and primary care services, and green spaces.”

Other proposed reforms to the current system

30. We heard other suggestions for reform relating to multiple applications on one site, appeals and enforcement:

- “Planning proposals for a given location should always involve serious consideration of earlier submissions that have been made about the same site.”
- “The only thing wrong with the present planning system is that applicants are able to appeal against a decision, whilst those who have objected are not able to do so. Although independence of planning inspectors is essential as is the fact that they do not live/work in the area in which they are asked to assess an appeal, there are questions about the roulette wheel ‘game’ that inspectorate decisions sometimes present to the public. Too many inspectorate decisions appear to not understand local issues.”
- “At present those that will suffer from an approved application have no right of appeal, unlike applicants. That should be addressed.”
- “Enforcement when building [is] not in accordance with planning permission given needs to be strict, especially in conservation or heritage areas, otherwise there is no planning system.”

Appendix 2: Public engagement event

Details of the event

1. On 26 November 2020 we held an online public engagement event with 38 participants. The participants had been chosen drawn from those who had responded to our survey. They were selected to ensure people from a range of ages and ethnicities, living in different types of properties and across the country were involved. We would like to thank everybody who attended.
2. The participants were split into four virtual rooms, with an MP chairing the discussion in three rooms, and a member of committee staff in the fourth. Participants had been notified in advance of the three questions under discussion:
 - Do you think that the current planning system is fair? What has been your experience of it?
 - What should be the most important concerns for the planning system?
 - Currently the majority of specific planning proposals have to be individually considered. The Government has proposed moving to a system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted. Which system do you prefer? Are there different changes that are needed?
3. This appendix summarises the responses to the three questions, drawing on information from all four rooms.

Discussion

Is the current planning system fair?

4. There was general agreement that the planning system could be unfair. Some attributed this to fundamental weaknesses and biases. Others emphasised that, since its purpose was to “arbitrate” or seek “reconciliation” between competing, and sometimes incompatible, interests, it could not always avoid being perceived as unfair. Several participants agreed, therefore, that the answer depended on a person’s perspective. One said: “if I make an application and I win, then it is fair, but the local residents who objected to the scheme may not see it as fair.” Others, recognising that the system could not satisfy everyone, thought it was “probably as good as it gets” and that “you’ll never have a perfect system.” It was suggested that those with experience of the planning system imposing large developments on local communities against their will or of struggling to get planning permission for small extensions were more likely to describe it as unfair.
5. Nonetheless, participants raised certain inherent sources of unfairness, with most agreeing that the system was weighted in favour of the large developers—those with “the deepest pockets”—who could “afford to wait and navigate the system”; and against local communities. Wealthy developers, who had access to lawyers and “clever consultants”, could “mitigate” the rules and “lean on local authority planners” to get the result they wanted. In general, participants agreed that the system could “be thwarted and bent

by virtue of the resources of large consultancies". One participant described it as "a financialised nightmare of speculation and profit". Another thought that it had been "skewed by the introduction of a very naked profit process as opposed to community wellbeing". Similarly, many participants thought the planning system too often ignored the views of local communities. As one put it: "Far too often, the immediate area and the people who live there are left out".

6. Most participants identified inconsistent decision-making as perhaps the main cause of unfairness in the system, although there was disagreement on the reasons for this inconsistency. Some thought it was due to the planning system being "too complicated" and too confusing, even for local authorities, and so unavoidably reliant on interpretation by individual planning officers. As one participant said, "it comes down to interpretation, and you often find people disagreeing on the interpretation". A minority blamed the inconsistency on planning officers not being "properly trained" to interpret the rules correctly. Others accused the officers of bias and of paying "insufficient regard" to the views of local people, particularly poorer people. One person, commenting on a planning application they had objected to, said, "I think I was treated differently because I live in social housing and I'm poor".

What should be the most important concerns for the planning system?

7. Participants disagreed, at least superficially, on whether the priority of the planning system should be to limit or to facilitate house building. However, this was often more a difference of emphasis than principle, with most strongly agreeing it should facilitate "the right development in the right places", as opposed to "wholesale, blanket planning applications" that "completely devastate our landscape". On the definition of "the right housing in the right places", there was considerable agreement. For example, many emphasised the need for development to be accompanied by the right infrastructure, such as transport, schools and hospitals, without which many places could not cope with large increases in population. One participant thought that the "main problem" with the planning system was that "transport, which is often a driver of development, is treated quite separately and often as an add-on". Another said that "sometimes we get developments that don't provide the services to go with the development sizes".

8. Most participants agreed that "full community engagement" and the "ability for local people, through the democratic process, to have a vision for where they live" were essential if the planning system was to deliver the right housing. One participant thought that if communities had a "real role in the planning system" the result would "not be more opposition to development but more and better development". In response, though, some recognised that too much engagement could result in too little certainty around planning decisions and Local Plans. One participant argued for "much more certainty" but acknowledged that more certainty could result in "rigidity" and concluded there was "a difficult balance to be struck between certainty...and flexibility".

9. A significant minority of participants were unequivocal that not enough land was being developed and that planning should be "freed up". One participant thought that "the main concern for the planning system should be to facilitate development" and that it "should be easier to build more things". Several believed society had a responsibility to provide housing for the younger generation and observed that most people objecting to development were older and already owned their own home. Another participant

argued that development should be “demand-led”, not “local authority-led”, as local authorities were only interested in reducing the number of houses being built in their area. A contrasting view was that a demand-led approach would only worsen the issue of infrastructure.

10. In addition to the main debate about how much housing the planning system should encourage, many participants thought that climate change and the environment should be a main concern for the planning system. One participant said it could contribute to the fight against climate change by encouraging housing with low fuel bills, another that it should facilitate renewable energy projects, such as ground-mounted solar installations, on the Green Belt. There was support for genuinely affordable housing; “truly affordable, not the Government’s definition”. Various other concerns were raised: the importance of “holistic planning” and “sustainable development”; making it easier to build on brownfield sites; a more flexible approach to housing targets that takes into account the amount of Green Belt land in an area; making small developments easier; action against land banking; and the “probity of the system”.

11. Finally, several participants wanted the planning system to focus more on the quality of housing, possibly through the application of “decent and consistent design standards”. The status quo had too many “tiny flats” were being built, rather than real homes for people to live in. One participant suggested that “carefully designed” development might arouse less opposition among local communities. Similarly, some participants stressed the importance of access to good-quality green spaces, highlighting the impact on people’s quality of life and mental wellbeing.

Will the proposals in the White Paper improve the planning system?

Zoning

12. As in the debate about how much development there should be, participants appeared to disagree strongly on the merits of zoning, but often there was only a difference of emphasis. Many cautiously welcomed the idea but were concerned that having only three zones was “too simplistic”. One participant thought zoning “much too blunt an instrument”, though this could have been more a criticism of the number of zones. Others worried that a “simplistic zoning into three types of zone” would not “take enough account of the complexity of the natural world” and that the proposals could result in a “free-for-all” in parts of the country. Some participants, though, were more enthusiastic. One said they were “all for zoning”, a second thought it “the right way to go”, though it probably needed more than three zones. Another welcomed the “degree of certainty” it would bring. One participant came close to summing up the majority opinion when they said: “I don’t think everything needs to be zoned, but I think where you identify broad areas for development, in general the white paper changes are a positive move forward.”

Local Plans

13. There was some support for having simplified Local Plans. One participant commented: “I think central government’s right, in a way, to think that these big 500-page documents with generic policies, which I’m going to argue one way, or the local authority officer’s going argue the other way, are an absolute waste of time.” More participants

expressed concern, however, that simplified Local Plans would be unable to cope with the complexity of urban areas and that trying “to put something prescriptive in a local plan that will be detailed enough to cope with the variety within the town will be almost impossible”. On the other hand, there was some support for the certainty of a Local Plan, with one participant thinking that “the idea that you can pop an allocation in a local plan and then give it a degree of more certainty to save planning applications would be welcome.”

Local engagement

14. Support for zoning was tempered by concern about what it meant for local engagement. Some participants were very alarmed at the prospect of communities losing the right to contribute to planning decisions beyond the initial plan-making stage. One said: “the loss of the historic community right to involvement” would be an “awful denial of local democracy”. Others warned of the danger that people would feel disenfranchised if they were not engaged at the local plan level and then found they could not object when something was being built. As a result, there was a feeling that the process would need “a lot of local involvement upfront”. Another participant thought the national rules would “be subject to so much criticism in individual cases that really, in a democratic society, those affected by developments should be able to comment on them.” Overall, there was a strong feeling that the “democratic accountability”, whenever it did occur, would need to be “good enough” for people “to accept the outcomes and outputs of the system”.

Design codes

15. On the requirement on local authorities and neighbourhoods to produce design codes, those participants who mentioned it were generally supportive. There was however some concern about a lack of detail and that it could become confusing. One participant wondered if “each local authority will have to develop a design code for each neighbourhood, or each distinctly different place, or area, within the local authority boundaries” and thought that “might be quite a lot of design codes” and that “each design code will need to be pretty detailed”. Another participant wondered if extra resources would be provided to implement the proposals. One person thought the key to making zoning work was having good design codes, though another was critical of the whole idea, saying: “I don’t think there can be any confidence in a system that effectively grants automatic planning permission on the basis of design codes that define beauty for us.”

Formal minutes

Thursday 27 May 2021

Members present:

Mr Clive Betts, in the Chair

Bob Blackman	Ian Byrne
Florence Eshalomi	Ben Everitt
Rachel Hopkins	Mary Robinson
Mohammad Yasin	

Draft report (*The future of the planning system in England*) proposed by the Chair, brought up and read.

Ordered, That the report be read a second time, paragraph by paragraph.

Paragraphs 1 to 232 read and agreed to.

Appendices agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134

[Adjourned until Monday 7 June at 3.30pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 9 November 2020

Brian Berry, Chief Executive, Federation of Master Builders; **Kate Henderson**, Chief Executive, National Housing Federation; **Philip Barnes**, Group Land and Planning Director, Barratt Developments

[Q1–31](#)

Lisa Fairmaner, Head of London Plan and Growth Strategies, Greater London Authority; **Andrew Longley**, Head, North Northamptonshire Joint Planning and Delivery Unit

[Q32–62](#)

Monday 23 November 2020

Tony Mulhall, Associate Director, The Royal Institution of Chartered Surveyors (RICS); **Philip Waddy**, Chair of the RIBA Expert Advisory Group on Planning, Royal Institute of British Architects; **Paula Hewitt**, 1st Vice President, ADEPT; **Richard Blyth**, Head of Policy, Royal Town Planning Institute (RTPI)

[Q63–88](#)

Claire Dutch, Partner, Co-Head of Planning and Environment, Ashurst LLP; **Nigel Wilson**, Chair, Homes for the North; **Ingrid Samuel**, Historic Environment Director, National Trust; **Steve Quartermain**

[Q89–116](#)

Monday 7 December 2020

Rt Hon Christopher Pincher MP, Minister of State for Housing, Ministry of Housing, Communities and Local Government; **Simon Gallagher**, Director of Planning, Ministry of Housing, Communities and Local Government

[Q117–175](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

FPS numbers are generated by the evidence processing system and so may not be complete.

- 1 All Party Parliamentary Group On Alternative Dispute Resolution ([FPS0109](#))
- 2 Abri ([FPS0078](#))
- 3 Accessible Retail ([FPS0053](#))
- 4 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 5 Adam Smith Institute ([FPS0085](#))
- 6 Aldersgate Group ([FPS0120](#))
- 7 Anchor Hanover ([FPS0074](#))
- 8 Anglian Water ([FPS0146](#))
- 9 Ark Data Centres ([FPS0063](#))
- 10 Ashford Borough Council ([FPS0016](#))
- 11 Ashford KALC ([FPS0060](#))
- 12 Association of Convenience Stores ([FPS0069](#))
- 13 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 14 BRE Group ([FPS0042](#))
- 15 Bartlett School of Planning, University College London ([FPS0097](#))
- 16 Bristol City Council ([FPS0119](#))
- 17 British Property Federation ([FPS0127](#))
- 18 Bus Users UK Charitable Trust Ltd ([FPS0026](#))
- 19 Country Land and Business Association ([FPS0049](#))
- 20 Colvin, Andrew ([FPS0020](#))
- 21 CPRE—The Countryside Charity ([FPS0077](#)) and ([FPS0165](#))
- 22 Campaign for National Parks ([FPS0043](#))
- 23 Canal & River Trust ([FPS0048](#))
- 24 Caudwell Children ([FPS0010](#))
- 25 Centre for Ageing Better ([FPS0055](#))
- 26 Centre for Cities ([FPS0144](#))
- 27 Centre for Natural Material Innovation ([FPS0117](#))
- 28 Chartered Institute for Archaeologists (CIfA); Council for British Archaeology (CBA); and Association of Local Government Archaeological Officers (ALGAO:UK) ([FPS0080](#))
- 29 Chartered Institute of Arbitrators ([FPS0099](#))
- 30 City of London Corporation ([FPS0148](#))
- 31 Civic Voice ([FPS0076](#))
- 32 Clean Air in London ([FPS0087](#))
- 33 Clegg, Liam (Lecturer, University of York) ([FPS0019](#))

- 34 Collaborative Mobility UK ([FPS0160](#))
- 35 Commonplace ([FPS0136](#))
- 36 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 37 County Councils Network ([FPS0121](#))
- 38 Crawford, Cllr John ([FPS0008](#))
- 39 Cycling UK ([FPS0123](#))
- 40 Daventry District Council ([FPS0011](#))
- 41 District Councils' Network ([FPS0082](#))
- 42 Eagar, David ([FPS0009](#))
- 43 Elsey, Dennis ([FPS0145](#))
- 44 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; and Emeritus Professor Christine Whitehead ([FPS0164](#))
- 45 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; and Professor Nick Gallent ([FPS0131](#))
- 46 Energy UK ([FPS0105](#))
- 47 England's Economic Heartland (Sub-national Transport Body) ([FPS0062](#))
- 48 Foye, Dr Chris (Knowledge Exchange Associate, UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; and Dr Bilge Serin ([FPS0033](#))
- 49 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))
- 50 GL Hearn ([FPS0141](#))
- 51 Gilyead, Mr Richard ([FPS0022](#))
- 52 Goodstadt, Professor Vincent (Independent Policy Advisor, Vincent Goodstadt) ([FPS0058](#))
- 53 Greater London Authority ([FPS0149](#))
- 54 Hever Parish Council ([FPS0007](#))
- 55 Hills Homes Developments Ltd ([FPS0084](#))
- 56 Historic England ([FPS0092](#))
- 57 Home Builders Federation ([FPS0073](#))
- 58 Homes for the North ([FPS0107](#)) and ([FPS0166](#))
- 59 Homes for the South West ([FPS0070](#))
- 60 Institute of Environmental Management and Assessment ([FPS0168](#))
- 61 Inspired Villages ([FPS0167](#))
- 62 Institute of Historic Building Conservation ([FPS0044](#))
- 63 Institution of Civil Engineers ([FPS0035](#))
- 64 Just Space ([FPS0115](#))
- 65 Kruczkowski, Dr Stefan (Urban Designer and Company Director, Urban Design Doctor Limited) ([FPS0135](#))

- 66 Kent Association of Local Councils ([FPS0028](#))
- 67 LSE London ([FPS0139](#))
- 68 Land Promoters and Developers Federation ([FPS0138](#))
- 69 Lifestory Group ([FPS0116](#))
- 70 Local Government Association ([FPS0056](#))
- 71 Locality ([FPS0086](#))
- 72 London Borough of Hackney ([FPS0091](#))
- 73 London Forum of Amenity & Civic Societies ([FPS0156](#))
- 74 London Gypsies and Travellers ([FPS0067](#))
- 75 London Tenants Federaiton ([FPS0112](#))
- 76 MCS Charitable Foundation ([FPS0102](#))
- 77 Manor Property Group; and Qdos Education ([FPS0051](#))
- 78 Marshall, Dr Tim (Emeritus Professor of Planning, Oxford Brookes University) ([FPS0079](#))
- 79 McCarthy & Stone ([FPS0061](#))
- 80 Midland Heart ([FPS0152](#))
- 81 Mineral Products Association ([FPS0050](#))
- 82 Morris, Dr Ken ([FPS0001](#))
- 83 National Association of Local Councils ([FPS0021](#))
- 84 National Fire Chiefs Council ([FPS0040](#))
- 85 National Flood Forum ([FPS0126](#))
- 86 National Housing Federation ([FPS0158](#))
- 87 National Organisation of Residents Associations ([FPS0005](#))
- 88 National Trust ([FPS0157](#))
- 89 National Grid ([FPS0088](#))
- 90 Neighbourhood Planners. London ([FPS0032](#))
- 91 Newcastle City Council ([FPS0159](#))
- 92 News Media Association ([FPS0068](#))
- 93 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))
- 94 North Southampton Community Forum ([FPS0018](#))
- 95 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))
- 96 Oneill Homer ([FPS0111](#))
- 97 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))
- 98 Planning Oxfordshire's Environment and Transport Sustainably ([FPS0108](#))
- 99 Paulson, K ([FPS0024](#))
- 100 Peel L&P ([FPS0094](#))
- 101 Place Alliance ([FPS0054](#))
- 102 Pocket Living ([FPS0023](#))

- 103 Policy Connect ([FPS0014](#))
- 104 PortalPlanQuest Limited ([FPS0030](#))
- 105 PricedOut ([FPS0129](#))
- 106 QC, Paul G Tucker ([FPS0153](#))
- 107 QC, Richard Harwood OBE (Joint Head of Chambers, 39 Essex Chambers) ([FPS0059](#))
- 108 Rentplus-UK Ltd ([FPS0047](#))
- 109 Rother Association of Local Councils (RALC) ([FPS0012](#))
- 110 Rother District Council and Burwash: Save our Fields ([FPS0143](#))
- 111 Royal Institution of Chartered Surveyors ([FPS0065](#))
- 112 Royal Town Planning Institute ([FPS0113](#))
- 113 Rush, Robert ([FPS0163](#))
- 114 Rutland County Council ([FPS0071](#))
- 115 Sage Housing ([FPS0090](#))
- 116 Save Greater Manchester Green Belt ([FPS0132](#))
- 117 Savills ([FPS0101](#))
- 118 Scharf, Mr Daniel ([FPS0002](#))
- 119 Shelter ([FPS0154](#))
- 120 Shtebunaev, Mr Simeon (Doctoral Researcher, Birmingham City University) ([FPS0072](#))
- 121 Silverdale Parish Council ([FPS0100](#))
- 122 South Staffordshire Council ([FPS0142](#))
- 123 South Worcestershire Councils ([FPS0015](#))
- 124 Southwark Council ([FPS0110](#))
- 125 Spicer, Mrs Allyson ([FPS0162](#))
- 126 St Albans Civic Society ([FPS0057](#))
- 127 Stevenson, Mark ([FPS0083](#))
- 128 Stonewater ([FPS0103](#))
- 129 Sustrans ([FPS0151](#))
- 130 Town and Country Planning Association ([FPS0034](#))
- 131 Tait, Professor Malcolm (Professor of Planning, University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning, University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning, University of Sheffield); and Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning, University of Sheffield) ([FPS0098](#))
- 132 Tamworth Borough Council ([FPS0013](#))
- 133 Tenterden Town Council ([FPS0003](#))
- 134 The Beaconsfield Society (Civic Society) ([FPS0130](#))
- 135 The Chartered Institute of Building ([FPS0096](#))
- 136 The Federation of Master Builders (FMB) ([FPS0125](#))
- 137 The Heritage Alliance ([FPS0066](#))

- 138 The Highgate Society ([FPS0155](#))
- 139 The Smith Institute ([FPS0038](#))
- 140 Transport Planning Society ([FPS0039](#))
- 141 UK Women's Budget Group ([FPS0025](#))
- 142 UK2070 Commission ([FPS0128](#))
- 143 Urban Mobility Partnership ([FPS0122](#))
- 144 Urban Vision Enterprise CIC; and D2H Land Planning Development ([FPS0037](#))
- 145 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 146 Water UK ([FPS0140](#))
- 147 Wenban-Smith, Alan (Proprieto , Urban & Regional Policy) ([FPS0124](#))
- 148 Wildlife & Countryside Link (Link) ([FPS0075](#))
- 149 Wood, Cllr Andrew (Canary Wharf ward Councillor, LB Tower Hamlets) ([FPS0137](#))
- 150 Woodland Trust ([FPS0045](#))
- 151 World Heritage UK ([FPS0046](#))
- 152 YIMBY Alliance; London YIMBY; Oxford YIMBY; Brighton YIMBY; PricedOut; and Cambridge YIMBY ([FPS0017](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting the homeless and the private rented sector: MHCLG's response to Covid-19	HC 1329
7th	Cladding Remediation—Follow-up	HC 1249

Session 2021–22

Number	Title	Reference
1st	The future of the planning system in England	HC 38

Appendix 5



Appendix 6 and 7 submitted separately



From: [Smith, David](#)
To: [Robert Storey](#)
Subject: RE: Rookery - Implementation of Permanent Aggregate Recycling Permission
Date: 13 April 2021 12:54:06
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Hi Rob,

Apologies for the delay.

I can confirm that the pre-commencement schemes have been submitted as required and that the digging of the footings for the new office has begun. On that basis, it is the County Council's consideration that planning permission P/18/0978/CC has been implemented.

Regards,

David Smith
Enforcement Officer



Economy, Transport & Environment

E11 Court West
The Castle
Winchester
Hampshire
SO23 8UD



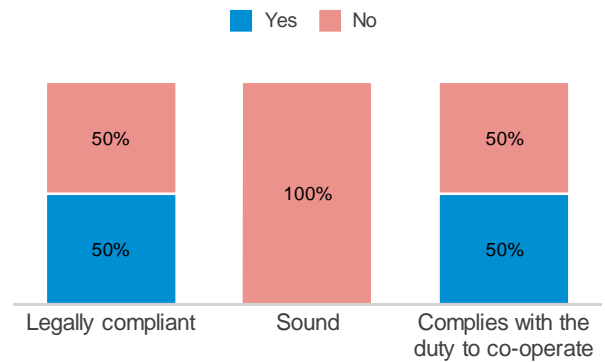
Hampshire Services offers a range of professional consultancy services to partner organisations.
www.hants.gov.uk/sharedexpertise

Strategic Planning offers a pre-application service to help improve the quality of applications and speed up decision-making. Information on the Council's pre-application service is available [here](#).

In support of the e-government agenda, the County Council welcomes the online submission of planning applications which can be submitted [here](#).

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	Legally compliant	Sound	Complies with the duty to co-operate
Total	2	2	2
Yes	1 50%	0 0%	1 50%
No	1 50%	2 100%	1 50%



Respondent: Mr David Rodgers (307-371843)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The deletion of "may" and insertion of "will be" to describe the approach to housing development on land outside existing urban boundaries is not legal, sound, or compliant with the council's duty to co-operate with local residents. It constitutes as presumption in favour of development that negates the legal duty of the council to consult local residents and the duty of the planning committee to be open minded and consider each application solely on its merits. It is a charter for developers to propose and secure approval for developments outside existing urban boundaries and reap speculative profit from land that ought not to be developed because of adverse impacts on local communities and the environment. It also undermines the local democratically accountable planning process.

What modification(s) is necessary to make the Revised Pub...

Reinstate "may" in paragraph 5.24

How would the modification(s) you propose make the Revise...

It protects and preserves the integrity of the local democratically accountable process of considering planning applications on their merits.

Your suggested revised wording of any policy or text:

"may" rather than the proposed "will be".

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

Because this is a vital issue of local democratic accountability of the planning process.

Respondent: Mrs Caroline Dinenage MP (307-371147)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

My final concerns within the Revised Publication is in relation to policies HP4, HP5 and HP6, specifically when they are linked to DS1. I can foresee that it is possible that a series of sites could come forward whereby the cumulative impact would not be sufficiently assessed as they would be speculative sites becoming available on a piecemeal manner.

What modification(s) is necessary to make the Revised Pub...

See previous response.

How would the modification(s) you propose make the Revise...

See previous response.

Your suggested revised wording of any policy or text:

See previous response.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session



Appeal Decision

Inquiry held on 9-12 December 2014

Site visit made on 12 December 2014

by **John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2015

Appeal Ref: APP/A1720/A/14/2220031

Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Village Green PLC against the decision of Fareham Borough Council.
 - The application Ref P/13/1121/OA, dated 20 December 2013, was refused by notice dated 11 March 2014.
 - The development proposed is "*erection of 37 dwellings together with associated access and parking for existing play area*".
-

DECISION

1. The appeal is allowed and planning permission is granted for the erection of 37 dwellings together with associated access, and parking for the existing play area, on land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick, Hampshire, in accordance with the terms of the application, Ref P/13/1121/OA, dated 20 December 2013, subject to the conditions set out in the attached schedule.

PRELIMINARY MATTERS

2. The planning application seeks outline permission with all matters reserved except for access, which is proposed to be from Swanwick Lane, adjacent to the existing play area. The application is accompanied by an 'Indicative Layout' (Plan No PP1220-101-00, Revision P2), but in relation to all matters other than access, that plan is purely illustrative.
3. The Council's decision notice listed four refusal reasons (RRs). RR2 related to affordable housing and ecological mitigation. Since then however, the appellants have entered into a legal undertaking which provides for ecological mitigation by way of a financial contribution. And with regard to the affordable housing, the Council now accepts that this could be secured by condition. RR2 was therefore not pursued at the inquiry.
4. RR3 related to noise. Subsequently, the appellants have submitted a noise survey report. In the light of this report, it is now agreed that any issues relating to this matter could also be deal with by condition.
5. RR4 contained a list of the submitted plans. The Council now accepts that since this did not in fact state any reasons for objection, it should not have

appeared as an RR. The only one of the original refusal reasons that remains at issue between the parties is therefore RR1.

6. As well as dealing with ecological mitigation, the legal undertaking provides for the implementation of a landscaping scheme and a woodland management plan, and the setting up of a management company with responsibility for the upkeep and maintenance of the landscape and woodland areas within the proposed development.

PLANNING POLICY BACKGROUND

The development plan

The Fareham Borough Local Plan (the FBLP), adopted March 2000

7. The FBLP was designed to accord with the former Hampshire Structure Plan Review. Its intended plan period was 1999-2006. In 2007, a large number of the FBLP's policies were saved by a direction from the Secretary of State. The majority of those have since been replaced by the 2011 Core Strategy, but some have continuing effect.
8. Saved Policy DG4, which applies throughout the District, states that development will be permitted, provided that various requirements are met. These include that proposals should not detract from the natural landform, and should respect inward and outward views.
9. On the proposals map, the appeal site is included in an area designated as countryside.

The Fareham Core Strategy (FCS), adopted August 2011

10. The FCS has a plan period of 2006-26. It was intended to conform with the regional strategy contained in the South-East Plan (the SEP), approved in May 2009. It was also prepared in the context of the then-emerging South Hampshire Strategy (the SHS), a non-statutory sub-regional plan by the Partnership for Urban South Hampshire (PUSH), a consortium of 11 local authorities¹.
11. Policy CS6 sets out the development strategy, which is to focus new development in various specified locations. One of these is the Western Wards, which includes Lower Swanwick. Priority is to be given to the re-use of previously developed land within defined settlement boundaries². Policy CS9 sets out further criteria for development in the Western Wards, which include protecting the setting of the existing settlements.
12. Outside defined settlement boundaries, Policy CS14 states that development will be strictly controlled, to protect the landscape character, appearance and function of the countryside and coastline. In coastal locations, the policy seeks to protect the special character of the coast, when viewed from land or water.
13. Policy CS17 seeks to encourage good design which responds positively to the key characteristics of the area, including its landscape.

¹ The SHS later became informally adopted by the partnership authorities in October 2012

² The FCS does not include any new proposals map of its own. The plan is accompanied by an 'interactive proposals map', but this is stated not to form part of the adopted plan itself. In the absence of any other indication, it appears that references in the FCS to 'defined settlement boundaries' relate to the boundaries shown on the proposals map of the FBLP. This interpretation is not disputed in the present appeal.

Emerging plans

The draft Development Sites and Policies DPD (the DSP), submitted June 2014

14. The DSP is intended to provide for the development requirements identified in the FCS up to 2026, and also the increased levels of housing and employment proposed over the same period in the SHS. The DSP covers the whole of the District except for the proposed new community of Welborne.
15. On the DSP's proposals map, the appeal site forms part of an 'area outside of defined settlement boundaries'. In such areas, draft Policy DSP7 proposes a presumption against new residential development.
16. At the time of writing this decision, the draft DSP has completed the hearing stage of its public examination, and is awaiting the Inspector's report. Until then, the plan remains subject to unresolved objections in respect of the policies and designations relevant to the present appeal. As such, it carries limited weight.

The draft Welborne Plan (the WP), submitted June 2014)

17. The draft WP is an area action plan which sets out policies and proposals for the development of the new settlement, over a period running to 2036. At present, the WP has reached the same stage as the DSP, and is awaiting the Inspector's report. In so far as the WP is relevant to the present appeal, it is subject to unresolved objections, and thus its weight is limited.

National policy and guidance

The National Planning Policy Framework (the NPPF)

18. The NPPF states at paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 9 states that sustainable development involves seeking positive improvements in the quality of the environment and in people's quality of life; amongst other things, this includes widening the choice of high quality homes. Paragraph 14 states that there is a presumption in favour of sustainable development.
19. Paragraph 17 sets out core planning principles. These include proactively driving and supporting sustainable economic development to deliver the homes and other development that the country needs. Every effort should be made objectively to identify and then meet those needs, and to respond positively to opportunities for growth. The core principles also include recognising the intrinsic character and beauty of the countryside, conserving and enhancing the natural environment, and focusing development in sustainable locations.
20. At paragraph 47, the NPPF seeks to boost the supply of housing significantly. Local plans should aim to meet the full, objectively assessed need for market and affordable housing, as far as is consistent with other NPPF policies. Paragraph 49 states that policies for the supply of housing should not be considered up to date if a 5-year supply of deliverable housing sites cannot be demonstrated.
21. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Paragraph 114 seeks to maintain the character of the undeveloped coast and its distinctive landscapes.

22. Paragraphs 186 and 187 requires that all planning decisions should be approached positively, by looking for solutions rather than problems, and that applications for sustainable development should be approved where possible.

Planning Practice Guidance (PPG)

23. The PPG provides further guidance on the policies in the NPPF. Paragraph 8-001 makes it clear that the NPPF's aims for the natural environment are not limited only to areas that are formally designated. Sections 2a and 3 contain more detailed advice on assessing housing needs and land availability, to which I will refer further below.

MAIN ISSUES

24. In the light of the matters set out above, and all of the submissions before me, both oral and written, it seems to me that the main issues in the appeal are:
- Whether it can be demonstrated that the District has a 5-year supply of land for housing development, to satisfy the requirements of the NPPF;
 - And the proposed development's effects on the character and appearance of the area.

REASONS FOR DECISION

Housing land supply

25. The Council claims a housing land supply of over 13 years. The appellants contend that the true figure is only just over 3 years. The divergence results firstly from a fundamental difference as to the size of the requirement that is to be met, and also from various other smaller, but significant differences in both methodology and assumptions. I will deal with each of these differences below.
26. The Council's land supply calculations are based on meeting the requirements in FCS Policy CS2, plus a small uplift reflecting the additional requirements suggested in the 2012 SHS. The appellants accept that on this basis a 5-year supply can be demonstrated, but they contend that the FCS/SHS figures are the wrong basis for the calculation.
27. The appellants' own calculations are based on the housing need projections in the Strategic Housing Market Assessment (SHMA) report for South Hampshire, published in January 2014. The Council, whilst disputing the use of the SHMA figures over the FCS, maintains that a 5-year supply can be demonstrated on this basis too.

The Council's preferred housing requirement - based on FCS Policy CS2

28. The PPG advises that the starting point for assessing the 5-year land supply should be the housing requirement figure in an up-to-date adopted local plan, and that considerable weight should be given to such a figure (paragraph 3-030). In the case of Fareham, the FCS is an adopted plan, and is only a little over 3 years old since its adoption. In such circumstances, it might often be unnecessary to look any further.

29. However, the PPG goes on to make it clear that this is not always the case:

"(Considerable weight should be given to the housing requirement figures in adopted local plans) ...unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

*Where evidence in local plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered."*³

30. In the present case, the FCS's housing requirement was directly derived from the now-revoked SEP. That plan was itself based upon an earlier version of the SHS, approved by the member authorities as long ago as 2005, which in turn was based on evidence necessarily dating back to before that time. Having regard to the PPG advice therefore, it seems to me that the FCS appears to be an example of the kind of local plan that is envisaged as being potentially out-of-date: that is, one where the evidence base dates from long ago, and where circumstances have changed so that the plan may not now adequately reflect current needs.
31. Furthermore, the FCS pre-dates the NPPF. As already noted, the NPPF places emphasis on ensuring that local plans set out to meet the full objectively assessed need (OAN) for housing, as far as is consistent with other relevant policies. This is a significant change compared to the previous national policy in Planning Policy Statement 3 (PPS3), which was in place at the time when the FCS was adopted. Although the relevant part of the NPPF (paragraph 47) is couched in terms that relate principally to plan-making, the Courts have determined that the same principles should be assumed to apply equally in decision-making, including development control decisions⁴. In the Borough of Fareham, the Council accepts that the FCS was not informed by any assessment of full OAN, and neither does it attempt to explore how far the OAN could be met. It follows that, in respect of matters relating to housing needs and targets, the policies of the FCS cannot be said to be consistent with the approach advocated in the NPPF. Paragraph 215 of the latter makes clear that in such cases, development plan policies may carry less weight relative to national policy and other considerations.
32. It is true that the Council's land supply calculations are not reliant solely on the FCS, because they also take account of the 2012 SHS, which is a more recent document, based on data that is more up to date than the FCS. But the SHS, like the FCS, is not derived from any assessment of full OAN, and does not address the question of what is the OAN, or whether it can be met. In the absence of knowing the full OAN, it seems to me that the 5-year supply exercise cannot serve its intended purpose. Consequently, merely adding an SHS element onto the Policy CS2 housing requirement does not overcome the fundamental shortcomings of the FCS itself, or those of any land supply calculations based on it.
33. I therefore conclude that the weight that can be given to the Council's calculations, based on the FCS and the SHS, is limited. This being so, it seems to me that the next step must be to look at any other available evidence of housing needs, and to assess whether, for the purposes of this appeal, this is likely to provide a better guide to OAN.

³ PPG 3-030 (emphasis added)

⁴ Gallagher Homes Ltd and Lioncourt Homes Ltd v Solihull MBC: [2014] EWHC 1283 (Admin)

The alternative housing requirement - based on OAN

34. I therefore turn to the appellants' proposed alternative, of using the figures from the 2014 SHMA report. In considering the SHMA, I have taken particular account of the letter on this subject from the Minister of State for Housing and Planning, issued on 19 December 2014, after the close of the inquiry, and the appeal parties' comments on the contents of that letter.
35. In the case of the South Hampshire SHMA, there can be no doubt that the report's intention and main purpose is to quantify the OAN, for the sub-region as a whole, and for its constituent housing market areas (HMAs) and districts. This aim is made clear, both in the report's own introduction, and in the officers' report which accompanied it to the PUSH joint committee, in January 2014. The SHMA report examines in considerable detail the various alternative demographic projections, market signals, economic trends, and the needs of different groups, including the need for affordable housing. Having done so, it presents a number of housing need scenarios, reflecting a range of differing assumptions. Without question, this is a substantial body of work, and one that appears both comprehensive and thorough.
36. The SHMA report pre-dated the coming into force of the PPG. However, it was prepared in the light of the earlier draft version, and against the established background of the NPPF, and its methodology appears broadly consistent with the subsequent guidance. The SHMA has yet to be fully tested, but nonetheless, it has evidently been accepted by the PUSH authorities, including Fareham, as a basis for the forthcoming review of the SHS and subsequent local plans. Moreover, the very fact that the SHMA has been commissioned jointly, on behalf of all the South Hampshire authorities, gives it added weight.
37. Certainly, the SHMA figures have not been moderated to allow for any constraints, or to take account of any opportunities for cross-boundary co-operation. However, these are not necessary for the purposes of defining the OAN. A good deal more work will be required before the SHMA figures can be translated into proposed housing policy targets. But that does not prevent those figures from being used in a 5-year land supply calculation now, because this is exactly what the PPG advises in a situation where the adopted plan has become out of date. At the inquiry, the Council's witness agreed that the SHMA represents the best and most up-to-date evidence of OAN currently available, and I see no reason to disagree with that view.
38. For these reasons, I conclude that the 2014 South Hampshire SHMA appears to represent a respectable and credible picture of the OAN for housing in Fareham. As such, it seems more likely to present a realistic picture of housing need than the FCS. Of these two options therefore, it seems to me that the SHMA provides the more suitable basis for a 5-year land supply calculation at the present time.

The OAN figure

39. Although the SHMA covers a wide range of alternative scenarios, there is agreement between the Council and the appellants that, if the SHMA-based approach is used, then the most appropriate set of figures for the purposes of this appeal is that referred to as 'PROJ2 - Midpoint Headship'⁵. This is

⁵ As set out in the SHMA report at Appendix U, Table 19 (on p51 of the Appendices)

essentially a demographic-based projection of housing need linked to the ONS sub-national population figures, with an adjustment for future changes in migration, and incorporating a household formation rate mid-way between those of the 2008-based and 2011-based DCLG projections. On this basis, Fareham's OAN, over the period 2011-36, would be 395 dwellings per annum.

40. Despite this measure of agreement, some of the evidence presented at the inquiry still questions whether 395 p.a. is high enough, having regard to the level of need in the affordable housing sector, and the need to avoid restricting economic growth. Even the Council's own witness admitted that economic trends were more likely to push the OAN up from that figure rather than down, and that on any basis, the full OAN was unlikely to be less than 395 p.a. However, it is not the function of this appeal to attempt to determine the future level of housing required in Fareham. The reason for exploring these matters is simply to choose the most appropriate figure for testing the 5-year supply at this point in time. None of the evidence identifies any other specific figure within the SHMA as being preferable to 395 dwellings per annum.
41. In passing, I note the Council's point that just because 395 p.a. is the average across the whole of the SHMA's 25-year period, that does not necessarily mean that the annual rate should be constant throughout. This may be so, but again, there is no specific evidence to support any alternative phasing. In the light of all the evidence before me, I conclude that 395 dwellings p.a. is a reasonably robust basis on which to proceed.
42. On this basis therefore, 5 years' worth of the annual OAN would be 1,975 dwellings. With the addition of a 5% buffer, which is not disputed, the overall 5-year requirement becomes 2,074 units⁶.

The Council's suggested adjustment for over-delivery in previous years

43. This requirement of 2,074 exceeds the Council's claimed supply of 1,926 dwellings⁷. However, the Council argues that the requirement should be reduced because, during the period 2006-14, housing completions exceeded the requirement in Policy CS2 by 401 units.
44. In putting forward this argument, the Council relies on paragraph 3-036 of the PPG, which states:
- "In assessing need, consideration may be given to evidence that a Council has delivered over and above its housing needs". (3-036)*
- In the light of this advice, the Council's case is essentially that this means that the past 'overprovision' should be deducted from the requirement for the next 5-year period, in full, irrespective of whether that requirement figure is based on the FCS or the SHMA.
45. I have considered this argument carefully. However, the PPG advice relates specifically to a situation where housing delivery has exceeded the area's housing needs, rather than a policy requirement. In this case, for the reasons explained above, I have come to the view that the Borough's housing needs are now more accurately expressed in the SHMA projections than in the FCS.

⁶ In the parties' evidence this is shown as 2,075, due to rounding the buffer from 19.75 to 20 units for each individual year

⁷ As amended by Mr Home in oral evidence, from the figure of 1,876 which appears in the statement of common ground

Measured against the SHMA figure of 395 units per annum, there has been no over-provision or over-delivery.

46. I appreciate that the SHMA was only published in January 2014. But it relates to a period that started from April 2011, and it is therefore logical to take account of the housing needs that have arisen over the whole of that period. I fully accept that during 2011-14, the Council could not have been expected to meet a need which it was not aware of at the time, but that is not the point here⁸. With the benefit of the information now available, what was previously seen as an over-delivery against the FCS requirement during those three years, can now be seen to have been in reality a slight under-delivery compared to the level of actual need.
47. For the years 2006-11, there is no assessment of OAN. Housing completions in that period exceeded the relevant policy requirement in the FCS, but that does not mean that they exceeded the need. And in any event, this period prior to 2011 is now somewhat historic. I appreciate that 2006 was the start of the FCS period, but now that the FCS is no longer the best reference point for future housing needs, it becomes questionable whether housing completions from before 2011 have any continuing relevance.
48. Furthermore, even if I were to take a different view on these matters, so that the 401 dwellings over-delivery against the FCS were to be deducted from the SHMA-based requirement as suggested, it is far from clear why the whole of the 401 should be offset against the needs of just the next 5 years. I appreciate that this would mirror the 'Sedgefield method', but that approach is normally used where the past performance has been one of under-provision, and in that kind of situation there is consequently a clear imperative to achieve a rapid increase in the rate of delivery. In the reverse situation, as here, there is no such imperative. Arguably, the effect would be a sharp reduction, which would be at odds with the NPPF's aims to maintain continuity of supply and boost overall provision. The Council has presented no cogent rationale for this approach.
49. The PPG advice referred to above allows for consideration of the effects of past over-delivery, but does not specify what action should then be taken. It may be that in some circumstances an adjustment to the requirement for future years would be justified, but here, for the reasons that I have explained, that is not the case. I can see nothing in the PPG which sanctions the approach now proposed by the Council in deducting 401 units from the requirement side of the 5-year supply calculation.
50. I therefore conclude that no adjustment should be made in respect of the past over-delivery against the FCS requirement.

The supply side: Welborne

51. The Council anticipates 500 completions, within the 5-year period, at the proposed new settlement of Welborne. This is supported by the planning and development programme agreed with the scheme's promoters and other relevant agencies, which indicates work starting on site in March 2016, and the first 120 dwellings being completed by March 2017. The Council acknowledges

⁸ As noted at the inquiry, this argument might be relevant in other circumstances, such as where the point at issue relates to whether there has been 'persistent under-delivery' for the purposes of the NPPF buffer; but the issue here is distinct from that type of assessment

- that this programme is both challenging and ambitious, but regards it as achievable.
52. However, the planned scheme is for a very large development, amounting to some 6,500 dwellings overall, plus employment, retail and other land uses. In terms of the practicalities of development, the site is completely undeveloped land, and major new infrastructure works of all kinds will be needed. A connection to the M27 is required, involving a new junction and slip roads. Developer partners, to take the lead in house-building and infrastructure works, have not yet been identified. Some of the land is not yet within the control of the current promoters, and the possible need to use compulsory purchase powers has not been ruled out. Although the Council maintains that the scheme will be financially viable, it admits that viability has been identified as a significant issue, and remains under review.
53. In terms of its planning status, although the general location of the development has been identified for many years, the formal allocation and specific site boundaries remain to be confirmed in the Welborne Plan, which is still under examination. No planning permission exists, nor has an application been made. Any application is likely to be subject to an environmental assessment, for which some of the necessary survey work will be limited as to the time of year. Some parts of the site apparently have protected status under European legislation, and a mitigation strategy may need to be agreed with Natural England before an application can be considered. There is no clear evidence as to how much of this work has already been done. I have no reason to doubt that ultimately the hurdles can be overcome, but that does not mean that they can be overcome quickly.
54. I note the Council's suggestion that, if necessary, a first phase of 500 dwellings could be brought forward as a stand-alone scheme, in advance of the new motorway junction and other new facilities. But there is no proper evidence regarding the feasibility of this option, or its effects on the development programme. The Welborne Plan clearly seeks a comprehensive approach, as set out in draft Policy WEL4.
55. The NPPF's test for inclusion in the 5-year supply includes the requirement that sites should have a realistic prospect of delivering houses within that timescale. At the inquiry the appellants' witness accepted that there was a possibility of up to 50 units coming forward within the 5-year period, although no more than that. I do not disagree with that assessment. But a mere possibility is not the same as a realistic prospect.
56. There can be no doubting the amount of work that has already gone into the Welborne scheme, or the commitment of all the parties involved. However, it is equally clear that there is still a long way to go before any houses can start to be built. For a development of this scale, with no planning permission or current application, nor yet even a detailed site allocation, five years is not a long time. From the evidence presented, it seems to me that the Council's development programme for Welborne relies at each stage on the absolute minimum timescales, or less. That approach may have its merits in some other context, but for the purposes of assessing the 5-year supply, it lacks flexibility. For this purpose, it would be more realistic in my view to assume that the development is likely to come forward in a slightly longer timescale, pushing the first completions beyond the 5-year period.

57. I conclude that the Council has failed to show a realistic prospect that development at Welborne is likely to contribute to the 5-year supply. The site therefore cannot be regarded as deliverable at this stage, in terms of the NPPF requirement. This reduces the Council's claimed supply by 500, to a maximum of 1,426 units.

The supply side: other disputed matters

58. A number of other sites in the Council's supply, totalling 202 units, are disputed by the appellants. I appreciate that some of these do not yet have planning permission. However, the information that the Council has provided indicates that the sites are likely to come forward within the requisite period. Some are proposed allocations in the draft DSP, which remain to be considered, but I am not aware of any objections to the principle of development on any of these sites. Some of the sites have other issues to be addressed, relating to access, trees and other detailed matters, but there is no suggestion that these are likely to be insoluble. None are so large that they would require more than five years to complete. In all of these cases, there is sufficient evidence to justify treating these sites as deliverable.

59. The Council's supply figures also include a windfall allowance of 100 dwellings across the 5-year period. I accept that this may involve a risk of some overlap with sites that are counted in other categories. But on the other hand, the Council's supply does not count identified sites of less than five units, including those with permission, which total 139 units. The Council suggests that, for the purposes of this appeal, these two figures are close enough to offset each other. In the interests of avoiding unnecessary complexity, I agree.

60. I therefore make no further adjustment to the Council's supply figure in response to the disputed sites or the windfall allowance. But in any event, in the light of the conclusions that I have already reached above, these matters do not affect the final outcome of the land supply calculation.

Conclusions on housing land supply

61. From the above, I conclude that the 5-year requirement, based on the best evidence of the OAN, should be 2,074 dwellings. This requirement should not be adjusted to take account of over-delivery prior to April 2014. Against this, the Council's maximum claimed supply is only 1,926 dwellings. The supply must therefore be less than the minimum 5 years required by the NPPF.

62. In addition, the Council's figure over-states the supply, by including 500 units at Welborne, which should not yet be counted as deliverable within the relevant 5-year period. When these are deducted, the realistically deliverable supply becomes 1,426 units. This amounts to only around 3.4 years.

63. Although the DSP and WP are at the examination stage, there is no evidence to suggest that the adoption of those plans in the near future would significantly change the housing supply situation from that considered at this inquiry. All in all, I conclude that a 5-year supply has not been demonstrated.

64. In the light of this finding, NPPF paragraph 49 requires that any relevant policies for the supply of housing be treated as out-of-date. For the purposes of the present appeal, it is not disputed that these include Policy CS14, in so far as the latter provides for settlement boundaries, and seeks to restrict housing development anywhere outside them. Accordingly, although the appeal site is

outside the boundary of Lower Swanwick, the resulting in-principle conflict with Policy CS14 carries relatively little weight.

65. In addition, the lack of a 5-year supply also means that added weight should be given to the benefits of providing housing to meet local needs.

Effects on the area's character and appearance

Effects on the character and appearance of the countryside

66. In policy terms, the countryside is defined by the FBLP proposals map. On that map, the settlement of Lower Swanwick appears separated from the River Hamble by a continuous swathe of countryside, coloured green, and the appeal site is included in that area. Based on the proposals map, the loss of the appeal site would bring the urban area closer to the river, reducing the remaining countryside at that point to little more than a narrow strip along the water's edge. However, that is an impression conveyed by a map produced for a particular purpose. As its name suggests, the proposals map is concerned with policies and the control of development in the future; it is not necessarily intended to depict what exists now, nor can it be definitive in that respect. And in any event, for the reasons explained earlier, the settlement boundaries currently carry reduced weight, due to the lack of a demonstrated housing supply. For the purposes of this appeal therefore, it seems to me that any assessment of the appeal site's contribution to the countryside cannot usefully be done simply by reference to the FBLP proposals map. Rather, such an assessment should be based on what is seen on the ground.
67. The appeal site comprises an undeveloped grass paddock, currently used for grazing horses. To that extent, it might be arguable that the site has some resemblance to open countryside. However, the site lies at the junction of Lower Swanwick's two main roads, Bridge Road (the A27) and Swanwick Lane, which is effectively the settlement's centre. On its south-eastern and north-eastern sides, the site abuts existing residential areas. Adjacent to Swanwick Lane there is also a children's play area. To the south-west and north-west, fronting the river, is an extensive area of boat yards, workshops, moorings and related development, plus The Navigator pub and its car park. The appeal site is thus surrounded on all sides by urban land uses and built development, and at no point does it abut or connect with any other undeveloped or un-urbanised land. Consequently, notwithstanding its designation as countryside, what is seen on the ground amounts to no more than a relatively small, self-contained patch of vacant land, wholly enveloped within the built-up area.
68. How the site looks in reality is therefore quite different from the impression gained from the proposals map. To a large extent, this difference is explained by the treatment of the boatyards which encircle the appeal site on two sides. On the proposals map these are included in the countryside, thus creating the apparent connection between the appeal site and the river, and thence to the more open countryside beyond. I take no issue with this approach in terms of the policies that this implies for the yards themselves. But in terms of their effect on how the appeal site is perceived, the reality is that the boatyards comprise mainly large-scale, industrial-style buildings and a large expanse of hardstanding. Visually, these appear as an integral part of Lower Swanwick's built-up area. As such, their effect is not to link the appeal site to the river and

countryside, but rather to separate it from those, and to enclose it within the settlement.

69. In addition, the Swanwick Marina site, which includes the greater part of this boatyard area, has planning permission for redevelopment, including a pavilion building of up to 3 storeys, with retail units, bar and restaurant facilities, plus new workshops and offices, and 49 dwellings. The effect of that scheme, it seems to me, can only be to reinforce the urban character of the marina/boatyards area, further consolidating the settlement pattern and the appeal site's sense of containment within the urban area.
70. Similarly, to the north of the appeal site, the settlement boundary excludes some of the residential properties at Green Lane, suggesting a connection between the appeal site and the countryside beyond. However, as I saw on my visit, Green Lane is entirely residential in character, and functionally is fully part of the settlement of Lower Swanwick. Whilst the excluded properties are relatively low-density, a number such as 'Highfield' and 'Genesta' have been extended or replaced, becoming more prominent as a result. Consequently the Green Lane residential area is a highly visible part of the backdrop to the appeal site. Again, I do not mean to question the settlement boundary itself, as far as it relates to the Green Lane area, or the policies to be applied there. But in relation to the appeal site, the presence of residential development along the full length of its north-eastern boundary contributes to the impression of a site encircled by existing development, and reinforces the site's visual containment within the settlement.
71. This impression of containment is increased yet further by the dense woodland belt that runs along the appeal site's north-western boundary, partly within the site itself and partly on adjoining land. Some of the trees in this belt result from the additional planting that was carried out a few years ago. I note the comments made at the inquiry as to the possible motive for that planting, but this has no relevance to the planning merits of the site or the proposed development. To my mind, the tree belt has an attractive, naturalistic appearance, and continues the line which is already established along the top of the river bank further to the north. Its effect is to further reinforce the site's separation from the river, and its association with the built-up area.
72. I note the contents of the 1996 Landscape Character Assessment (LCA)⁹. That report found that the appeal site had 'strong visual links with the river and boat-related activities on the south side of the road'. That may have been so then, and indeed might still be so. But the boat-related activities referred to must presumably have been those in and around the boatyards, and for the reasons already given, my view is that that area has more affinity with the built-up area than the countryside. In any event, I can see nothing in this comment that could be said to endorse the view that the appeal site formed part of the countryside, either then or now. Neither is there any support for that view in the 2012 LCA¹⁰; indeed that report includes the appeal site in the urban area.
73. There are mid-range and longer views of the site from the A27 river bridge, and the railway bridge, and from Lands End Road on the opposite bank. But from all of these viewpoints, the site is framed by buildings and urban land

⁹ Fareham Borough Landscape Assessment : Scott Wilson Resource Consultants, May 1996

¹⁰ The Hamble Valley Integrated Character Assessment : Hampshire County Council, May 2012

uses on all sides. Indeed, in respect of the view from Lands End Road, the Council made the point more than once at the inquiry, that the appeal site is the only piece of green space or open land that is visible. In addition, in all of these views, the site is partially screened by the tree belt or boatyard buildings. In none of them is the appeal site a main focus or a key element of the view. No other significant public viewpoints have been identified, other than from the roads immediately adjacent to the site itself. In my opinion all of these available viewpoints merely serve to reaffirm my earlier judgement, that the site's setting and context is formed primarily by the built-up area of Lower Swanwick.

74. In these circumstances, I conclude that the appeal site, in its undeveloped state, contributes nothing of any significance to the character or appearance of the countryside. It follows from this that, whatever visual impact the development might have, that impact would not be likely to significantly affect the countryside.

Effects on the character and appearance of Lower Swanwick - loss of openness

75. Seen from within Lower Swanwick, the appeal site appears essentially as an open, grassed field, sloping towards the A27. There is an attractive, medium-sized native poplar tree in one corner, at the Swanwick Lane junction, and the woodland belt on the opposite boundary, but there is no suggestion that the proposed development would put these at risk. In all other respects, the site is featureless and unremarkable.
76. If the site were developed as proposed, its present openness would be lost. However, as far as I am aware, the site has never been formally identified as an important open space, or any similar designation based on its townscape value or any contribution to the character or appearance of the settlement. Bearing in mind the other planning considerations discussed above, and especially the urban nature of the location, and the unmet need for housing, in these circumstances the loss of openness on its own is not a compelling objection.
77. Development on the lower part of the site could potentially obstruct views towards the waterfront from Swanwick Lane and the play area. Although the river itself is not visible from here, its presence is signalled by the sight of the many boat masts which extend above the roofs of the boatyard buildings, and I can appreciate why that sight would be missed by residents. But that consideration alone is not overriding. The site is not in a conservation area, nor would the proposed development appear to affect any views into or out of any such areas. The view from Swanwick Lane was not identified as a consideration in the design officer's pre-application comments, or in the planning officer's report, nor in the refusal reasons. Nor was it identified in either of the relevant LCAs. There is also no evidence that this was seen as an issue in the Council's earlier decision on the Swanwick Marina scheme, which seems likely to have a greater impact on the same view. Consequently, I am not convinced that the view from Swanwick Lane is such an important planning consideration as to outweigh the other matters that I have identified.
78. And in any event, the existing views need not be lost altogether, because layout and design are reserved matters. If the Council regards the views from Swanwick Lane as a priority issue, there seems no reason why the height and disposition of the buildings could not be designed to take this into account, by

creating gaps and preserving lines of sight where necessary. The current illustrative layout does not do this, but that plan is not binding, either on the Council or a future developer. Development on the remainder of the site would have little or no impact in terms of views towards the river. Given the size of the site as a whole, and the lack of constraints in most other respects, I see no reason why an acceptable alternative scheme could not be designed which takes account of the relevant viewpoints from within Lower Swanwick.

79. I also note the other points made in support of the retention of some openness at the site's southern corner, to create a landscaped area around the road junction and the poplar tree. I agree that this could well be an attractive approach, and this might be one possible way of producing the urban design focus that the 1996 LCA saw a need for here. But there is no reason why this should be the only way. In any event, for the same reasons as above, an outline permission based on the present application would not prevent this or any other approach from being followed at the reserved matters stage.
80. And furthermore, looking at the site as a whole, it seems to me that at that stage there would be the opportunity to seek to secure a high-quality scheme which could make better use of the land than at present, and which could enhance the urban townscape at this potentially important focal point. In the present outline application there is no guarantee that this opportunity would be realised, but the outcome would be at least partly in the Council's hands.
81. For these reasons, I have come to the view that the loss of the appeal site in its undeveloped state would not have any unacceptable adverse impact on the character or appearance of Lower Swanwick, and indeed could prove beneficial.

Effects on Lower Swanwick – the quantity of development proposed

82. Averaged across the site, the proposed development of 37 dwellings would amount to a density of about 32 dwellings per hectare (dph). That is slightly higher than the average within the surrounding residential area, but not unduly so. Nothing in the NPPF or PPG suggests that new development should be required to match that of its surroundings as a matter of course. Rather, the emphasis is on making good use of land, encouraging innovation, and good design, whilst still respecting local character and identity.
83. If development on the lower part of the site were restricted for any of the reasons discussed above, that would tend to increase the density of the remainder of the site, to above 32 dph. At the extreme, if all of the built development were concentrated in the upper area, the density there would be around 47 dph. But that would be offset by a lower density in the lower area; it would not change the overall density of the development as a whole. The existing settlement itself contains a wide range of variation in densities, both above and below what is now proposed; including lower density at Green Lane, but higher in the Swanwick Lane terraces, the Swanwick Quay flats, and the proposed Marina development. There is nothing inherently objectionable about such differences.
84. I accept that the submitted illustrative plan has some shortcomings. I agree that it would be desirable for the development to present an active frontage to the public realm, including Swanwick Lane and the play area, and that issues such as overlooking and relationships to surrounding properties need careful

attention. But all of these are reserved matters, and there is nothing to suggest that they cannot be resolved at the appropriate stage.

85. I note that there is now no dispute that the north-western tree belt could be satisfactorily protected by the relevant provisions contained in the undertaking, together with a buffer zone which could be secured by condition.
86. Having regard for all the evidence before me, I can see no reason why an outline permission for 37 units should not be able to produce a satisfactory detailed scheme which satisfies national and local design policies.

Other matters relating to effects on character and appearance

87. Although the appeal site was included in the coastal zone that was identified in the FBLP, that policy has now ceased to have any effect. I note the suggestion that the 'coastline' and 'coastal locations' now referred to in Policy CS14 must be the same as that area, but this does not follow. The areas in question are not defined on any map. Whilst Lower Swanwick might be described as being just within the upper reaches of the river estuary, it is some way from what would normally be considered the coastline. In my view, the area is clearly not the kind of 'undeveloped coast' to which paragraph 114 of the NPPF refers. In any event, for the same reasons as those given above, I do not consider that the development would have any significant adverse effect on the character or appearance of the coastal area, or that of the Hamble estuary.
88. As I have already indicated, I appreciate that the site is valued by local people. However, the NPPF advice on protecting 'valued landscapes', in paragraph 109, is placed in the context of conserving and enhancing the natural environment. In the present case, in view of my conclusions on the above matters, it seems to me that the appeal site does not contribute significantly to the natural environment in any of the ways to which this paragraph is directed. I can therefore find no reasonable basis for applying paragraph 109 here.

Conclusions regarding the effects on character and appearance

89. I conclude that the proposed development would have no material adverse effects on the character or appearance of the countryside, or of the settlement of Lower Swanwick. As such, it would not conflict with any of the relevant policies, including FLBP Policy DG4, or FCS Policies CS9, CS14 or CS17.

Other matters

Traffic and safety

90. I note the concerns raised by local residents, particularly concerning traffic, congestion and highway safety. I saw on my visit that local roads are already busy, especially in the peak periods, and the development now proposed would add more traffic to the network. However, as a percentage of the existing flows, the increase generated by 37 dwellings would be negligible, and the proposed design of the new junction on Swanwick Lane, including the proposed 'keep clear' road markings, would meet all of the Highway Authority's safety requirements. There are therefore no reasonable highway grounds for objection.
91. In addition, the replacement of the existing layby with a new off-street car park would undoubtedly be a safer arrangement for users of the children's play area,

as it would greatly reduce the potential for a small child to wander into the path of a moving vehicle. I appreciate that this might leave some residents looking for alternative overnight parking, but it seems to me that this is outweighed by the safety benefit.

92. A suitable junction design and the early provision of the car park can be secured by conditions.

Residential amenity

93. I accept that the proposed development would block views of the river from some neighbouring properties, and I fully understand what this would mean to their owners. However, the loss of private views weighs less heavily as a planning consideration than the other issues that have been identified. There is no reason to doubt that existing occupiers can be adequately protected from more serious impacts such as overlooking, overshadowing or overbearing effects, at the detailed stage. The development therefore need not unacceptably harm living conditions at any existing property.

Local facilities

94. I note the comments made about the adequacy of some local facilities. But on my tour of the area, I saw that the site is within reasonably easy reach of schools, doctors, shops and a variety of local employment. Public transport is available by bus and train, at most times of day, and the Highway Authority states that it intends to improve pedestrian and cycle facilities on the A27.
95. I accept that there may be pressures on some local services, especially doctors and schools, but at a time when population numbers are increasing throughout the region, the same is true in many areas, and ultimately the task of adapting to meet future needs is one for the providers of those services. In the present case, this would not be a proper reason to refuse planning permission.

Wildlife

96. The various observations relating to wildlife are noted, but the survey evidence shows that the site has limited habitat value. This can be adequately protected and enhanced by condition.

The legal undertaking

97. The undertaking provides for a financial contribution of £6,364.00 towards the mitigation of off-site ecological impacts. The need for such a contribution arises because of the development's proximity to designated sites of ecological importance, and the consequent potential cumulative impacts of developments in the area on protected bird species. A framework for such contributions has been agreed between the PUSH authorities under the Solent Disturbance and Mitigation Project, and a specific programme of mitigation works has been identified, focused on the Alver Valley Country Park, in the Borough of Gosport.
98. The undertaking also provides for the setting up of a management company to maintain the development, and for the carrying out of a woodland management plan and other landscaping works, in accordance with details to be approved by the Council.

99. From the information provided, I am satisfied that all of the obligations are necessary, and are properly related to the proposed development, so as to meet the relevant policy and legal tests¹¹.
100. I note that a Community Infrastructure Levy (CIL) charging Schedule is in place in the borough, and that the proposed development would also be required to contribute to local infrastructure provision through a CIL payment.

Conditions

101. I have considered the conditions suggested by the Council, and those others discussed at the inquiry, in the light of the tests in NPPF paragraph 206. If permission is granted, I agree that most of these conditions would be needed in one form or another, although with some re-ordering and rewording, to improve their clarity, precision and effectiveness. The conditions that I consider should be imposed on any permission in this case are set out in the attached Schedule.

Conditions to be imposed

102. Conditions Nos 1 – 3 set out the requirements as to reserved matters and the time limits for submission and commencement. In the light of my earlier conclusions regarding the Borough's housing land supply, I have reduced the time limits to less than the normal statutory periods, to better reflect the urgency of the need. I note the Council's suggested additional wording, but I see no evidence to support a limit of 3 storeys; nor any need for these conditions to refer to the mix of dwelling types.
103. Condition 4 sets out the requirements with regard to affordable housing, which is needed to comply with FCS Policy CS18. I agree that the condition should specify the number of affordable units, and their tenures, but the suggested detailed breakdown as to numbers of bedrooms and floorspaces seems to me over-prescriptive at this outline stage. The suggested contingency provisions relating to right-to-buy, staircasing, mortgagee in possession, and other exceptions, seem to me too imprecise for inclusion in a condition, and I have therefore omitted these.
104. Conditions 5 and 6 set out the requirements for pre-commencement investigations relating to archaeology and contamination. These are necessary to protect the historic environment and the health of future occupiers respectively.
105. Conditions 7 and 8 are aimed at securing the implementation and on-going management of high-quality landscaping, and Nos 9 – 13 provide for the protection of existing trees and hedges. All of these are needed to ensure a good standard of development.
106. Conditions 14 – 20 set out the requirements as to highway works, both off and on-site, and Nos 21 and 22 secure the provision of the proposed play area car park. All of these are necessary in the interests of highway safety and for the convenience of road users. In Condition 22, I have increased the period from 6 to 8 weeks, to ensure that compliance can be achieved.

¹¹ In: (i) Regulation 122 of the Community Infrastructure Levy Regulations 2010; and (ii) NPPF paragraph 204

107. Condition 23 requires adequate measures to mitigate noise from road traffic and nearby commercial uses, as defined in the submitted noise report; and Condition 24 seeks the provision of suitable facilities for household refuse. Both are needed to ensure a satisfactory residential environment.
108. Condition 25 calls for ecological mitigation and enhancement, in order to minimise any impacts on biodiversity and secure a net gain in accordance with NPPF paragraph 109. The condition requires further details to be submitted and approved, since the existing ecological report contains limited detail as to any recommended measures.
109. Condition 26 requires compliance with the Code for Sustainable Homes, in accordance with FCS Policy CS15.

Rejected conditions

110. Having carefully considered all of the other suggested conditions, I find that none of these meet the relevant tests. The Council's proposed requirement for the development to be carried out only in accordance with the submitted illustrative plan would not be reasonable, because layout is a reserved matter, and in any event there is no evidence to suggest that no other form of layout would be acceptable. Equally, the appellants' tentative suggestion of an exclusion area in the southern corner would not be a reasonable condition, since it has not been shown that there is any overriding objection to development in that part of the site.
111. The proposed conditions relating to materials, car parking and cycle storage are unnecessary, as these details can be dealt with at the reserved matters stage. Lighting is adequately covered in the revised on-site highway works condition that I have included at Condition 20, and thus does not need an additional separate condition.
112. With regard to the proposed construction method statement and controls on the hours of construction work, powers are available to prevent obstruction of the public highway, or the deposit of mud, and to prevent nuisance to adjoining occupiers, under other legislation. There are no particular circumstances here that make it necessary to duplicate those controls through planning conditions.

CONCLUSIONS

113. The proposed development of 37 dwellings would be outside the settlement boundary defined in the FBLP, and would thus conflict with FCS Policy CS14. However, given the lack of a demonstrated 5-year housing supply, the settlement boundary must be regarded as out of date, and the weight that can be afforded to Policy CS14 is reduced accordingly.
114. Despite its designation on the FBLP proposals map, the appeal site does not appear in reality as an integral part of the countryside, nor of the coast, and does not contribute significantly to the character or appearance of those areas. Neither does the site, in its undeveloped state, contribute positively to the character or setting of the settlement. Consequently, no material conflicts arise in respect of any of the policies that are concerned with protecting these areas, in either the development plan or the NPPF.

115. The site lies within the Western Wards area, which is identified in Policies CS6 and CS9 as one of the District's preferred locations for housing development. The local infrastructure and services are adequate to serve a development on the scale now proposed.
116. So, on the one hand, the development would result in the loss of an undeveloped, but otherwise unremarkable, parcel of open land. On the other hand, the proposed development would make a valuable contribution to meeting local housing needs, including affordable housing provision. There would also be a modest public benefit in the provision of the proposed car park to serve the existing play area. And in addition there would be the opportunity, at the reserved matters stage, for the Council to seek to secure a high-quality scheme, which could make better use of the land, and enhance the townscape.
117. In view of the unmet housing need, the benefit of adding 37 new dwellings to the local housing supply commands substantial weight. Together with the car park and the potential for townscape enhancement, it seems to me that the conflict with Policy CS14 and any other harm arising from the development would be significantly and demonstrably outweighed by these benefits.
118. Having regard to the three 'dimensions' of sustainable development, and all of the relevant policies contained in the NPPF, I conclude that the development now proposed would constitute the kind of sustainable development that the NPPF seeks to encourage and promote. I have taken into account all the other matters raised, but none alters this conclusion.
119. The appeal is therefore allowed.

John Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions (numbered 1 - 26):

Reserved matters and time limits

- 1) No development shall be commenced until details of the appearance, landscaping, layout, and scale (hereinafter called "the *reserved matters*") of the proposed development have been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the details thus approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Affordable housing

- 4) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to the local planning authority and approved in writing. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF. The scheme shall provide for 15 units of affordable housing, including 10 for 'affordable rented' tenure, and 5 for shared ownership. The affordable housing scheme shall also contain details of:
 - (i) the proposed mix of types and sizes of the affordable housing units, and their location within the site;
 - (ii) the proposed timing of the construction of the affordable units, in relation to the occupancy of the market housing;
 - (iii) the proposed arrangements for the transfer of the affordable housing to an affordable housing provider;
 - (iv) the arrangements to ensure affordability for the initial and subsequent occupiers in perpetuity; and
 - (v) the occupancy criteria and the means by which such criteria are to be enforced.

Archaeology

- 5) No development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme of investigation which has been submitted to the local planning authority and approved in writing.

Contamination

- 6) No development shall take place until the site has been investigated for soil contamination, and any such contamination found to be present has been removed or rendered harmless, in accordance with a scheme to be submitted to the local planning authority and approved in writing. In addition:
 - (i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority; and
 - (ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to and approved by the local planning authority, showing that all such contamination has been treated, and the site

rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.

Landscaping

- 7) The landscaping details to be approved under Condition 1 shall include details of all planting and seeding, the surfacing of all hard surfaced areas, all boundary treatments, all re-grading or re-contouring of the land, and any signage and street furniture. The landscaping works thus approved shall be implemented in accordance with the approved details, and in accordance with the timescale specified in the submitted legal undertaking.
- 8) The landscaping details to be approved under Condition 1 shall also include a landscape management plan. Following the implementation of the landscaping works, all of the landscaped areas shall be maintained thereafter in accordance with the details thus approved. Any tree or plant forming part of the approved landscaping scheme which dies, or becomes seriously damaged or diseased, or is removed for any reason, within a period of 5 years after planting, shall be replaced during the next planting season with others of similar size and species.

Existing trees and hedgerows

- 9) No development shall take place until a tree and hedgerow protection scheme has been submitted to the local planning authority and approved in writing. The scheme shall contain details of proposed measures for the protection and retention of all of the existing trees and hedgerows on and adjacent to the site during construction. The scheme shall also identify a suitably qualified Arboricultural Supervisor.
- 10) The measures to be approved under Condition 9 shall include protective fencing, and such fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site, and shall remain in place until the latter have been removed from the site and the development has been completed. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within these areas shall not be altered, nor shall any excavation be made, except with the written consent of the local planning authority.
- 11) No tree or hedgerow on the site shall at any time be cut down, uprooted or destroyed, nor be topped, lopped or pruned, other than in accordance with details approved within either the tree and hedgerow protection scheme (under Condition 9) or the landscape management plan (under Condition 8). Notwithstanding this requirement, in the event that any existing tree or hedgerow dies or is lost for any reason, within a period of 5 years from the date of completion of the development, replacement planting shall be carried out in accordance with details to be approved in writing by the local planning authority.
- 12) All works approved under Conditions 9 - 11 shall be carried out in accordance with BS 5837:2012, and shall be overseen by the approved Arboricultural Supervisor.
- 13) The layout details to be submitted under Condition 1 shall include provision for a 5m-wide woodland buffer zone alongside the whole length of the tree belt on the site's north-western boundary, as shown on Plan No PP1220-101-00 (Revision. P2). Within this buffer zone, the land shall be used only for communal purposes, including landscaping, open space, and roadways, and no part of the buffer zone shall be included within the curtilage of any dwelling.

Access and off-site highway works

- 14) The proposed new access to the site and related off-site highway works shall be laid out in accordance with the submitted details shown on Plan No. A083488_PR_01. These works shall include the removal of the existing layby in Swanwick Lane, the

realignment of the footway alongside it, and the provision of visibility splays of 2.4m x 65m in both directions, all as shown on this approved plan.

- 15) In addition, the following off-site works are to be carried out, in accordance with details to be submitted to the local planning authority and approved in writing:
 - (i) the making good of the redundant footway and layby areas; and
 - (ii) the permanent closure of the existing site access to the north of the play area.
- 16) No development (other than that required to comply with this condition) shall be carried out until the existing layby has been closed, and the site access has been constructed to at least binder course level, including the first 10m of the access road.
- 17) No development or works of any kind (including those specified in condition 16), shall be carried out until a timetable for the full completion of all the access and off-site highway works required under Conditions 14 - 16 has been submitted to the local planning authority and approved in writing. These works shall thereafter be carried out and completed in accordance with the timetable thus approved.
- 18) No new dwelling shall be occupied until 'keep clear' road markings have been provided in Swanwick Lane, in accordance with details to be submitted to the local planning authority and approved in writing.
- 19) Once the visibility splays referred to in Condition 14 have been created, clear visibility within the splay areas shall be maintained thereafter, above a height of 600mm from ground level.

On-site highway works

- 20) The details to be submitted under Condition 1 above shall include details of all necessary on-site highway infrastructure, including access roads, turning areas, footways, street lighting and highway drainage, together with a timetable for the implementation of these on-site works. No dwelling shall be occupied until the on-site highway infrastructure serving that unit has been provided, in accordance with the approved details, and the relevant roads and footways finished to at least binder course level. These on-site highway works shall thereafter be fully completed in accordance with the approved timetable.

Play area car park

- 21) The layout details to be submitted under Condition 1.1 above shall include details of the proposed new car park for the existing play area adjacent to the site. The car park shall provide a minimum of 6 spaces, and shall be laid out in accordance with the details thus approved.
- 22) The proposed car park to be provided under Condition 21 shall be completed and made available for public use in connection with the play area, no later than 8 weeks from the date when the existing layby is closed. Thereafter, the car park shall be retained and kept available for its stated use.

Noise mitigation

- 23) No construction work on any new dwelling shall be commenced until a scheme of noise mitigation, including details of the proposed glazing and ventilation systems, has been submitted to the local planning authority and approved in writing. The submitted details shall demonstrate that the new dwellings are designed not to exceed the following maximum internal noise levels:

Daytime average (all habitable rooms):	35 dB L_{Aeq}
Night-time average (bedrooms):	30 dB L_{Aeq}
Night-time maximum (bedrooms):	45 dB L_{Amax}

Refuse storage

- 24) The details to be submitted for approval under Condition 1 shall include details of the provision to be made for the storage of household refuse for each proposed dwelling. No dwelling shall be occupied until the approved provision has been made available for use by the occupiers of that dwelling. Thereafter, the approved refuse storage provisions shall be retained in accordance with the details thus approved.

Ecological mitigation

- 25) No development shall take place until a detailed scheme of ecological mitigation and enhancement measures has been submitted to the local planning authority and approved in writing. The scheme shall include a timetable for the implementation of the necessary works, and those works shall be carried out in accordance with the scheme and timetable thus approved.

Code for Sustainable Homes

- 26) The proposed dwellings shall achieve Level 4 of the Code for Sustainable Homes. No new dwelling shall be occupied until a final Code Certificate has been issued for that dwelling, certifying that Code Level 4 has been achieved.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Ground, of Counsel Instructed by the Solicitor to the Council

He called:

Mr Stephen Jupp, BA(Hons) LLM MRTPI	Planning consultant
Mr Peter Home, MA(Oxf) MRTPI	Adams Hendry

FOR THE APPELLANT:

Mr Christopher Boyle, QC Instructed by WYG Planning

He called:

Mr Stephen Brown, BSc(Hons) DipTP MRTPI	Woolf Bond Planning
Mr Duncan McInerney, BSc(Hons) MLD CMLI	The Environmental Dimension Partnership
Mr Martin Hawthorne, BSc(Hons) MRTPI	WYG Planning

OTHER INTERESTED PERSONS:

Cllr Sean Woodward	Leader of Fareham BC and ward member for Sarisbury
Mr Jim Wood	Chairman, Burr ridge & Swanwick Residents' Association
Mr John Grover	Local resident
Mr Clive Nightingale	Local resident
Miss Sarah-Jane Moore	Local resident
Ms Suzanne Rosenbrier	Local resident (also speaking on behalf of Ms Kate Winkworth, local resident)
Mr Don Frost	Local resident

DOCUMENTS TABLED AT THE INQUIRY AND AFTERWARDS

TABLED BY THE APPELLANTS

- 1 Table: housing completions against requirement, 2006-14
- 2 Eastleigh Borough Local Plan examination: Inspector's preliminary report on housing needs and supply, 28 November 2014
- 3 Dartford BC v SoS and Landhold Capital Ltd: judgement dated 24 June 2014 [*2014 EWHC 2636 Admin*]
- 4 Photographs of the appeal site from the railway line
- 5 Photographs of the appeal site from Bridge Road, December 2014
- 6 Swanwick Marina – approved plan
- 7 Secretary of State's appeal decision – Droitwich Spa (APP/H1840/A/13/2199085)
- 8 Secretary of State's appeal decision – Ramsgate (APP/Z2260/A/14/2213265)
- 9 Appeal decision – Swanley (APP/G2245/A/13/2197478)
- 10 Bus timetables
- 11 Train timetables: Bursleden - Southampton
- 12 Train timetables: Bursleden - Portsmouth
- 13 Welborne strategic framework plan, annotated by Mr Hawthorne to show land not controlled by the promoters
- 14 Correspondence relating to screening direction for Welborne development
- 15 Executed unilateral undertaking, dated 9 December 2014
- 16 Appellants' suggested wording for a condition restricting development on part of the site, and related plans
- 17 Mr Boyle's closing submissions
- 17A Email dated 23 December 2014 in response to the Ministerial letter re SHMAs

TABLED BY THE COUNCIL

- 18 Appeal decision – Storrington (APP/Z3825/A/13/2202943)
- 19 Appeal decision – Emsworth (APP/L3815/A/13/2198341)
- 20 Emails relating to various housing supply sites
- 21 Welborne – planning programme chart
- 22 The Solent Disturbance Mitigation Project Interim Framework – report to PUSH Joint Committee, 25 March 2014, and minutes
- 23 Mr Home's summary statement
- 24 Inspector's decision re land at Blaby (S62A/2014/0001)
- 25 Swanwick Marina – planning permission and officers' report
- 26 S Northants v SoS and Barwood Homes Ltd: judgement dated 10 March 2014 [*2014 EWHC 570 Admin*]
- 27 Mr Ground's closing submissions
- 27A Email dated 22 December 2014 relating to the Ministerial letter re SHMAs

TABLED BY THE OTHER PARTICIPANTS

- 28 Cllr Woodward's statement
- 29 Mr Wood's statement
- 30 Mr Grover's statement
- 31 Mr Nightingale's statement
- 32 Miss Moore's statement
- 33 Ms Winkworth's written submission (presented by Ms Rosenbrier)
- 34 Aerial photograph dated 2013, tabled by Mr Grover

OTHER TABLED DOCUMENTS

- 35 Statement of Common Ground on 5-year housing land supply
- 36 Extracts from Core Strategy 'interactive' proposals map
- 37 Proposed condition re affordable housing (tabled jointly)
- 38 Letter from the Minister of State for Housing and Planning, dated 19 December 2014, re Strategic Housing Market Assessments



Appeal Decision

Inquiry held on 25 April 2017

Site visit made on 27 April 2017

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2017

Appeal Ref: APP/A1720/W/16/3156344

**Land north of Cranleigh Road and west of Wicor Primary School,
Portchester, Fareham, Hampshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes South Coast against the decision of Fareham Borough Council.
 - The application Ref P/15/0260/OA, dated 17 March 2015, was refused by notice dated 24 March 2016.
 - The development proposed is residential development of up to 120 dwellings together with a new vehicle access from Cranleigh Road, public open space including a locally equipped area of play, pedestrian links to the public open space, surface water drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 120 dwellings together with a new vehicle access from Cranleigh Road, public open space including a locally equipped area of play, pedestrian links to the public open space, surface water drainage and landscaping on land north of Cranleigh Road and west of Wicor Primary School, Portchester, Fareham, Hampshire in accordance with the terms of the application, Ref P/15/0260/OA, dated 17 March 2015, subject to the conditions contained at Annex A of this decision.

Preliminary Matters

2. The application was made in outline with all matters other than means of access reserved. The appellant and the local planning authority (lpa) confirmed that the drawings that comprise the planning application are Drawing Nos. LOC 1 Rev D – Location Plan and J-D1708.00 - Site Access Layout and Highway Improvements. The application plans are supported by 2 Illustrative Plans; Drawing Nos. 01 Rev W- Illustrative Site Plan and 2498-SK-04 Rev P3 – Indicative Landscape Strategy.
 3. The appellant has submitted a signed S106 Unilateral Undertaking (UU) providing for financial contributions towards: (a) mitigation in accordance with the Interim Solent Recreation Mitigation Partnership and (b) the approval and monitoring of a Travel Plan. In addition, the UU provides for the laying out of the public open space and that 40% of the dwellings would be affordable housing units.
-

4. An application for an award of costs was made by Persimmon Homes South Coast against Fareham Borough Council. This application is the subject of a separate Decision.
5. Following the close of the inquiry, the Supreme Court issued a judgement¹ concerning the interpretation of paragraph 49 of the National Planning Policy Framework (Framework) and its relationship with Framework paragraph 14. The parties were given an opportunity to comment on the implications of this judgement for their cases. I have taken the judgement and the parties' comments into account in coming to my decision.

Main Issues

6. These are:
 - (i.) whether the lpa can demonstrate a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land supply (HLS);
 - (ii.) the effect on the supply of Best and Most Versatile (B&MV) agricultural land; and
 - (iii.) the effect on the character and appearance of the area.

Reasons

7. The development plan for the area includes the Core Strategy (CS) adopted in August 2011, the Local Plan Part 2: Development Sites and Policies adopted in June 2015 (LP2) and the Local Plan Part 3: The Welbourne Plan adopted in June 2015 (LP3). The lpa has commenced a Local Plan Review (LPR). It is anticipated that a draft Local Plan will be published for consultation in September 2017.

Issue 1 - Housing Land Supply

8. Framework paragraph 47 seeks to boost significantly the supply of housing. Lpas are enjoined to ensure that Local Plans meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Lpas are to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land against their housing requirements with an additional buffer of 5% or 20% where there has been a record of persistent under delivery of housing.
9. Here, the lpa's 5-year HLS calculation is based on the requirements of the CS, in particular Policy CS2, adopted in 2011. The CS has a plan period running from 2006 to 2026 and was produced in the context of the no longer extant regional strategy (The South-East Plan) and the then emerging South Hampshire Strategy (SHS), a non-statutory sub-regional plan produced by a consortium of several lpas.
10. Given the CS was adopted several months before the publication of the Framework and the CS housing requirement is largely based on the regional

¹ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).

strategy it is not a Framework compliant OAN. Although LPs 2 and 3 post-date the Framework, neither plan undertakes the identification of an OAN.

11. Given the above, and in light of the Navigator appeal decision², the appellant submits that the starting point for calculating the HLS position should be based on the April 2016 Objectively Assessed Housing Need Update produced for the PUSH³ authorities and the June 2016 PUSH Spatial Position Update. Both studies identify an OAN for Fareham that is materially higher than the CS housing requirement. The Ipa's position is that as LPs 2 and 3 have been found sound, and in light of PPG and Ministerial guidance on the use of SHMAs the housing requirement used to calculate the HLS is that contained in the CS. The Ipa's position is that until the LPR has been the subject of consultation, examination and adoption it is premature to use the PUSH OAN as the Borough's housing requirement.
12. PPG⁴ advises that housing requirement figures in an up-to-date, adopted LP should be used as the starting point for calculating the 5-year HLS. PPG advises that considerable weight should be attached to the housing requirement figures in adopted LPs, which have successfully passed through the examination process, unless significant new evidence comes to light. However, PPG notes that evidence that dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs. Thus, where evidence in a LP has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs i.e. SHMAs should be considered. That said the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.
13. In December 2014, in a Ministerial letter, the Government clarified the policy position on emerging evidence in the form of SHMAs. The letter notes that the publication of a locally agreed assessment provides important new evidence and where appropriate will promote a revision of housing requirements in LPs. Lpas are expected to actively consider the new evidence over time and, where over a reasonable period they do not, Inspectors could reasonably question the approach to HLS. The Minister goes on to note that the outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in LPs or that it does not immediately or, in itself, invalidate housing numbers in an existing LP.
14. Here, the CS housing requirement is largely based on the no longer extant South East Plan, whose evidence base dates back to at least 2000. It is accepted that the CS does not contain a Framework compliant assessment of OAN and neither LPs 2 or 3 purport to set a housing requirement based on an OAN. The 2014 Ministerial guidance, in my view, restates the advice contained in the PPG and does not, in itself, preclude using up-to date SHMA information to assess the 5-year HLS.
15. The latest assessment of the "Policy-Off" OAN is contained in the April and June 2016 PUSH reports. These documents, as the introduction to the April

² APP/A1720/A/14/2220031.

³ Partnership for Urban South Hampshire.

⁴ Paragraph 030 Ref ID: 3-030-20140306.

2016 report says, provide an analysis of housing need, which for Fareham is 420 dpa and 450 dpa respectively. These are substantial bodies of work that have been carried out in accordance with PPG guidance and at least one lpa has adopted the PUSH OAN calculated for its area as the basis for calculating the 5-year HLS. Here, the lpa acknowledges that the PUSH April 2016 OAN is the best evidence on the OAN for Fareham. I have taken careful note of the Minister's reference to lpa's considering the evidence over time and the reference to a reasonable period. Whilst the 2 reports are relatively recent, the lpa was aware during the Navigator appeal in December 2014 that the OAN identified in the 2014 South Hampshire SHMA was materially higher than the CS requirement. The decision in the Navigator appeal, which was not challenged, was predicated on an acceptance that the 2014 OAN provided a more suitable basis for a 5-year HLS calculation. In my experience it is rare in the extreme to conclude that the "Policy-Off" OAN is likely to reduce and it is clear from the April and June PUSH OAN reports that it continues to rise materially.

16. In line with PPG advice, it is, in my view, reasonable to conclude that the CS/LP 2 housing requirement is materially out-of-date and is derived on a basis that is inconsistent with the Framework. Thus, having regard to the case law⁵ referred to, PPG and Framework policy, I consider that the 5-year HLS supply should be assessed on the basis of the PUSH April 2016 OAN.
17. Before dealing with the assessment of the 5-year HLS position, it is appropriate to deal with the matter of whether a 5 or 20% buffer should be added to the housing requirement. The lpa add a buffer to the housing requirement set out in the CS and LP 2, but not to the contribution to be made by the major urban extension at Welbourne (LP 3). The exclusion of Welbourne is predicated on the basis that it is a site specific allocation implementing a large-scale development proposal in the CS. I am not aware that there is support for such an approach either in the Framework or PPG and read on its face the Framework suggests that the buffer should be applied to the requirement as a whole. Accordingly, I consider the buffer figure should be applied to the requirement as a whole.
18. PPG⁶ advises that the approach to identifying a record of persistent under delivery inevitably involves questions of judgement in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing. The guidance indicates that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle. Here, I have details of net completions for the years 2006/07 to 2015/16 and these figures are not disputed by the lpa. For the period 2006/07 to 2010/11 the CS Policy CS2 requirement is applied and from then until 2015/16 the appellant applies the OAN figure taken from the PUSH April 2016 assessment of OAN. This is on the basis that the PUSH OAN figure is calculated from 2011. On this basis, completions only exceed the housing requirement in 2 out of the last 10 years. However, in the period up until 2014 when the then PUSH SHMA identified an OAN of 395 dpa the lpa could not have been expected to meet a

⁵ City and District of St Albans and The Queen (on the application of) Hunston Properties Limited Secretary of State for Communities and Local Government and anr [2103] EWCA Civ 1610 & Gallagher Homes Limited Lioncourt Homes Limited and Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin).

⁶ Paragraph 035 Ref ID: 3-035-20140306.

need that it was not aware of. On this basis, allowing for peaks and troughs in the housing market it appears to me that there has been significant under-delivery in only 3 out of the last 10 years. On this basis, the application of a 20% buffer is not, in my view, justified.

19. Turning now to the 5-year HLS, I have considered 2 scenarios. One based on the requirements of CS Policy CS2, the lpa's preferred scenario, and one based on the up-to-date OAN figure. On the CS based approach, the 5-year housing land requirement is some 1,932 dwellings and the lpa claim a deliverable supply of some 2,003 dwellings, a surplus of some 71 units giving a 5.18-years' supply of housing land⁷. However, taking into account my conclusion on the appropriateness of excluding Welbourne from the buffer figure including it within the 5% allowance on the whole of the requirement would still return a HLS marginally above 5-years. The surplus would be reduced to some 13 units; a figure the lpa does not dispute.
20. The appellant disputes the deliverability of 9 of the LP 2 allocations, the deliverability of the brownfield site at Warsash Maritime Academy and the ability of the Welbourne allocation to deliver some 425 dwellings in years 4 and 5 of the HLS calculation. Using the lpa's CS housing requirement figure, the appellant's calculation gives a shortfall of some 1,965 units and estimates a 3.28-years' supply of housing land.
21. In coming to my conclusions on the deliverability of the disputed LP 2 sites, I have taken careful note of the lpa's submissions that the allocated sites were found "sound" by the Inspector when he examined LP 2 and that the sites continue to be listed in the Annual Monitoring Report (AMR). That said, LP 2 was examined in late 2014 based on a draft plan submitted for examination in mid-2014 and no doubt based on evidence obtained during 2013. The November 2016 AMR, other than containing a list, provides no detailed assessment of the sites. These assessments are, in my view, snapshots in time, which in the case of LP 2 were undertaken between 3 and 4 years ago. The deliverability of these sites needs to be kept under robust review and, given the paucity of information contained in the AMR, the value of these in making an up-to-date assessment of the HLS is limited.
22. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable⁸. PPG⁹ indicates that the 5-year HLS must be underpinned by "...robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out."
23. At the inquiry, the lpa provided an updated assessment of the deliverability of the disputed sites. However, the information provided on each site was limited and indeed the lpa's witness acknowledged that he did not have detailed information on the sites. The appellant's submission that the lpa's evidence regarding deliverability was based on, "...discussions with others about discussions with others" is an apt description. In my view, the lpa's evidence on deliverability relating to the LP 2 sites falls well below the

⁷ Table AB 1 submitted by the lpa at the inquiry.

⁸ Footnote 11, National Planning Policy Framework.

⁹ Paragraph 030 Ref. ID: 3-03020140306.

threshold set by PPG in that it is neither robust nor clearly and transparently set out. I have similar concerns regarding the inclusion within the 5-year supply of 100 units at Warsash Maritime Academy. Although this is a substantial site, the level of detail provided by the lpa on its deliverability is thin and lacks clarity and transparency.

24. LP 3 allocates some 371ha of mainly greenfield land at Welbourne to deliver some 6,000 dwellings and the lpa includes some 425 units within the 5-year supply in years 4 and 5. The delivery of Welbourne is a major undertaking and already the delivery of units has been pushed back in the programme. At one time the lpa considered that the delivery of dwellings would commence in 2016 with 120 units being completed by the end of the first quarter in 2017. Whilst I accept that significant pre-planning work has been carried out, a delivery partner will not be appointed until the beginning of 2018, major planning applications will have to be prepared and already, albeit as a precaution, the lpa is contemplating the use of compulsory purchase powers. Whilst I acknowledge the lpa's commitment to the delivery of Welbourne, on the evidence before me, it would appear that the potential to deliver a significant number of units towards the end of the 5-year period is optimistic.
25. In light of these findings, I am unable to safely conclude that at least 315 units, comprising the disputed list of LP 2 sites and the brownfield site at Warsash Maritime Academy, are capable of being considered as deliverable within the 5-year period. In this context, the lpa cannot demonstrate a 5-year supply of deliverable housing land.
26. In the scenario where the up-to-date OAN is used to derive the 5-year housing requirement and using the lpa's supply figures the lpa accepts that it could not demonstrate a 5-year HLS. At most, the evidence indicates that there would be a supply of some 3.6 years. However, given my conclusions regarding the deliverability of the disputed sites, I consider the HLS would be marginally over 2 years.
27. Drawing all of the above together, on whatever approach is used to identifying the 5-year housing land requirement, the lpa cannot demonstrate a 5-year supply of deliverable housing land. Indeed, on the balance of probabilities the available supply is well below the 5-year threshold.

Issue 2 – Best & Most Versatile Agricultural Land

28. The majority of the site is Grade 1 and the remainder Grade 2 agricultural land and is classed as best and most versatile land¹⁰ (B&MV). CS Policy CS16 seeks to prevent the loss of B&MV. The Framework does not place a bar on the development of B&MV agricultural land. Framework paragraph 112 identifies that where development would involve the use of B&MV land, the economic and other benefits of that land should be taken into account and goes on to say where significant development is demonstrated to be necessary the use of poorer quality land should be used in preference to that of a higher quality i.e. apply a sequential approach. Here, given the appeal site extends to some 5.5ha, this proposal is not, in my view, a significant development where the sequential approach is engaged.

¹⁰ Annex 2, National Planning Policy Framework.

29. CS Policy CS16 was predicated on guidance contained in PPS7¹¹, which the Secretary of State in his 2006 decision¹² described as containing a strong presumption against the loss of land of high agricultural value. PPS7 is no longer extant and CS Policy CS16, given that it says in a straightforward manner that it will prevent the loss of B&MV agricultural land without an opportunity to balance potential harm against potential benefits, is, in my view, inconsistent with the Framework and subject to the guidance contained at Framework paragraph 215.
30. The development would result in the permanent loss of B&MV agricultural land and as such would conflict with the provisions of CS Policy CS16. Accordingly, it must feature on the negative side of the planning balance, albeit the scale of the permanent loss would be limited.

Issue 3 – Character & Appearance

31. The appeal site abuts but lies outside the defined settlement boundary of Portchester. Whilst the development plan treats the area as countryside it is not subject to any landscape designation. Relevant development plan policies are CS Policies CS14 and 17 and LP 2 Policy DSP6. Policy CS14 indicates that development outside the defined settlement boundary will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Policy CS 17 seeks high quality design and layout and development should respond positively to and be respectful of key characteristics of the area including landscape. Except for certain categories of development, which do not apply in this case, LP 2 Policy DSP6 has a presumption against new residential development outside the defined settlement boundary. As such the proposal would be in conflict with LP 2 Policy DSP6.
32. Core Principles of the Framework seek to: ensure that planning secures high quality design ensuring that account is had to the different roles and characters of different areas recognising the intrinsic character and beauty of the countryside and a contribution to the conservation and enhancement of the natural environment. Framework paragraph 109 reiterates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
33. Both parties referred to various landscape character assessments. Of these the Fareham Borough Landscape Assessment examines the finest grain and is, in my view, the most relevant. In terms of landscape character, the appeal site sits on the eastern edge of Local Landscape Character Area (LCA) 12–Cams Wicor Coastal Fringe and to the south and east of LCAs 36 and 38 Urban Areas of Downend and Portchester South. LCA 12 is described as a discrete parcel of open landscape contained by the coast and the urban fringe. Whilst the main feature of this LCA is the extensive parkland and woodland of the Cam Hall Estate on its western edge the description notes that the LCA includes areas of open amenity landscape, fringe pasture and coastal industry to the east. The essential characteristics of the area are: an area of flat or gently undulating land occupied by mixed but open landscapes; a strong coastal influence and a strong fringe character with

¹¹ Planning Policy Statement 7: Sustainable Development in Rural Areas.

¹² APP/A1720/A/05/1176455.

valuable areas of open space with attractive views out across Portsmouth Harbour and to Portsdown Hill and the Cams Hall Estate. The enhancement priorities for the area are to: maintain the open unbuilt character, particularly the estuary and coastal margins and improve the landscape quality of areas which lie between the settlement boundaries and the coast.

34. In terms of landscape and visual impact, whilst the appellant and the lpa use different terminology, in my view they both result in broadly the same outcome. Both parties agree that there would be substantial and adverse landscape and visual impacts. What is in dispute is the spatial extent over which these adverse effects would be experienced and whether the appeal site should be classed as a "valued" landscape.
35. In terms of visual impact, I had the opportunity to extensively walk the roads immediately around the site and the publicly accessible areas to the west. In addition, I visited Portsdown Hill and was able to assess the impact of the development from publically accessible vantage points.
36. Within the immediate area of the site from Cranleigh Road along its southern boundary and from Cranleigh Road southwards towards the junction with Gatehouse Road, the visual impact of the development to be at its highest, i.e. substantial and adverse. Further to the west along Cranleigh Road and from vantage points on the public footpaths and open space to the west, parts of the development, mainly the upper storeys and roof planes would be visible. However, the visual impact of the development would be significantly reduced by the degree of separation and the presence of existing tree/hedge planting and new boundary planting that could be conditioned as part of any permission. The magnitude of this impact would range from moderate to minor adverse depending on distance from the site.
37. Given there is no public access to the site and given the extent of intervening planting and industrial development on the foreshore there would be no material impact on views out over Portsmouth Harbour. In this context, the development would only have a limited adverse impact on views towards Portsdown Hill. The development would be in the foreground of the built-up area to the north and east and would not obscure publically available views of the hill from the east.
38. From public vantage points on Portsdown Hill there are sweeping panoramic views across Portchester and Portsmouth Harbour. Whilst the development would be noticeable, it would be seen as a modest extension of the existing built-up development to the north and east and against the backdrop of the housing area to the south of Cranleigh Road and mature planting beyond. The visual impact of the development would be mitigated by the above factors and the degree of separation from Portsdown Hill. Views of Portsmouth Harbour would not be interrupted or obscured and the wide sweep of the panoramic views would be maintained. In this context, the visual impact of the development from these vantage points would be minor.
39. Turning to whether the appeal site should be identified as a "valued" landscape and in the context of Framework paragraph 109 one whose enhanced planning status should be taken account of in the balancing exercise. I have taken careful note of the submissions made by interested persons and I was left in no doubt about their views on value. All landscapes are valued by someone at some time, particularly countryside

that is threatened by development. However, that does not necessarily make it a valued landscape for the purposes of Framework paragraph 49.

40. Although the Framework refers to valued landscapes it does not provide a definition of what type of landscape that might be. Framework paragraph 109 starts by reiterating the wider objective of enhancing the natural environment, which I take to mean the countryside in general and then it goes on to refer to valued landscapes, which must mean something more than just countryside in general. Case law¹³ and Inspectors' decisions have identified that "valued" means something more than popular, such that a landscape was "valued" if it had physical attributes which took it out of the ordinary. In addition, the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), provides at Box 5.1 a range of factors that can help in the identification of valued landscapes. These include landscape quality/condition; scenic quality; rarity, representativeness; conservation interests recreation value; perceptual aspects and associations. Whilst some of the factors go beyond the threshold identified by case law the Box 5.1 headings provide a useful context within which to assess "value". However, this is not a technical process and relies on subjective, albeit informed professional, judgement/experience.
41. Given the urbanising influence of built development on the northern eastern and southern boundaries and the generally overgrown nature of the site, I consider the landscape quality/condition of the site to be low/medium. For similar reasons, the site displays limited aesthetic appeal and it has low scenic value. Rarity and representativeness can be dealt with together. This is a landscape that does not contain rare landscape types or features. As such in terms of rarity and representativeness, I consider the value of the site/landscape to be low.
42. Given that the site has been neglected for some considerable time, the presence of the badger sett and the submissions regarding its ecology, it attracts a medium value for its conservation interest. There is no public access to the land other than it being a piece of a larger area of open land and has low recreational value and a medium value in terms of perceptual aspects. As far as I am aware the site /landscape has no cultural associations and as such attracts a low value. Reiterating again that this is not a technical exercise, drawing the Box 5.1 factors together, I consider the nature and value of the landscape of the appeal site to be ordinary/low. Combining this "score" with the case law requirement that the landscape should display physical attributes that takes it out of the ordinary, I conclude, that when looked at in the round the appeal site is not a Framework paragraph 109 valued landscape and does not benefit from the enhanced planning status that such an attribution would bring to the balancing exercise.
43. On this issue, the development would have a highly localised substantial and adverse impact on landscape character and visual impact. However, this impact would reduce with distance and for the most part in the wider area the landscape character and visual impact of the development would be

¹³ Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) & Cheshire East Borough Council v Secretary of State for communities and Local Government [2016] EWHC 694 (Admin).

minor moderate. That said the landscape and visual harm resulting from the development would conflict with CS Policies 14 and 17 and LP 2 Policy DSP6.

Other Considerations

Highways

44. I understand the concerns raised by residents particularly regarding the impact of traffic on congestion on the wider network and on Hatherley Crescent/Cornaway Lane at school dropping off/pick-up times. The planning application was accompanied by a robust Transport Assessment (TA) the scope of which was agreed with Hampshire County Council (HCC) as the Highway Authority (HA). In light of this study and its findings, the HA and the Ipa, subject to the imposition of appropriate planning conditions, have no objection to the proposal on highway safety or traffic generation grounds. I have no reason to disagree with those conclusions.
45. In terms of the impact on the wider area, the TA concludes that the capacity of junctions within the study area would not be significantly impacted upon and that the estimated marginal increases in queue lengths would not significantly impact on the operation of the highway network. Congestion occurring at school drop off and pick-up times is restricted to short periods of the day and occurs only on weekdays during term time. Given the location of the site directly abutting the school, the development would be unlikely to generate additional vehicular traffic to and from the school. In my experience, additional traffic generated by the development would only likely to have an impact during the short morning drop-off window. These impacts are not a reason to withhold permission.

Ecology

46. The site is located some 350m from the Portsmouth Harbour Site of Special Scientific Interest (SSSI) which forms part of the wider Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site. The appellant submitted ecological appraisals and produced an Ecological Construction and Management Plan. Given the proximity of the site to the national and internally designated sites referred to above, there is potential for the development to affect the interest features for which they were designated.
47. The appellant submitted to the Ipa a Habitat Regulations Assessment (HRA), which has been assessed by Natural England (NE). Based on what I consider to be a robust study, the HRA concludes that, having regard to measures that could be built-into the scheme and a financial contribution to the Solent Recreation and Mitigation Partnership, significant effects are unlikely to occur either alone or in combination on the interest features of the SPA and Ramsar. In light of these finding, and similar to the conclusion reached by NE, I conclude that an appropriate assessment under the regulations¹⁴ is not required. Similarly, subject to the development being carried out in accordance with the details submitted with the application, NE indicates that the development would not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. Again, I have no reason to disagree with that conclusion.

¹⁴ The Conservation of Habitats and Species Regulations 2010 (As Amended).

48. There is an active badger sett within the site, which the appellant proposes to relocate within the area of public open space to the west. Badgers and their setts are protected by legislation¹⁵. Whilst the lpa has no objection to the relocation, the developer would require a separate licence from NE to remove the badgers. Whilst I note the concerns raised regarding the efficacy of artificial badger setts, they are, in my experience, in common usage and successful. I have no reason in this case to conclude there would be unacceptable harm or loss.
49. From the representations made both orally and in writing, I am in no doubt that the appeal site is highly regarded by local residents and the adjacent primary school as an ecological resource. The school's activities in introducing its pupils to the natural world are substantial and nationally recognised. Although the appeal site is privately owned and there is no public access to it, I recognise that the school views the site as a resource and an indirect source for the wildlife that inhabits the school site. Clearly whilst there would be some loss of habitat, this relates to many species that are common and widespread. The proposed area of public open space albeit it would be divorced from the school grounds by a housing estate, would be publicly available and could be laid out and managed as an improved ecological resource. Moreover, the tending and maturing of private gardens does provide a range of diverse habitats for a wide range of species. Whilst not a direct replacement the variety of habitats provided by private gardens would mitigate any impact on local ecology.
50. Drawing all of the above together, I conclude that the proposed development would not have a materially unacceptable effect on local ecology.

Education and Health

51. The development would generate a demand for 31 primary school places and 22 secondary school places. Research by the appellant identifies that the 5 infant/junior schools in Portchester are full. The Northern Infant school has recently been expanded and the Northern Junior School has a proposal to expand in 2019. HCC as the local education authority (LEA) indicates that the local secondary school has spaces available to meet the needs of the development. Whilst there is pressure on local primary schools, the appellant's submission that some of the existing school places are taken up by pupils from out of the school planning area, which could be used by local children, is not disputed by the lpa. There is no objection from the lpa or LEA on the grounds that the proposal would result in unacceptable pressure on local education infrastructure. I have no reason to disagree.
52. Evidence submitted by the appellant indicates that all primary healthcare centres within some 2 miles of the site are currently accepting patients. Whilst there were submissions that appointments are not easy to obtain, this is not a local problem and is something that occurs nationwide. There is no objection from the local providing body for primary care or the lpa.

Benefits

53. The proposed development would deliver economic, social and environmental benefits. Chief amongst these are that the proposal would

¹⁵ Protection of Badgers Act 1992.

deliver up to 120 homes including up to 48 affordable units. Economic benefits that would flow from the application include those arising from employment during the development phase; a New Homes Bonus payment and increased Council Tax revenues. When undertaking the planning balance factors such as these are generally held to be benefits of development albeit they are benefits that would occur from most developments.

S106 Undertaking

54. Framework paragraph 204 and CIL Regulation 122 say that Planning Obligations should only be sought and weight attached to their provisions where they meet all of the following tests. These are: they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the development.
55. NE's lack of objection to the development is based on the developer making a contribution to the implementation of the Solent Recreation Mitigation Scheme. The purpose of the contribution is to mitigate disturbance of the Portsmouth Harbour SSSI and the wider Portsmouth Harbour Special SPA and Ramsar Site. The UU provides a mechanism for the provision of affordable housing required by development plan policy and the provision and retention of the public open space. These obligations are necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. Accordingly, in this respect, the UU is consistent with the guidance at Framework paragraph 204 and Regulations 122 of the CIL Regulations and where appropriate, I have attached weight to them in coming to my conclusion
56. The UU provides for (i) the submission of a Full Travel Plan; (ii) the payment of £5,750 to Hampshire County Council made up of £750 towards the cost of approving a Full Travel Plan and £5,000 to monitor compliance with it; (iii) the appointment of a Travel Plan Coordinator and (iv) a Travel Plan Bond.
57. The submission of a Travel Plan is a matter that could be dealt with by the imposition of an appropriate condition. Here, the only explanation I have for the monitoring fees is that *"it has been assessed based on the highway authority's experience with regards to monitoring such developments and is justified to ensure that the modal targets within the Travel Plan area achieved and if not there are "punitive" measures within the travel plan that can be instigated to endeavour to achieve the desired modal targets. The monitoring process ensures this check."*
58. The test contained within the Framework and CIL Regulation 122 i.e. "necessary to make the development acceptable in planning terms" is a high threshold in that the obligation has to be necessary and not merely desirable. Moreover, there is nothing in the Planning Acts, the CIL Regulations, the Framework or PPG that suggest that an authority could or should claim monitoring fees as part of a planning obligation. The monitoring of the Travel Plan is, in my view, one of the functions of the County Council. Despite my request for supporting evidence, I conclude that

in the absence of a full justification supported by evidence¹⁶ the payment of a monitoring fee and the provision of a Travel Plan Bond are unnecessary to make the development acceptable in planning terms nor am I in a position to conclude that the requested contribution and Bond are fair and reasonably related in scale and kind to the development. For these reasons, I consider the requested contribution does not accord with the tests set out in the Framework and CIL Regulation 122 and I have not taken it into account in coming to my decision.

The Planning Balance

59. The starting point is that S38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that decisions on applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
60. The site is located outside the settlement boundary of Portchester and does not fall within any of the categories of development that may be permitted by LP Policy DSP6; as such the proposal is in conflict with this policy. Both parties refer to CS Policy CS11, which refers to development within the settlement boundaries of Portchester being permitted. Given the specific nature of this policy and the location of the site outside the settlement boundary, I consider this policy is not relevant to the overall planning balance. I have concluded that the proposed development would have an adverse impact on landscape character and a substantial adverse visual amenity albeit that impact would be highly localised. As such the proposal would be in conflict with CS Policies CS14 and CS17. The proposal would result in the loss of B&MV and would be in conflict with CS Policy CS16.
61. Paragraph 2 of the Framework confirms that it is a material consideration in planning decisions. The fourth bullet point of Framework paragraph 14 has 2 limbs. The first limb indicates that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The second limb indicates that development proposals should be granted unless or specific policies in the Framework indicate development should be restricted. Framework paragraph 49 says that relevant policies for the supply of housing should not be considered up-to-date, if the lpa cannot show a 5-year supply of deliverable housing sites. Framework paragraph 215 indicates that due weight should be given to relevant policies in existing plans according to their consistency with the Framework.
62. In relation to housing land supply, the lpa cannot demonstrate a 5-year supply of deliverable housing sites. In this context, the decision of the Supreme Court¹⁷ indicates that such a shortfall triggers the fourth bullet point of Framework paragraph 14. In this case, based on the evidence before me it is only the first limb of the fourth bullet point that is engaged.

¹⁶ Planning Policy Guidance, Paragraph: 004 Reference ID: 23b-004-20150326.

¹⁷ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) .

The appellant and the lpa agree that CS Policy CS14 and LP 2 Policy DSP6 are not relevant policies for the supply of housing and I have no reason to disagree. Given, the nature of CS Policy CS 17 – first bullet point, I consider this is not a relevant policy for the supply of housing either.

63. Based on the evidence before me the housing land supply stands at just over 2-years resulting in a significant shortfall. I acknowledge that the lpa is seeking to address its ongoing housing requirements through the preparation of the Local Plan Review and the promotion of the sustainable Urban Extension at Welbourne. That said, a consultation draft of the Local Plan Review is not anticipated to be published until September 2017 and I would not expect that plan to be adopted before mid-2018 at the earliest. Welbourne is the subject of an adopted LP and will be progressed through the appointment of a development partner who will not be identified until early 2018. Once identified the lpa/development partner will subsequently need to involve themselves in land acquisition through negotiation and/or compulsory purchase and to submit/determine major planning applications. On all the evidence before me, it appears to me, given the scale of the development and the constraints involved, which include the provision of a new junction on the M27 (albeit up to 500 units may be permitted before the new junction is required), the potential for significant development within the 5-year period is limited. In these circumstances, the material shortfall in housing land supply will continue and the backlog of housing required to meet local needs will grow.
64. As far as I am aware there are no constraints that would delay this development and as such granting permission would, in line with the clear objectives spelt out at Framework paragraph 47, provide for a significant and material boost/contribution to meeting housing needs within the District, particularly affordable housing. Drawing all this together, I consider that the contribution the appeal site could make to meeting the District's housing needs attracts very substantial weight in the planning balance.
65. Whilst, the objectives of CS Policy C14, CS 17 and LP 2 Policy DSP6 in seeking to protect the countryside from development are consistent with the fifth Core Principle identified at Framework paragraph 17, I conclude in this case that the limited harm in terms of the loss of B&MV agricultural land and landscape character and visual impact would not significantly and demonstrably outweigh the benefits of this scheme in making a material contribution to the significant shortfall in housing land. Accordingly, having regard to Framework paragraph 14, I consider the proposed development represents sustainable development.
66. In coming to the above conclusion, I have had regard to the appeal decision issued by the Secretary of State in 2006. However, I consider this decision was issued in the context of a materially different development plan context. Then, although located in countryside, the area was also identified in the development plan as a Local Gap and a Coastal Zone. Here local policy indicated that development that would physically or visually diminish undeveloped land within the gap would not be permitted. Now, although still defined for planning purposes as countryside, the open area to the west and south of the built-up area of Portchester is no longer classed as a Local Gap or within the Coastal Zone.

67. For the reasons, given above and having regard to all other considerations, I conclude that the appeal should be allowed.

Planning Conditions

68. For the avoidance of doubt and in the interests of proper planning and I have imposed a condition relating to the specification of plans (4)¹⁸. Conditions relating the submission of details and the implementation of approved schemes in relation to: the construction of the estate roads (6); boundary treatment (7); archaeological investigations (8); foul and surface water drainage (9); an arboricultural assessment (10); existing and finished ground level and finished floor levels (11); the prevention of mud on the highway (12) construction traffic access (13) and the submission of a Travel Plan (14) are reasonable and necessary in the interests of the appearance of the area, highway safety, the identification and preservation of potential archaeology and the protection neighbours' living conditions. Conditions relating the prevention of fires (15), hours of operation (16); the treatment of hard surfaces (17) and a restriction on eaves height (20) are reasonable and necessary in the interests of appearance and neighbours' living conditions. In the interests of the appearance of the area, a condition relating to landscape implementation and maintenance (18) is necessary. In the interests of ecology, a condition requiring the development to be carried out in accordance with the submitted Ecological Construction and Management Plan (19) is necessary. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
69. At the inquiry, the lpa and the appellant agreed that the suggested conditions relating to boundary treatment, access details, external lighting/floodlighting and the insertion of roof lights were matters that were covered by the submitted plans, were unnecessary , duplicated other conditions or were matters that could be dealt with as part of the reserved matters submissions. I have not imposed these conditions.

George Baird
Inspector

¹⁸ Numbers relate to those in the Schedule of Conditions.

Annex A

SCHEDULE OF CONDITIONS

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved drawings: Location Plan - Drawing 6132 LOC Rev D and J-D1708.00 Site access Layout and Highway Improvements.
5. No housing development including gardens and roads shall take place to the west of the hedgerow running north to south through the site as shown on Drawing No. 01 Rev W- Illustrative Site Plan.
6. No development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access/accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.
8. No development shall commence until a preliminary archaeological survey establishing the location, extent, nature and significance of archaeological remains on the site including a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed mitigation strategy.
9. No development shall commence on site until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.
10. No development shall commence until an Arboricultural Impact Assessment Report and Method Statement for tree/hedgerow protection has been

submitted to and approved in writing by the local planning authority and the approved scheme implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

11. No development shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
12. No development shall commence until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.
13. No development shall commence until the local planning authority have approved details of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.
14. Prior to the commencement of construction works a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include arrangements for monitoring and effective enforcement. Development shall be carried out in accordance with the approved details.
15. No materials obtained from site clearance or from construction works shall be burnt on the site.
16. No work relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 hours Monday to Friday, before the hours of 0800 or after 1300 hours on Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.
17. No development shall proceed beyond damp proof course level until details of the finished treatment of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.
18. The landscaping scheme submitted under Condition 1 above, shall be implemented within the first planting season following the commencement of the development or as otherwise agreed in writing with the local planning

authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of 5 years from first planting, are removed die or become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

19. The development shall be carried out strictly in accordance with the Ecological Construction and Management Plan dated August 2016 and updated November 2016.
20. The dwellings shall not exceed two-storey eaves height.

ANNEX B

APPEARANCES

FOR THE APPELLANT

Christopher Boyle QC, instructed by the Bryan Jezepeh Consultancy.

He called:

Steven Brown BSc (Hons) Dip TP, MRTPI
Woolf Bond Planning.

Liz Bryant MA, CMLI
Allen Pyke Associates.

Michael Knappett BSc (Hons), BTP, MRTPI.
Bryan Jezepeh Consultancy.

FOR THE LOCAL PLANNING AUTHORITY

Paul Stinchcombe QC, instructed by Fareham Borough Council

He called:

Andy Blaxland
Director, Adams Hendry Consulting Limited.

Nicola Brown BA (Hons), BLand Arch, CertUD, CMLI
Director, Huskisson Brown.

INTERESTED PERSONS

Mr Mullen.
Mrs Fox.
Ms Sawyer.
Mr Woodman Portchester Civic Society.
Cllr Price.
Cllr Walker.
Cllr Bell.
Cllr Fazackarley.
Cllr Cunningham.
Ms Morton, Wicor Primary School.
Mr Cable.
Mr Britton.
Mrs Kirk.

DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 - Phides Estates (Overseas) Limited and Secretary of State for Communities and Local Government and Shepway Council and David Plumstead [2015] EWHC 827 (Admin).
- Doc 2 - Supplementary Tables AB1, AB2 & AB3 to the evidence of Mr Blaxland.

- Doc 3 - Additional Suggested Condition – Field A.
- Doc 4 - Note in response to question from Mr Boyle.
- Doc 5 - Submissions by Cllr Walker.
- Doc 6 - Submissions by Cllr. Price.
- Doc 7 - Submissions by Cllr. Bell.
- Doc 8 - Submissions by Cllr Fazackarley.
- Doc 9 - Submissions by Cllr Cunningham.
- Doc 10 - Submissions by Portchester Civic Society.
- Doc 11 - Submissions by Mr Cable.
- Doc 12 - Submissions by Wicor Primary School.
- Doc 13 - Submissions by Mrs Kirk.
- Doc 14 - Summary of S106 Unilateral Undertaking.
- Doc 15 - Lpa CIL Compliance Schedule.
- Doc 16 - Email dated 27 April 2017, Response by Hampshire County Council regarding S106 Unilateral Undertaking Travel Plan Contributions.
- Doc 17 - S106 Unilateral Undertaking.
- Doc 18 - Minutes of Planning Committee 24 March 2016.
- Doc 19 - Appellant’s application for costs.
- Doc 20 - Lpa response to the application for costs.

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- Doc 21 - Appellant’s response on the implications of Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).
- Doc 22 - Lpa’s response on the implications of Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).



Appeal Decision

Hearing Held on 14 and 15 August 2018

Site visit made on 15 August 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2018

Appeal Ref: APP/A1720/W/17/3192431

Sawmills Industrial Park, Wickham Road, Fareham, Hampshire PO17 5BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by BST Warehouses Ltd against Fareham Borough Council.
 - The application Ref P/17/0189/FP, is dated 17 February 2017.
 - The development proposed is described as 'demolition, site clearance and remediation with the erection of 72 C3 residential dwellings and associated access, parking, ancillary infrastructure and landscaping works'.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing applications for costs were made by BST Warehouses Ltd against Fareham Borough Council and by Fareham Borough Council against BST Warehouses Ltd. These applications are the subject of separate decisions.

Procedural matters

3. Prior to validation the planning application was the subject of a screening direction issued by the Secretary of State for the Department for Communities and Local Government. The screening direction concluded that the proposed development was not EIA development.
4. The Council's Planning Committee considered the application following the appeal being lodged and resolved that had it had the opportunity to determine the application it would have refused permission for six reasons. Those putative reasons included reference to inadequate information in relation to land contamination, inadequate survey information in respect of protected species and the absence of a planning obligation. During the appeal and prior to the conclusion of the hearing further information was submitted to address issues related to land contamination and protected species and a Unilateral Undertaking (UU) planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 was executed and submitted. On this basis the Council confirmed it did not seek to pursue the reasons for refusal related to those matters. I address the planning obligations and matters arising out of that further information below. The sixth reason for refusal, related to highway

- matters, was not pursued by the Council following further information and discussion with the Highway Authority.
5. The remaining substantive issues between the parties related to the design quality of the scheme and the adequacy of infrastructure provision and these form the basis of the main issues set out below.
 6. The Solent is internationally important for its wildlife and three Special Protection Areas (SPAs) have been designated to protect over wintering birds. The Solent Recreational Mitigation Strategy (SRMS) requires contributions from all dwellings built within 5.6 Km of the boundaries of the SPA. The appeal site is located within the 5.6 Km zone of influence of the Solent SPAs and it is not disputed that a contribution is required and indeed such a contribution is secured in the UU.
 7. However, following the Court of Justice of the European Union judgement in the *People over Wind and Peter Sweetman v Coillte Teoranta*, case C-323/17 it is not permissible to take account of measures intended to avoid or reduce harmful effects of the plan or project on a European site at the screening stage under the Habitat Regulations Assessment. The proposed development is not directly connected with or necessary for the management of the Solent SPAs. Given the agreement between the parties that a contribution under the SRMS is required it is accepted and acknowledged that there would be a potential for the proposal to have a significant effect on the interest features of the site through the increased pressure resultant from an increase in the population resulting in increased visitor numbers with the potential for increased disturbance of the over wintering birds. Whilst the SRMS has been developed to mitigate such impacts given the recent judgement of the CJEU this cannot be taken into account at the screening stage and therefore it must be concluded that it is likely the proposal would have a significant effect, either alone or in combination with other developments, through the increased recreational pressure.
 8. The outcome of that conclusion is that an appropriate assessment must be carried out to determine whether or not the development would have an adverse effect on the integrity of the European site. But again given the justification for the required mitigation this is on the basis that there would be a significant effect that requires to be mitigated. The appropriate assessment therefore results in a conclusion that there is a risk of adverse effects on the integrity of the site. However, the HRA process then seeks to consider whether the adverse effects can be mitigated. In this regard there is a published mitigation strategy which has been agreed by various bodies including Natural England, the Statutory Nature Conservation Body. The appellant has provided a UU planning obligation which, among other matters, secures the payment of the required contribution to meet the SRMS and would therefore adequately mitigate the adverse effects that would result from additional recreational pressure on the integrity of the SPAs. There is therefore no bar to development on this basis.
 9. The National Planning Policy Framework at paragraph 177 advises that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. Given this proposal has

been the subject of appropriate assessment this has implications for the approach to decision making which I return to below in the planning balance.

Main Issues

10. The main issues in this appeal are:

- Whether the proposed development would represent high quality design and contribute towards an attractive, inclusive, safe, well-connected and sustainable community as required by development plan and national policy; and
- Whether the proposed development makes adequate provision for a reasonable proportion of the necessary infrastructure required to support Welborne.

Reasons

Background

11. The statutory development plan for the area comprises the Local Plan Part 1: Core Strategy (CS), the Local Plan Part 2: Development Sites and Policies (DSP) and the Local Plan Part 3: The Welborne Plan (WP). In respect of this appeal the CS and the WP provide the relevant development plan policy framework against which to consider the development.
12. Policy CS13 of the CS provides for a Strategic Development Area north of Fareham to provide for housing and supporting environmental, social and physical infrastructure along with retail and employment floorspace. The aim is for the new community to be as self-contained as possible whilst complementing and supporting the established town centre of Fareham. The policy also sets out high level development principles for the new development.
13. The WP takes forward the strategic development area allocation and sets out the broad type, location, amount and character of the development of Welborne and is provided to guide decision making on future planning applications for the site. The Welborne Design Guidance (WDG) is a supplementary planning document to explain the Council's expectations in the design of Welborne. It builds on policies in the WP and aims to ensure Welborne will be a well-designed development that fits in with the landscape and provides a high quality place to live.
14. Both parties refer to the strategic allocation as a garden village and I understand that Welborne has been identified by the government as a Garden Village which will provide priority access to funding streams and support to assist in progressing the delivery of the 6, 000 homes on the site and the supporting infrastructure.
15. There is an outstanding application under consideration by the Council by Buckland Development Ltd for development of the strategic allocation.
16. The Statement of Common ground accepts that the proposed delivery of housing on the appeal site in advance of the outline planning permission being granted for the wider Welborne Area would, in this case be acceptable and would not prevent the delivery of the overall vision for Welborne and as such is acceptable in principle and as a standalone phase from the wider Welborne project. The proposal, for residential development for the site, is in accordance

with the Strategic Framework Diagram referenced in para 3.50 of the WP which identifies the site for residential development.

17. The appeal site is an existing industrial site occupied by various industrial buildings with the majority of the site laid to open hard standing. It is presently in a relatively low intensity use. There are changes in levels across the site with the eastern boundary of the site, adjacent the A32, being higher than the western boundary, formed by Forest Lane and the southern end of the site, adjacent to existing residential development, being lower than the fields and open countryside that rise to the north of the site.

Quality of Design

18. The National Planning Policy Framework at paragraph 124 clearly advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. At paragraph 127 the Framework further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character, establish a strong sense of place and optimise the potential of the site to accommodate an appropriate amount and mix of development. Paragraph 130 is clear that account should be taken of local design standards or style guides or supplementary planning documents in reaching conclusions on the design of a scheme, with poor design being refused but design not used by decision makers to object to development if it accords with the expectations of policies.
19. The context within which this development is to come forward is as an early phase of the Welborne Garden Village. It may be seen not to prejudice the wider implementation and delivery of the Garden Village but it is still part of the wider allocation and obtains its in principle acceptance as part of the strategic allocation. The scheme must be considered in the context of the planning framework for Welborne, the strategic allocation, development management policies in the Welborne Plan and, as a material consideration to provide further advice and guidance on those policies, the Welborne Design Guide. The success of the project will for a significant part be dependent on the implementation of a high quality design. As the first proposals to be determined in that context it is imperative the aims and aspirations for the Garden Village are fully realised in all its constituent parts.
20. The overall design considerations of the scheme have a number of facets that interact and contribute to the character and layout of the scheme, including the arrangement of buildings, open space provision, the scale and bulk of buildings, parking areas and the communal garden area.
21. Policy WEL2 in the WP supersedes the high level development principles for Welborne as originally set out in CS13. These include a requirement for each phase to be well designed and incorporate a range of densities and building heights to create a series of attractive places with different and distinctive characters. The WP identifies four character areas including a Woodland Character Area at Figure 4.1. The WDG provides further advice on the expectations and division of the character in these character areas. The appeal site would be located within the 'Woodland Character Area'. In advising on the character of Welborne as a whole the WDG at 2.33 advises that the more sensitive areas of the development are those on the outskirts of the site. In these locations it is suggested development would be expected to be less

intensive and pre-dominantly 2-storey. Page 34 includes design guidance for the Woodland Character Area and indicates residential development should be predominantly 2 storey with occasional 2.5 storey pre dominantly detached and semi-detached with occasional short terraces and a mix of setbacks. The Woodland Character Area should be characterised by tree cover that is a dominant feature of the area, a layout that ensures surrounding woodland is visible from within the site and in particular locations be of a more rural character.

22. The appeal proposals are predominantly formed of short blocks of closely spaced terraces set in formal arrangements and with building heights that incorporate a significant proportion of building heights in excess of 2 storeys. The resultant layout, form and character is one of a more urban or suburban residential estate. The limited separation of spaces between a number of the terraces result in longer runs of building frontages dominating the spaces. The Crescent terrace to the south of the site and the group of housing enclosing the SUDs space to the north form distinctly urban typologies. Similarly the main housing group fronting the large open space with narrow plots and higher building heights, including up to three storeys, dominate the centre of the scheme and produce a very civic appearance.
23. There is an east west pedestrian route through the site which could link to the wider Welborne development and form part of the Green corridor and infrastructure required in the WP. The relationship of this with the large open area in the centre of the site contributes to a strong element of green infrastructure. However, its effectiveness is reduced to some extent by the subdivision from the SUDs area to the north and the children's play area and the constrained access points onto Wickham Road and Forest lane.
24. The large open space and the green route that runs through the site provide the potential for tree planting but given the limited other spaces and dominance of the road through the scheme this would not result in a Woodland Character where tree cover was a dominant feature. The nature of the road alignment and positioning of the blocks would restrict views to the wider areas beyond the site and reduce views to the woodlands beyond to glimpsed views rather than integrated within the overall design and contributing to the importance of woodland in those views.
25. In my view this conflicts with the Councils expectation for the area which would suggest lower intensity development in a more informal layout with a more rural character and could undermine WEL2 which seeks to ensure that development creates a series of attractive places with different and distinctive characters.
26. There are a number of locations where the layout provides flank walls and garden boundaries onto roads conflicting with the advice in the WDG and providing for poor or reduced surveillance of these sections of the site.
27. The northern section of the site is particularly unsuccessful in seeking to address the issues raised by the site. Whilst I acknowledge that the WDG seeks to promote perimeter block development it does not require only such a form of development and that would be inappropriate. This site is constrained is previously developed has significant variations in levels and other factors which may suggest that such an approach is not the only solution. However, many of the principles behind the perimeter block approach including natural

surveillance, defensible space, the separation and definition of public and private spaces are important concepts to retain. With the use of the parking courts many of these respected principles are lost. Much of the parking areas in these locations are poorly over looked are not readily distinguishable as private or public spaces or provide clear demarcation of ownership. They are poorly screened and are somewhat unrelieved unattractive large areas of hardstanding. Whilst it was suggested additional windows could be inserted in the flank walls of properties fronting these spaces to increase overlooking that does not address the basic issue. These windows would in any case at best be secondary windows or not to primary habitable rooms which would do little to improve passive surveillance of the parking areas.

28. These would conflict with WEL6 which requires development, amongst other matters, to provide a layout and design that will help to create safe well-connected neighbourhoods.
29. The small block of flats located at the entrance to the development appears shoehorned into this section of the site and has limited space for its setting or to provide amenity space for future occupiers of the building. The limited space to the building, the scale of the elevations and the proximity of tree planting would result in the southern space being unwelcoming and unattractive as a private amenity space for future occupiers.
30. The general appearance of the entrance to the site is somewhat compromised by the level of activity, limited space around the flat block, the additional private access for the four detached properties combining to produce an intensity of built form and level of activity that contributes to a more urban character for the scheme.
31. Bringing all these matters together I conclude that the proposed development would result in a development with a strong urban character conflicting with the more woodland character area proposed and the generally more informal and lower intensity of development rural character sought for this part of Welborne. This would result in a development which would compromise the expectations for the character and appearance of the area. The layout and design introduces elements that produce areas where surveillance would be poor and amenity provision for future residents was unacceptably constrained. On this basis the proposed development would not represent high quality design and would not contribute towards an attractive, inclusive, safe, well-connected and sustainable community as required by development plan and national policy.

Necessary infrastructure

32. Welborne as a new settlement which is aiming for the most part to be self-sufficient has been justified and evidenced on the basis of a delivery plan and assessment of the necessary infrastructure it will require to meet its needs. The WP is supported by an Infrastructure Delivery Plan and the extant application for the wider Welborne development is accompanied by an updated Infrastructure delivery plan.
33. The applicant has not submitted such a plan with their application albeit that such documentation is suggested to be appropriate in the WP. The Council have validated the application on the back of the applicant providing a note

- summarising how the development would contribute to the wider infrastructure costs for Welborne and a further note on these matters.
34. It was accepted at the hearing that the Council do not object to the specific costings the appellant has put forward as they have no evidence to challenge those.
 35. I also note that the appellant has drawn attention to the fact there is sufficient capacity in the local primary and secondary schools to meet the demands of the development and that there was sufficient capacity in the local doctors surgeries and dentists.
 36. However the principle of the development is predicated on the site forming part of the wider Welborne development and that as the new Garden Village develops there would be an expectation that the occupants of this development would use the services and facilities in the wider Welborne development and not travel to other areas. It is not unreasonable to expect all parts of the Welborne strategic allocation to make its proportionate contribution to the provision of the necessary infrastructure to support Welborne's future residents.
 37. The appeal site is a previously developed area of industrial land and will require significant decontamination. The decontamination costs form a significant portion of the costs in the appellants note to demonstrate that these are part of their contribution to the necessary infrastructure. However I have no evidence or clarity before me on whether the decontamination costs formed part of the wider Welborne IDP costs and whether the appellant's costs are of a similar scale. Similarly I have no indication as to whether by the appellant decontaminating this site that would reduce, or by how much, the cost that would be borne by the wider Welborne development. In these circumstances there is no clarity on whether there is cross subsidy such that would then justify reductions in other contributions.
 38. I note that the high costs of the development ascribed by the appellant but these appear in many instances to be the normal costs associated with a development of a previously developed site to a standard required by development plan policy. Whilst I acknowledge the higher per unit costs towards these matters as compared to the IDP costs divided across the wider Welborne development that does not address the issue. The evidence before me demonstrates that the appellant does not contribute towards infrastructure of schools, primary health care, extra care housing, community buildings, market square public realm sports facilities etc; indeed all of the social and services necessary to support a thriving community. What the costs provided show are costs associated with decontamination, the provision of green infrastructure, transport, and physical energy and drainage projects. But these are all necessary costs of the development.
 39. Overall, on the basis of the above, I conclude that the development does not make adequate provision for a reasonable proportion of the necessary infrastructure required to support Welborne. The proposal would therefore conflict with policy WEL41 which requires development to be undertaken in accordance with an agreed delivery plan unless there is suitable alternative appropriate infrastructure to adequately service the development.

Planning Obligations

40. The appellant has secured planning obligations through a Unilateral Undertaking under sec 106 of the Town and Country Planning Act 1990. The UU contains six schedules which set out the obligations the owner undertakes to observe and perform.
41. Schedule one contains obligations related to highway works and a travel plan. These ensure that the highway works will be undertaken at the appropriate stage of development and follow the appropriate mechanisms. The travel plan will encourage sustainable travel. These matters are in accordance with policies WEL23 and WEL27 in the WP and are directly related to the development and fairly and reasonably related to the scale of the development.
42. Schedule 2 contains obligations which secure the provision of 22 affordable housing units, 15 as affordable rent and 7 as shared ownership. The obligations address issues including transfer, delivery, stair casing and release. Three wheelchair units are also secured. The provision of 30% of the units as affordable units is in accordance with policy WEL18 of the WP and is therefore fairly and reasonably related in scale and kind to the development.
43. Schedule 3 secures the provision and management of the open space and play area. These are consistent with the requirements of policies WEL29 and WEL35 of the WP and are fairly and reasonably related to the scale and kind of the development.
44. Schedule four secures the financial contribution required for the SRMS. The contributions are not used for the provision of infrastructure and so are not caught by the pooling restrictions under the Community Infrastructure Levy Regulations. The SRMS contributions support the management of the SPAs to mitigate the harmful impact of additional recreational activity on nesting birds/wading birds within the Solent region. The contributions are therefore fairly and reasonably related in scale and kind to the development.
45. Schedule 5 secures public access to the onsite routes to support the wider Welborne development and ensure access to the green corridors and general access through the wider allocation development as it comes forward. The provisions are therefore reasonably and fairly related to the scale and kind of the development.
46. Finally schedule 6 secures the provision and implementation of an Employment and Skills Plan in accordance with policy WEL43 to provide opportunities for local people to be involved in employment and training during construction. This directly relates to the implementation of the development and in part is directed towards the social dimension of sustainable development. The obligation is fairly and reasonable related to the scale and kind of the development.

Benefits of the Scheme

47. The proposed development would provide for some 72 new dwellings in an Authority where the Council accept that it can only provide for between 3.5 years and 4 years of housing land supply. The houses would come forward now and be an early housing opportunity and first delivery from the Welborne allocation which will contribute to the Council's housing delivery target. This is a significant benefit but given the limited number of units I reduce the overall

weight of this factor and afford it moderate weight. Of those new houses the development would make provision for 15 affordable units, secured through the UU. The Council has a significant need for affordable housing but given the limited number of units provided, which is also no more than policy requires, I also attach moderate weight to this benefit.

48. The appellant suggests the remediation of the site is a key benefit of the scheme. Whilst the old industrial, somewhat dilapidated buildings, hard surfacing and previously developed land would be removed and the site brought into a more productive use this would be the case in any redevelopment of the site. On this basis I give this only limited positive weight as a benefit of the scheme.
49. The scheme would result in the moving of the main access on the A32 and removal of any vehicular access through the site between the A32 and Forest Lane. These are matters that would improve highway safety and are minor benefits of the scheme. Again they could be secured with any redevelopment of the site. I afford this limited positive weight.
50. The site would make provision for connection to the foul drainage network which could facilitate surrounding properties also connecting to the foul drainage system reducing the reliance on soakaways. This is a minor benefit of the scheme to which I attributed limited positive weight.
51. The appellant suggests that positive benefit derives from the landscaping and green infrastructure provided on the site. However, this is a necessary requirement to meet policy and ensure the development provides a good standard of amenity for future residents', to protect adjoining occupiers and addresses ecological requirements. It is also necessary to address the woodland character area within which it is proposed. It is not therefore a positive benefit of the scheme.
52. Adjoining the site is Mill House, a grade II listed building. The proposed development would remove existing large industrial structures close to the boundary and improve the setting of the listed building. This is a positive benefit to which I attribute moderate positive weight.
53. Any mitigation measures provided or secured in respect of the scheme are not positive benefits but seek to address and mitigate the impact of the development.
54. There would be economic benefits associated with the development including new homes bonus, CiL payments for which the development would be liable, the additional spend in the local economy during implementation of the development and the additional financial and community support derived from the increased population using services and facilities in the area once the development is occupied. I give this moderate positive weight.

Other matters

55. The Council following the publication of the new Framework have confirmed that their supply of available housing land would be in the range of 3.5 to 4 years supply. The appellant accept that this is a reasonable range for the authority at this point in time. The Council cannot therefore demonstrate a 5 year supply of housing land.

56. The development would remove the existing buildings and hard surfacing from the land and de-contaminate the site. The Council originally provided a putative reason for refusal in respect of land contamination however upon receipt of further information have not continued with any objections to the scheme on that basis. The Council is satisfied that should permission be forthcoming land contamination could satisfactorily be addressed by condition and I have no evidence before me to disagree with those conclusions.
57. Similarly further information including further survey work and a mitigation strategy to address any concerns that may arise in respect of Dormice has been provided. Agreement has been reached between the parties that the most appropriate way forward is to accept that there is a strong likelihood that Dormice are on the site. On this basis the appellant has produce a Dormice mitigation strategy in the event it is demonstrated that they are. The Council, and County Council ecologist, accept that the mitigation strategy would address the effects of the development on Dormice if they were to be identified. On this basis a condition requiring the implementation of the Dormice mitigation strategy in the event Dormice were established to be on the site would be an appropriate way forward.

Planning Balance

58. Given that the development has been subject to appropriate assessment the presumption in favour of sustainable development at paragraph 11 of the Framework does not apply. The proposal is therefore only to be considered on the basis of the section 38(6) balance such that the appeal should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case I have concluded that the proposal would not be high quality design and would conflict with development plan policies CS13 WEL2 and WEL6. I have also concluded that the proposal would not provide adequate infrastructure contributions and would therefore conflict with WEL42.
59. The Council cannot demonstrate a 5 year housing land supply and therefore the provision of housing including affordable housing is a significant consideration. However I have given this only moderate positive benefit given the scale of the development. I have noted a number of other benefits associated with the scheme and take account of the weight I have ascribed to them above.
60. The Framework advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Given the conflict with the development plan and the advice on design in the Framework the other considerations do not indicate that a decision otherwise is appropriate. Albeit there is a shortfall in the housing land supply this is the first development in a Garden Village where design will be fundamental to its success and the shortfall of housing does not mean housing at any cost.

Overall conclusion

61. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Ricketts	Town Legal LLP
Gavin Hall	Savills
Richard Powell	Latchmoor Properties
Bruce Slattery	Jacobs Engineering
Jonathan Moore	MH Architects
Andrew Linfoot	Jacobs Engineering

FOR THE LOCAL PLANNING AUTHORITY:

Luke Simpson	Adams Hendry
Alex Russell	Southampton & Fareham Legal Services Partnership
Justin Leach	LDA Design
Valerie Conway	VE Consulting
Maral Miri	Hampshire County Council

INTERESTED PERSONS:

Mrs Brenda Clapperton	Secretary of Fareham Society
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DOCUMENTS SUBMITTED DURING HEARING

- 1 Draft Unilateral Undertaking and summary Schedule submitted by appellant
 - 2 Comments on Revised National Planning Policy Framework submitted by Council
 - 3 Comments on revised national Planning Policy Framework, summary of outstanding issues and Dormouse mitigation strategy submitted by appellant
 - 4 Copy of e-mail from Council to Pins Case officer dated 10 August including NPPF statement, pre-application proposal, delivery trajectory for Welborne The Executive Leaders Announcement on HLS and extracts of Draft Planning Practice Guidance
 - 5 Copy of Judgement of European Court C323/17 People Over Wind and Peter Sweetmanv Coillte Teoranta submitted by Council
 6. Copy of updated planning condition 2 to update plan reference numbers and copies of relevant plans (latest revisions)
 - 7 Copy of extract from Welborne Infrastructure Delivery Plan related to New Homes Bonus submitted by appellant
 - 8 Copy of various amended conditions submitted by appellant
 - 9 Original of signed, sealed and dated Unilateral Undertaking
 - 10 Appellants application for Costs
 - 11 Council's application for Costs.
- END



Appeal Decision

Inquiry Held on 6 - 9 November 2018

Site visit made on 9 November 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2019

Appeal Ref: APP/A1720/W/18/3199119

Land east of Posbrook Lane, Titchfield, Fareham, Hampshire PO14 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Foreman Homes Ltd against the decision of Fareham Borough Council.
 - The application Ref P/17/0681/OA, dated 9 June 2017, was refused by notice dated 14 December 2017.
 - The development proposed is described as an 'Outline Planning Application for Scout Hut, up to 150 Dwellings, Community Garden, associated landscaping, amenity areas and means of access from Posbrook Lane in addition to the provision of 58,000 square metres of community green space'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with all matters reserved for future consideration with the exception of access. The access details are shown on the plan 'Proposed Site Access 16-314/003E' which along with the 'Site Location Plan 16.092.01E' are the plans that describe the proposals. An illustrative plan was submitted and the latest iteration was 16.092.02F. However, this was for illustrative purposes only to demonstrate one way in which the site could be developed but does not form part of the formal details of the application.
3. Prior to the commencement of the Inquiry the Council and the appellant entered into a Statement of Common Ground. The original application had been submitted with the description of development in the banner heading above. The parties agreed that there was no requirement for the Scout Hut and removed this from the illustrative master plan and amended the description of development to reflect the amended proposed development.
4. I am satisfied that the proposed alteration to the scheme, which does not amend the red line boundary and makes only a minor adjustment to the overall scheme, is not material. I am satisfied that there would be no material prejudice to parties who would have wished to comment on the proposals and that the amended illustrative plan was available as part of the appeal documents and therefore available for parties to view and comment on. I have therefore considered the appeal on the basis of the amended description which

read as follows: 'Outline application for up to 150 dwellings, community garden, associated landscaping, amenity areas and a means of access from Posbrook Lane.'

5. In the Statement of Common Ground the Council and the Appellant agree that an Appropriate Assessment would be required in the light of The People Over Wind Judgement¹. During the Inquiry a shadow Habitats Regulations Assessment document was submitted (APP4) to enable an Appropriate Assessment to be made. In this regard I consulted with Natural England to ensure that I had the relevant information before me if such an assessment were to be required. The main parties were given the opportunity to comment on Natural England's consultation response.
6. By way of an e-mailed letter dated 5 November 2018 the Secretary of State notified the appellant, pursuant to regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information was required. The further information was publicised on 4 January 2019, a period of 31 days was given for the receipt of comments and the parties were given a period following the end of the publicity period to collate and comment on the matters raised.
7. I have had regard to all the Environmental Information submitted with the appeal including the original Environmental Statement, the Additional Information, the Shadow Habitats Regulations Assessment, the further responses and the parties' comments in reaching my conclusions on this appeal.
8. The Council has drawn my attention to a recent appeal decision, at Old Street, APP/A1720/W/18/3200409, which had been published since the Inquiry was conducted and in which similar issues were considered in respect of the Meon Valley. The parties were given the opportunity to comment on this decision.
9. The Government published a revised National Planning Policy Framework (the Framework), and updated guidance on how to assess housing needs as well as results of the Housing Delivery Test along with a technical note on 19 February 2019. The parties were given the opportunity to comment on how these may affect their respective cases. I have had regard to this information and the comments of the parties in reaching my decision.
10. I closed the Inquiry in writing on 19 March 2019.

Main Issues

11. In the Statement of Common Ground the appellant and Council agree that with the completion of a satisfactory legal agreement reasons for refusal e through to l would be addressed. No objections to the Unilateral Undertaking were raised by the Council and these matters were not contested at the Inquiry. It was also agreed in the Statement of Common Ground that reason for refusal d could be overcome by the imposition of an appropriately worded condition, and I see no reason why this would not be appropriate.
12. On the basis of the above the remaining outstanding matters and the main issues in this appeal are:

¹ The Court of Justice of the European Union judgement in the People over Wind and Peter Sweetman v Coillte Teoranta, case C-323/17

- The effect of the proposed development on the character and appearance of the area, including having regard to whether or not the site is a valued landscape and the effect on the strategic gap;
- The effect of the proposed development on the setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II* listed buildings; and
- The effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL).

Reasons

13. The development plan for the area includes The Local Plan Part 1: Core Strategy (2011 -2026) (LPP1), The Local Plan Part 2: Development Sites & Policies (2015) (LPP2) and The Local Plan Part 3: Welbourne Plan (2015) (LPP3).
14. LPP3 specifically addresses a new settlement at Welbourne and does not include policies that bear directly on the effects of the development the subject of this appeal. Its relevance is however material in the context of the wider housing land supply issues in the area.
15. In terms of LPP1 policy CS14 seeks to control development outside defined settlement boundaries seeking to resist proposals which would adversely affect its landscape character and function. While policy CS22 advises land within strategic gaps will be treated as countryside and development proposals will not be permitted where it affects the integrity of the gap and the physical and visual separation of settlements.
16. In LPP2 Policy DSP6 further advises in respect of residential development outside of defined urban settlement boundaries that it should avoid a detrimental impact on the character or landscape of the surrounding area. DSP5 addresses the protection and enhancement of the historic environment. In considering the impacts of proposals that affect designated heritage assets it advises the Council will give great weight to their conservation and that any harm or loss will require clear and convincing justification, reflecting the statutory and national policy positions.
17. Policy DSP40 in LPP2 includes a contingency position where the Council does not have a 5 year supply of housing land. It is common ground between the parties that the Council does not have a 5 year supply of land for housing albeit the extent, length of time this may persist and consequences are disputed. I address these latter matters further below however insofar as the parties agree that the Council cannot demonstrate a five year supply of housing land the contingency position in policy DSP40 is engaged and this advises that additional sites outside the urban area boundary may be permitted where certain criteria are met.
18. An emerging draft Local Plan, which in due course is anticipated to replace LPP1 and LPP2, was launched for consultation in autumn of 2017 but has now been withdrawn. At the time of the Inquiry I was informed that a further review is to take place following revisions to the National Planning Policy Framework and the Government's latest consultation in respect of housing figures. The Council propose to consult on issues and options relevant to the progression of the Council's new development strategy following the outcome

of the Government's recent consultation. Consultation on a new draft Local Plan is not now anticipated until the end of 2019.

19. The Titchfield Neighbourhood Plan 2011 – 2036 (TNP) is also emerging; it was published for consultation in July 2018 with a further draft submitted to the Council for a compliance check, in October 2018, prior to consultation as the submission draft. At the Inquiry it was confirmed that further documents were submitted to the Council and that the TNP complied with the Statutory requirements. The Council undertook Consultation on the submission draft between November 2018 and January 2019 but at this point in time the plan has not yet been submitted for independent examination. The TNP includes a plan identifying the strategic gap, the Meon gap, and the Defined Urban Settlement Boundary (DUSB) as well as housing policies which review the DUSB (DUSB 1) and address windfall sites (H1), affordable housing (H2), Local Need (H3) and Development Design (H4).

Character and Appearance, including Valued Landscape and Strategic Gap

20. The appeal site is an area of some 6.6 ha of open grazing field on the east side of Posbrook Lane. The land gently slopes from its north-west corner towards its eastern edge. The site is segregated from Posbrook Lane by a hedgerow but for the most part the site is open with little demarking fences, trees or hedge rows. There is some evidence of a previous subdivision of the site on a modern fence line however only limited post foundations remain and generally the whole site has a reasonably consistent grazed grassland appearance.
21. To the north, the appeal site abuts the settlement edge of Titchfield at an estate called Bellfield. The urban edge is open and harsh with little by way of softening landscaping. Towards the south-western corner the site abuts a cluster of buildings that includes the farmstead of Posbrook farm and which includes two Grade II* listed buildings (the Farmhouse and the southern barn). The boundary between these is screened for the most part by a substantial tree and hedgerow belt. Beyond these and towards the south are open agricultural fields. To the east the site slopes down to the Titchfield Canal, valley floor and River Meon beyond.
22. The Meon Valley is a major landscape feature that runs through the Borough and slices through the coastal plain. The parties agree that the site is located within the Lower Meon Valley Character Area but disagree as to the finer grain character type as detailed in the 1996 and 2017 Fareham Landscape Assessments. The appellant points to the 2017 Assessment identifying the western part of the appeal site as being identified as open coastal plain: Fringe Character with a small portion of the site being open valley side. The Council contend that the whole site is more appropriately identified as open valley side.
23. The difference in opinion and identification relates to the influence of the urban settlement boundary, the topography of the site and other landscape features in the surroundings. The fact that the 2017 classification is based on somewhat historic data does call into question the accuracy at the finer grain. There is some evidence in terms of photographs and on site that the site was subdivided and that there may have been different practices implemented which resulted in parts of the site having a different appearance and therefore leading to a different classification at that stage. On site I was firmly of the view that the site was of an open character with little in the way of field boundaries, hedges or other landscape features to different areas of the site.

Whilst there was a break in the slope this was minimal and did not change the characterisation from a gentle slope. There were minor variations across the site and I was not persuaded that this was such a feature that would change the character type of the site. Finally, in the context of the urban settlement edge influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge. This however is a distinct break with the open rural field which then flows to the open agricultural fields beyond the farmstead cluster and the lower valley floor below. In my view in the wider context the urban influence is given too much weight in the appellant's assessment and in association with the sub division of the site into smaller fields adds to the reduced weight given to the effect of the proposed development.

24. The proposed development would result in the provision of a suburban housing estate of up to 150 units on an open field that would substantively change the character of the field. The field appears, when looking south and east, as part of the broader landscape compartment and part of the Lower Meon Valley landscape. Views back towards the site would result in the perception of the intrusion of housing further into the valley and valley sides to the detriment of the character of the valley. The characteristics of the site are consistent with those of the Meon Valley and representative of the open valley side which includes sloping landform, a lack of woodland with views across the valley floor and is generally pastoral with some intrusive influences of roads or built development.
25. The visual effects of the development would be evident from a number of public footpaths both through and surrounding the appeal site as well as along Posbrook Lane, to the south and from the valley floor and opposite valley side. The further encroachment of built development into the countryside would detract from the rural appearance of the area.
26. The potential for landscaping to screen and reduce the visual effects and to a certain extent provide some positive contribution was advanced by the appellant. Whilst additional landscaping along the proposed urban edge would produce an edge that was more screened and in effect a softer edge than present is undeniable and would of itself improve the appearance of the existing urban edge. However, this needs to be weighed against the loss of the open field separation of elements of built development and the creeping urbanisation of the area. Whilst planting would assist in reducing the direct line of sight of houses in the longer term there would still be effects from noise, activity, illumination in the evening along with the localised views that would inevitably and substantively change.
27. I would characterise the landscape and visual effects as substantial and harmful in the short to medium term, albeit this would reduce in the longer term, I would still view the adverse effect as significant.
28. There is some dispute as to whether the site is a valued landscape. The Lower Meon Valley is a significant landscape feature and both parties assessed the site against the box 5.1 criteria in Guidelines for Landscape and Visual Impact Assessment. In this context it is a reasonable conclusion that both parties accept that the Lower Meon Valley has attributes that are above the ordinary. There is some debate as to whether the appeal site contributes to these or is part of that as a valued landscape. On the basis of the evidence before me I

have no difficulty in accepting that the Lower Meon Valley is a valued landscape in the context of the Framework and this is a conclusion consistent with my colleague in the Old Road decision. From my visit to the site and the evidence presented to me I am of the view that the appeal site shares a number of those attributes including the nature of the rural landscape and topography, its scenic quality and that it is representative of the valley sides character type. The site does form part of the broad visual envelope of the Lower Meon valley and part of the landscape compartment and therefore should be considered as part of the valued landscape.

29. Turning to the issue of the strategic gap. The appeal site is located in the Meon Valley strategic gap. The purpose of the strategic gap as identified in policy CS22 is to prevent development that significantly affects the integrity of the gap and the physical and visual separation of settlements. Whilst the Council sought to broaden this out to include the setting of settlements that is not how the development plan policy or indeed its policy justification is written. This states the gaps help to define and maintain the separate identity of individual settlements and are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green corridors. To go beyond these factors in assessing the development against policy would be introducing tests that are not within the development plan.
30. The proposed scheme would extend the urban edge of Titchfield further into the gap than it presently is. There would however be no perception of coalescence or indeed any visual reduction of the separate settlements (I do not see the cluster of buildings as a separate settlement in this context). There would be no demonstrable reduction in the physical separation and the gap's integrity would not be significantly affected. Whilst there would be a minor outward extension in the context of the settlement pattern and separation of settlements the proposed development would be minor and would not result in a significant effect.
31. Overall for the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the area. This would result in harm to a valued landscape. There would however be no significant effect on the strategic Meon Gap. Consequently, the proposed development would conflict with policies CS14 and DSP6 which seek to protect the character and appearance of the area of land outside the defined urban settlement boundary but would not conflict with policy CS22.

Setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II listed buildings*

32. South of Titchfield on the east side of Posbrook Lane there is an historic farmstead that includes the listed buildings of Great Posbrook and the southern barn at great Posbrook farm. Both of these are Grade II* which puts them in the top 8% or so of listed buildings in the Country. They are a significant and invaluable resource.
33. The list description for Great Posbrook identifies it as a C16 house altered in the C19 with evidence of elements of C17 and C18 interior details. There is some question mark over the precise dating of the origins of the building with the Council pointing to evidence that it dates from early C17. While the alterations have created two parallel ranges the earlier T shaped form is unusual and is of particular architectural importance because of its rarity. The

main parties' experts agree that the building is of considerable historic interest due to its fabric, architectural composition and features.

34. The list description for the southern barn identifies it as a late medieval aisled barn. However, the Council point to more recent dendrochronology which indicates that it is likely to be late C16 or early C17 with the eastern end being C18. It is a substantial historic barn with considerable vernacular architectural interest being a good and relatively rare example of a high status English barn. Its size and scale demonstrating its association with a high status farm.
35. The listings make reference to other buildings in the cluster forming the farmstead including a store shed, small barn, cartshed and pigsties but note that these are of local interest only. The main listed buildings together with the buildings of local interest form an early farmstead with a manorial farmhouse, significant barn and numerous other buildings. There have been recent interventions as part of enabling development which resulted in the demolition of modern farm buildings the conversion of some of the historic buildings and the construction of new buildings to provide for additional residential occupation on the site. Much of the new building footprint was related to original buildings in an attempt to reinstate the historic arrangement of farm buildings in a courtyard pattern.
36. The significance of the listed buildings and the farmstead derives from the age, architectural quality, size, scale and relationship of buildings. There is a functional relationship with the adjoining land which was likely farmed as part of the farm holding and reasonable evidence to suggest that there may be an associative link with Titchfield Abbey which adds and contributes to this significance. There has been some more recent and modern infill development and recent housing within the farmstead adjacent and in the wider setting which has a negative impact and detracts from the significance. The wider setting of the site within a rural landscape assists in understanding the scale and status of the land holding, sets the farmstead in an appropriate open rural agricultural setting and separates it from the close by settlement of Titchfield. This contributes to the overall significance of these assets.
37. The proximity of the settlement of Titchfield and the exposed urban edge already have a negative impact on the wider setting of the heritage assets bringing suburban development close to the farmstead and reducing the wider rural hinterland.
38. The appeal site is formed by open land that wraps around the northern and eastern edge of the cluster of buildings within which the farmstead is set. It lies between the southern edge of Titchfield and the northern edge of the cluster of buildings and abuts the northern and eastern boundary of the farmhouse.
39. It is common ground that the proposals would not result in physical alterations to the listed buildings. There would be no loss of historic fabric or alterations to the architectural quality or form of the actual buildings. Similarly there would be no direct alteration of the farmstead.
40. Both parties also agree that the proposal would be located within the setting of the listed buildings and the farmstead. There is also agreement that the proposal would result in harm to the setting of the listed buildings by virtue of built development being closer to the buildings and reducing the rural setting of the buildings. Whilst both parties accept that the harm would be less than

substantial in terms of the Framework, the dispute arises in respect of the level of that harm. The appellant broadly contends that there are limited aspects where the effect would be perceived or experienced and with appropriate landscaping the effect would be reduced over time such that it would fall at the bottom end of the spectrum of less than substantial harm, albeit acknowledging that some harm would be occasioned. The Council on the other hand would put the harm more to the middle of the range that would be less than substantial and contend there are a number of areas where the perception would be significant, that the landscaping may reduce the effect over time, but not remove it, that the noise, activity and illumination associated with a suburban housing estate would further add to that impact and that the effect of changing that land from open rural land to suburban housing would fundamentally alter the setting and obliterate some of the functional and associative links with the adjoining land, albeit different degrees of weight were ascribed to the various elements of harm.

41. There is no dispute that the site would result in the introduction of housing on the area of land adjacent and bordering the farmstead and main farmhouse. This would bring the settlement of Titchfield up to the cluster of buildings and in effect subsume that once separate element into the broader extent of the settlement. This would reduce the connection of the existing farmstead and listed buildings to the rural hinterland and obscure the separation from the nearby settlement. The character of that change would be noticeable and harmful. It would be perceived when travelling along Posbrook Lane when leaving or entering the village and would be readily appreciated from Bellfield and the adjacent existing settlement edge. There are also public footpaths running through the land. These would be both static and kinetic views when moving along and between the various views. This would be a significant and fundamental change.
42. When viewed from the south, along Posbrook Lane and the public footpaths, travelling towards the farmstead and Titchfield the size and scale of the barn are fully appreciated, there are views available of the manorial farmhouse within these views and together the site is recognisable as a distinct farmstead. Whilst the urban edge of Titchfield is also visible it is appreciated that there is a degree of separation. The proposed development would intrude into these views and in the short to medium term would be readily distinguishable as suburban housing. In the longer-term landscaping may reduce this negative effect by the introduction of a woodland feature at its edge, which the appellant argues is reflective of the historic landscape pattern in the area. However, this would introduce a sense of enclosure around the farmstead and listed buildings that would detach them from the rural hinterland and reduce that historic functional connection with the adjoining open land. Whilst there is evidence of small wooded areas in the historic mapping these were freestanding isolated features and not so closely related to areas of built development. The point of the historic pattern in the area is the farmstead with open land around that was once farmed by the manorial farm and which would not have included such features in such proximity to the main farmstead.
43. There would also be views of the relationship between the farmhouse and the proposed development in views on the public paths to the east. Again, these would be significant and harmful in the short to medium term. There may be some reduction in that harm as landscaping matures but even with dense planting and the softening of the existing urban edge it will be an undeniable

fact that suburban development has been undertaken and that there is no separation between the settlement of Titchfield and the historic farmstead including the listed buildings.

44. For the reasons given above I conclude that there would be harm to the setting of the listed buildings and historic farmstead. I would characterise that harm as less than substantial as this would not obliterate the significance of these historic assets. The proposal would however have an adverse and harmful effect on the setting of these assets which would affect their significance given the contribution that the setting makes to that significance. The urbanisation of the remaining area that separates the farmstead and listed buildings from the settlement is significant and whilst the rural hinterland remains to the south and west the dislocation from the existing built up area is an important and fundamental component of that setting that would be lost as a result of the development. The effect is therefore significant and would not in my view be at the lower end of the less than substantial scale as contended by the appellant but more in line with that suggested by the Council. The proposal would therefore conflict with development plan policy DSP5 which seeks the protection and enhancement of heritage assets and is consistent with national policy.
45. These are two Grade II* listed buildings and the Framework advises that great weight should be given to a designated heritage asset's conservation, any harm should require clear and convincing justification and assets should be conserved in a manner appropriate to their significance. I also have regard to my statutory duty in respect of listed buildings and their setting. The courts have also held that any harm to a listed building or its setting is to be given considerable importance and weight. These matters are reflected in my planning balance below, which includes the Framework's 196 balance.

Best and Most Versatile Agricultural Land

46. The appellant undertook a survey of agricultural land and this assessment is provided in appendix SB3 of Mr Brown's proof. This identifies the limited amount of Grade 3a land (4.1 Ha) that would be affected by the development and sets this in the context of Fareham. In my view this does not trigger the sequential test in the Framework footnote 53 as significant development.
47. It is accepted that whilst there is a loss of BMVAL and that this is a negative to be weighed against the scheme it would not of itself amount to such that would justify the dismissal of the appeal. This is a point that was not refuted by the Council who accepted that it may not justify dismissal but should be weighed as a negative factor in the overall balance against the development.
48. I have no substantive evidence to depart from those views and the approach adopted is consistent with that of a colleague in an appeal at Cranleigh Road (APP/A1720/W/16/3156344).
49. The appellant's report concluded that given the grade of land, the small scale and the overall comparative effect on such land in Fareham, whilst it is a negative, it should be afforded no more than limited weight. I concur with that assessment for the views given and therefore ascribe this loss limited weight in my overall planning balance.

Other Matters

50. The Council and appellant agree that the Council cannot demonstrate a 5 year housing land supply. Time was spent at the Inquiry considering the extent of the shortfall based on, amongst other matters, the correct buffer and the correct household projection base date to use. The publication of the Housing Delivery Test results confirmed that Fareham is a 5% buffer Authority. The government also confirmed that it is the 2014 based household projections that should be used as the basis for calculation of the five-year requirement under the standard method. On this basis both parties agree that the minimum five-year requirement would be 2,856 in the period 2018 to 2023.
51. The updated position of the parties is thus a 3.08 years supply taking the appellants position or a 4.36 years supply if the Council's position were to be adopted. I have been provided with further supply evidence in relation to the Old Street Inquiry which calls into question some of the supply side dwellings included in the Council's figures which were permitted since April 2018. Excluding these the appellant suggests the Council's figures would drop to 4.08 years supply.
52. Whichever figures are adopted it is clear that the Council cannot identify a five-year supply of available housing land and that the shortfall is significant. The provision of additional housing in an area where there is a significant housing shortfall in my view translates into a significant positive benefit for the scheme in terms of the overall planning balance.
53. The appeal site is located where there is potential for a significant effect on a number of European designated wildlife sites which comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) potential Special Protection Areas (pSPAs) and Ramsar sites. The proposal has been subject to Habitats Regulation Assessment and a shadow Appropriate Assessment process by the appellant. Given the requirement for further publication of environmental information in association with the Environmental Statement consultation was undertaken with Natural England as the Nature Conservation Body to ensure there was no further procedural or administrative delay at the end of the process. However, given the conclusion of my assessment of the effect of the development on the wider landscape and the designated heritage assets I am not minded to allow the appeal. On this basis an Appropriate Assessment does not need to be carried out, as it is only in circumstances where I am minded to grant consent that such an assessment is required to be undertaken. Moreover, in the interim the Framework, paragraph 177 has been amended to advise that it is not the requirement to conduct Appropriate Assessment but the conclusion that following that assessment there is an identified likely significant effect on a habitats site where the presumption in favour of sustainable development does not apply. In these circumstances this matter does not therefore affect the approach to my planning balance.

Benefits of the Scheme

54. As noted above the provision of housing in an Authority area where the Council cannot identify a five-year housing supply is a significant benefit of the scheme. The Statement of Common Ground signed by the parties makes it clear that there is a significant need for affordable housing. The provision of 40% of the total number of units provided as affordable housing, secured

through the planning obligation, is therefore also a significant positive benefit of the scheme.

55. The appellant contends that there would be between 360 and 465 direct, indirect and induced jobs created by construction. It is further contended that there would be an on-going £4.1m gross expenditure per annum from future residents. It is further contended that the landscaping and ecological mitigation would improve the appearance of the harsh urban edge currently created by Bellfield. These are benefits that accrue from this development and are therefore reasonable to add as positive contributions in the planning balance. They are of a scale which reflects the scale of the development.
56. For these reasons the social benefits from additional housing and affordable housing are of significant positive weight, the economic benefits are of moderate positive weight, and the environmental benefits are of limited positive weight.

Planning Obligation

57. A completed Unilateral Undertaking (UU) dated 8 November was submitted to the Inquiry before the conclusion of it sitting. The UU secures matters related to transport including the site access, travel plan and construction traffic management as well as a contribution towards sustainable transport. The UU also secures public open space provisions, including contributions; environmental and habitat obligations, including commuted maintenance and disturbance contributions and the transfer of a bird conservation area; an education contribution and obligations to protect or provide on site routes for the public. These are in effect mitigation measures or matters directly related to the development and do not amount to positive benefits.
58. The appeal is to be dismissed on other substantive issues and whilst an obligation has been submitted, it is not necessary for me to look at it in detail, given that the proposal is unacceptable for other reasons, except insofar as it addresses affordable housing.
59. In respect of affordable housing the UU secures 40% of the housing as affordable units with the mix, tenure and location controlled by the undertaking. I have already identified this as a benefit of the scheme which will be taken into account in the planning balance.

Planning balance

60. I have concluded that the proposed development would result in material harm to the significance of two Grade II* listed buildings through development in the setting of those buildings. This harm is in my view less than substantial harm in the terms of the Framework a position also adopted by both main parties. Paragraph 196 of the Framework advises in such circumstances that this should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
61. I have identified the public benefits of the scheme above and these include the provision of additional housing in an authority where there is not a five year supply of housing land and the provision of affordable housing in an area where there is a significant need. I give these matters significant weight. Added to these would be the additional jobs and expenditure in the locality arising from construction activity and following completion of the development. Given the

scale of development these would not amount to small figures and I have ascribed this moderate weight. The proposed landscaping and biodiversity enhancements are a balance and required in the context of also providing a degree of mitigation I therefore only ascribe these limited positive weight.

62. The Framework makes it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore it advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. There is a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The courts have interpreted this to mean that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise in planning decisions.
63. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. The Farm House and Barn at Great Posbrook are both Grade II* and therefore are assets of the highest significance. The development of a substantial housing estate in the rural setting of these listed buildings, and farmstead of which they form part, would materially alter the relationship of the listed buildings and farmstead to the nearby village and wider rural hinterland. This would merge the existing distinct and separated grouping of buildings with the expanding village removing that degree of separation and obscuring the historic relationship with the village and wider countryside. I would not characterise this less than substantial harm as of such limited effect as 'at the lower end' within that spectrum as suggested by the appellant. Indeed, the setting contributes to the significance of these listed buildings and their appreciation from both distinct view points and kinetic views. The negative effect would have a measurable and noticeable effect on the existing physical relationships of development in the area and thereby the understanding of the historic development of those over time. The understanding of the high status nature of the house and barn, and their significance, is derived in part from an appreciation of the separation from the village, their setting within the wider agricultural and rural hinterland as well as their size, scale, architectural quality and relationship of the buildings to each other and the surrounding development.
64. On the basis of the above I conclude that the less than substantial harm I have identified, and to which I give considerable importance and weight, is not outweighed by the significant public benefits of the scheme. On this basis I conclude that the scheme should be resisted. As the scheme fails the paragraph 196 test this would disengage the paragraph 11 d tilted balance that would otherwise have been in play given the lack of a five-year supply of housing land.
65. The scheme would be subject to the requirement to carry out an Appropriate Assessment under the Habitats Regulations if I were minded to allow the appeal. At the time of submission of the appeal Paragraph 177 of the Framework required that the presumption in favour of sustainable development, in paragraph 11, would not apply where an Appropriate Assessment was required to be carried out. The latest iteration of the Framework has amended paragraph 177 to only disengage the presumption in favour of sustainable development where the development is likely to have a

significant effect on a habitats site. If an Appropriate Assessment has concluded the development would not adversely affect the integrity of the habitats site the presumption would not be disengaged. However, given my conclusions in respect of the impact on heritage assets and the other harms I have identified I am not minded to allow the appeal and therefore I do not need to carry out an Appropriate Assessment.

66. Whilst the presumption in favour of sustainable development is not disengaged by virtue of paragraph 177 of the Framework, paragraph 11 d, the so called 'tilted balance', is disengaged by virtue of my conclusions in relation to the effect on the heritage assets and the application of 11 d i. The proposal therefore is to be considered in the context of a straight balance. Section 38(6) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would result in material harm to the character and appearance of the area, which is a valued landscape, to the setting of two Grade II* listed buildings and a minor adverse effect on best and most versatile agricultural land in the area. On this basis the proposal would conflict with policy CS14 in the LPP1 and DSP5, DSP6 and DSP40 in the LPP2.
67. The Authority cannot demonstrate a 5 year supply of housing land and policies which restrict housing development through such matters as settlement boundaries and gaps are out of date. They do not provide for the necessary housing to make provision for adequate housing in the area. However, those policies, which include CS14, CS22 and DSP6 do seek to protect the countryside and fulfil a purpose that is consistent with the Framework. The Council is seeking to address the shortfall and is making positive steps in that regard albeit there is dispute as to how successful that is. Nevertheless matters are moving forward and although there is still an outstanding shortfall, which even if I accept is as great as suggested by the appellant, is improving on historic figures and there appears to be greater opportunities for this situation to be improved further. I accept that Welbourne may well not be moving at the pace that has previously been suggested and not as quickly as the Council would suggest, but it is still moving forward and with a significant complex development of this nature matters will take time but once milestones are reached momentum is likely to quicken. Of particular relevance here is the determination of the extant application, which remains undetermined but continues to move forward. On the basis of the information before me the determination of this would be in the spring or middle of this year. Given the above I do not afford these particular policies the full weight of the development plan but I still accept that they have significant weight and the conflict with those policies that I have identified above still attracts significant weight in my planning balance.
68. I note that policy DSP5 reiterates national policy and reflects the statutory duty and is therefore accorded full weight and conflict with it, as I have found in this regard, is afforded substantial weight. The contingency of Policy DSP40 has been engaged by virtue of the lack of a five year housing land supply and it is for these very purposes that the policy was drafted in that way. On that basis the policy has full weight and any conflict with it is also of significant weight. In the context of the harms I have identified which relate to landscape, heritage assets and best and most versatile agricultural land these result in conflicts with specific criteria in policy DSP40 for the reasons given above in respect of those matters and therefore there is conflict with the policy. These

are two significant policies where weight has not been reduced and the proposal when considered in the round is not in accordance with the development plan taken as a whole.

69. The ecological provisions payments and additional bird sanctuary are primarily mitigation requirements resultant from the proposed development and its likely potential effects and do not therefore substantively add a positive contribution to the overall balance.
70. The impact on the significance of the Grade II* listed buildings is not outweighed by the public benefits of the scheme and therefore the additional harms related to landscape and BMVAL only add further to the weight against the proposal. The advice in the Framework supports the conclusions to resist the proposal. There are therefore no material considerations that indicate that a decision other than in accordance with the development plan would be appropriate.

Overall conclusion

71. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

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Instructed by Woolf Bond Planning LLP

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FOR THE TITCHFIELD NEIGHBOURHOOD FORUM :

David Phelan

Titchfield Neighbourhood Forum

INTERESTED PERSONS:

Nick Girdler
Robert Marshall
William Hutchison
Linda Davies

Chairman Titchfield Village Trust
Member of Fareham Society
Chairman Hillhead Residents Association
Local Resident

DOCUMENTS SUBMITTED AT INQUIRY BY APPELLANT

- APP1 Housing Land Supply Statement of Common Ground.
- APP2 Press Release dated 18 October 2018 from Fareham Borough Council.
- APP3 Appeal Decision letter APP/W3520/W/18/3194926.
- APP4 Habitats Regulations Assessment Screening & Shadow Appropriate Assessment prepared by CSA Environmental.
- APP5 Unilateral Undertaking dated 8 November 2018.
- APP6 Bundle of three Committee reports (P/17/1317/OA, P/18/0235/FP and P/18/0484/FP) confirming the Council's approach to Policy DSP40.
- APP7 Additional suggested conditions.
- APP8 Letter from Hampshire and Isle of Wight Wildlife Trust confirming their agreement to take on the land secured as the Bird Conservation Area in the Unilateral Undertaking.
- APP9 Closing submissions on behalf of the appellant.

DOCUMENTS SUBMITTED AT INQUIRY BY LOCAL PLANNING AUTHORITY

- LPA1 List of Appearances on behalf of the Council
- LPA2 Updated extract from 'The Buildings of England Hampshire: South', appendix 14b to Ms Markham's proof of evidence.
- LPA3 Conservation Area Appraisal and Management Strategy: Titchfield Abbey, Fareham Borough Council adopted sept 2013 – substitution for Core Document F11.
- LPA4 Appeal Decision letter APP/W1715/W/17/3173253.
- LPA5 Copy of Policies 1CO and 2CO from the Eastleigh Borough Local Plan.
- LPA6 Announcement from the Leader of Fareham Borough Council dated 5 November 2018.
- LPA7 S106 Obligations Justification Statement.
- LPA8 Opening submissions on behalf of the Council.
- LPA9 List of documents to be referred to during Evidence in Chief of Philip Brshaw.
- LPA10 List of documents to be referred to during Evidence in Chief of Lucy Markham.
- LPA11 Draft schedule of conditions.
- LPA12 e-mail from Strategic Development Officer Children's Services Department Hampshire County Council dated 8 November 2018.
- LPA13 Plan of route and points from which to view the site during the appeal site visit.
- LPA14 Closing submissions on behalf of the appellant.

DOCUMENTS SUBMITTED AT INQUIRY BY TITCHFIELD NEIGHBOURHOOD FORUM

- TNF1 Opening statement on behalf of Titchfield neighbourhood Forum
- TNF2 Email exchange with appellant regarding drainage dated 6 November including various attachments
- TNF3 List of documents referred to in Evidence in Chief of Mr Phelan
- TNF4 Closing Statement on behalf of Titchfeild neighbourhood Forum

DOCUMENTS SUBMITTED AT INQUIRY BY THIRD PARTIES

INQ1 Speaking note from Mr Girdler
INQ2 Letter read out by Mr Marshal on behalf of The Fareham Society
INQ3 Speaking note from Mr Hutcinson

DOCUMENTS SUBMITTED AFTER INQUIRY

PID1 Additional Environmental Information submitted by appellant under cover of letter dated 14 December 2018.
PID2 Copy of Press notice of publication of Additional Environmental Information.
PID3 Comments on Additional Environmental Information by Titchfield neighbourhood Forum.
PID4 Comments on Additional Environmental Information by Fareham Borough Council.
PID5 'Old Street' Appeal decision APP/A1720/W/18/3200409 submitted by Fareham Borough Council
PID6 Fareham Borough Council comments on 'Old Street' decision.
PID7 Appellant's comments on 'Old Street' decision.
PID8 Natural England's (NE) consultation response on shadow Habitats Regulation Assessment as Statutory nature Conservation Body.
PID9 Appellant's response to NE's consultation response (PID8) including an updated shadow Habitats Regulation Assessment.
PID10 Titchfield neighbourhood Forum's response to NE's consultation response (PID8)
PID11 Titchfield Neighbourhood Forum's comments on the Housing Delivery Test (HDT) results and the changes to the National Planning Policy Framework (the Framework).
PID12 Fareham Borough Council's comments on the HDT results and the changes to the Framework.
PID13 Appellant's comments on the HDT results and the changes to the Framework.
PID14 Titchfield Neighbourhood Forum's final comments on HDT and Framework
PID15 Appellant's final comments on HDT and Framework.

END



Appeal Decision

Inquiry Held on 24 to 26 September 2019

Site visits made on 23, 25 and 26 September 2019

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/A1720/W/19/3230015

Land to the east of Downend Road Portchester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miller Homes against the decision of Fareham Borough Council.
 - The application Ref P/18/0005/OA, dated 2 January 2018, was refused by notice dated 26 April 2019.
 - The development proposed is described as 'Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children's play space; creation of public open space; together with associated highways, landscaping, drainage and utilities'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miller Homes against Fareham Borough Council. That application is the subject of a separate Decision that will follow the appeal decision.

Preliminary Matters

3. The Inquiry sat for three days between 24 to 26 September 2019. I made what the Planning Inspectorate refers to as an 'access required' visit to the site on 25 September when I was granted access to enter and view the site, rather than being accompanied by representatives for the appellant and the Council. I also made unaccompanied visits to the area within the vicinity of the appeal site on 23 and 26 September.
4. While the Inquiry finished sitting on 26 September, I adjourned it, as opposed to closing it to allow for the submission of: a certified copy of an executed Section 106 agreement (S106); the appellant's and the Council's closing submission in writing; some documents referred to by the parties in evidence (inquiry documents [IDs]); a final version of the inquiry position statement; and the appellant's written application for costs and the Council's response to that application. The Inquiry was closed in writing on 21 October 2019.

5. The S106 was received by the Planning Inspectorate on 3 October 2019 and it contains planning obligations concerning:
- the provision of 40% affordable housing within the development;
 - the implementation of improvements to the Cams bridge;
 - the undertaking of off-site highway works for alterations at the railway bridge in Downend Road and on the A27;
 - the payment of contributions for various off-site highway and transportation improvements and the implementation of an occupiers travel plan;
 - the provision of and the payment of maintenance contributions for public open and play space;
 - the payment of a contribution to mitigate the development's effects on off-site designated habitats; and
 - the payment of a contribution for school facilities in the area.

Main Issues

6. The main issues are:
- whether the development would make adequate provision for pedestrian access via Downend Road and the effects of providing pedestrian access on the operation of Downend Road;
 - whether there would be accessibility to local services and facilities for the occupiers of the development by a range of modes of transport; and
 - the effects of the development on the integrity of the Portsmouth Harbour Special Protection Area and Ramsar Site, the Solent and Southampton Special Protection Area and Ramsar site and the Solent and Dorset Coastal Potential Special Protection Area (the designated habitats).

Reasons

Pedestrian access via Downend Road and effects on the operation of Downend Road

7. Having regard to the wording of part a) of the reason for refusal, ie pedestrian use of Downend Road and any subsequent implications for the 'safety' of and 'convenience' of users of this road, and the evidence put to me, there are various matters that come within the scope of the consideration of this main issue. Those matters, which I consider below in turn, being: the pedestrian routes that would be available to occupiers of the development; the pedestrian demand (movements) and the distribution of those movements amongst the pedestrian routes; and the options for and effects of altering the railway bridge in Downend Road to accommodate the pedestrian movements arising from the development.
8. Inevitably there is some overlap between the matters of pedestrian movements and their distribution to be consider under this issue and the

wider accessibility to services and facilities that concerns the second main issue that I have identified.

Proposed pedestrian routes

9. The development would involve the construction of 350 dwellings to the north of a railway line, just beyond part of Portchester's established residential area. The development would have three pedestrian routes to and from it and they would be via: Downend Road, the westernmost of the routes (route A); Cams bridge, the central route (route B); and Upper Cornaway Lane, the easternmost route (route C).
10. Cams bridge crosses the railway line and currently provides access between the site and a small vehicle repair garage and The Thicket, the latter being a residential street. Separately planning permission has been granted for upgrading works to the Cams bridge to facilitate its use as a pedestrian route for occupiers of the appeal development. On the southern side of Cams bridge there is a tarmacked track leading off The Thicket. With the upgrading of Cams bridge route B would be a pedestrian route of an essentially urban character.
11. Route C would in part be reliant on the use of an unsurfaced, one metre wide and 200 metre or so length of a public right of way (footpath PF117), and Upper Cornaway Lane, a street providing access to the crematorium and some chalet type homes. Given the rural character of FP117 and its current suitability only for recreational use, some widening and surfacing works would be undertaken to it to enable it to be used more easily by residents of the proposed development.
12. Downend Road can be characterised as being a local distributor road¹, with a two-way, daily flow of the order of 6,800 vehicles per day². Pedestrians using route A and travelling to and from destinations south of the railway line would have to cross the railway bridge in Downend Road, following some alterations to the bridge being made, which are referred to in more detail below. That railway bridge has variously been described as providing a north/south or east/west crossing of the railway line and I shall hereafter only refer to it as an east/west crossing of the railway line and to drivers making eastbound or westbound crossings of the bridge. On the railway bridge and westbound of it, as far as the junction with the A27, Downend Road is subject to a 30mph speed limit. Immediately eastbound of the railway bridge the speed limit increases to 40mph.
13. In terms of accessing places of work and education, shopping and leisure facilities, public transport (Portchester railway station and bus stops along Portchester Road [A27]) and other services and facilities etc, it is agreed that some occupiers of the development would walk to and from the previously mentioned destinations. However, there is disagreement about the scale of the pedestrian demand and how it would be distributed amongst the three routes.

¹ Paragraph 6.24 of Mrs Lamont's PoE

² Table 2.1 within Mr Wall's proof of evidence and paragraph 41 of Mr Litton's closing submissions for the appellant (ID21)

The pedestrian demand (movements) and the distribution of those movements

14. The appellant's most up to date estimate of the total daily pedestrian demand generated by the development would be nearly 700 movements per day, inclusive of walking trips to access buses and trains, 26.6% or so of all daily trips arising from the development³. By contrast the Council estimates that the number of daily single mode walking trips would be of the order of 284 trips, ie origin to destination trips excluding the use of buses or trains (CD10A). The parties agree for the purposes of estimating the development's pedestrian demand that data from the national travel survey 2018 (NTS2018) should be used to establish all trip generation, mode share and journey purpose. It is further agreed that the 2011 Census data should be used to determine the development's population.
15. However, there is disagreement between the appellant's and the Council's transportation witnesses⁴ as to what flexibility should be used in applying the acceptable walking distance guidance stated by the Chartered Institution of Highways and Transportation (CIHT) in its guidelines for the 'Provision for journeys on foot' (CIHT2000 [CD25]). There is also a difference of opinion as to whether the mode share for walking to work recorded by the Census, ie 52% of the national level, should be used as a proxy when considering the propensity for all walking trips arising from the development. The consequence of those disagreements being whether local places of work, schools, shopping facilities etc would or would not be within walking range of the development, having regard to the alternatives offered by the three routes.
16. Mr Wall for the appellant is of the view that the suggested acceptable walking distances set out in Table 3.2 of CIHT2000 are dated and are being too rigidly applied by Mrs Lamont for the Council. The guidelines set out Table 3.2 are:

	Town centres (metres)	Commuting/school and sightseeing (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1,000	800
Preferred Maximum	800	2,000	1,200

17. While it has been suggested that the acceptable walking distance guidelines stated in CIHT2000 are dated, given that they are nearly 20 years old, that concern does not seem to be borne out by the information contained within Table NTS0303 contained within NTS2018⁵. That is because between 2002 and 2018 the average walking trip length has remained constant at 0.7 miles (1.12 Km), while walking trips over a mile (1.6 Km) have consistently been of an average length of around 1.4 miles (2.25 km). Those national survey results suggest that individuals' attitudes towards walking trip

³ Page 2 of CD10A and Paragraph 2.3.9b of Mr Wall's PoE
⁴ Mr Wall for the appellant and Mrs Lamont for the Council
⁵ Page 4 Appendix 1 of Mrs Lamont's PoE

lengths have not altered appreciably and that there is no particular issue with the currency of the guidance contained in Table 3.2 of CIHT2000.

18. In any event were the guidelines stated in CIHT2000 thought to be out of date, then I would have expected the CIHT to have revised them, either by issuing an amended version of CIHT2000 or publishing an entirely new document. Neither of those courses of action have been initiated by CIHT, with the publication of its 'Planning for Walking' guidance in 2015 (CD27 – CIHT2015) appearing to have provided an obvious opportunity for replacement acceptable walking distance guidelines to have been introduced. Instead CIHT2015 makes cross references to CIHT2000 in sections 4 and 6, which I consider to be a strong indication that CIHT was of the view that irrespective of the age of its acceptable walking guidelines, they continued to have currency. Mr Wall in giving his oral evidence stated that he was unaware of the CIHT undertaking any current review of CIHT2000.
19. Regardless of a walking trip's purpose the appellant contends that an upper ceiling distance of 2.4 Km (1.5miles) should be used. However, setting such a distance is inconsistent with what is stated in CIHT2000 and the average walking trip lengths reported in the NTS2018 and I therefore consider it should be treated with some caution. The wider disagreement about the overall number of pedestrian movements that would be generated is something I shall return to in providing my reasoning for the second main issue. However, in the context of the consideration of the utility of route A, I consider that the walking trips of most significance would be those to and from Cams Hill Secondary School (the school) and the Cams Hall employment site (CHes). That is because the school and the CHes would or would very nearly meet the 2,000 metre preferred maximum distance guideline for walking journeys for schools and commuting stated in CIHT2000.
20. As it is highly unlikely that route C would be used to get to or from either the school or the CHes, there is no need for me to make any further reference to it in considering this main issue.
21. The parties are now agreed that the development would generate 35 or 36 pedestrian crossings of the Downend Road bridge per day, an increase of between 83% and 86% on the present situation⁶. Of the new crossings there is agreement that 24 would be for the purpose of travelling to and from the school. However, unlike the Council, the appellant contends that no use of route A would be made by commuters walking to or from a place of work⁷.
22. There is some disagreement as to whether the CHes would be 2,000 or 2,100 metres from the development. I consider that a 100 metre (5%) difference would not act as a significant deterrent for pedestrians using route A. That is because the time to walk an extra 100 metres would not be great and for a walker using either routes A or B and it would probably be necessary to time the duration of the alternative walking trips to be aware of any meaningful difference between them. Having walked routes A and B, and presuming that a safe pedestrian crossing for the Downend Road railway bridge would be available, I consider that qualitatively there would be very little to differentiate route A from B. I also consider there would be potential

⁶ Page 5 of CD10A

⁷ In the zero entry against commuting/business trips in the upper table and supporting text on page 3 of CD10A and in Tables 10 and 11 included in Appendix C to Mr Wall's PoE

for commuters walking between the development and the CHes to vary their routes, to avoid monotony, and to use either route A or B. I am therefore not persuaded that route B would automatically be favoured ahead of route A by those walking to and from the CHes.

23. So, unlike the appellant, I consider it incorrect to discount commuters from walking to or from CHes via route A. I therefore consider that there would be potential for more pedestrian use of Downend Road railway bridge than has been allowed for by the appellant. I also consider that as there is access to the circular countryside public footpath route just beyond the railway bridge that there would be potential for additional recreational walkers, originating from the existing built up area, to be drawn to Downend Road resulting in some additional crossings of the bridge. That is because the provision of enhanced pedestrian facilities would make it safer to cross the bridge and the bridge's existing condition may well be acting as a detractor for recreational walkers.

The five options considered at the application stage for altering the Downend Road railway bridge

24. To accommodate additional pedestrian crossings of the railway bridge in Downend Road there is no dispute that alterations would need to be made to this bridge. That is because the existing bridge only provides a very rudimentary refuge for pedestrians, in the form of a very narrow margin, tantamount to a 'virtual footway', that comprises a strip of tarmac demarcated by a white painted line.
25. To address the additional demand for pedestrian crossings of the bridge the appellant when the appealed application was originally submitted put forward three options for alterations (options 1 to 3). Option 1 would involve the introduction of a formalised virtual footway and has been discounted by Hampshire County Council (HCC). Option 2 would involve the provision of a 1.2 metre wide traditional (raised) footway, with a carriageway width of around 4.8 metres. Option 3 would involve the provision of a 2.0 metre wide footway and a reduction in the width of the carriageway to form a single lane of 3.5 metres and would involve the introduction of a shuttle working arrangement, with the signed priority being in favour of the eastbound stream of traffic. HCC in offering its advice to the Council⁸ expressed no preference for either options 2 or 3, with it stating that the final decision on which option should be pursued being deferred until a post planning permission public consultation exercise had been completed.
26. Following the decision of the Council's planning committee to defer the determination of the appealed application in order to enable further consideration to be given to the alteration of the railway bridge, two further options were put forward by the appellant. The first of those, option 4, would be similar to option 3, albeit than in substitution for signed priority vehicles would be controlled by traffic signals. HCC are reported as raising no in principle concern with option 4, albeit it indicated that this option would entail greater driver delay, including unnecessarily during off peak periods, and a maintenance liability, such that options 2 and 3 remained preferable to the highway authority⁹.

⁸ Letter of 29 August 2018 (contained within CD2)

⁹ Paragraph 3.2.6 in the i-Transport Technical Note of 28 February 2019 and entitled 'Downend Road Railway Bridge – Review of Pedestrian Options' (CD29)

27. Option 5 would involve no footway provision, with the carriageway available to vehicles crossing the bridge travelling in opposite directions at the same time being 5.0 metres. There would also be 300mm wide margins to protect the parapets on each side of the bridge¹⁰. Additionally, traffic signals would be installed so that when pedestrians sought to make a bridge crossing they would initiate an all red phase for both eastbound and westbound drivers, making the bridge a pedestrian only area for so long as pedestrians were crossing it. HCC are reported as considering option 5 to be a unique and unsafe means for controlling shuttle working at the bridge and rejected it (CD2¹¹). However, HCC's advice to the Council concerning Option 5 appears to have been on the basis that it would involve shuttle working, as opposed to two way working. In this regard HCC is reported as commenting:

'As such drivers unfamiliar with the site may not expect opposing vehicles to be on the bridge at the same time (both directions on a green signal). This situation is exacerbated by the carriageway width on the bridge which in this controlled situation would encourage drivers to take a more central position in the carriageway. Consequently vehicles may meet each other on the bridge'. (Appendix 2 of committee report of 24 April 2019 [CD2])

However, HCC's comments regarding option 5 appear to have been made on an erroneous basis, with it having put forward as an alternative to shuttle working. It is therefore unclear what HCC's views on option 5 would have been had it not been treated as being an 'unconventional arrangement'¹², given its apparent misunderstanding about what this option would entail. It would also appear that the appellant did nothing to bring this misunderstanding to HCC's attention.

28. The Council's determination of the planning application was therefore based on options 2 and 3 being for its consideration and it contends that option 2 would be unsafe for pedestrians, while option 3 scheme would unacceptably affect the safety and convenience of road users. I now turn to the detailed consideration of options 2 and 3.

Option 2

29. The railway bridge provides poor facilities for pedestrians crossing it. I recognise that in general terms the provision of a 1.2 metre wide footway on the Downend Road bridge under option 2 would represent an improvement in safety terms compared with the prevailing situation, however, I consider that cannot reasonably be said of the post development situation. That is because the development would be a significant new generator of vehicles crossing the bridge, with the parties agreeing that the development would give rise to a 22% increase in traffic flows on the bridge¹³. Those extra bridge crossings is something that needs to be accounted for when considering whether option 2 would provide a safe environment for the existing and prospective pedestrian users of the bridge.

¹⁰ As clearly depicted in the cross section contained in Image 3.2 and drawing ITB12212-GA contained in CD29

¹¹ The summary of HCC's comments to the Council included as Appendix 2 of the Council's committee report of 24 April 2019

¹² Paragraph 3.3.6 in CD29

¹³ Page 5 of CD10A

30. I am of the view that a 1.2 metre wide footway under option 2 would not provide a safe bridge crossing facility for pedestrians, having regard to both the increases in vehicular and pedestrian crossings of the bridge, with the development being a new origin/destination for both categories of travellers, particularly during the peak hours for the making of commuting trips and/or school journeys. It is also likely that the pedestrians using the bridge would be likely to be a mixture of adults and school aged children. Given that the demand for additional bridge crossings would largely come from commuters and school children, I consider that activity would be more likely to coincide with AM and PM peaks and would not be evenly spread throughout the day. In saying that I recognise that working hours can be staggered and out of teaching hours' activities occur at schools, but those activities would only give rise to some walking trips for occupiers of the development outside the core peak hours.
31. Having regard to the guidance on footway widths stated in the Department for Transport LTN1/04 'Policy, Planning and Design for Walking and Cycling'¹⁴ and Manual for Streets (MfS - CD23), a footway of 1.2 metres width would be considerably narrower than the generally preferred minimum 2.0 metres referred to in paragraph 6.3.22 of MfS. While the guidance is not expressed in absolute terms the footway to be provided as part of option 2 would potentially be used by a variety of pedestrians, ie adults, children, with or without any impairment. However, a footway of 1.2 metres in width would only just be wide enough for an adult and a child to walk side by side, but would not accommodate two adults with a push chair walking side by side in the same direction or an adult and a wheelchair user side by side, based on the details provided in figure 6.8 of MfS.
32. Regard also needs to be paid to pedestrians travelling in opposite directions wishing to cross the bridge at the same time. In that regard I recognise that as far as pedestrians travelling from or to the development in the peak hours are concerned the bulk of those users would be travelling in the same direction and that this demand for the footway's use would not generate opposing movements. However, there are already users of the bridge and many of them will be making trips across the bridge in the opposite direction to pedestrians leaving or returning to the development. There would therefore be potential for opposing crossings of the bridge to be made at the same time, creating a conflict situation. I consider it cannot be assumed that when directional conflicts arose that one party would give way to the other and with such a narrow footway that would make the use of the carriageway a possibility, bringing pedestrians into conflict with vehicles.
33. Under the prevailing situation, I observed cars frequently encroaching beyond the centre line on the bridge whether there were or were not any pedestrians on the bridge. My seeing cars crossing over the centre line irrespective of whether pedestrians are crossing the bridge is also consistent with the screenshot images included in the appellant's evidence, for example those in appendix A of the appellant's Technical Note of 28 February 2019. All of which is also consistent with the advisory road signs on either side of the bridge warning of oncoming vehicles being in the middle of the road.

¹⁴ Appendix X to Mr Wall's PoE

34. I therefore find difficult to envisage how that driver behaviour would not continue to be replicated with an increased number of vehicular crossings of the bridge, following a reduction in the carriageway width for vehicles under option 2. That in turn could result in eastbound vehicles needing to mount the footway or their nearside wing mirrors encroaching into the space above the footway. So, under a scenario of vehicles crossing in opposing directions at the same time as pedestrians were also making use of the bridge there would be the potential for the safety of pedestrians to be unacceptably prejudiced.
35. The appellant has sought to justify the provision of a 1.2 metre wide footway, on the basis of having undertaken a 'Fruin' assessment, to judge the level of service this footway would afford its users. However, the extract of the paper written by Mr Fruin submitted at the inquiry (ID5¹⁵) refers to 'channel's (footways) upwards of 1.8 metres (6 feet) in width having been assessed. I therefore consider that the Fruin methodology has very limited applicability to a footway under option 2 that would be two thirds of the width of the footway referred to in ID5. I therefore find this aspect of the appellant's case does not justify the provision of a 1.2 metre wide footway.
36. While other instances of narrow footways at bridges/archways in Hampshire have been drawn to my attention in evidence¹⁶. However, those examples do not appear to be directly comparable with the appeal proposals and in any event it is the acceptability of otherwise of the latter that I need to consider.
37. I also find it surprising that HCC considers a 1.2 metre wide footway would be appropriate on a road subject to around 6,750 daily vehicle movements, when the appellant is intending the main and secondary estate roads within the development would have 2.0 metre footways¹⁷.
38. I therefore consider that option 2 should be discounted as an appropriate alteration to the Downend Road railway bridge for safely accommodating the additional pedestrian use of the bridge that would arise from the development.

Option 3

39. The appellant's modelling of the effect of option 3's operation traffic flows is heavily reliant on the use of the 'ARCADY' software, that software normally being used to assess the operation of roundabouts. In this instance ARCADY has been set up with a 'dummy arm' as a work around to simulate the operation of eastbound priority shuttle working at the railway bridge. Using ARCADY, the appellant has estimated that in the AM peak hour, the average queue length would be 3.3 vehicles amounting to a delay of 23 seconds¹⁸.
40. I have never previously come across ARCADY being used for any purpose other than modelling the operation of roundabouts. I therefore find it surprising that HCC, in providing its comments to the Council (included in CD2), did not question ARCADY's use in assessing the operation of shuttle working at a bridge. I consider it unsurprising that the Transport Research Laboratory (TRL), as the developers/product owner of ARCADY, has cast significant doubt on the suitability of its model for assessing a scenario such

¹⁵ Designing for pedestrians a level of service concept

¹⁶ Appendix X of Mr Wall's PoE and ID11

¹⁷ Paragraph 2.4.2 of the Transport Assessment (CD15)

¹⁸ Page 9 of CD10A

as option 3 because of an issue of dealing with `... the lag times once a vehicle is in the narrowing ...'¹⁹. So, while HCC appears to have voiced no concerns about ARCADY's suitability, I consider that very little weight should be attached to it for the purposes of assessing the effect of option 3 on the safe and free operation of Downend Road. I also consider it of note that TRL has stated that its PICADY modelling tool, which is designed to model the operation of priority junctions, is also unsuitable for modelling option 3, with TRL referring to its TRANSYT traffic signal software as being more suitable²⁰, albeit still something of a work around.

41. In response to the limitations of the appellant's modelling of option 3, the Council has used microsimulation software to assess the operational effects of option 3. That software 'Paramics Discovery Version 22' (PDV22) being a microsimulation model that includes a module, introduced around six months ago²¹, and which has a specific module capable of modelling road narrowings²². As a worst case the Council's running of PDV22 predicts that during the AM peak period queues of up to 36 vehicles might extend back from the westbound vehicle give way point and result in westbound traffic being delayed by up to 17 minutes²³.
42. Given the recent introduction of PDV22 its track record is limited and the appellant has raised concerns about the reliability of PDV22. In that regard it has been argued that the Council's running of PDV22 has not been correctly calibrated for the circumstances of option 3 and that its output results cannot be validated. Mr Wall in cross examination contended that PDV22 appears to have been developed without being informed by driver behaviour. However, producing a model that was incapable of replicating driver behaviour would seem a nonsensical exercise for the product supplier. Given that PDV22 has been developed to assess the operation of a highway under the circumstances of vehicles in one flow giving way to an opposing flow of vehicles at a road narrowing, I consider that very little weight should be attached to the proposition that this software had been developed without regard to driver behaviour.
43. Mr Wall is not a 'modelling expert'²⁴ and has placed some reliance on the findings of a study undertaken by the TRL for the Department of Transport to support his use of ARCADY and to critique the Council's running of PDV22. The findings of the TRL study were reported in 1982 in a paper entitled 'The control of shuttle working on narrow bridges' (TRL712)²⁵. To assist with critiquing the running of PDV22 the appellant has engaged a consultancy specialising in microsimulation modelling, Vectos Microsim Limited (Vectos), and a video file of the model runs Vectos has performed, as well as written advice it has given to the appellant, has been submitted as part of the appellant's evidence²⁶. In response to the critique of PDV22 the Council has supplemented its evidence through the submission of a video file for its

¹⁹ Email from Jim Binning of TRL to Mayer Brown of 23 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

²⁰ Email from Jim Binning of TRL to Mayer Brown of 9 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

²¹ Mrs Lamont in during cross examination

²² Matter of agreement stated on page 8 of CD10A

²³ Mrs Lamont's rebuttal statement

²⁴ Email of 23 September 2019 to the Planning Inspectorate from Mrs Mulliner on the appellant's behalf

²⁵ Appendix K to Mr Wall's PoE

²⁶ Appendix P to Mr Wall's Rebuttal Statement, Note from Vectos of September 2019 entitled 'Paramics modelling - comments on Sysra review and Mayer Brown rebuttal', ID12 and ID15

running of PDV22 and written comments from the software's developer, Systra²⁷.

44. For the AM peak period and using PDV22 the appellant estimates that the average westbound queue length would be 6.5 vehicles, with the average delays westbound and eastbound respectively being 43 and 10 seconds²⁸.
45. The disagreement about whether the running of PDV22 has reasonably represented the operation of option 3, essentially revolves around the behavioural response of westbound drivers to the signed priority and whether that response would cause significant queuing and driver delays. In that regard the appellant contends that the signed priority has been modelled too rigidly and would not be reflective of actual driver behaviour. It is therefore argued that the Council's prediction of the severity of the westbound queuing and delay times would be unrealistic. That is because TRL712 records that when signed priority shuttle working is in place drivers that do not have the priority only give some measure of preference to drivers in the opposing stream. That resulting in drivers without the priority experiencing around 65% of any delay, while the opposing drivers experience around 35% of any delay.
46. While the appellant has sought to attach significant weight to the findings reported in TRL712, this report of study provides very little information about the computer modelling that was performed and the frequency and duration of the observations of driver behaviour that was undertaken at the two bridge locations that were used.
47. With respect to the computer model referred to in TRL712, were that model to be of wider utility than just perhaps for conducting this study, I would have expected that it would be known to HCC and could have been drawn to Mr Wall's attention during the pre-application and/or application discussions that took place. I say that because within Hampshire road narrowing at bridges/archway is not uncommon, given the examples cited in Mr Wall's evidence and my own observations in determining various unrelated appeals elsewhere in this county. In a similar vein when the previously mentioned email exchange took place between representatives of the TRL and a colleague of Mrs Lamont about software suitability, if the model used in the 1982 study was of utility today then the TRL could have drawn it to the attention of Mrs Lamont's colleague. Instead of that there is reference to the TRL planning to develop new software to model shuttle working. Whatever form the model used in 1982 took, given the advances in computing that have occurred in the last 37 years, it is unlikely it would bare comparison with modern day software.
48. With respect to the bridge locations used in the 1982 study, in the final paragraph in section 3.2 of TRL712 it is stated that traffic flow rates at the bridges and the proportions of traffic crossing the bridges in each direction were different. Those differences could have had implications for the observed driver behaviour that was used to validate the output from the running of the model used in this study.
49. In the time since TRL712's publication there have been significant changes in vehicle technology, most particularly in terms of braking and engine

²⁷ Mrs Lamont's Rebuttal Statement, including Appendix 3, ID9, ID10 and ID14

²⁸ Page 9 of CD10A

technology, which have implications for acceleration and deceleration rates. Vehicle performance is now very different and would not necessarily be reflected in the modelling undertaken as part of the 1982 study. I am therefore doubtful as to whether the acceleration rates used for the purposes of a study undertaken in 1982 can be relied upon today.

50. With respect to the observance of priority signage, much has been made of the Council's PDV22 model runs being too cautious, with it being argued that the modelled driver behaviour would be more akin to that of 'strictly enforced' priority in the language of TRL712. However, option 3 would entail the installation of 'give way' lines and signage clearly indicating that drivers should give way to on-coming traffic. That signing arrangement would in effect be very similar to what is found in the case of a side road forming part of a 'priority junction' where give way signage and road markings are in place, which are routinely observed without strict enforcement. I consider normal driver behaviour is to observe the instructions or warnings appearing on traffic signs, whether they be of a prohibitive or warning type.
51. I therefore consider it reasonable to expect that westbound drivers faced with priority give way signage would take heed of that signage and thus approach the bridge with caution and would avoid commencing a crossing if there was any doubt that it could not be completed safely. So, on approaching the give way point and when there were no eastbound vehicles on the bridge, a driver would need to decide whether there would be enough time to complete a crossing of the bridge before encountering a vehicle travelling in the opposing direction.
52. There is some disagreement as to how much time a driver would deem necessary to make a safe crossing of the bridge, with it also being argued that in working out the time needed westbound drivers would also make a calculation as to whether their crossing of the bridge would unreasonably delay an eastbound vehicle's crossing of the bridge. It being argued, in line with findings reported in TRL712, that if a westbound driver decided its actions would delay an eastbound vehicle then the former would not proceed.
53. In terms of the decision making to be made by westbound drivers, I consider the normal behaviour would be to decide whether a crossing could safely be made, with any decision making about whether their actions would cause delay for a driver travelling in the opposite direction only being a secondary concern. That is because while a westbound driver would be able to judge how long they would need to cross the bridge, they would be unlikely to be able to make the calculation when precisely an eastbound vehicle would arrive at the point where its driver would want to commence its crossing and what any delay caused to the driver of the eastbound vehicle would be.
54. I recognise that some westbound 'platooning' would be likely to arise. That is one vehicle or a group of vehicles following immediately behind another/other westbound vehicle/vehicles already crossing the bridge, irrespective of whether there might be an eastbound vehicle waiting to make a crossing of the bridge. However, I consider the number of vehicles making crossings during an individual platooning event would not necessarily be as great as argued by the appellant. That is because there would come a point at which a westbound driver would decide to observe the priority signage, rather than continue a sequence of not observing it, given that being behind a line of

crossing vehicles it would not necessarily be possible to see whether an eastbound vehicle with priority was waiting to make a crossing. So, while some platooning would arise and would have the potential to reduce westbound queuing and delays, I am not persuaded its occurrence and delay reducing potential would be of the significance claimed by the appellant.

55. As I have indicated above there is very limited information contained within TRL712 about the precise nature of the observation of drivers at narrow bridges, ie how many times driver observations were undertaken and how long they were. I therefore have concerns about driver delay under option 3 being applied on the basis of 35% and 65% respectively for drivers with and without the signed priority, as per the finding reported in TRL712. That being something the appellant has done in critiquing the Council's running of PDV22 to arrive at its finding that if this software is used then in the AM peak period the average westbound queuing length would be 6.5 vehicles and the delay would be of the order of 43 seconds²⁹. The Council's review of the appellant's running of PDV22 suggests that the average maximum westbound queue length could be around 20 vehicles at 07:50 AM (ID10).
56. However, it appears that an unintended consequence of the appellant's rebalancing of the priority to replicate a 35%/65% delay split, is the build-up of eastbound queuing in the absence of much westbound traffic, as is apparent from the 07:46:25 screenshot contained in ID9B. Additionally, vehicles travelling in opposing directions crossing the bridge at the same time would appear to have arisen, as shown in some of the screenshots contained in ID9B.
57. For all of the reasons given above I am therefore not persuaded that much weight should be attached to the findings reported in TRL712 for the purposes of calibrating or validating runs for either PDV22 or for that matter ARCADY.
58. It is contended that the PDV22 model runs undertaken by the Council have been incorrectly calibrated. However, the review of those runs undertaken by Systra has not highlighted any fundamental errors in the way its model has been built and run on the Council's behalf. I am therefore inclined to attach greater weight to the commentary on the model's running provided by Systra than Vectos. That is because Systra, as software designer, could be expected to know precisely what its model is intended to do and whether its running by a 'client' has been appropriate, when consideration is given to the parameters needed to run the software.
59. While PDV22 is a new model and may well become subject to some refinement as more use is made of it, on the basis of everything put to me in evidence about it, I consider its use is more appropriate to that of ARCADY. That is because PDV22 has been designed to address narrow road situations, ARCADY is intended to model circulatory road movements and the TRL has advised that ARCADY is not an appropriate tool to model the operation of option 3.
60. While the queuing and delays under option 3 predicted by the Council's running of PDV22 may be somewhat exaggerated, I consider no reliance should be placed on the appellant's ARCADY assessments. In practice the effect on the flow of traffic associated with option 3's introduction would be

²⁹ Page 9 of CD10A

likely to somewhere between the range of the results yielded by the appellant's and the Council's running of PDV22. That would be likely to result in queue lengths and driver delay exceeding the AM peak period occurrences that HCC found to be unacceptable when it concluded that the traffic light controlled option 4 would be unacceptable, ie mean maximum queuing of nine vehicles and delays westbound and eastbound respectively of 36.8 and 32.4 seconds³⁰.

61. On the basis of the evidence before me I consider that the introduction of option 3 would result in unacceptable levels of queuing and delay for vehicular users of Downend Road.
62. The Council contends that the visibility splay falling within land within the appellant's control would be inadequate for drivers turning right from the development's access onto Downend Road. While a visibility splay that would be fully compliant with the most recent guidance, ie that contained in ID6³¹, would encroach onto third party land, that land comprises undeveloped land, including a ditch. It is therefore unlikely that any development would arise within the third party land, so close to the edge of the highway, as to affect the visibility for drivers emerging from the development's access. I therefore consider that there would be adequate visibility for drivers turning right out of the development's access and that 'edging out' type movements would be unlikely to cause any significant conflicts between drivers emerging from the site access and westbound road users approaching to the give way point proposed under option 3.
63. Concern has also been raised that the introduction of option 3 would adversely affect the vehicular access used by the occupiers of 38 Downend Road (No 38). No 38 lies immediately to the south of the railway line and has a double width dropped kerb providing access to this dwelling's off-street parking. The visibility for drivers emerging from No 38 is already affected by the railway bridge's parapet.
64. The works associated with the implementation of option 3 would have some implications for the manoeuvring for drivers turning right from No 38. However, I consider the new situation would not be greatly different to the existing one and introducing a shuttle working layout would have very little effect on the forward visibility for vehicles emerging from No 38 because there would be no alterations to the railway bridge's parapet. Regard also needs to be paid to the fact that in any given day the number of vehicle movements associated with No 38's occupation would be quite limited, given this access serves a single property. I consider it of note that the safety auditing that has been undertaken to date has not highlighted any particular safety concerns for vehicles emerging from No 38's access associated with the design of option 3.
65. I am therefore not persuaded that the introduction of option 3 would have any adverse effect on the use of No 38's access.

³⁰ Table 3.1 in CD29

³¹ Junction visibility extract from Design Manual for Road and Bridges CD123 Revision 0 (August 2019)

Conclusions on pedestrian access via Downend Road and effects on the operation of Downend Road

66. For the reasons given above I found that the 1.2 metre wide footway to be provided as part of option 2, would not provide a safe facility for its users.
67. Option 3 through the narrowing of the carriageway to 3.5 metres would provide a safe pedestrian route. However, the narrowing of the carriageway would be likely to result in vehicle queuing and delay during the AM peak period. The precise degree of that queuing and delay is the subject of considerable disagreement, with it having proved quite difficult to model. That is because when Mr Wall prepared the original transport assessment (CD15) there appears to have been no readily available software capable of modelling a road narrowing such as that envisaged under option 3. That led to the use of ARCADY, which as I have explained above, I consider cannot be relied upon, not least because the TRL has stated that it is not suited to modelling shuttle working. In connection with presenting its appeal case the Council has used the comparatively new and not widely tested PDV22, the running of which suggests that considerable vehicle queuing and driver delay could be encountered by westbound vehicular traffic.
68. The appellant has sought to persuade me that the results from the Council's running of PDV22 should not be relied on because it has been set up to run with parameters that are exaggerating vehicle queuing and driver delay because the observation of the signed priority by westbound traffic has been too rigid. The appellant's critique of PDV22 in no small measure relies on computer modelling and behavioural observations at narrow bridges undertaken in connection with the TRL712 study dating back to 1982. However, for the reasons I have given above I have significant reservations about how meaningful the findings reported in TRL712 are today.
69. I recognise that the Council's running of PDV22 may have generated unduly pessimistic queuing lengths and delay times. That said I consider more credence can be attached to the Council's running of PDV22 than either the appellant's running of ARCADY or the appellant's modified running of PDV22, the latter understating the reasonable observance of the signed priority that would underpin the functioning of option 3. The degree of vehicle queuing and driver delay would probably be somewhere between levels estimated through the appellant's and the Council's running of PDV22. Given that the scale of the delay may well exceed that which led HCC to believe that a traffic light variant of option 3, ie option 4, should be discounted. I therefore consider that option 4 may well have been prematurely discounted by HCC. That is because HCC accepted option 3 as being a safe and efficient option, based on modelling reliant on the use of ARCADY.
70. Much has been made of HCC being accepting of both options 2 and 3, but as I have said above, I consider those options have pedestrian safety and capacity shortcomings. I am not persuaded, on the evidence available to me, that I should accept that because HCC has raised no objection to options 2 and 3 then either would be acceptable.
71. A fifth option (option 5) that would retain a two-way traffic flow, without a footway being provided or a narrowing of the carriageway, with an all pedestrian zone activated by traffic lights, on demand by pedestrians wishing to cross the bridge, was put forward prior to the appealed application's

determination. However, option 5 appears to have discounted on safety grounds by HCC on the erroneous premise that it would involve the operation of an unusual form of shuttle working. I therefore consider that option 5 may also have been prematurely discounted by HCC because of a fundamental misunderstanding of the way in which it would function.

72. On this issue I conclude that the development with the implementation of option 2 would make inadequate provision for pedestrian access via Downend Road, while the implementation of option 3, in making adequate provision for pedestrian users of Downend Road, would unacceptably affect the operation of this road because of the vehicle queuing and driver delay that would arise. The development would therefore be contrary to the second criterion of Policy CS5 of the Fareham Core Strategy of 2011 (the Core Strategy) insofar as when the development is taken as a whole it would generate significant demand for travel and were option 2 to be implemented it would not provide a good quality walking facility for its occupiers. The development, were option 3 to be implemented, would also be contrary to Policy CS5 (the second bullet point under the third criterion) because it would adversely affect the operation of Downend Road as a part of the local road network.
73. There would also be conflict with Policy DS40 of the Fareham Local Plan Part 2: Development Sites and Policies of 2015 (the DSP) because the implementation of option 3 would have an unacceptable traffic implication.
74. I also consider that there would be conflict with paragraph 109 of the National Planning Policy Framework (the Framework) because the implementation of option 3 in safeguarding the safety of pedestrians would give rise to a residual cumulative effect, vehicle queuing and driver delay, that would be severe for the road network. The development would also not accord with paragraph 110c) of the Framework because the implementation of option 2 would create a place that would not be safe because of the conflict that there would be between pedestrians and vehicles through the provision of an unduly narrow footway within part of the public highway.

Accessibility to services and facilities

75. The development would be on the edge of Portchester's already quite intensively built up area and it would adjoin an area that is predominantly residential in character. The existing development in the area lies to the south of the M27 and is on either side of the A27 corridor, which essentially follows an east/west alignment.
76. As I have previously indicated there is considerable disagreement about the site's accessibility to local services and facilities by non-private motorised modes of travel. In that regard the appellant is of the view that the development would generate in the region of 650 pedestrian movements per day, while the Council places that figure at a little short of 300 movements. Central to that disagreement is whether the distance there would be between the new homes and places of work and education, shopping, leisure and public transport facilities (the local facilities and services) would be too far as to be accessible by walking trips.
77. Figure T2 in the originally submitted Transport Assessment (page 66 of CD15) identifies where the local services and facilities are relative to the appeal site. Many of those service and facilities are clustered around Portchester's

shopping/district centre. When regard is paid to the various tables within Appendix C of Mr Wall's proof of evidence it is apparent that many of the local services and facilities shown in Figure T2 would be at distances from the development that would exceed the 'acceptable walking distances' referred to in CIHT2000 (CD25).

78. The three proposed pedestrian routes, A, B and C, would variously provide egress and ingress from the development. However, routes A, B and C would be of varying levels of attractiveness. In that regard I consider route C would not be particularly attractive because the section comprising footpath FP117 would be unlit and that would affect its general utility after darkness, particularly for commuters on their return from Portchester railway station. Generally, the use of all three routes would entail walking trips that would exceed the CIHT2000 guidelines for travelling to and from town centres, while the railway stations in Portchester and Fareham would not be within a comfortable walking distances from the development. The access to bus stops in the area would exceed the 400 metre guideline recently reaffirmed by the CIHT in its 'Buses in urban developments' guidance of January 2018 (CD28).
79. So, I think it reasonable to say that the development would fall short of being particularly accessible by transportation modes other than private motor vehicles. In that regard the appellants' estimates for the number of non-private motor vehicle trips may well be quite optimistic. That said this development would be close to many other dwellings in Portchester and the accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Given the existing pattern of development in the area, I consider there would be few opportunities for new housing to be built in Portchester on sites that would be significantly more accessible than the appeal site, something that the maps in Appendix R to Mr Wall's proof of evidence show. In that regard it is of note that the Council is considering allocating this site for development in connection with the preparation of its new local plan.
80. On this issue I therefore conclude that there would not be an unreasonable level of accessibility to local services and facilities for the occupiers of the development by a range of modes of transport. I therefore consider that the development would accord with Policy CS5 of the Core Strategy and Policy DSP40 of the DSP because it would not be situated in an inaccessible location and it would be well related to the existing urban settlement boundary for Portchester.

Effects on the designated habitats

81. The appellant, the Council and Natural England (NE) are agreed that the development would be likely to have a significant effect on the designated habitats, namely in-combination effects associated with: increased recreational activity in the Portsmouth Harbour Special Protection Area (SPA) and the Solent and Southampton Water SPA; and the increased risk of flooding in the Portsmouth Harbour SPA and Ramsar site and the Solent and Dorset Coast candidate SPA. Additionally, there would be potential for the development to have a significant effect either alone or in combination with other developments arising from nitrogen in waste water being discharged into the designated habitats.

82. Under the provisions of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the HRs), there is a requirement to undertake a screening assessment to determine whether a development alone or in combination with others would be likely to have a significant effect on integrity of the internationally important interest features that have caused a habitat to be designated. Having regard to the ecological information that is available to me, including the statement of common ground signed by the appellant, the Council and NE (CD13) I find for the purposes of undertaking a screening assessment that this development in combination with others would be likely to have a significant effect on the interest features of the designated habitats through additional recreational activity and the risk of flooding.
83. With respect to the matter of additional nitrogen in waste water being discharged into the designated habitats, I am content, on the basis of the nitrogen balance calculation included as Appendix 4 in CD13, that the development would not give rise to an increased discharge of nitrogen within the designated habitats.
84. Having undertaken a screening assessment and determined that there would be a significant effect on the designated habitats, I am content that mitigation could be provided so that the integrity of the qualifying features of the designated habitats would be safeguarded. The nature of the necessary mitigation has been identified in CD13 and would take the form of the payment of a contribution to fund management measures identified in the Solent Recreation Mitigation Strategy of 2018 and the imposition of planning conditions to avoid the development causing flooding in the area. The necessary financial contribution forms one of the planning obligations included in the executed S106.
85. In the event of this appeal being allowed I consider the imposition of conditions requiring: the incorporation of a sustainable drainage scheme within the development; the implementation of construction environmental management plan that included measures to preclude the pollution of the waters within the designated habitats during the construction phase; and a limitation on water usage for the occupiers of the development would be necessary and reasonable to safeguard the integrity of the designated habitats.
86. I therefore conclude that the development, with the provision of the mitigation I have referred to above, could be implemented so as to safeguard the integrity of the designated habitats. In that respect the development would accord with Policy CS4 of the Core Strategy and Policies DSP13 and DSP15 of the DSP because important habitats would be protected.

Other Matters

Housing Land Supply

87. The Council cannot currently demonstrate the availability of a five year housing supply (5yrHLS), with it being agreed that the current five year requirement is 2,730 dwellings. However, there is disagreement as to what the quantum of the 5yrHLS shortfall is when regard is paid to the supply of deliverable sites for homes, having regard to the definition for 'deliverable' stated in Annex 2 of the Framework. That definition stating to be considered deliverable:

'... sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular: ...
b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'

88. The appellant contends that the current deliverable supply of homes is 1,323 dwellings, equivalent to HLS of 2.4 years, while the Council argues that the deliverable supply of homes is 2,544 homes, equivalent to an HLS of 4.66 years³².
89. That difference being attributable to the appellant having deducted 1,221 dwellings from the deliverable supply identified by the Council. That deduction being made up of: 761 dwellings associated with large sites without development plan allocations and not benefiting from a planning permission (inclusive of some with resolutions to approve); 100 dwellings on the brownfield register, but with no submitted application; 70 dwellings concerning allocated sites but only with a resolution for approval; 50 dwellings concerning allocated sites without a planning permission; and 240 dwellings forming part of the Welborne allocation that would not be delivered in the five year period because planning permission for that development has not been issued.
90. The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.
91. The development would therefore be capable of making a meaningful contribution to the reduction of the current housing shortfall, with 215 dwellings anticipated to be delivered in the five year period between January 2022 and the end of March 2024³³.

Heritage effects

92. The development would be situated within the extended settings for: Portchester Castle, a Grade I listed building and scheduled monument; Fort Nelson, a Grade II* listed building and scheduled monument; and the Nelson Monument, a Grade II* listed building. The Castle is situated to the south of the site towards the northern extremity of Portsmouth Harbour. Fort Nelson and the Nelson Monument lie to the north of the site, off Portsdown Hill Road.
93. The designated heritage assets are of significance because of their importance to the military history of the local area. However, I consider the effect of the development on the significance of the heritage assets would be less than

³² Having regard to the figures quoted in paragraphs 1.18 and 1.19 in the Housing Land Supply SoCG (CD14)

³³ Table 1 in Mrs Mulliner's PoE

substantial, having regard to the policies stated in section 16 (Conserving and enhancing the historic environment) of the Framework. That is because the development would be read within the context of Portchester's extensive established built up area. Nevertheless, paragraph 193 of the Framework advises '... great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The less than substantial harm I have referred to therefore attracts great weight.

Planning Obligations

94. The S106 would secure the provision of 40% affordable housing within the development to accord with the provisions of Policy CS18 of the Core Strategy. To mitigate the development's off-site effects on the operation of the local highway network and demands on local transport infrastructure the S106 includes various obligations that would require contributions to be paid to fund appropriate works. There are also obligations relating to the, the provision of and the payment of maintenance contributions for public open and play space and the payment of a contribution for school facilities in the area. To minimise dependency on private motor vehicle usage amongst occupiers of the development the S106 includes planning obligations that would require the undertaking of improvements to the Cams bridge and implementation of a travel plan.
95. Those planning obligations would address development plan policy requirements and I consider that they would be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. While the planning obligations are necessary, of themselves there is nothing particularly exceptional about them.

Planning Balance and Conclusion

96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
97. For the reasons given above I have found that the development with the implementation of the option 2 alteration to the Downend Road railway bridge would make inadequate provision for pedestrian access via Downend Road. I have also found that while the implementation of the option 3 alteration to the Downend Road railway bridge would make adequate provision for pedestrian users of Downend Road, the development would unacceptably affect the operation of this road because of the vehicle queuing and driver delay that would arise. I consider those unacceptable effects of the development give rise to conflict with Policy CS5 of the Core Strategy and Policy DSP40 of the DSP and paragraphs 109 and 110c). I consider that the elements of Policies CS5 and DSP40 that the development would be in conflict with are consistent with the national policy and are the most important development plan policies for the purposes of the determination of this appeal. I therefore consider that great weight should be attached to the conflict with the development plan that I have identified.

98. I have found that the accessibility to local services and facilities by modes of transportation other than private motor vehicles would not be unreasonable. That is something that weighs for the social benefits of the development. The development would be capable of being implemented in a manner that would safeguard the integrity of the off-site designated habitats and in that regard the development would have a neutral effect on the natural environment. In relation to these main issues there would be compliance with some of the development plan's policies. Nevertheless, the conflicts with the development plan that I have identified are of sufficient importance that the development should be regarded as being in conflict with the development plan as a whole.
99. There would be significant social and economic benefits arising from the construction and occupation of up to 350 dwellings, including the short term boost to the supply of market and affordable homes in the Council's area. There would be some harm to the setting of the nationally designated heritage assets in the area, however, I have found that harm would be less than substantial and I consider that harm would be outweighed by the previously mentioned social and economic benefits arising from the development.
100. I am of the view that the unacceptable harm to pedestrian safety and the operation of the public highway that I have identified could not be addressed through the imposition of reasonable planning conditions. I have assessed all of the other material considerations in this case, including the benefits identified by the Appellant, but in the overall planning balance I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
101. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Litton	Of Queens Counsel instructed by Terence O'Rourke Limited
Tim Wall BA MSc MCIHT CMILT	Associate Partner of i-Transport LLP
Jacqueline Mulliner BA (Hons) BTP (Dist) MRTPI	Director and Head of national planning with Terence O'Rourke Limited

FOR FAREHAM BOROUGH COUNCIL:

David Lintott	Of Counsel instructed by the Council's legal officer
Vera Lamont BEng MICE FCIHT MCMi	Director with Mayer Brown
Andrew Burgess BA (Hons) MRTPI FRSA	Senior consultant with Adams and Hendry Consulting Limited
Richard Wright	Principal Planner (Development Management)

INTERESTED PARTIES:

Councillor Nick Walker	Fareham Borough Council
Councillor Roger Price	Fareham Borough Council
Councillor Shaun Cunningham	Fareham Borough Council
John McClimont	Chairman Fareham Society
Brian Eastop	Local Resident
Anne Brierly	Local Resident

INQUIRY DOCUMENTS (IDs) SUBMITTED AT OR AFTER THE INQUIRY

ID1	Mr Lintott's opening submissions on behalf of Fareham Borough Council
ID2	Mr Litton's opening submissions on behalf of the appellant, with appendices
ID3	Statement of Councillor Walker and Councillor Sue Bell
ID4	Statement of Mr McClimont, Chairman of the Fareham Society

- ID5 Article by John Fruin 'Designing for pedestrians: a level-of-service concept'
- ID6 Junction visibility extract from Design Manual for Road and Bridges CD123 Revision 0 (August 2019)
- ID7 i-Transport drawings ITB12212-TR: 001A; 002A; 003A; 006A; and 007A and ITB12212-GA-104A annotated by Mayer Brown
- ID8 Mayer Brown additional statement of facts
- ID9 Vectos Model re-run by Mayer Brown output data and screen shots
- ID10 Queue Assessment Information (including data sheets) from i-Transport, response to rerun of Vectos Model undertaken by Mayer Brown
- ID11 Annotated services/facilities context maps of the footways at bridges/tunnels examples included in Appendix V of Mr Wall's Proof of Evidence
- ID12 Vectos comments on the Downend Road Railway Bridge Paramics Modelling undertaken by Mayer Brown in September 2019 further to the review comments being made by Systra
- ID13 Councillor's Cunningham's speaking note
- ID14 Mayer Brown Video file for the operation of Downend Road Bridge
- ID15 i-Transport Video file for the operation of Downend Road Bridge
- ID16 Mrs Mulliner's speaking note on housing land supply
- ID17 Copies of development plan policies CS4, DSP13, DSP15
- ID18 Final version of list of suggested planning
- ID19 Certificated copy of the executed Section 106 agreement
- ID20 Final version of the Inquiry Position Statement
- ID21 Mr Lintott's written closing submissions on behalf of Fareham Borough Council
- ID22 Mr Litton's written closing submissions on behalf of the appellant



Appeal Decisions

Inquiry Held on 9-12, 16-19 and 23-25 February 2021

Accompanied site visit made on 13 April 2021

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th June 2021

Appeal A Ref: APP/A1720/W/20/3252180

Land at Newgate Lane (North), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Fareham Land LP against Fareham Borough Council.
 - The application Ref. P/18/118/OA, is dated 19 September 2018.
 - The development proposed is demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Appeal B Ref: APP/A1720/W/20/3252185

Land at Newgate Lane (South), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bargate Homes Ltd. against Fareham Borough Council.
 - The application Ref. P/19/0460/OA, is dated 26 April 2019.
 - The development proposed is demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Decisions

1. Appeal A is dismissed and the outline planning permission sought is refused.
2. Appeal B is dismissed and the outline planning permission sought is refused.

Procedural matters

3. In each case, the planning application subject of appeal is in outline, with all detailed matters except access reserved for future consideration. While the application subject of appeal B was with the Council for determination, the scheme was revised with the agreement of the Council by limiting the unit numbers to 'up to 115 dwellings', rather than 'up to 125 dwellings' as identified on the planning application form. The change was supported by amended plans. I have considered the appeal on the basis of the revised scheme and reflected the details in the summary information above.
4. Following the submission of the appeals, the Council's Planning Committee determined on the 24 June 2020 that, were it still in a position to do so,

it would have refused to grant planning permission in both cases. In support of its view, the Council cited 15 reasons for refusal in each case (a)-o)).

The reasons for refusal were the same with the exception of: appeal A reason e), which relates to the loss of best and most versatile agricultural land; and, appeal B reason i) related to the protection and enhancement of Chamomile. Prior to the Inquiry, the Council confirmed that, in each case, 3 of the other reasons for refusal had been satisfactorily addressed: appeal A reasons f), g) and i); and, appeal B reasons e), f) and h).

5. Each of the schemes is supported by a formally completed unilateral undertaking (UU): appeal site A-UUA; and, appeal site B-UUB, which seek to secure a number of financial contributions, Affordable Housing and sustainable travel measures. In addition, the appellants have provided a unilateral undertaking related to off-site mitigation for the loss of a low use Solent Wader and Brent Goose site (UUC). I have taken those UUs into account.
6. Reasons for refusal j) and k) relate to the absence of appropriate measures to mitigate likely adverse effects on the integrity of European Protected Sites. The appellants and the Council are content that those matters have now been satisfactorily addressed by mitigation measures secured by the unilateral undertakings. Nonetheless, there is no dispute that if I were minded to allow the appeals, I would need to re-consult Natural England and undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017*.
7. Reasons for refusal k)-o) relate to the absence of legal agreements to secure other necessary mitigation measures. However, the Council now considers that those reasons have been satisfactorily addressed by the submitted UUs or could be addressed through the imposition of suitable conditions.
8. Insofar as appeal A reason for refusal h) and appeal B reason for refusal g) relate to the capacity of the Newgate Lane East junction with Newgate Lane, the Council withdrew¹ that aspect of its case before the appellants presented their evidence on the matter². Therefore, I have not considered it further.

Main Issues

9. I consider that the main issues in these cases are: the effect of the proposals on the character and appearance of the area; the effect on highway safety; whether, with reference to accessibility, the schemes would be sustainably located; the effect on the spatial development strategy for the area; and, the effect on housing land supply.

Reasons

10. Appeal site A comprises 3.95 hectares of agricultural land, which is bounded by a small area of agricultural land to the north, Newgate Lane to the west and Newgate Lane East to the east. The site shares a small proportion of its southern boundary with Hambrook Lodge and the remainder is shared with appeal site B. The appeal A proposal would involve the development of up to 75 dwellings within the site as well as other associated works. Appeal site B comprises 6.1 hectares of agricultural land, which is bounded by Woodcote Lane to the south, Newgate Lane to the west and Newgate Lane East to the

¹ Including the evidence given by Mr Whitehead.

² Inquiry document no. 23.

east. Part way along its length, the northern boundary of the site wraps around the western, southern, and eastern boundaries of the grounds of Hambrook Lodge. Otherwise appeal site B shares its northern boundary with appeal site A. The appeal B proposal would involve the development of up to 115 dwellings within the site as well as other associated works.

11. Vehicular, cycle and pedestrian access to each site would be provided by an access road leading from Newgate Lane. A pedestrian/cycle route is also proposed from appeal site A through appeal site B to Woodcote Lane, leading to the proposed Toucan crossing of Newgate Lane East and Bridgemary. The proposed Toucan crossing would be funded through the provision of a contribution secured by UUB. The *Statement of Common Ground-Linked Delivery* (SoCGLD) has been agreed between the appellants and the Council. It indicates that it would be possible to ensure that the appeal A scheme cannot come forward independently of the appeal B scheme through the imposition of a Grampian condition, thereby ensuring the provision of those proposed access links.
12. The appeal sites form part of an area of countryside situated between the urban settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north. The settlement referred to as Peel Common in the evidence of the main parties is limited to the residential and commercial properties located off Newgate Lane, Woodcote Lane and Albert Road, within the administrative area of Fareham Borough Council (the Council). Under the terms of the Development Plan, Peel Common does not have a defined settlement boundary and it is also situated in the area of countryside that includes the appeal sites. Furthermore, it does not include the 'Peel Common' housing estate located further to the east within Gosport Borough Council's administrative area. The closest urban boundary to the appeal sites is to the east and is associated with a number of areas within Gosport, such as Bridgemary, Woodcot and the 'Peel Common' housing estate. For simplicity, those areas have been jointly referred to in the evidence of the main parties as Bridgemary. I have taken the same approach in these decisions.
13. Policy CS14 of the *Fareham Local Development Framework Core Strategy, 2011* (LP1) indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function. Policy DSP6 of *the Local Plan Part 2: Development Sites and Policies, 2015* (LP2) indicates that there will be a presumption against new residential development outside the defined urban settlement boundaries (as identified on the Policies Map) and that proposals should not result in detrimental impact on the character or landscape of the surrounding area.
14. The area of countryside situated between the settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north also forms part of the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gap (Fareham-Stubbington Gap), shown on the LP2 Policies Map Booklet. LP1 Policy CS22 indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
15. However, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

The reasoned justification for LP2 Policy DSP40 indicates that the Council is committed to delivering the housing targets in the Core Strategy, and so it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery. To that end, Policy DSP40 indicates that where it can be demonstrated that the Council does not have a five-year supply of land for housing, additional sites, outside the urban area boundary, within the countryside and Strategic Gaps, may be permitted where they meet a number of criteria (the DSP40 contingency). Those criteria are not as restrictive as the requirements of LP1 Policies CS14 and CS22 or LP2 Policy DSP6. To my mind, it follows that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced and would be outweighed by compliance with LP2 Policy DSP40.

Character and appearance of the area

16. Criterion (ii) of LP2 Policy DSP40 requires that the proposal is well related to the existing urban settlement boundaries and can be well integrated with the neighbouring settlement. To ensure that this is the case, the reasoned justification for the Policy indicates that sensitive design will be necessary. The Council and the appellants agree that the existing urban settlement boundary of Bridgemary is relevant in this context. Criterion (iii) of Policy DSP40 requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps. In this context the main parties agree that both Bridgemary and Peel Common are relevant neighbouring settlements. The reasoned justification for LP1 Policy CS22, which deals with development in Strategic Gaps, indicates that they do not have intrinsic landscape value but are important in maintaining the settlement pattern. I consider therefore, that the Strategic Gap designation is of little relevance to this particular main issue. I deal with the effect on the Fareham-Stubbington Gap later in this decision.
17. Peel Common would be the closest settlement to both appeal sites. The pattern of built development there is characterised, for the most part, by ribbon development that fronts onto the western side of Newgate Lane, with small spurs eastwards along the southern side of Woodcote Lane and westwards along Albert Road. Along Newgate Lane the ribbon of development only extends northwards to a point just beyond the alignment of the southern boundary of appeal site A on the opposite side of the highway. I consider that the only notable development to the west of appeal site A, on the western side of Newgate Lane, comprises: Peel Common Wastewater Treatment Works, which is set well back from the highway and is screened from view by landscaping; and, Newlands' Solar Farm, which is relatively low profile. Peel Common is described by the *Fareham Landscape Assessment, 2017* (FLA) as an isolated small settlement and, in my view, given its scale, pattern of development and location in the countryside, that is a reasonable assessment.
18. Both appeal sites are divided into an eastern and western section by the River Alver, which runs in a north-south direction through the sites. To the east of the river the land within the appeal sites is predominantly arable and to the west grassland. The latest Illustrative Masterplans submitted in support of the schemes indicate that, in both cases, the proposed dwellings would be clustered on the eastern side of the River Alver and the land to the west would comprise public open space. To my mind, the absence of residential

development from the western sections of the sites would be necessary, due to the environmental constraints associated with the land to the west of the river, and it could be secured by condition. The constraints include areas at high risk of surface water flooding and of particular ecological value.

19. As a result, and in stark contrast to the existing settlement pattern of Peel Common, none of the proposed residential properties would front onto Newgate Lane or be directly accessed from either Newgate Lane or Woodcote Lane. Links between appeal site B and Woodcote Lane would be limited to a pedestrian/cycleway connection. In each case, the main access to the proposed residential areas would comprise a single access road between Newgate Lane and the eastern section of each site. The sections of these roads through the proposed public open space, in the western sections of the sites, would be devoid of roadside development for the reasons set out above, which would further weaken the relationship between the proposed residential areas and the existing settlement. I understand that in terms of dwelling numbers, the appeal B scheme would be larger than the size of the existing settlement of Peel Common and the appeal schemes together would be approximately double its size. I consider that, with particular reference to their size and location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Peel Common, contrary to the aims of LP2 policy DSP40(iii). Furthermore, in my judgement, due to the site constraints, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
20. The area of Bridgemarky, which is situated to the east of the appeal sites, is primarily residential in character, with a variety of building styles generally of 1 to 2-storeys in height. A network of roads and footways provides for ease of movement within that residential area and closely integrates it with the much larger urban area of Gosport. The appeal proposals would also be residential in character and proposed buildings of a similar scale could be secured by condition. However, the appeal sites would be set well apart from that existing urban area, beyond agricultural fields and a recreation ground. The most direct access route between them would be along Woodcote Lane, across Newgate Lane East and along Brookes Lane; a route unsuitable for cars. In my judgement, the appeal schemes, whether considered on their own or together would comprise and would be perceived as islands of development in the countryside set apart from the existing urban settlements. They would not amount to logical extensions to the existing urban areas. I consider that, with particular reference to their isolated location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Bridgemarky. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemarky or well-integrated with it. In these respects, the proposals would conflict with LP2 Policy DSP40(ii) and (iii). In my judgement, due to the location of the sites, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
21. In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and

development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment.

22. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal sites are not the subject of any statutory or non-statutory landscape designations. Nonetheless, *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA)* by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued. Furthermore, insofar as it seeks to minimise any adverse impact on the countryside, I consider that LP2 Policy DSP40 is consistent with the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
23. As the planning applications the subject of these appeals are in outline, a full assessment of the landscape and visual impacts of the proposed schemes cannot be carried out at this stage. Nonetheless, the illustrative layout plans indicate that, in each case, the proposed dwellings would be set back from the perimeter of the site beyond relatively narrow areas of landscaping. To my mind, the scope for landscaping would be unlikely to be significantly greater, given the number of dwellings proposed and that it would not be reasonable to seek to use a condition to modify the developments to make them substantially smaller in terms of unit numbers than that which was applied for. In my view, that would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. Whilst the Design and Access Statements indicate that the proposed buildings may be up to 3-storeys in height, the appellants have indicated that they could be limited to 1-2 storeys, in keeping with the surroundings, through the imposition of conditions and without reducing the numbers of units proposed.

Landscape impact

24. GLVIA indicates that the assessment of landscape effects involves assessing the effects on the landscape as a resource in its own right. This is not just about physical elements and features that make up the landscape; it also embraces the aesthetic³, perceptual and experiential aspects of the landscape that make different places distinctive/valued.
25. Natural England's *National Character Assessment* places the appeal sites within the South Coast Plain National Character Area, the characteristics of which include that the plain slopes gently southwards towards the coast and there are

³ CD138 page 84 Box 5.1 'scenic quality...landscapes that appeal primarily to the visual senses', perceptual aspects...perceptual qualities, notably wilderness and/or tranquillity', 'experiential 'evidence that the landscape is valued for recreational activity where experience of the landscape is important'.

stretches of farmland between developed areas. At a county level, the sites form part of the Gosport and Fareham Coastal Plain Landscape Character Area, as identified by the *Hampshire Integrated Character Assessment 2012* (HICA), and within that area part of the Coastal Plain Open Landscape Type.

Its characteristics include, amongst other things, extensive and flat or gently sloping plain, often associated with arable land uses and some of the most densely developed areas in Hampshire have occurred in this landscape.

The HICA informed the *Fareham Landscape Assessment, 2017* (FLA), which was commissioned by the Council to inform emerging Local Plan policy.

26. The FLA identifies the area within which the appeal sites are situated as Landscape Character Area 8 (LCA 8), Woodcot-Alver Valley. LCA 8 forms part of the easternmost extent of the Fareham-Stubbington Gap and is divided into 5 Local Landscape Character Areas (LLCAs). More specifically appeal site A and the majority of appeal site B, with the exception of the strip of land to the west of the River Alver, fall within LLCA 8.1a. This area is generally bounded by Newgate lane to the west, Woodcote Lane to the south, the western edge of Bridgemary to the east and Speedfields Park Playing Fields to the north. Outside of this LLCA, to the west and south are the main residential sections of the Peel Common settlement, which fall within LLCA 8.2: *Peel Common and Alver Valley*, as does the western section of the appeal B site. Newlands' Solar Farm and Peel Common Wastewater Treatment Works, which are sited to the west of the appeal sites, fall within LLCA 7.1: *Fareham-Stubbington Gap*.
27. The FLA comments both on the character of LLCA 8.1a prior to the completion of Newgate Lane East and on the likely implications of that highways scheme.
28. Prior to the completion of Newgate Lane East, the FLA recognises that LLCA 8.1a is not covered by any current national or local landscape designation, its scenic quality is not exceptional and it is affected by some localised intrusion of urban features around its periphery. It indicates that LLCA 8.1a shares the typically flat, low-lying character of the coastal plain landscape and whilst it lacks the very open, expansive character of other parts of the coastal plain (including adjacent land within the Strategic Gap to the west), it nevertheless has a relatively open and large-scale character. More specifically, it is generally devoid of built development (apart from buildings at Peel Farm⁴), retains a predominantly open, rural, agricultural character, and tree belts along its boundaries to the north, east and south give the area a sense of enclosure from surrounding urban areas and contribute to its aesthetic appeal. The FLA indicates that overall, the landscape value of LLCA 8.1a is moderate to high. Furthermore, the FLA identifies that the landscape resource has a high susceptibility to change, as it has very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character. Whilst these judgements are not disputed, the Council and appellants disagree over the impact that the construction of Newgate Lane East has had.
29. Regarding Newgate Lane East, the FLA anticipated that as the road corridor would be relatively narrow, unaffected land within the rest of the area should be of sufficient scale to maintain its essentially rural character. In my view, this is the case notwithstanding that the roadside planting, which has the potential to reduce the visibility of the highway and associated fencing, has yet to

⁴ Around Hambrook Lodge.

mature. Furthermore, given the relatively low profile of the road scheme, the openness of the area is largely unaffected. Under these circumstances, I consider that whilst the landscape value of LLCA 8.1a has been reduced by the road scheme to medium, the susceptibility of the landscape to change remains high, rather than low/medium identified by the *Landscape and Visual Impact Assessments* submitted in support of the applications (LVIAs). Support for this judgement is provided by the FLA, which indicates that significant further development in addition to the road scheme would almost certainly have an overwhelming urbanising effect, potentially tipping the balance towards a predominantly urban character. Overall, I regard the sensitivity of the landscape resource within LLCA 8.1a to be medium/high, consistent with the Council's Landscape and Visual Assessment findings, and contrary to the low/medium findings set out in the LVIAs.

30. In both cases, the proposals would replace a significant proportion of the agricultural land within LLCA 8.1a with residential development. Whether single-storey or taller buildings are proposed, the massing of each development would add to the sense of enclosure of this LLCA, greatly diminishing its open character and the duration of the impact would be long term. Considering each scheme on its own, the size and scale of the change, taken together with the existing limited intrusion from surrounding urban influences and the effect of Newgate Lane East, would be sufficient in my judgement to tip the balance towards a predominantly urban character. I acknowledge that the impact would not extend beyond LLCA 8.1 to affect a wider area of landscape. Nonetheless, I judge the magnitude of change as medium and the significance would be moderate to moderate/major adverse, even after mitigation. In my view, the effect would not be as low as the minor/moderate or minor adverse significance of effect identified by the LVIAs, which the appellants suggest would be considered acceptable and would not constitute an overall 'harm' to the landscape.
31. As I have indicated, the only section of the appeal sites that falls within LLCA 8.2 is the western section of appeal site B, the development of which would be constrained by its ecological value. Therefore, I give little weight to the view set out in the FLA regarding LLCA 8.2 that there may be potential for some modest, small scale development associated with the existing built form at Peel Common.
32. I consider overall that the proposals would each cause significant harm to the landscape of the area.

Visual impact

33. There is no dispute that the area from which the proposed developments would potentially be visible, the visual envelope, would be limited. This is due to a combination of the flat topography of the surroundings and the effects of vertical elements such as neighbouring settlement edges and some tall vegetation. As a result, the visual receptors identified by the Council and the appellants are relatively close to the appeal sites and the associated assessments of visual effects provided by those parties are broadly comparable, finding a number of adverse impacts of moderate or greater significance.
34. As regards the users of Newgate Lane, I consider them to be of medium sensitivity to change, consistent with the position set out in the LVIAs and by

- the Council. However, the proposed development would significantly alter views eastwards. Currently long views can be enjoyed from some vantage points across relatively open countryside, Newgate Lane East being low profile infrastructure, towards the tree lined edge of Bridgemary and the 'big skies' noted by the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* (2020)(TR). As a result of either appeal scheme on its own, residential development would become a prominent feature in the foreground of such views, notwithstanding the proposed setback beyond an area of open space between the highway and the proposed dwellings. From some vantage points, the long rural view would be interrupted entirely, being replaced by a short suburban view of one of the appeal schemes, which would be likely to break the existing skyline and greatly reduce the sense of space. I regard the magnitude of impact as high and the significance of impact as major/moderate adverse, in common with the Council.
35. The LVIA's did not consider vantage points along Newgate Lane East, which was under construction when the assessments were undertaken. I consider users of Newgate Lane East to be of medium sensitivity to change, in common with users of Newgate Lane. It is anticipated that the proposed buildings would be set back from Newgate Lane East beyond a strip of landscaping, within the sites and along the edge of the highway. Nonetheless, given the likely scale and disposition of the built development, I consider it likely that it would still be visible to some extent from that neighbouring road. In my judgement, when travelling between the built-up areas to the north and south, the respite provided by the surrounding countryside along Newgate Lane East is of notable value. That value would be greatly diminished as a result of either scheme. Both would foreshorten views to the west and tip the balance from a predominantly rural to suburban experience. The magnitude of impact on that receptor would be medium and the significance of impact moderate adverse.
36. Overall, I consider that the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area.
37. The FLA sets development criteria to be met in order to protect the character and quality of landscape resources, views, visual amenity, urban setting and green infrastructure. Whilst the aim of LP2 Policy DSP40 is to minimise, rather than avoid, any adverse impact, I consider that they are of some assistance when judging the extent to which there would be an impact and whether it can be regarded as being minimised. I acknowledge, that in the context of making some provision for housing land supply in the countryside, it would be unrealistic to expect the open, predominantly agricultural and undeveloped rural character of area LLCA 8.1a to be entirely protected as the FLA suggests. However, the proposals would cause significant harm in that regard. Furthermore, rather than situating the proposed developments to the east of Newgate Lane East, next to existing urban areas, the schemes would amount to the creation of substantial new pockets of urbanising built development within existing open agricultural land.
38. I conclude that, in each case, the proposal would cause significant harm to the character and appearance of the area, having had regard to the location, disposition, likely scale and landscape treatment, each would fail to minimise the adverse impact on the countryside. The proposals would conflict with LP2 Policy DSP40(ii) and (iii).

Highway safety

39. The *Statement of Common Ground on Transport (SoCGT)*, agreed between the Council and the appellants, states it is agreed that the individual and cumulative impacts of the northern and southern sites would have a detrimental impact on the operation of the existing right turn lane priority junction between Newgate Lane and Newgate Lane East. Furthermore, this cannot be mitigated by priority junction improvements and so a signalised junction is proposed.
40. The proposed signalised junction would introduce a flare from 1 to 2-lanes on the northbound Newgate Lane East approach to the junction and a merge back to 1 lane some distance after the junction. Furthermore, the SoCGT indicates, in relation to southbound vehicles seeking to access Newgate Lane from Newgate Lane East across 2 lanes of on-coming traffic, the proposed signal method of control would be the provision of an indicative arrow right turn stage. Under the proposed signalling arrangement, right turn movements from Newgate Lane East into Newgate Lane could occur at three points in the cycle of the signals: firstly, turning in gaps in the free flowing northbound traffic; secondly, during the intergreen period when the northbound flow is stopped and before the Newgate Lane traffic is released; and, then if right turners are still waiting after the cycle, the indicative arrow would be triggered to allow them to turn unopposed. The SoCGT confirms that the appellants are proposing an indicative arrow arrangement rather than the provision of a fully signalised right turn stage, as the latter would operate unacceptably in terms of capacity.
41. The appellants' *Stage 1 Road Safety Audit (RSA)* identifies a potential problem with the proposed right turn lane arrangement, with reference to CD 123 of the *Design Manual for Roads and Bridges (DMRB)*. In the context of right turning traffic movements at signal-controlled junctions, CD 123 indicates that where the 85th percentile approach speed is greater than 45 mph, there is an increased risk of accidents between right-turning vehicles seeking gaps and oncoming vehicles travelling at speed. It confirms that where the 85th percentile approach speed is greater than 45 mph, right hand turns should be separately signalised. Against that background, the RSA raises the concern that higher northbound vehicle speeds (particularly in off-peak traffic conditions) may mean that gap acceptance by the drivers of right turning vehicles could lead to right-turn collisions or to sudden breaking and shunt type collisions. It recommends that, at detailed design stage, signal staging/phasing should incorporate a separately signalled right-turn into Newgate Lane and that it would be appropriate to measure northbound vehicle speeds to design signal staging and phasing arrangements accordingly.
42. DMRB CA 185 sets out the approach to vehicle speed measurement on trunk roads where existing vehicle speeds are necessary to set the basis for the design of signal-controlled junctions. CA 185 confirms that 85th percentile vehicle speeds shall be calculated where designs are to be based on measured vehicle speeds. It is common ground that, whilst this standard is intended for use in relation to trunk roads, in the absence of any other reference, it can be used to guide the measurement of vehicle speeds on other roads, such as Newgate Lane East.
43. The SoCGT identifies 3 speed surveys whose results are relevant to the consideration of northbound speeds on Newgate Lane East. They were

undertaken in: September/October 2018; February/March 2020; and November 2020. All three surveys include measurements undertaken at weekends, contrary to the CA 185 protocol which indicates that speed measurements shall not be undertaken at weekends. Nevertheless, they were not limited to weekend measurements. Each survey included measurements on other days of the week, and I have not been provided with any evidence to show that the 85th percentile speeds derived from the surveys are not reasonably representative of the weekdays surveyed. However, the last survey was carried out during a period affected by movement restrictions associated with the coronavirus pandemic and the recorded average flow rates are noticeably lower than those recorded at the same times of day in the other two surveys. I consider that, under these circumstances, greater weight is attributable to the results of the earlier two surveys.

44. CA 185 indicates that a minimum number of 200 vehicles speeds shall be recorded in the individual speed measurement period and speed measurements should be taken outside of peak traffic flow periods. The peak hours identified by the *Transport Assessments* submitted in support of the appeal planning applications are 08:00-09:00 hrs (AM peak) and 17:00-18:00 hrs (PM peak). Whilst CA 185 indicates that non-peak periods are typically between 10:00-12:00 hrs and 14:00-16:00 hrs, I share the view of the Highway Authority (HA) that this does not rule out consideration of other non-peak periods, so long as a minimum number of 200 vehicles speeds are recorded in the individual speed measurement period as required by CA 185. Having regard to the results of the September/October 2018 and February/March 2020 surveys for northbound traffic on Newgate Lane East, in addition to the typical periods identified above, the period from 05:00-06:00 hrs meets these criteria, falling outside of the peak hours and having a recorded average flow greater than 200 vehicles.
45. The September/October 2018 and February/March 2020 survey results record 85th percentile speeds in the periods 10:00-12:00 hrs and 14:00-16:00 hrs in the range 41 mph-44.8 mph when a wet weather correction is applied. The upper end of this range being only marginally below 45 mph. In the period 05:00-06:00 hrs the results exceeded 45 mph. CA 185 indicates that where there is a difference in the 85th percentile speeds derived from the individual speed measurement periods, the higher value shall be used in the subsequent design.
46. I give little weight to the view of the appellants that the introduction of traffic signals, as proposed, would be likely to result in drivers being more cautious and so reduce their vehicle speeds. Even if that were the case, it is not clear that it would reduce 85th percentile speeds in the period 05:00-06:00 hrs to below 45 mph or that this undefined factor should be taken into account in the design. The appellants have suggested that in the absence of any demand over-night, the signals would revert to an all red stage, which would further slow the speeds of vehicles. However, it appears that there would be likely to be demand in the period 05:00-06:00 hrs. Furthermore, the HA has confirmed, for a number of reasons, that is not the way multi-arm junctions are set up on its network. Firstly, for junction efficiency, the signals would be expected to rest on green on Newgate Lane East, allowing traffic to proceed unimpeded on the main arm. Secondly, this approach reduces the likelihood of drivers, who wrongly anticipate that the lights will turn from red to green on their approach,

- proceeding without slowing and colliding with others. In light of the HA's established approach, I give little weight to the appellants' suggestion.
47. I consider that the proposals, which would not include separate signalisation of the right-hand turn, would conflict with CD 123.
48. The operation of the existing priority junction involves some drivers turning right from Newgate Lane East into Newgate Lane across a single northbound lane and there is no dispute that at present the junction operates safely. However, the proposed junction arrangement would give rise to the possibility of right turning vehicles gap-seeking across 2 opposing lanes, a practice which the HA considers would be unsafe. I note that Rule 180 of the *Highway Code* indicates that right turning drivers should wait for a safe gap in oncoming traffic. However, the basis of the HA's concern is that a right turning driver may not be able to see an oncoming nearside northbound vehicle, due to screening by offside northbound vehicles, until it is too late to avoid a conflict. The Rule 180 illustration is of a single opposing lane and it does not grapple with the potential for unsighted vehicles in a two opposing lanes scenario. In support of its concern, the HA has identified other junctions where the frequency of accidents involving right turning vehicles has been reduced by moving from a situation where gap-seeking across 2 lanes is allowed to a fully signalised right turn phase.
49. With respect to the modified junctions drawn to my attention by the HA, I agree with the appellants that, in the absence of data with respect to traffic flows, speeds and percentage of right turners at those other junctions, it cannot be determined that they are directly comparable to the appeal junction in those respects. However, nor can it be determined that they are not. Nonetheless, the improved accident record at those other junctions following the introduction of a fully signalised right turn phase appears to me to support, for the most part, the HA assessment that the practice of gap-seeking across 2 lanes was previously a contributory factor to the incidence of accidents⁵. In relation to this matter, I give greater weight to the assessment of the HA, as it is likely to be more familiar with the historic operation of its network, than that of the appellants' highway witnesses.
50. The appellants consider that an arrangement which allows vehicles turning right across two opposing lanes by gap-seeking is common. In support of that view, they have identified 2 junctions in the area where the HA has not prevented right turning vehicles from crossing 2 lanes without signalling: A27/Ranvilles Lane; and, A27/Sandringham Road. However, the HA has indicated that there is a history of accidents associated with right turn manoeuvres at the A27/Ranvilles Lane junction, the most recent having occurred in 2020, and the junction will be taken forward on the HA's provisional list for safety remedial measures during 2021/2022. The A27/Sandringham Road junction is located close to the point at which the speed limit reduces from 40 mph to 30 mph on the A27. Furthermore, Sandringham Road is a cul-de-sac serving far fewer dwellings than would be the case at Newgate Lane as a result of either of the appeal A or B schemes, and so the number of daily or peak hour right turning movements associated with it would be likely to be much lower than the appeal junction. To my mind, the circumstances associated with these two junctions do not lend support to the appeal schemes.

⁵ Whether a 3-year or 10-year accident record period is considered.

51. The appellants argue that in circumstances where a vehicle is waiting at the proposed junction for an approaching northbound offside vehicle to pass before turning right onto Newgate Lane, it is likely that a nearside vehicle screened from view by that offside vehicle would also have passed when the waiting vehicle starts to cross the lanes. To my mind, that would not necessarily be the case, as it would depend on the degree to which the pair of northbound vehicles are staggered and their relative speeds. Some screened vehicles may be slowing to turn left into Newgate Lane causing a right turning vehicle to pause in the offside lane when that previously screened nearside vehicle comes into view and that would potentially bring it into conflict with other approaching offside vehicles. Furthermore, it is foreseeable that right turning drivers seeking gaps may be faced with a stream of traffic in both opposing lanes and with some variation in approach speeds. A nearside vehicle moving past an offside stream of traffic may be unsighted until a late stage and may be closing the gap faster than the right turning driver had anticipated, leading to conflicting movements.
52. With reference to the appellants' *Transport Assessment Technical Note-Junction Modelling Results (TATN)*, by the 2024 design year, the cumulative impact of each appeal scheme and other developments would be likely to result in a marked increase in the total number of right turning vehicles into Newgate Lane. Furthermore, the appellants' traffic modelling predicts that in the AM peak there would not be any suitable gaps in free-flowing northbound traffic for right turning vehicles to cross. However, the proposed signalling arrangement would not prevent drivers from gap-seeking and they may still attempt to do so, if they thought that they could get across, rather than waiting for the intergreen period or the indicative arrow. The modelling predicts that in the PM peak almost all of the right turning traffic would cross in gaps in free-flowing northbound traffic.
53. Against this background, I share the concern of the HA that right turning vehicles gap-seeking to cross 2 oncoming lanes at the proposed junction poses a far greater risk of collisions than the existing arrangement and a significant risk to highway safety.
54. I conclude that the proposed junction arrangement, whether one or both of the appeal schemes were to proceed, would have an unacceptable impact on highway safety. Furthermore, in my view, this harm could not be reduced to an acceptable level through the imposition of a condition(s). As I have indicated, the Council and appellants agree that a fully signalised right turn stage would operate unacceptably in terms of capacity. The proposals would conflict with LP2 Policy DSP40(v), which seeks to ensure that development would not have any unacceptable traffic implications, and it would not fit well with the aims of LP1 Policy CS5(3) insofar as it supports development which does not adversely affect the safety of the local road network. These Policies are consistent with the Framework, which indicates that development should only be prevented or refused on highway grounds in limited circumstances, including if there would be an unacceptable impact on highway safety. This weighs very heavily against the schemes.

Sustainably located, with reference to accessibility

55. LP1 Policy CS15 indicates that the Council will promote and secure sustainable development by directing development to locations with sustainable transport

- options. LP1 Policy CS5 indicates that development proposals which generate significant demand for travel and/or are of high density, will be located in accessible (includes access to shops, jobs, services and community facilities as well as public transport) areas that are or will be served by good quality public transport, walking and cycling facilities. LP2 Policy DSP40(ii) seeks to ensure that proposals are sustainably located adjacent to the existing urban settlement boundaries.
56. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and identifies that this should be taken into account in decision-making. I acknowledge that the appeal sites are in the countryside. However, they are situated in a relatively narrow countryside gap between urban areas, rather than a larger rural area where opportunities for sustainable transport could reasonably be expected to be limited. In any event, consistent with Development Plan Policies CS15, CS5 and DSP40, the Framework also indicates that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
57. The appeal sites are not near to, but are set well apart from: the western, urban area boundary of Bridgemary, as defined by the *Gosport Borough Local Plan 2011-2029 Policies Map*, which is to the east of the appeal sites on the far side of an area of agricultural land that adjoins the eastern side of Newgate Lane East; and, further from the southern settlement boundary of Fareham, which is defined by the LP2 Policies Map Booklet and is located some distance further north at the edge of HMS Collingwood and Speedfields Park. Peel Common does not have a defined urban settlement boundary. As such, I consider that the sites are not adjacent to any existing urban settlement boundary, contrary to the requirement of LP2 Policy DSP40(ii).
58. I acknowledge that the Council appears to have taken a flexible approach to the 'adjacency' requirement in a number of other cases. However, in the cases drawn to my attention, with the exception of the site to the south of Funtley Road, development has taken place or been approved between the application site and the nearest existing urban settlement boundary. In the case of the site to the south of Funtley Road, it abuts a highway on the opposite side of which is some of that other development and the site boundary is a relatively short distance across undeveloped land from an existing urban settlement boundary. The circumstances are not directly comparable to those in the cases before me, in relation to which the sites would be set further apart across undeveloped land from the nearest existing urban settlement boundary. In any event, each case must be considered primarily on its own merits and in my view, the Council's approach elsewhere would not justify harmful development of the appeal sites. I give little weight to those decisions of the Council. Furthermore, appeal decision Ref. APP/L3625/X/16/3165616 considered adjacency in the context of the relationship between a highway and gates set back from it by around 1 metre. The circumstances are not comparable to those in the cases before me and are of little assistance.
59. I turn then to consider the accessibility of the sites with reference to modes of transport. The *National Travel Survey, 2019* (NTS), identifies, amongst other things, the average trip length and duration in England by all modes of travel for the trip purposes of: commuting; education; personal business; shopping; sport (participate); and, entertainment/public activity. There are a range of

- employment, education, retail, health, sport, and leisure uses well within those average distances and durations of the appeal sites. This indicates that there are likely to be some opportunities for residents of the proposed developments to travel less when compared to the national average journey distances and durations, and in this context, the locations of the appeal sites limit the need to travel. However, the NTS 'all modes of travel' includes, amongst other modes, car travel and so it does not automatically follow that the proposed developments would be served by good quality public transport, walking or cycling facilities.
60. The *Manual for Streets* indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 800 metres walking distances of residential areas which residents may access comfortably on foot. However, it indicates that this is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres. This is echoed by the Department for Transport *Local Cycling and Walking Infrastructure Plans (2017)*, which indicates that for walking, 'the distances travelled are generally...up to 2 kilometres'.
61. The Institute of Highways and Transportation's (now CIHT) *Guidelines for Providing for Journeys on Foot, (2000)* (PfJoF) gives more detailed guidance, setting out, with reference to some common facilities, suggested desirable, acceptable and preferred maximum walking distances which range up to a preferred maximum of 2 kilometres for some facilities. The approach is consistent with CIHT's more recent *Planning for Walking, April 2015* (PFW), which indicates that most people will only walk if their destination is less than a mile away (equivalent to around 1.6 kilometres) and about 80% of journeys shorter than 1 mile are made wholly on foot, the power of a destination determining how far people will walk to get to it. To illustrate the point it indicates that while for bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point, people will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.
62. Having regard to the Department for Transport's NTS (Table NTS0303-2020 update), there have been no significant changes in the average walking trip length in the period 2002-2019. To my mind, this indicates it is unlikely that attitudes towards walking trip length have altered to any great extent since the publication of PfJoF. This is consistent with the position taken by my colleague who dealt with appeal Ref. APP/A1720/W/19/3230015, which related to a site elsewhere, in Portchester. I am content therefore, that the PfJoF guidance on acceptable walking distances is not out of date and it provides a reasonable basis for the assessment of whether, having regard to the locations of the appeal sites, walking can be regarded as a genuine choice of transport modes. In addition, PFW indicates that propensity to walk is not only influenced by distance, but also by the quality of the experience, having regard to factors such as the attractiveness and safety of the route.
63. I note that the Council's position regarding the accessibility of the sites is not based on an objection in relation to that matter raised by the Highway Authority, but rather an assessment undertaken by a planning professional with reference to PfJoF, amongst other things. In my view, it does not follow that the weight attributable to the Council's assessment should be reduced. As reported by the appellants, the PfJoF states it is the task of the professional

- planner or engineer to decide if a lower standard is acceptable in given circumstances.
64. There is no dispute that there are a range of services and facilities within 2 kilometres of the appeal sites. However, to my mind, in the absence of any consideration of the 'power of the destinations' and the quality of the experience that is of little assistance. Applying the PfJoF approach, which reflects the 'power of destination', facilities and amenities within its 'acceptable' walking distances of the southern and linked appeal sites are limited to a primary school, a church, and a recreation ground. Within its 'preferred maximum' walking distances there are additionally a college campus (CEMAST), a limited number of small shops and a pub in Bridgemary, an employment area (HMS Collingwood) and four other schools.
65. However, the appeal sites only fall within the catchment area of one of the five schools, Crofton Secondary School, which is barely within the preferred maximum walking distance. Whilst I understand that Crofton Anne Dale Infant and Junior School, which would serve the appeal sites, is within the maximum walking distances for schools identified by the Department for Education, it falls outside the PfJoF preferred maximum walking distances.
66. Although PFW indicates that in residential areas, 400 metres has traditionally been regarded as a cut-off point, the CIHT's more recent *Buses in Urban Developments, January 2018* (BUD) provides more detailed guidance. It identifies maximum walking distances between developments and bus stops with the intention of enabling the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability. It recommends a maximum walking distance of 300 metres to a bus stop served by a service which is less frequent than every 12 minutes.
67. The SoCGT indicates that the closest bus stop to the appeal sites is on Newgate Lane East and only the southern site would meet that BUD recommendation. Furthermore, the buses return approximately with a frequency of every 75 minutes in each direction and the first northbound bus in the morning, towards Fareham, departs from the bus stop at 09:12 hrs. Notwithstanding that the bus trip duration to the train station may be shorter than the national average trip time by local bus of 36 minutes, to my mind, the start time and frequency of the service would limit the attractiveness of the service as far as northbound commuters are concerned. Whilst there is a bus stop on Tukes Avenue served by a more frequent service, it is significantly further away from the sites than the maximum walking distance for high frequency services recommended by BUD.
68. The SoCGT indicates that the closer of the 2 appeal sites is some 3.7 kilometres from Fareham Railway Station, a distance well beyond the 800 metres identified by PFW.
69. I note that the PfJoF was one of the documents that informed the accessibility standards set out in the Council's *Fareham Local Plan 2037 Background Paper: Accessibility Study 2018*, the application of which in the cases before me appears not to result in a significant difference in outcome compared with the application of the PfJoF guidance.
70. The appellants have applied a Walking Route Audit Tool to the local walking routes, which assesses the attractiveness, comfort, directness, safety, and

coherence of the routes. Whilst a number of the findings are disputed by the Council, I consider that the current condition of the likely route east of the sites to the limited number of shops and the pub referred to in Bridgemaury is of greatest concern. That walking route would involve crossing Newgate Lane East and walking along Brookers Lane. However, difficulties crossing Newgate Lane East, due to the speed and volume of traffic, would be satisfactorily addressed by the proposed provision of a Toucan crossing, funded by a contribution secured by the UUB. Currently, the character of the initial section of Brookers Lane would be likely to dissuade users, due to a lack of street lighting and the potential for people to conceal themselves from view from approaching walkers in trees along the southern side of the route, giving rise to potential safety concerns. However, I consider that these matters could be satisfactorily addressed through the provision of unobtrusive lighting and fencing along the southern side of the route, which would be unlikely to have a material adverse impact on the character or appearance of the locality and could be secured by condition. I acknowledge that these improvements may be of some benefit to the wider community, not just residents of the appeal sites, to which I attribute limited weight.

71. In my judgement, the quality of local walking routes could be made acceptable. However, applying the PfJoF and more recent BUD guidance on walking distances to destinations, the number and range of facilities and amenities within the ranges identified would be limited. I consider overall that the accessibility of the area by walking would be poor and, for the most part, walking cannot be regarded as a genuine choice of transport mode.
72. The site subject of previous appeal decision Ref. APP/A1720/W/19/3230015, was found to satisfy LP2 Policy DSP40(ii). However, the factors taken into consideration in relation to that matter included, amongst other things, that the site was well related to the existing urban settlement boundary for Portchester and close to many other dwellings in Portchester, and accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Those circumstances are not directly comparable to those in the cases before me. The appeal sites are not well related to an existing urban settlement boundary or close to dwellings within one. Whilst accessibility to local services and facilities would be similar for existing residents of Peel Common, it is a small settlement relative to which each of the appeal schemes would be larger in terms of households. Under the circumstances, I consider that the policy finding of the previous appeal decision is of little assistance in these cases.
73. Within 5 kilometres of the appeal sites, which is a distance commonly regraded as reasonable cycling distance, there is a much greater range and number of services, facilities, amenities, and employment sites. Furthermore, there are shared cycle pedestrian/cycle routes in the vicinity of the appeal sites which would facilitate access by bicycle to the areas to the north, south, east, and west of the sites. I consider therefore that the sites would be served by good quality cycling facilities and cycling could be regarded as a genuine choice of transport modes. However, having regard to the NTS for 2019, in comparison with 250 trips per person per year associated with walking, only 16 trips per person per year were associated with cycling. To my mind, it is likely therefore, that relatively few future residents of the appeal sites would cycle, reducing the weight attributable to this factor.

74. As I have indicated, the bus services available within the maximum walking distances recommended by BUD are very limited and the nearest train station is located well outside the PfJoF preferred maximum walking distance. I acknowledge that the sites would be within reasonable cycling distances of Fareham Train Station and residents could drive there by car. Nonetheless, I consider overall that the sites would not be well served by good quality public transport, the accessibility of the area by public transport would be poor and, for the most part, it cannot be regarded as a genuine choice of transport modes.
75. The Framework indicates that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location. A Travel Plan for each site has been agreed by the HA. However, in my view, it does not automatically follow that the appeal sites would be sustainably located with reference to accessibility. The *Planning Practice Guidance* (PPG) indicates that the primary purpose of a Travel Plan is to identify opportunities for effective promotion and delivery of sustainable transport initiatives, for example walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes.
76. The proposed Travel Plan measures include, amongst other things, the provision of: information to promote sustainable modes of travel; electric vehicle charging/parking facilities on the sites; a Travel Plan Coordinator as well as contributions towards: the improvement of the Newgate Lane East crossing at Woodcote Lane/Brookers Lane; the provision of shared pedestrian/cyclist infrastructure along parts of the routes between the appeal sites and local schools; and, supporting the use (travel vouchers for residents) and operation of the existing limited bus service in the vicinity of the sites for a number of years. Having regard to these matters, I am satisfied that a number of appropriate opportunities to promote sustainable transport modes have been provided for, in accordance with the aims of LP1 Policy CS15 and the Framework. However, as identified above, I consider that the attractiveness of the existing bus service to commuters would be limited and, in my view, this casts significant doubt over the indicative Travel Plan target which anticipates an increase in bus service use, notwithstanding some provision for travel vouchers.
77. I conclude that the appeal sites would be in a location with some, albeit limited, sustainable transport options and in this respect would accord with LP1 Policy CS15. However, the limitations are such that they would not be in an accessible area, with particular reference to public transport and walking facilities, and I do not regard the sites as being sustainably located adjacent to an existing urban settlement boundary. Insofar as they seek to ensure that development is sustainably located with reference to accessibility, I consider overall that the proposals would conflict with LP1 Policy CS5, LP2 Policy DSP40 and the Framework.

Spatial development strategy

78. The reasoned justification for LP1 Policy CS22 indicates that gaps between settlements help define and maintain the separate identity of individual

settlements. It states that Strategic Gaps do not have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. The Policy indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

79. The appellants place some reliance on the proposed allocation of land for development in the Fareham-Stubbington Gap in the Regulation 18 consultation draft of the emerging *Fareham Local Plan 2036* (LPe). This included allocation HA2 for residential development on land between Newgate Lane East and Bridgemary, within the Fareham-Stubbington Gap. Whilst the Regulation 19 draft of the LPe did not include that allocation, it was based on the assumed imposition of Government's proposals to introduce a new Standard Method, which was not subsequently supported. However, going forward, there is no certainty that the proposed allocation of HA2 will be reinstated by the Council. Furthermore, even if it were, that proposed allocation was the subject of objections at the earlier stage and there is no dispute that the emerging plan is at a relatively early stage towards adoption. Under the circumstances, I give little weight to the possibility that proposed allocation HA2 would form part of the LPe when adopted.
80. The appeal sites fall within the Fareham-Stubbington Gap. The TR indicates that the purpose of this gap is to avoid coalescence between the settlements of Fareham and Bridgemary with Stubbington and Lee-on-the-Solent. Drawing a straight line east-west across the gap between Stubbington and Bridgemary, the appellants have estimated that the appeal schemes would reduce the gap from some 1.6 km to around 1.1 km. However, to my mind, that cross-country approach does not represent the manner in which the gap is likely to be experienced and, as a result, generally understood.
81. Consistent with the TR, I consider that a key vehicle route between the settlements of Fareham and Stubbington from which the Strategic Gap is experienced is along Newgate Lane East (between Fareham and Peel Common Roundabout)/B3334 Gosport Road (between Peel Common Roundabout and Marks Road, Stubbington). Along that route travellers leave behind the urban landscape of Fareham at HMS Collingwood and Speedfields Park and travel to the edge of Stubbington, via Peel Common Roundabout, through an area which includes the appeal sites and is predominantly characterised by undeveloped countryside. The Strategic Gap designation washes over some development, which includes Newlands' Solar Farm, Peel Common Wastewater Treatment Works (WWTW) and the settlement of Peel Common. However, along the route identified, intervening planting prevents the WWTW from being seen and limits views of the low-profile solar farm to glimpses. Furthermore, I consider that, when seen from those highways to the east and south, Peel Common is easily understood as comprising, for the most part, a small, isolated ribbon of development within the gap between the larger settlements of Fareham, Stubbington and Gosport.
82. In each case, the proposals would involve substantial development to the east of Peel Common and, as identified above, it would be sufficient to tip the balance of the character of the area between Peel Common, Bridgemary and Fareham from predominantly rural to suburban. Whilst Fareham, Peel Common and Bridgemary would remain physically separate, the contribution of this area

to the sense of separation provided by the Strategic Gap would be greatly diminished. I acknowledge that the proposals would not materially alter the experience of the Strategic Gap along the B3334 Gosport Road, between Peel Common and development at Marks Road, as they would not be visible from there. However, the appellants have estimated that the distance between the two is as little as 560 metres and, in my view, the limited sense of separation it provides is likely to be eroded by the Stubbington Bypass, which is under construction there. The FLA recognises that the role played by the area between Peel Common and Bridgemary in preventing coalescence between Stubbington and Gosport is likely to become more significant as a result of developments along Gosport Road, such as the bypass.

83. I consider overall that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of settlements, with particular reference to the experience of travellers along the Newgate Lane East section of the Newgate Lane East/B3334 Gosport Road key route, contrary to the aims of LP1 Policy CS22.
84. Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap. The proposals would fail to minimise any adverse impact on the Strategic Gap, contrary to the aim of LP2 Policy DSP40(iii).
85. There is no dispute that the proposals would accord with criterion (i) of LP2 Policy DSP40, being relative in scale to the demonstrated five-year housing land supply shortfall. Turning then to criterion iv), which requires a demonstration that the proposals would be deliverable in the short term. The current tenant of appeal site A has suggested that the formal procedures associated with the surrender of the agricultural tenancy may delay implementation of that scheme. However, based on the timeline and formal procedures for obtaining possession outlined by the appellants, it appears to me that delivery in the short term would be possible⁶. In any event, this matter could be satisfactorily addressed, in relation to both sites, through imposition of conditions that required reserved matters applications to be made within 12 months of the grant of planning permission and the commencement of development within 12 months of the approval of reserved matters, as suggested by the appellants. Under the circumstances, I am satisfied that the proposals would not conflict with criterion iv) of LP2 Policy DSP40. Nonetheless, they would conflict with criteria ii), iii) and v) and I consider overall that each proposal would conflict with LP2 Policy DSP40 taken as a whole.
86. I conclude that each of the schemes, which would conflict LP1 Policy CS22 and LP2 Policy DSP40, would not accord with and would undermine the Council's Spatial Development Strategy.

Housing land supply

87. The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated

⁶ Michelmores LLP letter dated 20 January 2021 and Lester Aldridge LLP letter dated 3 February 2021.

against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

88. A significant proportion of the difference between the supply figures of the Council and the appellants is associated with applications with a resolution to grant planning permission (709 units) and allocations (556 units).
89. In respect of the majority of the sites with resolutions to grant planning permission, which date from 2018, it remains necessary, before planning permission could be granted in each case, for the Council to complete Appropriate Assessment (AA) to establish whether the scheme would have a significant effect upon European Protected Sites. To inform the AA, it is necessary for the developers to demonstrate that their schemes would not increase the levels of nitrates entering the Solent. In order to facilitate that process, in September 2020, the Council established a legal framework through which developers/applicants can purchase nitrate credits associated with land use at Little Duxmore Farm (LDF). However, at the Inquiry, the Council was unsure whether there would be sufficient capacity at LDF to provide mitigation in relation to all the identified sites and whilst it is seeking to secure additional capacity elsewhere, the associated negotiations are not yet complete. Furthermore, since September 2020, only a relatively small number of dwellings have been taken through this process culminating in the grant of planning permission. With respect to the other sites, which together account for over 500 units, I consider that in the absence of favourably completed AAs there is significant doubt about the deliverability of housing within the five-year period on those sites. Furthermore, AA is not the only issue. In a number of the cases, while some progress has been made, necessary planning obligations have yet to be formally secured. This adds to the uncertainty.
90. The Welborne allocation accounts for 450 units included in the Council's assumed supply figure. The site was subject to a resolution to grant outline planning permission for up to 600 dwellings in October 2019, subject to planning obligations being secured. Although the Council expected the planning obligations to be secured pursuant to section 106 of the *Town and Country Planning Act 1990* by the end of the summer 2020, this was not achieved. In December 2020, the developer submitted amended plans for the site. Whilst in January 2021, the Council resolved to grant planning permission for the revised scheme, it would also be subject to planning obligations and a pre-commencement condition would be imposed to ensure that funding had been secured for the improvement of junction 10 of the M27. At the Inquiry, the Council confirmed that whilst funding sources have been identified, not all the necessary agreements are in place to secure the funds. In light of the limited progress made since October 2019 and the outstanding areas of

uncertainty, I consider it likely that housing delivery on that site within the five-year period will fall well short of that assumed by the Council.

91. Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic⁷.
92. The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come.
93. The appellants anticipate that around 123 of the 190 proposed appeal dwellings could be completed within the current five-year period. Against this background, I consider it likely that each of the appeal schemes would make a modest contribution towards reducing the significant shortfall in housing land supply. Having had regard to other appeal decisions drawn to my attention⁸, I give those contributions substantial weight.

Other matters

Planning obligations

94. Each of the schemes is supported by a formally completed unilateral undertaking: appeal site A-UUA; and appeal site B-UUB. Amongst other things, they include provisions for: a Solent Recreation Mitigation Strategy contribution; on-site open space and play area provision and maintenance contributions; an education contribution; provisions to secure on-site Affordable Housing delivery, sustainable travel measures as well as the implementation of a Travel Plan. UUB also makes provision for: the implementation of a Chamomile Management Plan, for the purpose of conserving the ecological features in the Chamomile and Meadow areas of the site, consistent with the aims of LP2 Policy DSP13; and, a Toucan crossing contribution. Having had regard to the Council's *Community Infrastructure Levy Regulations Compliance Statement, February 2021*, I consider that the UUs would accord with the provisions of Regulation 122 of the *Community Infrastructure Regulations 2010* and the tests of obligations set out in the Framework. Furthermore, I conclude that the infrastructure provisions referred to above would accord with the aims of LP1 Policy CS20.
95. With reference to the ecological assessments submitted in support of the applications, the appellants have indicated that, subject to mitigation measures which would be secured either by the submitted UU's or by condition, the schemes would each provide moderate ecological benefits for the sites, consistent with LP1 Policy CS4 and LP2 Policy DSP13. Furthermore, measures would be incorporated in the design of the schemes to limit energy and water consumption as well as carbon dioxide emissions, which could be secured by condition and would amount to minor environmental benefits, consistent with

⁷ Statements of Common Ground, January 2021 (paragraphs 7.14).

⁸ Such as APP/A1530/W/19/3223010, APP/G1630/W/18/3210903, APP/E5900/W/19/3225474, APP/N1730/W/18/3204011 and APP/G1630/17/3184272.

LP1 Policy CS16. I have no compelling reason to take a different view. However, in my judgement, they do not weigh significantly in favour of the schemes, as the benefits would be only moderate/minor and the Framework commonly requires the provision of net gains for biodiversity, minimisation of energy consumption and the prudent use of natural resources.

96. UUC would secure off-site mitigation for the loss of a low use Solent Wader and Brent Goose site. Having regard to the measures secured by UUA, UUB and UUC and with reference to the 'Shadow Habitat Regulations Assessments' submitted in support of the applications, the appellants have indicated that the proposals would not have an adverse effect on the integrity of any European Protected Sites, consistent with the aims of LP2 Policies DSP14 and DSP15, and this would weigh as neutral in the planning balance. These matters are not disputed by the Council.
97. It is common ground that there is an unmet Affordable Housing need in Fareham Borough. The shortfall appears to be sizeable. Looking forward, the Council's adopted *Affordable Housing Strategy (2019)* identifies a need for broadly 220 Affordable Homes per annum over the period to 2036. This can be compared to the delivery of an average of 76 Affordable Homes per annum in the period 2011-2019, well below the need identified for that period by the Council's *Housing Evidence: Overview Report (2017)*. 40% of the proposed dwellings in each case would comprise Affordable Housing, consistent with the requirements of LP1 Policy CS18. Furthermore, I understand that the commercial profits of Bargate Homes Ltd, which is owned by Vivid and has contractual control of both sites, are reinvested in Vivid's wider Affordable Housing Programme. I consider that the proposals would amount to meaningful contributions towards addressing the identified need and the Affordable Housing benefits attract substantial weight in each case.
98. The Council considers that the public open space provision shown on the illustrative masterplans submitted in support of the applications would be sufficient to meet the requirements of LP1 Policy CS21 and I have no reason to disagree. Whilst I acknowledge that the proposed public open space may be of some value to existing local residents, given the accessibility of the countryside thereabouts, I consider that any benefit in that regard would be small and I give it little weight.

Economic benefits

99. The Framework gives encouragement to development that would support economic growth. The proposals would be likely to give rise to a range of economic benefits. For example, the appellants have estimated that the proposed households would be likely to generate expenditure in the region of £6.4 million per annum, some of which would be spent locally. Furthermore, the proposals could support an estimated 191 jobs during the three-year build programme and could generate an additional £33.8 million of gross value added for the regional economy during that period. The proposals would help to support the growth of the economy, which has been adversely affected by the current coronavirus pandemic. I give the economic benefits likely to result from the proposals in each case substantial weight.

Best and most versatile agricultural land

100. Appeal site B contains land classified as best and most versatile (BMV) agricultural land, which would be lost as a result of the scheme, contrary to the aims of LP1 Policy CS16, which seeks to prevent the loss of such land. However, with reference to the Framework, which indicates that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land, I consider that LP1 Policy CS16 is unduly onerous. Furthermore, as BMV agricultural land makes up only a very small proportion of the site, I share the view of the appellants that the weight to be given to the loss is very limited.

Privacy

101. At present, Hambrook Lodge occupies an isolated position in the countryside, set well apart from other dwellings. In this context the proposed developments on land adjacent to that property would be likely to have some effect on the privacy of the existing residents. However, the elevations of the dwelling that contain the majority of its habitable room windows are set back from the boundaries shared with the appeal sites. I consider that it would be possible to ensure, through careful design and layout of the schemes controlled at the reserved matters stage, that reasonable levels of privacy would be maintained in keeping with the aims of LP1 Policy CS17.

Community services and facilities

102. I do not share the concerns raised by a number of residents of the Borough of Gosport that the proposals would adversely affect their community services and facilities. As indicated above, it is likely that spending associated with the schemes would benefit the local economy. As regards facilities, I understand that the appeal sites are not within the catchment area of Gosport schools. Whilst some future residents may wish to use the recreation ground situated to the southeast on the other side of Newgate Lane East, there is no compelling evidence before me to show that the numbers would be large or that such activity would be problematic.

Planning balance

103. The Framework indicates, with reference to succinct and up-to-date plans, that the planning system should be genuinely plan-led. For decision making this means approving development proposals that accord with an up-to-date Development Plan without delay. The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and so in these cases the relevant policy for determining the acceptability of residential development on the site is LP2 Policy DSP40. I consider that each of the schemes would conflict overall with LP2 Policy DSP40. However, in these cases, that is not the end of the matter.
104. LP1 Policy CS2 sets out the housing development needs in the plan period, and Policy CS6 establishes the settlements and allocations to deliver development needs. However, Policy CS2, which pre-dated the publication of the Framework, does not purport to represent an up-to-date Framework compliant assessment of housing needs. The housing requirement set out in the Development Plan has not been reviewed within the last 5 years and so the

five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This generates a higher figure. To my mind, it follows that LP1 Policies CS2 and CS6 are out-of-date. Furthermore, against this background, I consider that the weight attributable to conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6, which place strict controls over development outside settlement boundaries, is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements⁹.

105. Furthermore, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, under the terms of paragraph 11 of the Framework it follows that the policies which are most important for determining the appeals are deemed out of date. The Framework indicates that decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, this means granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This approach is reflected in LP2 Policy DSP1.
106. Under these circumstances, I consider that little weight is attributable to the identified conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6. This is reinforced by my earlier finding that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced.
107. LP2 Policy DSP40 is also deemed out of date for the purposes of paragraph 11 of the Framework. However, I consider, for a number of reasons, it does not automatically follow that conflicts with this Policy also attract little weight, contrary to the approach of my colleague who dealt with appeal decision Ref. APP/A1720/W/18/3209865.
108. Firstly, the DSP40 contingency seeks to address a situation where there is a five-year housing land supply shortfall, by providing a mechanism for the controlled release of land outside the urban area boundary, within the countryside and Strategic Gaps, through a plan-led approach. I consider that in principle, consistent with the view of my colleague who dealt with appeal Ref. APP/A1720/W/18/3200409, this approach accords with the aims of the Framework.
109. Secondly, consistent with the Framework aim of addressing shortfalls, it requires that (i) the proposal is relative in scale to the demonstrated supply shortfall and (iv) it would be deliverable in the short-term.
110. Thirdly, criteria (ii) and (iii) are also consistent with the Framework insofar as they: recognise the intrinsic character and beauty of the countryside by seeking to minimise any adverse impact on the countryside; promote the creation of high quality places and having regard to the area's defining characteristics, by respecting the pattern and spatial separation of settlements;

⁹ CDK5-Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37, para 63.

and, seek to ensure that development is sustainably located. They represent a relaxation of the requirements of Policies LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6 in favour of housing land supply. However, I consider that the shortfall in the Framework required five-year housing land supply, which has persisted for a number of years and is larger than those before my colleagues¹⁰, indicates that the balance they strike between those other interests and housing supply may be unduly restrictive. Under these circumstances, in my judgement, considerable, but not full weight is attributable to conflicts with LP2 Policy DSP40(ii) and (iii).

111. Fourthly, insofar as LP2 Policy DSP40(v) seeks to avoid an unacceptable impact on highway safety, with particular reference to traffic implications, it is consistent with the Framework and conflict with that requirement would be a matter of the greatest weight.
112. Whilst the proposals would accord with criteria i) and iv), they would conflict with criteria ii), iii) and v), causing significant harm to the character and appearance of the area, having an unacceptable effect on highway safety, they would not be sustainably located with reference to accessibility and they would fail to minimise any adverse impact on the Strategic Gap. I have found that the proposals would conflict with LP2 Policy DSP40, undermining the Council's Spatial Development Strategy. I consider overall that these matters weigh very heavily against each of the proposals.
113. In each case the proposals would provide a mix of housing types and styles. They would make meaningful, albeit modest, contributions towards addressing the shortfall in the five-year supply of deliverable housing land as well as the need for Affordable Housing supply. The appeal schemes would also be likely to provide employment opportunities and economic benefits to the area. In these respects the proposals would be consistent with the Framework, insofar as it seeks to significantly boost the supply of homes, provide for the size, type and tenure of housing needed for different groups in the community and to support economic growth. I give those benefits substantial weight. I give little weight to other identified benefits, such as the proposed measures to secure net gains for biodiversity, the minimisation of energy consumption and the prudent use of natural resources. Although I give a number of the benefits substantial weight, in my judgement, it would fall well short of the weight attributable to the harm identified.
114. I consider on balance that, in each case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the schemes would not represent sustainable development under the terms of either LP2 Policy DSP1 or the Framework. In light of these findings, it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued, it would not have affected the planning balances or my conclusions on these appeals.

Conclusions

115. Whilst acknowledging that appeal scheme A would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case

¹⁰ APP/A1720/W/18/3199119, APP/A1720/W/18/3200409

would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal A should be dismissed.

116. Whilst acknowledging that appeal scheme B would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal B should be dismissed.

I Jenkins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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Of Counsel

He called

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Mr C Whitehead

BEng CEng

Mr J Mundy

MSc IMICE

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CEcol CMLI CEnv MCIEEM

Ms J Parker

BA(Hons) MA MRTPI

Mr R Wright (conditions/obligations)

Mr N Gammer (conditions/obligations)

MSc MCIHT MTPS

H Hudson (conditions/obligations)

Solicitor

Lockhart Garratt Ltd

SYSTRA Ltd

Hampshire County Council

The Landscape Partnership

Adams Hendry Consulting Ltd

Fareham Borough Council

Hampshire County Council

Southampton City Council

FOR THE APPELLANTS:

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QC

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Mr C Marsh (conditions/obligations)

Pegasus Group

Pegasus Group

Red Wilson Associates

Pegasus Group

WYG

Pegasus Group

Pegasus Group

INTERESTED PERSONS:

County Councillor P Hayre

The Crofton Division of Fareham

Mrs A White

Mr A Thomas

Borough Councillor J Forrest

The Stubbington Ward

Mr B Marshall

County Councillor S Philpott

The Bridgemary Division

Mrs A Roast

Borough Councillor C Heneghan

The Stubbington Ward

Interested party

Local resident

Local resident

Interested party

Fareham Society

Interested party

Lee Residents' Association

Interested party

DOCUMENTS

- 1 Letters notifying interested parties of appeals A and B.
- 2 Appeals notification responses
- 3 Councillor Philpott-updated proof of evidence
- 4 Ms Parker-revised appendices to proof of evidence and errata
- 5 Council-opening statement
- 6 Appellants-opening statement
- 7 Councillor Forrest-proof of evidence
- 8 Statement of Common Ground (Transport)
- 9 Fareham Society-updated proof of evidence
- 10 Councillor Philpott-updated proof of evidence
- 11 Mr Thomas-email dated 10 February 2021
- 12 Red Wilson Associates-Delay Tables Summary Note
- 13 Mr Thomas-email dated 11 February 2021
- 14 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)
- 15 Community Infrastructure Levy Regulations Compliance Statement (including education contributions email dated 9 November 2020 and Planning Obligations Supplementary Planning Document
- 16 Bargate Homes-Delivery Rate Update, dated 16 February 2021
- 17a Composite masterplan
- 17b Settlement boundaries proximity plan
- 17c Land south of Funtley Road Committee Report Ref. P/18/0067/OA
- 17d Consolidated conditions schedule
- 18 Mrs White-proof of evidence
- 19 Natural England guidance documents and Conservation Objectives.
- 20 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)-references included.
- 21 Land south of Funtley Road Committee Report Ref. P/18/0067/OA, dated 18/07/2018.
- 22 Ms Parker- response to Inquiry document 16
- 23 Council's letter withdrawing reason for refusal (h)-appeal A and (G)-appeal B insofar as they relate to the capacity of the junction of old Newgate Lane/Newgate Lane East
- 24 Fareham Society-proof of evidence summary
- 25 Ms Hoskins-Linsig model results, junction layouts note and extract from the Highway Code
- 26 Highway Authority-Note dated 18 February 2021 regarding highway capacity point raised by Gosport Borough Council
- 27 Councillor Philpott-supplementary notes
- 28 Councillor Hayre-proof of evidence
- 29a Mrs White-proof of evidence summary
- 29b Mrs Roast-proof of evidence summary
- 30 Updated Report to inform HRA Stage 1 and Stage 2
- 31 Plan-Gosport Road Fareham Air Quality Management Area 2017 (A)
- 32 Gosport Borough Council Ward Maps-Peel Common and Bridgemary North

- 33 Pegasus-1) Traffic Flows at the old Newgate Lane and Newgate Lane East Junction and 2) 21 and 21A Bus Service
- 34 Birds Unilateral Undertaking-update
- 35 Appeal A-Main Unilateral Undertaking
- 36 Highway Authority-Note in response to new information provided by the appellants under cross examination of Ms Hoskins, Ms Parker-note on settlement terminology and Mr Gammer-updated proofs of evidence.
- 37 Councillor Philpott-email dated 19 February 2021, air quality clarification
- 38 Tetra Tech-Note on Winter Bird Mitigation Area Nitrogen Budget, 23 February 2021
- 39 Council-email dated 23 February 2021, consultation responses
- 40 Council/appellants-Consolidated Conditions Schedule
- 41 Council-Boundary plans related to Brookers Lane
- 42 Pegasus-Newgate Lane East Capacity note
- 43 Ms Parker-Status and weight of Local Plan Evidence Based Landscape Documents
- 44 Mr Sibbett-Note on qualifying features
- 45 Fareham Society-closing statement
- 46 Highway Authority-Note addressing queries relating to the southern site Unilateral Undertaking
- 47 Planning Inspectorate-contaminated land model conditions
- 48 Councillor Heneghan-consultation response, dated 29 October 2018
- 49 Lee Residents Association-Closing statement
- 50a Council/appellants-additional conditions
- 50b Pegasus-scale and density note
- 51 Councillor Heneghan-proof of evidence
- 52a The Civil Engineering Practice-Technical Note on Flood Risk and Discharge Restriction
- 52b Appeal A-Main Unilateral Undertaking-tracked changes
- 53 Pegasus note-Ownership and status of the Brookers Lane shared footway/cycleway between Newgate Lane East and Bridgemary
- 54 Ms Parker-Further advice on the consultation responses to the Fareham Landscape Assessment (FLA)(2017)(CDG15)
- 55 Tetra Tech-Report to inform Habitats Regulations Assessment Stage 1 and stage 2-updated
- 56 Acon Uk-Air Quality note
- 57 Birds Unilateral Undertaking-update (tracked changes)
- 58 Council-closing statement
- 59 Council-email confirmation, dated 25 February 2021, of the red line site boundary drawing numbers for the applications
- 60 Birds Unilateral Undertaking-update
- 61 Appellants-closing statement
- 62 Formally completed unilateral undertakings

Land South of Romsey Avenue, Portchester

PINS Ref: APP/A1720/W/21/3271412 (LPA Ref: 18/1073/FP)

Statement of Common Ground: Five Year Housing Land Supply

8th July 2021

1. Introduction

- 1.1. This Housing Land Supply (“HLS”) Statement of Common Ground (“SoCG”) has been prepared by Mr Steven Brown (of Wolf Bond Planning), on behalf of the Appellant, Foreman Homes Ltd and Richard Wright on behalf of Fareham Borough Council. It sets out both the agreed and disputed matters having regard to the five year housing land supply position.
- 1.2. This HLS SoCG identifies the requirement to be met during the five year period, the deliverability of the identified components of supply; and the subsequent five year housing land supply positions of the respective parties.

2. The Agreed Position

- 2.1. It is common ground that the Council is not able to demonstrate a five year supply of deliverable housing land against the minimum five year requirement for the five year period 1st January 2021 to 31st December 2025.
- 2.2. As such, it is common ground that the Council is not meeting paragraph 59 of the NPPF and, by virtue of footnote 7, paragraph 11(d) is engaged unless disapplied by virtue of paragraph 177.
- 2.3. The shortfall will only be rectified if planning approval is given for housing on sites not originally envisaged for housing in the adopted Local Plan Parts 1 and 2 or through plan-led development delivered through the emerging Local Plan.
- 2.4. In the circumstances, the most important, operative policy for determining the acceptability of residential development on the Site is Policy DSP40.

3. The Housing Requirement and Five Year Period

- 3.1. It is agreed between the parties that the five year period to be used for the purpose of calculating the five year housing land supply position for this appeal is 1st January 2021 to 31st December 2025.
- 3.2. In so far as the strategic policies from the Core Strategy and Development Sites and Policies DPD are more than five years old, it is agreed, by operation of paragraph 73 and footnote 37 of the NPPF, that **the housing requirement falls to be measured against the local housing need figure calculated using the standard method.**

- 3.3. A such, the starting point to calculating the five year requirement is the minimum **539 dwelling annual requirement** derived from the application of the Standard Method. This equates to 2,695 dwellings requirement.
- 3.4. However, and as a result of the Housing Delivery Test (“HDT”) results published in February 2021, it is agreed that it is appropriate to apply a 20% buffer to the requirement.
- 3.5. This results in a minimum five year requirement of **3,234 dwellings for the five year period 1st January 2021 to 31st December 2025.**

4. Housing Supply

- 4.1. The Council maintains it has a five year supply of 2,310 dwellings. This results in a shortfall of 924 dwellings and a supply of 3.57 years.
- 4.2. The Appellant identifies a supply of 600 dwellings. This results in a shortfall of 2,634 dwellings and a supply of only 0.93 years.
- 4.3. The respective positions are summarised in Table 1 below.

Table 1: Respective Five Year Housing Supply Positions

	Fareham Borough Council	Appellant
Minimum 5yr Req. 1 Jan 2021 to 31 Dec 2025	3,234	3,234
Deliverable Supply	2,310	600
Extent of Shortfall	-924	-2,634
No. Years Supply	3.57yrs	0.93yrs

- 4.4. The supply differences are set out in **Appendix 1** attached
- 4.5. As set out above, and on either approach, it is agreed that the Council is unable to demonstrate a five year supply of deliverable housing land.

5. Implications of the Respective Five Year Positions

- 5.1. The agreed position between the Council and Appellant is that the Council is not able currently to demonstrate a five year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025.
- 5.2. As such, it is common ground between the Council and Appellant that the Council is not meeting paragraph 59 of the NPPF, thus engaging the presumption in favour of sustainable development at paragraph 11(d) of the NPPF unless disapplied by virtue of paragraph 177.
- 5.3. Whilst the Council and Appellant disagree as to the extent of the shortfall, it is nevertheless agreed, on either position, that the shortfall is significant and the weight to be attached to the delivery of housing from the Appeal Scheme is significant. As such it is not considered necessary for the Inspector to conclude on the precise extent of the shortfall.

- 5.4. In the light of the agreement reached between the parties in relation to the significance of the five year housing land supply shortfall, neither party will call their respective witnesses to deal with housing land supply matters unless such evidence is requested by the Inspector. This will save time and resources and will enable a more efficient inquiry process.
- 5.5. This HLS SoCG is signed and dated below.

Signatures

On behalf of the Appellant:

Signed: *Steven Brown*

Name: Steven Brown BSc Hons DipTP MRTPI (Woolf Bond Planning obo Foreman Homes Ltd)

Date: 8th July 2021

On behalf of Fareham Borough Council

Signed: 

Name: Richard Wright MRTPI Fareham Borough Council

Date: 8th July 2021

Appendix 1: Site Delivery

The following table sets out the respective positions in relation to the deliverability of the components of supply.

Supply source	Revised Council ¹	WBP	Difference
Outstanding Planning Permissions – Small (104 dwellings) (10% discount)	69	69	0
Outstanding Full Planning Permissions – Large (5+ dwellings)	402	402	0
Outstanding Outline Planning Permissions – Large (5+ dwellings)	296	27 ²	269
Resolution to Grant Planning Permission – Large (5+ dwellings) (exc Welborne)	742 ³	0	742
Resolution to Grant Planning Permission – Large (5+ dwellings) (Welborne)	390	0	390
Brownfield Register Sites	276	0	276
Local Plan Adopted Housing Allocations	33	0	33
Windfall	102	102	0
Total	2,310	600	1,710

¹ Supplementary Statement to Newgate Lane East Appeal (3269030)

² Sites included in this category by WBP are: Egmont Nurseries, Brook Avenue (8 dwellings); 18 Titchfield Park Road, Titchfield (6 dwellings); east & west of 79 Greenaway Lane (6 Dwellings) and Burridge Lodge (7 dwellings)

³ Paragraph 5.8 of the Council's Supplementary Statement for Newgate Lane East Appeal indicates that this figure should be 663.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

T Ware Developments Ltd

Policies:

H1, DS2, DS3 and HP4

and

**Omission of Land south of Hope Lodge,
Fareham Park Road, Fareham as an
Allocation in Policy H1 (SHELAA Site Ref
3159).**

WBP REF: 8249

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 16th December 2020 (LPA Ref: P/18/0363/OA)
11. Decision Notice for P/18/0363/OA (18th December 2020)
12. Landscape Statement for an Appeal in relation to P/18/0363/OA) (terrafirma)
13. Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (T Ware Developments Ltd) own land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 1263).
- 1.2. The Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our clients' land south of Hope Lodge, Fareham Park Road, Fareham.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Officer Report on application for up to 28 dwellings on land south of Hope Lodge (84 Fareham Park Road), Fareham (**Appendix 10**)
- Decision Notice for P/18/0363/OA (18th December 2020) (**Appendix 11**)
- Landscape Statement for an Appeal in relation to P/18/0363/OA (terrafirma) (**Appendix 12**)
- Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**)

2.2. Our clients’ representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy DS2 – Development in Strategic Gaps	Objection
Policy DS3 – Landscape	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Ref 3159) – failure to include as an allocation in policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.
- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.
- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.
- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.
- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients south of Hope Lodge, Fareham Park Road, Fareham (SHELAA site ref 3159). This site can accommodate 28 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the town.

- 3.5. The representations also highlight a failure of the plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land south of Hope Lodge, Fareham Park Road, Fareham can also supply homes to contribute towards resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, Fareham Borough Council has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne garden village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The approach to the housing requirement and envisaged delivery as set out in Policy H1 cannot be said to be sound. This is because it fails to provide for at least 15 years post adoption together with planning for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

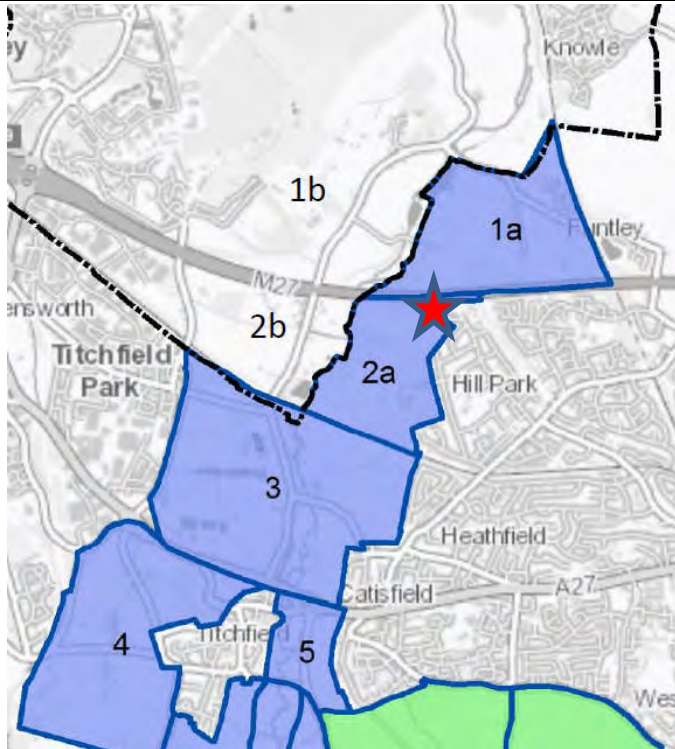
5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land south of Hope Lodge, Fareham Park Road, Fareham); and
 - E) That further detail of the annual delivery by specific site within each source is included in the plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY DS2: DEVELOPMENT IN STRATEGIC GAPS

General

- 6.1. Policy DS2 defines extents of Strategic Gaps within Fareham Borough. Our particular relevance is the Meon Strategic Gap defined on the policies map pursuant to the policy.
- 6.2. Within the terms of the policy it indicates that **“development will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.”**
- 6.3. The extent of the areas defined by the policy are supported by the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” prepared by the County Council for the Borough Council in September 2020. The Detailed Analysis was provided in appendix 5 of the document. This however has not been made available with the summary document on the website. Consequently this raises concerns over the soundness of the Council’s approach and whether it is adequately supported by the necessary evidence.
- 6.4. As indicated above, our clients are especially concerned with respect of the proposed extent of the Meon Strategic Gap and how it is proposed to include their land. Although the detailed appraisals within Appendix 5 of the Technical Assessment are not available, the summary document released indicates that their land lies within assessed parcel 2a (as indicated in figure 4.1 of the Technical Review document). The annotated extract shows the location of our clients’ site (south of Hope Lodge) as an asterisk.



Clients' site – land south of Hope Lodge, Fareham Park Road, Fareham indicated by an asterisk.

- 6.5. As indicated on the annotated extract of Figure 4.1 of the Technical Review, our client's land lies on the eastern edge of the proposed Strategic Meon Gap. Whilst the Technical Review includes summaries of the assessments of most parcels within the proposed Meon Gap indicated on figure 4.1, there is none for parcel 2a which includes our clients' land¹⁰. This therefore indicates that the approach of the authority is not supported by the necessary evidence as required to demonstrate soundness of the Plan.
- 6.6. Whilst the Technical Review does not appraise our clients site, an assessment was included in the officers report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council's planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.25 of the officer's report, it states:

In this case at the land at 84 Fareham Park Road, Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site

¹⁰ Whilst there is a review of the land around Henry Cort Community College (lies south of our clients land), this is assessed under reference 2b (page 90 of Technical Review).

being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap either. The spatial function of the gap and the settlement pattern of both Fareham and the Western Wards/Whiteley on either side of that gap would not be adversely affected.

- 6.7. Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS2. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 6.8. The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current Strategic Gap, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 6.9. The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS2

- 6.10. The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Strategic Gap.
- 6.11. To address this matter of soundness, the following amendment is proposed.
- 1. That our clients' land is omitted from the Meon Valley strategic gap defined on the policies map under policy DS2.

7. POLICY DS3: LANDSCAPE

General

- 7.1 Policy DS3 defines extents of Areas of Special Landscape Quality within Fareham Borough. Our particular relevance is the Meon Valley defined area as shown on the policies map pursuant to the policy.
- 7.2 The extent of the areas defined by the policy are supported by the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” prepared by the County Council for the Borough Council in September 2020. With respect of the Meon Valley, this is within assessed parcel reference ASLQ4.
- 7.3 Although the Technical Review includes an assessment, with respect of our client’s site there is a more recent appraisal, which is focused on the specific characteristics of the location. This was within the officers’ report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council’s planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.47 of the officer’s report, it states:

In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site’s well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to

provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements.

- 7.4 Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS3. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 7.5 The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current landscape quality of the Meon Valley, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 7.6 The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS3

- 7.7 The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Area of Special Landscape Quality.
- 7.8 To address this matter of soundness, the following amendment is proposed.
1. That our clients' land is omitted from the Meon Valley Area of Special Landscape Quality defined on the policies map under policy DS3.

8. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

- 8.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.
- 8.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹¹
 - Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹²;
 - Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹³
 - Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹⁴
 - Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁵
 - Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁶
- 8.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of

¹¹ Paragraph 62

¹² Paragraph 27

¹³ Paragraph 55

¹⁴ Paragraphs 17, 51 & 52

¹⁵ Paragraph 90

¹⁶ Paragraph 91

delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.

- 8.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 8.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 8.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 8.7. The deficit in the Council's five year housing land supply position has continued to persist.
- 8.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021

to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

8.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:

- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
- b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
- c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
- d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
- e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
- f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

8.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.

8.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57

years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**):

8.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.

8.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 13** is that the shortfall is much greater than purported to be the case by the Council.

8.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 13**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

8.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.

8.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

8.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fails to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

8.18. To address these matters of soundness, the following amendments is proposed:

1. That clause c is omitted from policy HP4.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND SOUTH OF HOPE LODGE, FAREHAM PARK ROAD, FAREHAM AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY H1 (SHELAA Ref 3159)

General

- 9.1. Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the land south of Hope Lodge, Fareham Park Road for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.
- 9.2. Our client's site comprising land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 3159) is submitted as an additional housing allocation. The Site extends to approximately 1.4ha.
- 9.3. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 28 dwellings.
- 9.4. The site is well related to the urban area. Whilst the Council's SHELAA assessment of the site indicates that it is a "valued landscape", as indicated in the representation to policy DS3, this is not supported by the necessary evidence, included the Council's own appraisal as indicated in the Committee Report on the earlier application (**appendix 10**).
- 9.5. Development of the site for approximately 28 dwellings would enable a high-quality housing scheme to be located within walking distance from local services and facilities, as acknowledged in the assessment of the land in the SHELAA (page 201).
- 9.6. Access can be readily achieved from Fareham Park Road, and there is a pedestrian footway which enables safe and convenient access to local services and facilities by foot.

- 9.7. The site is also within a short 400m walk to a bus stop which provides regular services to Fareham.
- 9.8. The Site is currently subject to an appeal made against the decision of Fareham Borough Council to refuse an outline planning application for residential development of up to 28 dwellings, including the provision of affordable homes, along with landscaping, amenity space, parking and means of access from Fareham Park Road (LPA Ref: P/18/0363/OA).
- 9.9. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. The application was refused in relation to its purported landscape impact, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 9.10. Paragraph 8.20 of the Report to Committee states in relation to the acceptability of developing the site as follows:

“There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.”

- 9.11. Paragraphs 8.47 and 8.48 set out the acceptability of the landscape impact stating as follows:

“In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale

and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site's well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements. Such matters of layout and landscaping are also however of course reserved matters.

The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.”

- 9.12. Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 9.13. We therefore consider that part of the solution to addressing the identified shortfall is to allocate land south of Hope Lodge, Fareham Park Road, Fareham for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 9.14. To ensure that the plan is therefore sound as detailed in the representations, **land south of Hope Lodge, Fareham Park Road, Fareham should be included as a residential allocation for circa 28 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

10. OVERALL CONCLUSIONS

- 10.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 10.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1 together with the extent of some spatial policies (DS2 and DS3).
- 10.3. These matters can be addressed through Main Modifications.

11. FINAL REMARKS

- 11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our clients' site south of Hope Lodge, Fareham Park Road, Fareham.
- 11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

**Mr GR Dimmick, Mr CD Dimmick and Mrs
AW Williams**

**Policies:
H1, HA1 and HP4**

WBP REF:7619

JULY 2021



Woolf Bond Planning
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2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 17th March 2021 (LPA Ref: P/18/0756/OA)
11. Update Report to Planning Committee on 17th March 2021
12. Decision Notice for P/18/0756/OA (18th March 2021)
13. Highways Statement for an Appeal in relation to P/18/0756/OA (Hydrock)
14. Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Mr GR Dimmick, Mr CD Dimmick and Mrs AW Williams) own land between and to the rear of 56-66 Greenway Lane, Warsash (SHLAA Site Ref: 1263).
- 1.2. The Site has been promoted through earlier stages of the Local Plan process as part of the wider HA1 allocation of land to the north and south of Greenaway Lane, Warsash.
- 1.3. This reflects the sustainability credentials of the Site as a location for housing growth adjoining the acknowledged suitability of Warsash, as indicated in the Council's SHELAA.
- 1.4. Whilst our clients support the allocation of the Site for housing, they have a number of objections to the soundness of the Plan that need to be addressed through modifications prior to its submission to the SoS for examination or by means of proposed modifications as part of the examination process.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
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- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Report to Planning Committee on 17th March 2021 (LPA Ref: P/18/0756/OA) (**Appendix 10**)
- Update Report to Planning Committee on 17th March 2021 (**Appendix 11**)
- Decision Notice for P/18/0756/OA (18th March 2021) (**Appendix 12**)
- Highways Statement for an Appeal in relation to P/18/0756/OA (Hydrock) (**Appendix 13**)
- Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 14**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HA1 – North and South of Greenaway Lane	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated alongside increasing the expected contribution from the land controlled by our clients.

- 3.5. The representations also highlight a failure of the plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of

neighbouring authorities and the allocation of further land alongside increased densities will contribute to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.

¹ NPPF, paragraph 22

- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.
- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead,

² Table 4.1

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019.

- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.
- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwellings requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne garden village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The approach to the housing requirement and envisaged delivery as set out in Policy H1 cannot be said to be sound. This is because it fails to provide for at least 15 years post adoption together with planning for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to failed the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need; and
 - E) That further detail of the annual delivery by specific site within each source is included in the plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HA1: NORTH AND SOUTH OF GREENAWAY LANE

General

- 6.1. Policy HA1 allocates land north and south of Greenaway Lane, Warsash. Whilst we support the allocation of the land north and south of Greenaway Lane, we nevertheless have a number of comments with respect of the specific requirements of the policy.
- 6.2. Whilst the policy indicates that the site could yield approximately 824 dwellings due to the increased housing requirement we identified in the representations to Policy H1, we consider that there is scope to increase this to around 850 dwellings.
- 6.3. Additionally, whilst the policy indicates that the character of Greenaway Lane should be retained, the Framework Plan for the site indicates that this will be a significant movement corridor linking and integrating the various sites within the wider allocation. It is therefore essential that this dual role is reflected in the approach of the policy.
- 6.4. Land controlled by our clients is currently subject to an appeal made against the decision of Fareham Borough Council to refuse an outline planning application for residential development of up to 28 dwellings, including the provision of 11 affordable homes, along with landscaping, amenity space, parking and means of access from Greenaway Lane (LPA Ref: P/18/0756/OA).
- 6.5. The decision to refuse planning permission was taken contrary to the officer advice/recommendation, including in relation to the consultation response received from County Highways which confirmed no objection to the scheme on highway safety and/or location grounds. However, and notwithstanding, the application was refused on highway grounds, which position is not supported by the evidence. **Appendices 10, 11 and 12 refer.**
- 6.6. The highway issues raised in the decision notice are addressed in the Transport Statement submitted with the Appeal. **Appendix 13** refers.

Suggested Changes to Policy HA1

- 6.7. The Plan therefore as currently prepared is not sound with respect of:
- a) It is not positively prepared as the policy approach will hinder delivery of the homes on the site that are desperately needed in the Borough.
- 6.8. To address this matter of soundness, a range of amendments are proposed. The proposed changes are.
1. That clause b is revised to read: “**Primary highway access should be focused on Brook Lane and Lockwood Road with limited access via Greenaway Lane where necessary; and**”
 2. The clause f is omitted.

7. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

7.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

7.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

7.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.

- 7.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 7.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.

- 7.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

"The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation."

- 7.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 7.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021

to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

7.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:

- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
- b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
- c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
- d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
- e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
- f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

7.10. The Inspector's conclusions are nothing new and reflect the position that has endured in Fareham Borough for a considerable period of time.

7.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 14**).

7.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.

7.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 14** is that the shortfall is much greater than purported to be the case by the Council.

7.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 14**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Representor
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

7.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.

7.16. The shortfall we have identified is much greater than the 3.57 years supply figure relied upon by the Council.

Suggested Changes to Policy HP4

7.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

7.18. To address these matters of soundness, the following amendments is proposed.

1. That clause c is omitted from policy HP4.

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the refined allocation of our clients' site off Greenaway Lane, Warsash.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?


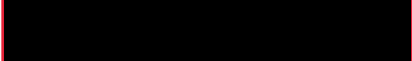
Yes

No

A2 Please provide your details below:

Title:	Mr
First Name:	Steve
Last Name:	Carrington
Job Title: (where relevant)	
Organisation: (where relevant)	Foreman Homes Ltd
Address:	c/o Agent
Postcode:	
Telephone Number:	
Email Address:	

A3 Please provide the Agent's details:

Title:	Mr
First Name:	Steven
Last Name:	Brown
Job Title: (where relevant)	
Organisation: (where relevant)	Woolf Bond Planning
Address:	The Mitfords, Basingstoke Road, Three Mile Cross, Reading
Postcode:	RG7 1AT
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

and

**Omission of 21 Burr ridge Road, Burr ridge
as an Allocation in Policy H1 (SHELAA Site
Ref 3210).**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in 21 Burr ridge Road, Burr ridge. The Site has been assessed in the SHELAA as Site Ref: 3210 but has been discounted.
- 1.2. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of 21 Burr ridge Road, Burr ridge.
- 1.3. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.4. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)
- Council's SoC for 21 Burr ridge Road Appeal (**Appendix 11**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site 21 Burr ridge Road, Burr ridge (SHELAA Ref 3210) – failure to include as an allocation in Policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.
- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.
- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.
- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.
- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients at 21 Burr ridge Road, Burr ridge (SHELAA site ref 3210). This site can accommodate approximately 6-5 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of 21 Burr ridge Road, Burr ridge can also supply homes to contribute towards to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including 21 Burr ridge Road, Burr ridge) and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fails to provide an effective solution towards maintaining a five years supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments is proposed:
- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY 21 BURRIDGE ROAD, BURRIDGE AS A HOUSING ALLOCATION

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for 5 dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site is currently subject to an appeal made against the non-determination by Fareham Borough Council for a planning application for residential development of four self-build dwellings, amenity areas and a means of access from Burr ridge Road (LPA Ref: P/20/1007/FP).
- 7.4. Although the appeal relates to a non-determination the application was taken to Committee and subsequently refused. The Council's Statement of Case (SoC), which includes the reasons for refusal, is set out in Appendix 11. As set out in the SoC there are six reasons for refusal as follow.
- 7.5. Reason i) relates to the location of the site and the perception that it is not well integrated with the neighbouring settlement area. A previous appeal, and other appeals along this stretch of road, found the location to be sustainable and appropriate for development. Although the site does not adjoin the settlement boundary, it is adjacent to an existing residential development which it integrates into. There are similar sites around the Borough that have been permitted despite their distance from a settlement boundary therefore it should not be ruled out on this basis.
- 7.6. Reason ii) relates to the layout of the proposed development in that it would lead to backland development which is not prominent along Burr ridge Road. The

development will however, be screened from public view and would not be noticeable. The negatives of introducing this type of development does not outweigh its benefits, especially as there are two existing dwellings adjoining this site (21 and 21a) which are considered to be backland development.

- 7.7. Reason iii) states that the layout is of poor design in relation to bin
- 7.8. Reason iv) relates to lack of information regards to ecology and is not a direct allegation of harm. Further information was provided as part of the appeal documentation to address the concerns raised.
- 7.9. As set out in the Council's SoC matters v) and vi) can be addressed by the means of a legal agreement prepared under Section 106 of the Town & Country Planning Act 1990.
- 7.10. Development of the site for self and custom build dwellings will be in accordance with paragraph 62 of the NPPF 2021 which states that "housing need for different groups (including those wishing to commission or build their own homes) should be assessed and reflected in planning policies". There is an identified need for this type of dwelling in the borough as set out in emerging policy HP9 of the Local Plan, the Background Paper: Self and Custom Build Need (prepared to inform the Local Plan 2036) and the Council's Action Plan (September 2018). The Action Plan sets out the Council's aims to "positively influence of help secure development opportunities where we can support individuals or organisations in our local communities to deliver high quality self build or custom building to meet demand in the Borough". Therefore, in accordance with this stance, schemes for self and custom build dwellings should be supported and promoted.
- 7.11. On the basis of the evidence prepared in support of the development of the site for housing, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.

- 7.12. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, 21 Burr ridge Road, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.13. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **21 Burr ridge Road (SHELAA Ref: 3210) should be identified as a housing allocation for circa 5 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site 21 Burr ridge Road, Burr ridge for approximately 5 dwellings.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?



Yes

No

A2 Please provide your details below:

Title:	Mr
First Name:	Steve
Last Name:	Carrington
Job Title: (where relevant)	
Organisation: (where relevant)	Foreman Homes Ltd
Address:	c/o Agent
Postcode:	
Telephone Number:	
Email Address:	

A3 Please provide the Agent's details:

Title:	Mr
First Name:	Steven
Last Name:	Brown
Job Title: (where relevant)	
Organisation: (where relevant)	Woolf Bond Planning
Address:	The Mitfords, Basingstoke Road, Three Mile Cross, Reading
Postcode:	RG7 1AT
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1, HA1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in a parcel of the Strategic Allocation known as land North and South of Greenaway Lane, Warsash. Foreman Homes have specific interest in Land to the east of Brook Lane (SHELAA 3164). It is proposed as a housing allocation for 180 dwellings under Policy HA1 of the 2017 consultation draft Local Plan and has resolution to grant.
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, whilst supporting the allocation for the land to the east of Brook Lane.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Policy HA1 – North and South of Greenaway Lane	Support

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities. It is imperative that the allocation of land north and south of Greenaway Lane is promoted to ensure there is a large contribution towards housing supply thus helping to resolving this issue.

- 3.5. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.6. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;

- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

- 1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.

- 2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments is proposed:
- 1. That clause c is omitted from policy HP4.

7. POLICY HA1: LAND NORTH AND SOUTH OF GREENAWAY LANE

General

- 7.1. Foreman Homes have an interested in a parcel of land, Land East of Brook Lane, which is part of the larger allocation known as land North and South of Greenaway Lane which has a yield of 824 dwellings. The parcel of land, known hence forth as 'the site' has resolution to grant outline planning for 180 dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site has resolution to grant for outline planning permission with all matters reserved (except for access) for residential development of up to 180 dwellings, associated landscaping amenity areas and access from Brook Lane (LPA Ref: P/17/0845/OA). The application was taken to committee on 10th October 2018 but permission is still outstanding due to the impact of the development on the Solent Region with regards to nutrient neutrality.
- 7.4. Foreman Homes are entering into an agreement to buy credits from Heaton Farms Ltd at Land at Coleman's Lane, IOW to offset the nitrate load from the proposed development therefore overcoming the issue.
- 7.5. The issue of permission is imminent and is reliant on the undertaking of an Appropriate Assessment and signing a Section 106 to secure contributions.
- 7.6. The development has numerous benefits including the provision of much needed housing in a sustainable location, delivery of affordable housing and a form of development, including by means of the proposed landscaping strategy that can be assimilated into the character of the surrounding area without having an adverse impact upon the wider landscape setting of the site.

- 7.7. The resolution to grant demonstrates that the development of this site is acceptable and therefore the continued promotion of the site as part of the larger Warsash allocation is welcome.

Change sought to the Local Plan

- 7.8. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land north and south of Greenaway Lane should continue to be promoted for residential development.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?


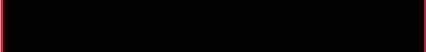
Yes

No

A2 Please provide your details below:

Title:	Mr
First Name:	Steve
Last Name:	Carrington
Job Title: (where relevant)	
Organisation: (where relevant)	Foreman Homes Ltd
Address:	c/o Agent
Postcode:	
Telephone Number:	
Email Address:	

A3 Please provide the Agent's details:

Title:	Mr
First Name:	Steven
Last Name:	Brown
Job Title: (where relevant)	
Organisation: (where relevant)	Woolf Bond Planning
Address:	The Mitfords, Basingstoke Road, Three Mile Cross, Reading
Postcode:	RG7 1AT
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1, HA1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in a parcel of the Strategic Allocation known as land North and South of Greenaway Lane, Warsash. Foreman Homes have specific interest in Land north of Greenaway Lane (SHELAA ref 1263). The site has been assessed in the SHELAA as having a yield of 28 dwellings based on a site area of approximately 1.30ha. There is a live application on part of the site
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, whilst supporting the allocation for the land North and South of Greenaway Lane.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Policy HA1 – North and South of Greenaway Lane	Support

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities. It is imperative that the allocation of land north and south of Greenaway Lane is promoted to ensure there is a large contribution towards housing supply thus helping to resolving this issue.

- 3.5. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.6. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five year supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments are proposed:
- 1. That clause c is omitted from policy HP4.

7. POLICY HA1: LAND NORTH AND SOUTH OF GREENAWAY LANE

General

- 7.1. Foreman Homes have an interested in a parcel of land, Land north of Greenaway Lane, which is part of the larger allocation known as land North and South of Greenaway Lane which has a yield of 824 dwellings. The parcel of land, known hence forth as ‘the site’ has a live outline planning application for 6 self build dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site has a live outline planning permission with all matters reserved (except for access) for residential development of up to 6 self build dwellings, associated landscaping and access from Greenaway Lane (LPA Ref: P/20/0730/OA).
- 7.4. Comments raised during the consultation have been addressed with the only outstanding matter relating to nitrate mitigation.
- 7.5. Foreman Homes are entering into an agreement to buy credits from Heaton Farms Ltd at Land at Coleman’s Lane, IOW to offset the nitrate load from the proposed development therefore overcoming the issue.
- 7.6. The development has numerous benefits including the provision of much needed housing in a sustainable location
- 7.7. The lack of objection from consultees on the planning application demonstrates that the development of this site is acceptable and therefore the continued promotion of the site as part of the larger Warsash allocation is welcome.

Change sought to the Local Plan

- 7.8. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land north and south of Greenaway Lane should continue to be promoted for residential development.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
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8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the east of Cartwright Drive, Titchfield. The Site has been assessed in the SHELAA as Site Ref: 3184. The site area is approximately 8.13 hectares and has the capacity to accommodate approximately 140 houses.
- 1.2. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land to the east of Cartwright Drive, Titchfield.
- 1.3. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.4. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients east of Cartwright Drive, Locks Heath (SHELAA 2021 site ref 3184). This site can accommodate approximately 140 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land east of Cartwright Drive, Locks Heath can also supply homes to contribute towards to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement as set out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land east of Cartwright Drive; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND TO THE EAST OF CARTWRIGHT DRIVE AS A HOUSING ALLOCATION FOR APPROXIMATELY 140 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 140 dwellings.
- 7.2. The Site is well related to the urban area of Locks Heath and Park Gate. Moreover, the Site affords an extremely sustainable location in helping to meet identified housing needs.
- 7.3. The site was considered suitable for development in the 2020 SHELAA.
- 7.4. However in the 2021 SHELAA it was discounted for development with the reason being 'The site is within landscape identified as of special character for the Borough. Development likely to impact the setting of heritage assets. Development limited to the previously developed land in the north west corner of the site may be acceptable.'
- 7.5. With regards to the first reason, an independent landscape consultant has assessed the site and does not consider that the site offers landscape value of an special merit and, moreover is not visible from many public viewpoints. Notwithstanding, it is proposed to create additional planting on the eastern boundary to provide a strong level of natural screening from views to the east.
- 7.6. Concerning the heritage assets in the vicinity, an independent heritage consultant has reviewed the site and, due to a combination of distance, natural screening and topography development at the site will not be visible within the setting of the nearby listed buildings and conservation area. It is worth noting that the proposed buildings will not exceed 2 storeys in height.

- 7.7. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, Cartwright Drive, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.8. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land east of Cartwright Drive (SHELAA Ref: 3184) should be identified as a housing allocation for circa 140 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site east of Cartwright Drive for approximately 140 dwellings.

- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
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10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the east of Titchfield Road, Titchfield. The Site has been assessed in the SHELAA as Site Ref: 3059. The site area is 36 hectares and has the capacity to accommodate approximately 720 houses.
- 1.2. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land to the east of Titchfield Road, Titchfield.
- 1.3. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.4. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients east of Titchfield Road Road, Titchfield (SHELAA 2021 site ref 3059). This site can accommodate approximately 3059 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land east of Titchfield Road, Locks Heath can also supply homes to contribute towards to resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement as set out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land east of Titchfield Road; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND TO THE EAST OF TITCHFIELD ROAD AS A HOUSING ALLOCATION FOR APPROXIMATELY 720 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 720 dwellings.
- 7.2. The Site is well related to the urban area of Fareham. Moreover, the Site affords an extremely sustainable location in helping to meet identified housing needs.
- 7.3. The site was considered suitable for development in the 2020 SHELAA.
- 7.4. However in the 2021 SHELAA it was discounted for development with the reason being 'Development of scale promoted would not be in keeping with the settlement pattern and does not accord with the development strategy.'
- 7.5. The site is extremely well located to benefit from the Stubbington Bypass, which was granted planning permission in 2015, and is proposed to cut through the site to connect to Titchfield Road.
- 7.6. The Stubbington bypass forms part of Hampshire's wider plan for improving access to Fareham and Gosport and work has already been completed on several other improvement schemes on the wider network. The key points in the context of the site are the widening improvements along Titchfield Road adjacent to the site boundary and the proposals for a cycle route adjacent to the entire length of the Bypass, and Titchfield Road, which will benefit potential future site users
- 7.7.

-
- 7.8. The existing Local Plan acknowledges that land in strategic gaps does not necessarily have any intrinsic landscape value, it is designated as such in order to maintain a physical gap between settlements.
- 7.9. Fareham Borough Council has identified that the Fareham/Stubbington gap may be one of the least sensitive gap areas and therefore may be appropriate to come forward for development. FBC explains that careful planning could prevent the two settlements from joining up whilst delivering much needed housing and other facilities.
- 7.10. Desktop studies, landscape character studies and site appraisals combined with an assessment of the impact of the bypass has identified areas of landscape sensitivity that can be used to influence potential opportunities for the site to accommodate residential development.
- 7.11. NORTHERN PARCEL (LOW LANDSCAPE SENSITIVITY) – A large parcel to the north of the site is currently well screened by surrounding boundary vegetation, woodland blocks and existing dwellings along the B3334 Titchfield Road which together make this feel well enclosed. Following the road mitigation any sensitive longer distance views into the site are likely to be further prohibited by the tree planting along the bypass. The existing mature vegetation to the north already serves to provide an unclear settlement boundary. The existing properties along the B3334 Titchfield Road introduce development here so the landscape sensitivity to further development is deemed to be low. Any proposed development will need to address retained sensitive views which will be limited to the more open fields within the site to the south and east. This will form the new settlement edge and should seek to integrate any landscape mitigation to help assimilate development that reinforces improved Green Infrastructure.
- 7.12. SOUTHERN PARCEL (LOW LANDSCAPE SENSITIVITY) – The smaller southern parcel, in terms of landscape capacity, will be well suited to development following the construction of the bypass and associated planting. The biggest issues in this area are likely to be noise mitigation from the bypass, Dog Shelter and the required consultation with Natural England on the nearby SSSI. Opportunities to connect to the existing footpath by creating a landscaped park through the development will help to mitigate impacts on the

SSSI as well as providing a meaningful connection via the bypass junction to other local GI network improvements.

7.13. GATEWAY PARCEL (MEDIUM LANDSCAPE SENSITIVITY – Positioned at the convergence of the new bypass and the existing B3334 Titchfield Road we feel that a sensitively designed ‘farmstead style’ development would complement the landscape setting and visually define the western edge of the bypass and gap before travelling north to Titchfield. Set within a generous wooded landscape that would integrate with the adjoining woodland blocks and bypass mitigation planting, the landscape proposals would also help to assimilate the development and screen the utilitarian agricultural buildings. Together this would form a suitable transition between the two landscape character areas.

7.14. CENTRAL PARCEL (HIGH LANDSCAPE SENSITIVITY) / ‘GAP’ AND GREEN INFRASTRUCTURE IMPROVEMENTS – The centre of the site to the north of the proposed bypass is still capable of contributing positively to the landscape character area, and forming a strategic link to the existing public right of way network as part of Fareham BC’s wider aspiration for a GI network stretching from Alver Valley Country Park to the Meon Valley. Measuring nearly 10 hectares the central area, currently used for agriculture could be transformed to create a new country park that will not only protect the gap but will address Fareham and Stubbington’s identified shortfall in natural greenspace. The park will provide recreational routes / connections across the site and to the surrounding footpath / bypass cycle network.

7.15. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site at Titchfield Road, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

7.16. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land east of Titchfield Road (SHELAA Ref: 3059) should be identified as a housing allocation for circa 720 dwellings, with**

consequential amendments to settlement boundaries and the other designations, as detailed in other representations.

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site east of Titchfield Road for approximately 720 dwellings.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

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2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the east of Posbrook Lane and south of Bellfield, Titchfield. The Site has been assessed in the 2021 SHELAA as Site Ref: 11.

- 1.2. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's east of Posbrook Lane and south of Bellfield, Titchfield.

- 1.3. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

- 1.4. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients east of Posbrook Lane and south of Bellfield (SHELAA site ref 11). This site can accommodate approximately 60 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land east of Posbrook Lane and south of Bellfield, Titchfield can also supply homes to contribute towards resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;

- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

- 1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land east of Posbrook Lane and south of Bellfield, Titchfield; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.

- 2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

- 1. That clause c is omitted from policy HP4.

7. FAILURE TO IDENTIFY LAND TO THE EAST OF POSBROOK AND SOUTH OF BELLFIELD, TITCHFIELD AS A HOUSING ALLOCATION FOR APPROXIMATELY 60 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 60 dwellings.
- 7.2. The Site is well related to the urban area. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site is currently subject to an appeal made against the failure of Fareham Borough Council to determine an outline planning application within the statutory period for residential development of 57 dwellings, with all matters reserved expect for access (from Romsey Avenue (LPA Ref: P/19/1193/OA)).
- 7.4. Although the application was not determined it is considered that the most contentious areas of the areas of the scheme relate to impact on the landscape, heritage, agricultural land quality and the impact on the primary support area for Brent Geese and Solent Waders, as set out as the reason for discounting the site within the SHELAA.
- 7.5. In regards to the first issue, the landscape assessment submitted to accompany the scheme concluded that the proposed development would result in moderate landscape effects on the development site itself and its immediate context, but these effects would be localised and limited to an area which is already characterised by urban fringe influence. Further from the proposed development site, and for the wider Lower Meon Valley as a whole, the effects would be minor, and the nature of effect would usually change from negative to positive once proposed new planting has established. The visual effects of

the proposed development would be localised, with walkers on footpaths crossing the application site, and residents on the existing settlement edge, experiencing major, major/moderate or moderate effects. There would be no effects of 'moderate' or greater significance further from the application site.

- 7.6. It is therefore concluded that the proposal addresses the issues raised in the appeal decision in respect of landscape impact, and there is no longer a conflict with Policies CS14, CS22 and DSP6.
- 7.7. In regards to the second issue, as set out in the pre-application response received from Historic England ('HE'), the reduced scale scheme, together with the proposed woodland buffer is considered to mitigate the previously highlighted impact on the Great Posbrook Farm.
- 7.8. It should be noted that in the consultation drawing sent to HE, the proposed woodland buffer was shown continuing up to the boundary of Great Posbrook Farm. In their response, HE highlight that this is not necessary, and that a reduced woodland would serve to ensure that this historic landscape pattern and views are preserved. These matters are addressed in the accompanying Heritage Statement of Case.
- 7.9. The landscape proposals are considered to represent a benefit to the area, in heritage terms, which should weigh in favour of the application being permitted.
- 7.10. On the basis of the foregoing, and as set out in the supporting material to the appeal scheme, it is the case for the Appellant's that the Scheme is submitted in accordance with Local Plan Part 2 Policy DSP5.
- 7.11. In regards to the third issue, the scheme as now proposed, for a significantly reduced number of dwellings, on a significantly reduced part of the site, means more of the land can now be retained in its existing use i.e. grazing. The Appeal Site extends to 4.0 ha. Of this 3.5 ha is of Subgrade 3a "good quality" agricultural land. This falls within the category of BMVAL. Of this approximately 2 ha is proposed for residential development including landscaping. It is the Appellant's case that only limited weight should be given to what is a minor adverse effect resulting from this loss.

- 7.12. It has been agreed with Hampshire County Wildlife, Fareham Borough Council and Natural England that the appeal site is not of importance for Brent Geese and Waders, whilst the landscape evidence demonstrates that development of the site will not have a significant effect on the function and effectiveness of the strategic gap.
- 7.13. On the basis of the evidence prepared in support of the development of the Site for housing, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 7.14. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, east of Posbrook and south of Bellfield, Titchfield, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.15. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land east of Posbrook Lane and south of Bellfield, Titchfield (SHELAA Ref: 11) should be identified as a housing allocation for circa 60 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.

8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site east of Posbrook Lane and south of Bellfield, Titchfield for approximately 60 dwellings.

9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the east of Raley Road, Locks Heath. The Site has been assessed in the SHELAA as Site Ref: 58. The site area is 2.03 hectares and has the capacity to accommodate approximately 50 houses.
- 1.2. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land to the east of Raley Road, Locks Heath.
- 1.3. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.4. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients east of Raley Road, Locks Heath (SHELAA 2021 site ref 58). This site can accommodate approximately 50 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land east of Raley Road, Locks Heath can also supply homes to contribute towards to resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement as set out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land east of Raley Road; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND TO THE EAST OF RALEY ROAD AS A HOUSING ALLOCATION FOR APPROXIMATELY 50 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 50 dwellings.
- 7.2. The Site is within the defined the urban area of Locks Heath. Moreover, the Site affords an extremely sustainable location in helping to meet identified housing needs.
- 7.3. The site is allocated for housing within the Fareham Local Plan Part 2 (2015) under Housing Site H6.
- 7.4. The site was considered suitable for development in the 2020 SHELAA.
- 7.5. However in the 2021 SHELAA it was discounted for development with the reason being ‘there is insufficient evidence that part of this site, including site access, is available for residential development during the plan period.’
- 7.6. With regards to this reason, it is our understanding that the availability of the site was not forthcoming at the site. We understand that an application is currently being readied and the site is now available and deliverable in the near future.
- 7.7. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, Raley Road, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.8. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land east of Raley Road (SHELAA Ref: 58) should be identified as a housing allocation for circa 50 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site east of Raley Road, Locks Heath for approximately 50 dwellings.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1, NE5 and HP4**

and

**Omission of Land South of Romsey
Avenue, Fareham as an Allocation in
Policy H1 (SHELAA Site Ref 207).**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 16th September 2020 (LPA Ref: P/18/1073/FP)
11. Decision Notice for P/18/1073/FP (21st September 2020)
12. European Protected Species Proof of Evidence for the Romsey Avenue Appeal (P Whitby) (July 2021)
13. On-Site Ecology & nature Conservation Proof of Evidence for the Romsey Avenue Appeal (A Day) (July 2021)
14. Agreed Statement of Highway Matters (SMA and Hampshire County Highways ("HCC")) for the Romsey Avenue Appeal (signed and dated June 2021).
15. Planning SoCG for the Romsey Avenue Appeal (8 July 2021)
16. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located to the south of Romsey Avenue, Fareham. The Site has been assessed in the SHELAA as Site Ref: 207. It was also proposed as a housing allocation for 225 dwellings under Policy HA5 of the 2017 consultation draft Local Plan.
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our client's land south of Romsey Avenue, Fareham.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Report to Planning Committee on 16th September 2020 (LPA Ref: P/18/1073/FP) (**Appendix 10**)
- Decision Notice for P/18/1073/FP (21st September 2020) (**Appendix 11**)
- European Protected Species Proof of Evidence for the Romsey Avenue Appeal (P Whitby) (July 2021) (**Appendix 12**)
- On-Site Ecology & nature Conservation Proof of Evidence for the Romsey Avenue Appeal (A Day) (July 2021) (**Appendix 13**)
- Agreed Statement of Highway Matters (SMA and Hampshire County Highways ("HCC")) for the Romsey Avenue Appeal (signed and dated June 2021) (**Appendix 14**)

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- Planning SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 15**)

 - Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 16**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land to the South of Romsey Avenue, Fareham (SHELAA Ref 207) – failure to include as an allocation in Policy H1	Objection
Policy NE5 - Solent Wader and Brent Goose Sites	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients south of Romsey Avenue, Fareham (SHELAA site ref 207). This site can accommodate approximately 225 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land south of Romsey Avenue, Fareham can also supply homes to contribute towards to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, Fareham Borough has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.
- 5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

⁷ (541 x 18) + 1,000

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.

5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The approach to the housing requirement and envisaged delivery as set out in Policy H1 cannot be said to be sound. This is because it fails to provide for at least 15 years post adoption together with planning for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of

Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;
 - c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
 - d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.
- 5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.
1. That policy H1 is amended to:

- A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land south of Romsey Avenue, Fareham; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.

- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.

- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

"The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation."

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021

to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:

- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
- b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
- c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
- d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
- e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
- f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.

6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a

substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):

6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025).**

6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.

6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.

6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fails to provide an effective solution towards maintaining a five years supply of housing,

- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

- 1. That clause c is omitted from policy HP4.

7. OMISSION SITE: FAILURE TO IDENTIFY LAND TO THE SOUTH OF ROMSEY AVENUE AS A HOUSING ALLOCATION FOR APPROXIMATELY 225 DWELLINGS

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the omission site for residential development, the evidence justifies the allocation of the site for circa 225 dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site is currently subject to an appeal made against the decision of Fareham Borough Council to refuse an outline planning application for residential development of 225 dwellings, a Bird Conservation Area and Public Open Space, with all matters reserved expect for access (from Romsey Avenue (LPA Ref: P/18/1073/FP)).
- 7.4. The Officer Report to Planning Committee is included at **Appendix 10** and the Decision Notice is at **Appendix 11**.
- 7.5. As set out at paragraph 8.37 of the Officer Report to Committee (16 Sept 2020), (**Appendix 10**), it is accepted that the visual and landscape effects of the development could be successfully minimised by a positive design response and landscaping strategy at reserved matters stage. Moreover, there is no landscape reason for refusal. This position is reiterated at paragraph 3 in the Executive Summary to the Planning SoCG (**Appendix 15**).
- 7.6. As set out in the Decision Notice (**Appendix 11**), the Planning Application was refused for a total of 12 reasons.

- 7.7. As set out in the Council's informative accompanying the Decision Notice, matters (g) – (l) can be addressed by means of a legal agreement prepared under Section 106 of the Town & Country Planning Act 1990.
- 7.8. This leaves for reasons (a) to (f) to be addressed.
- 7.9. As set out at paragraph 5.3 of the Planning SoCG, reason (e) (surface water drainage) is no longer being pursued. Paragraph 4.10 of the Planning SoCG also confirms that reason (f) (BMV) is not sufficient on its own to warrant refusal of the Scheme.
- 7.10. Reason (d) relates to a lack of information and is not a direct allegation of harm. In so far as further information/clarification is provided in the ecological evidence prepared by Mr Adam Day, it is considered this reason has been satisfied (**Appendix 13** refers).
- 7.11. In that scenario, that would leave reasons (a), (b) and (c) as the 'live' issues between the parties.
- 7.12. Reason (a) relates to the location of the settlement boundary, which falls away with an allocation (and or by application of current Policy DPS40 (we say)).
- 7.13. Reason (b) relates to the effect of development on Brent Geese and Waders. This matter is addressed in the evidence of Mr Paul Whitby (The Ecology Co-op) as witness for Foreman Homes in relation to the current s78 Appeal, where he concludes there will be no adverse effect on the integrity of any European site as a result of effects of the development on or loss of part of a Primary Support Area for Brent geese or waders. Instead, and as My Whitby explains, the Appeal Scheme will provide enhancements for Brent geese/waders and is a benefit of the proposal (**Appendix 12** refers).
- 7.14. Reason (c) relates to displaced parking and highway safety matters.
- 7.15. This reason for refusal is addressed in the evidence prepared by Mr David Wiseman (Stuart Michael Associates), which position is supported by a signed

Agreed Statement of Highway Matters (**Appendix 14**). This reiterates that HCC as Highway Authority raise no objections to the Appeal Scheme, with HCC confirming that the site is acceptable in highway safety and sustainability terms subject to the imposition of a properly worded conditions and the appellant entering into a section 106 agreement to secure necessary mitigation measures. In this regard, the requirements at paragraph 9.2 of the Highways SoCG are addressed in the Legal Agreement.

- 7.16. In addition, and as set out in the officer's report to committee (**Appendix 10**), based on the consultation responses received upon the application and the Local Planning Authority's assessment of the acceptability of the Scheme in this regard, 'other' matters, it was not suggested that the scheme should be refused on highway grounds. Rather, this reason for refusal was added by members and for their reasons explained by Mr Wiseman, Fareham Borough Council's stance in the matter is not supported by the evidence, which matters he has addressed in his Highway evidence.
- 7.17. As set out in the Planning SoCG (signed and dated 8 July 2021) (**Appendix 15**), the matters now agreed between the Appellant and Fareham Borough Council are wide ranging and comprise as follows (unless stated, paragraph references in brackets relate to the content of the Planning SoCG):
1. It is agreed that the Appeal Site is in a sustainable location within walking and cycle distance from local services and facilities (Paragraph 2.1)
 2. The Council is not able to demonstrate a five year supply of deliverable housing land. The shortfall is significant and the weight to be attached to the delivery of housing from the Appeal Scheme is significant (Paragraph 3 of Executive Summary).
 3. By operation of footnote 7 of the NPPF, the most important policies for the determination of the Appeal are out of date. Subject to paragraph 177 of the NPPF, this triggers the presumption in favour of sustainable development as set out at paragraph 11(d) of the NPPF (Paragraph 3 of Executive Summary (and paragraph 2.3 separate Housing Land Supply SoCG)) (**Appendix 16**).
 4. Whilst the Appeal Site is located outside the settlement policy boundary, it is by complying with the terms of policy DSP40 that proposed development for housing may overcome this in principle policy constraint Paragraph 3 of Executive Summary).

5. Importantly, the Council accepts the Appeal Scheme satisfies criteria (i) to (iv) of Policy DSP40. Accordingly, the sole dispute between the parties in the context of DSP40 is in relation to part (v) with the Council's case purporting that this Scheme would have unacceptable environmental, amenity and traffic implications (Paragraph 3 of Executive Summary). These matters are addressed in evidence.
 6. The loss of BMV agricultural land alone would not be sufficient to warrant the refusal of planning permission, but remains a matter to be weighed as a harm in the overall planning balance (Paragraph 4.10).
- 7.18. Separate representations out below in response to Policy NE5 which designates the Site as a Primary Support Area for Solent Waders and Brent Geese.
- 7.19. On the basis of the evidence prepared in support of the development of the Site for housing, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 7.20. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, south of Romsey Avenue, for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.21. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land south of Romsey Avenue, Fareham Park Road (SHELAA Ref: 207) should be identified as a housing allocation for circa 225 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

8. POLICY NE5: SOLENT WADER AND BRENT GOOSE SITES

General

8.1. Policy NE5 designates the Site as a Primary Support Area for Solent Waders and Brent Geese.

8.2. The Solent Waders and Brent Goose Strategy (“SWBGS”) 2020 (published March 2021) was produced by the Solent Waders and Brent Goose Strategy Steering Group. As set out in the Executive Summary to the document, it is a non-statutory document presenting evidence, analysis, and recommendations to inform decisions relating to strategic planning as well as individual development proposals.

8.3. The Executive Summary states that the primary aims of the Strategy are as follows:

- to identify the network of core areas that are regularly used and are of fundamental importance to over-wintering waterfowl across the Solent;
- to maintain a network of sites through better management and protection from development and recreational pressure, and to ensure that they will be resilient to the pressures of climate change and predicted sea level rise in the future;
- to provide a strategy that will ensure that the network of important sites is protected, whilst reducing the current uncertainty over site use, in order to better inform key coastal stakeholders.

8.4. Page 8 states in relation to the environment preferred by Brent Geese and Waders as follows:

“The suitability of sites for brent geese depends on distance from the coast, the size of the grazing area, the type of grassland management, visibility and disturbance. Brent geese prefer large open sites where they have clear sightlines and short, lush grass for grazing. They use a great deal of energy travelling between feeding areas, so tend to preferentially select sites adjacent to the coast. However, brent geese are often seen to fly over some apparently suitable sites to reach others, so there are undoubtedly more subtle factors controlling the desirability of sites.”

8.5. In addition, the SWBGS categorise sites according to their assessed functionality. The categorises are as follows:



8.6. The categorisation of sites is based upon a set of results/records gathered by the Hampshire County Council Ecology Team, aided by volunteers.

8.7. This information is then used to attribute a value to a site which determines if it is valued as a Candidate Site, Low Use Site, Secondary Support Area, Primary Support Area or a Core Area.

8.8. As stated, the Site is identified in the SWBGS as a Primary Support Area (identified as forming part of Parcel F21).

8.9. A Primary Support Area is identified as the second most important site by ranking behind a 'Core Area'.

8.10. The Strategy requires the loss of such sites to be accompanied by detailed proposals for the provision of an appropriate replacement site.

8.11. Policy NE5 states that Sites which are used by Solent Waders and/or Brent Geese will be protected from adverse impacts commensurate to their status in the hierarchy of the Solent Wader and Brent Geese Network. It is added that development on Core and Primary Support Areas will only be permitted where (a) the proposal has avoided or adequately mitigated impacts on-site; or (b) Where it can be clearly demonstrated that criteria (a) is not feasible or practicable, a suitable, readily available replacement site which conforms entirely to the specific requirements for the Solent Waders and Brent Geese

species concerned and is satisfactorily agreed by the Council and other appropriate bodies is provided and secured for the lifetime of the development.

- 8.12. As Mr Whitby explains in his evidence (**Appendix 12**), the Site does not have the characteristics to support its classification in the SWBGS as a Primary Support Area and as such, there would be no adverse impact on the Site by virtue of the Scheme, including on account of the proposed Bird Conservation Area.
- 8.13. As set out at section 7, and paragraph 8.2 of Mr Whitby's evidence, the Site has been found not to act as supporting habitat for Brent Geese/Waders since 2014.
- 8.14. As set out at section 9 of Mr Whitby's evidence, reason for refusal (b) appears to have been largely based upon the objection held by Natural England with respect to the perceived adverse impact that would result in the loss of part of a Primary Support Area for brent geese and waders.
- 8.15. Part of the objection raised by Natural England is founded upon the correct principle of implementing the recommendations of the SWBGS, based upon the data provided for parcel F21. At the time of the application and subsequent consultation process, it is unfortunate that consideration of the land management of the site was not considered in assessing the real value of the site, rather than relying solely on historical records. As Mr Whitby explains at his paragraph 9.2, within the original ES produced by Ecosupport in 2018 to support the application, an erroneous data record was made, indicating that two records of 300 brent geese were identified from 2017. It is important to note that this record was an error and also that Natural England in considering this record within the ES had a false perception of the use and indeed the value of the site for brent geese.
- 8.16. Within Mr Whitby's evidence, and as set out in the ES Update (June 2021), further detail has been provided to show that the Appeal Site (Parcel F21), does not act as supporting habitat to the Solent SPA sites and historically only appears to have supported brent geese periodically. The principle for assessing

the value of a site to support wading birds and brent geese based on its habitat value is supported within the SWBGS and it is clear that the site has not been identified to support any significant numbers of brent geese since the arable management at the site changed to focus on spring cereals.

- 8.17. Mr Whitby further explains that the Bird Mitigation Reserve design as set out by Lindsay Carrington Ecological Services was designed to support at least 300 foraging brent geese.
- 8.18. Since the development of housing on part of the Site will not, alone or in combination, adversely affect the integrity of any European site through loss of foraging or roosting habitat of qualifying bird features outside the boundary of European sites, no mitigation measures are required to address this potential pathway of impact. Foreman Homes proposes a comprehensive ecological enhancement package, to be delivered in perpetuity within the redline boundary of the Appeal Site.
- 8.19. The proposed ecological enhancement is to provide, in perpetuity, a bird reserve within the southern section of the red line boundary of the Appeal Site, nearest to the closest European site.
- 8.20. The reserve will cover an area of 4.2 hectares, of which 3.7 hectares is designed for Brent geese and waders and will provide a lush improved grassland with a nitrogen rich clover and grass sward. A “scrape” will be included as a freshwater resource to enhance the habitat for Brent geese and waders. The remaining 0.5 hectares is designed to support a high diversity of bird species and provide habitat enhancements for other protected and priority species identified at the Appeal Site. This area will include three freshwater ponds, a sand martin and kingfisher nest bank, wet species-rich grassland and scrub and hedgerow planting. The entire bird reserve will be protected by a security fence and ditch to prevent human / predator access to the reserve. There will be a narrow buffer between the northern boundary of the reserve and new houses to the north. The bird reserve will be provided prior to the commencement of construction work.

- 8.21. In Mr Whitby's expert opinion, the reserve far exceeds the requirement to support very low numbers of brent geese, with only a single individual identified since 2013.
- 8.22. Mr Whitby has demonstrated, through examination of existing comparable sites in terms of size, openness and proximity to urban populations, that the bird reserve would be suitable for use by Brent geese and waders. This information is included in the Updated ES (June 2021).
- 8.23. This package amounts to an enhancement and **net gain** for biodiversity generally, including for qualifying bird species of European sites, when compared against the existing 12.25 hectares at the Appeal Site containing unsuitable habitat for Brent geese and waders.
- 8.24. Even though the enhancement package is not required for Habitat Regulations Assessment purposes, this package also puts beyond any doubt that the development will have no adverse effect alone or in combination with other plans or projects on the integrity of any European site through housing on part of the Appeal Site.
- 8.25. The bird reserve will be managed in perpetuity through an appropriate third party organisation in accordance with management, maintenance and monitoring prescriptions to be included in a Landscape Environmental Plan ("LEMP"), with funding in perpetuity to be secured via a s106 agreement.
- 8.26. The data shows that this site is not "important". However, and even were the Site to be classed as 'important' (which it is not), it has been demonstrated through Mr Whitby's evidence that there would not be any adverse impact arising from the Scheme. In addition, and as Mr Whitby explains, the Appeal Scheme actually results in a benefit in terms of the habitat to be made available to Solent Waders and Brent Geese.

- 8.27. The other part of the objection raised by Natural England was the likely significant effect of the development upon the Portsmouth Harbour SPA and SSSI, with an Appropriate Assessment recommended.
- 8.28. A Shadow HRA has now been produced that clearly sets out all of the effects and appropriate mitigation and compensation measures required to ensure that there will be no effect on the conservation objectives and the integrity of the Solent SPA sites.
- 8.29. The proposed development will be fully in accordance with Policy DSP15 (Recreational Disturbance on the Solent Special Protection Areas (SPA)) by, as above, making an appropriate financial contribution in accordance with the SRMS (and no *direct* effects on any European designated site will arise from this development).
- 8.30. As Mr Whitby explains, whilst the Site is used by Brent Geese and Waders to a limited extent, the Site does not function as a Primary Support Area. He also questions the evidence on which the designation is based. Moreover, given the BCA proposals as part of the Scheme that will create habitat to support Brent Geese and Waders, along with the proposed biodiversity net gain associated with the Scheme, it is considered that development of the Site for housing will be appropriate and will result in the creation of enhanced habitat for European Protected Species.

Change sought to Policy NE5

- 8.31. The Site, comprising land to the south of Romsey Avenue should be deleted as Primary Support Area and reference to the same removed from the Proposals Map.

9. OVERALL CONCLUSIONS

- 9.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.

- 9.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.

- 9.3. These matters can be addressed through Main Modifications.

10. FINAL REMARKS

- 10.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 10.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site south of Romsey Avenue, Fareham for approximately 225 dwellings.
- 10.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1 and HP4**

and

**Support of land at Rookery Avenue for
residential and employment use.**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in land located at Rookery Avenue, Whiteley. The Site is allocated within the draft Fareham Local Plan for 32 dwellings and 1,800sqm employment floorspace .
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore support the allocation of our client's land at Rookery Avenue, Whiteley.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
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- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Land at Rookery Avenue – allocated for residential and employment use under Policy HA27	Support

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we support the allocation (Housing Allocation Policy: HA27) of the land controlled by our clients at Rookery Avenue, Whiteley (SHELAA site ref 1168). This site can accommodate approximately 32 dwellings (including a policy-compliant level of affordable housing) in a sustainable location.

- 3.5. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land at Rookery Avenue, Whiteley can also supply homes to contribute towards to resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

- 5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

- 5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.
- 5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.
- 5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:
- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
 - b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land at Rookery Avenue, Whiteley; and
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client's omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 16**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 16** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 16**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

6.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will fail to provide an effective solution towards maintaining a five years supply of housing,
- b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.

6.18. To address these matters of soundness, the following amendments is proposed:

1. That clause c is omitted from policy HP4.

7. SUPPORT THE ALLOCATION OF THE LAND AT ROOKERY AVENUE AS A HOUSING ALLOCATION FOR APPROXIMATELY 32 DWELLINGS AND 1,800SQM FLOORSPACE

General

- 7.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to the site's context, existing policies and technical analysis undertaken, the evidence justifies the allocation of the site for 32 dwellings and 1,800sqm employment floorspace.
- 7.2. The Site is well related to the urban area Whiteley. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The employment use will comprise approximately 1,800sqm of office space and a drive-in workshop, bespoke to the future occupiers' operation. CBRE have undertaken a search in the local area and have found no other sites that would satisfy the requirements of the future occupier.
- 7.4. On the basis of the evidence prepared in support of the development of the Site for housing and employment use, the site has no physical constraints, and is well-related to the existing settlement. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 7.5. We therefore consider that part of the solution to addressing the identified housing shortfall is to allocate the subject site, at Rookery Avenue, Whiteley, for residential and employment development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 7.6. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land at Rookery Avenue, Whiteley (SHELAA Ref: 1168) should be**

identified as a housing allocation for circa 32 dwellings and 1800sqm employment floorspace, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns as well as agreement with sections of the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Mr

First Name:

Steve

Last Name:

Carrington

Job Title: (where relevant)

Organisation: (where relevant)

Foreman Homes Ltd

c/o Agent

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

Mr

First Name:

Steven

Last Name:

Brown

Job Title: (where relevant)

Organisation: (where relevant)

Woolf Bond Planning

Address:

The Mitfords, Basingstoke Road,
Three Mile Cross,
Reading

Postcode:

RG7 1AT

Telephone Number:

Email Address:



B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

Foreman Homes Ltd



**Policies:
H1, HA1 and HP4**

WBP REF: 7671

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (Foreman Homes Ltd) have a controlling interest in a parcel of the Strategic Allocation known as land North and South of Greenaway Lane, Warsash. Foreman Homes have specific interest in Land west of Lockwood Road. The site has not been assessed individually as part of the SHELAA but there is a live outline application for 80 dwellings (18/0590/OA).
- 1.2. As such, the Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, whilst supporting the allocation for the land North and South of Greenaway Lane.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Housing Land Supply SoCG for the Romsey Avenue Appeal (8 July 2021) (**Appendix 10**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Policy HA1 – North and South of Greenaway Lane	Support

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.
- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.
- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.
- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.
- 3.4. The representations also highlight a failure of the Plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities. It is imperative that the allocation of land north and south of Greenaway Lane is promoted to ensure there is a large contribution towards housing supply thus helping to resolving this issue.

- 3.5. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

- 3.6. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, FBC has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne Garden Village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The housing requirement and delivery as set out in Policy H1 cannot be said to be sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Development Requirements in Policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need
 - E) That further detail of the annual delivery by specific site within each source is included in the Plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

6.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

6.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹⁰
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹¹;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹²
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹³
- Land east of Downend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁴
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁵

¹⁰ Paragraph 62

¹¹ Paragraph 27

¹² Paragraph 55

¹³ Paragraphs 17, 51 & 52

¹⁴ Paragraph 90

¹⁵ Paragraph 91

- 6.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.
- 6.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 6.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 6.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Portchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 6.7. The deficit in the Council's five year housing land supply position has continued to persist.

- 6.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 6.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:
- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
 - b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
 - c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
 - d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
 - e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
 - f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

- 6.10. The Inspector’s conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.
- 6.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57 years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG prepared for a current appeal in relation to our client’s omission site at Romsey Avenue, Fareham (8 July 2021) (**Appendix 10**):
- 6.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.
- 6.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 10** is that the shortfall is much greater than purported to be the case by the Council.
- 6.14. The below Table provides a comparison between the housing land supply position set out in the Council’s Published Report to Committee in February 2021, the Council’s updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 10**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

- 6.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.
- 6.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

- 6.17. Policy HP4 cannot be said to be sound in respect of the following:
- a) Not positively prepared as the policy (alongside others in the document) will fails to provide an effective solution towards maintaining a five years supply of housing,
 - b) The policy is not consistent with national policy as it fails to provide an effective solution which will ensure the maintenance of a five year supply of housing.
- 6.18. To address these matters of soundness, the following amendments is proposed:
- 1. That clause c is omitted from policy HP4.

7. POLICY HA1: LAND NORTH AND SOUTH OF GREENAWAY LANE

General

- 7.1. Foreman Homes have an interested in a parcel of land, Land West of Lockwood Road, which is part of the larger allocation known as land North and South of Greenaway Lane which has a yield of 824 dwellings. The parcel of land, known hence forth as ‘the site’ has a live outline planning for 80 dwellings.
- 7.2. The Site is well related to the urban area. It is not in a strategic gap and nor is it identified as a valued landscape. Moreover, the Site affords a sustainable location in helping to meet identified housing needs.
- 7.3. The Site has a live outline planning permission with all matters reserved (except for access) for residential development of up to 80 dwellings, associated landscaping amenity areas and access from Lockwood Road (LPA Ref: P/18/0590/OA).
- 7.4. Comments raised during the consultation have been addressed with the only outstanding matter relating to nitrate mitigation.
- 7.5. Foreman Homes are entering into an agreement to buy credits from Heaton Farms Ltd at Land at Coleman’s Lane, IOW to offset the nitrate load from the proposed development therefore overcoming the issue.
- 7.6. The development has numerous benefits including the provision of much needed housing in a sustainable location, delivery of affordable housing and a form of development, including by means of the proposed landscaping strategy that can be assimilated into the character of the surrounding area without having an adverse impact upon the wider landscape setting of the site.
- 7.7. The lack of objection from consultees on the planning application demonstrates that the development of this site is acceptable and therefore the continued promotion of the site as part of the larger Warsash allocation is welcome.

Change sought to the Local Plan

- 7.8. To ensure the Plan satisfies the tests of soundness (see paragraph 35 of the NPPF), **land north and south of Greenaway Lane should continue to be promoted for residential development.**

8. OVERALL CONCLUSIONS

- 8.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 8.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1.
- 8.3. These matters can be addressed through Main Modifications.

9. FINAL REMARKS

- 9.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 9.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations.
- 9.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

PERSONAL DETAILS

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public.

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest.

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?


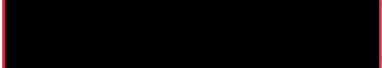
Yes

No

A2 Please provide your details below:

Title:	Mr
First Name:	Steve
Last Name:	Carrington
Job Title: (where relevant)	
Organisation: (where relevant)	Foreman Homes Ltd
Address:	c/o Agent
Postcode:	
Telephone Number:	
Email Address:	

A3 Please provide the Agent's details:

Title:	Mr
First Name:	Steven
Last Name:	Brown
Job Title: (where relevant)	
Organisation: (where relevant)	Woolf Bond Planning
Address:	The Mitfords, Basingstoke Road, Three Mile Cross, Reading
Postcode:	RG7 1AT
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

See enclosed statement

B4c Your suggested revised wording of any policy or text:

See enclosed statement

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in a hearing session

No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

See enclosed statement.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

White, Lauren

From: Mick Beale [REDACTED]
Sent: 26 July 2021 13:11
To: Consultation
Subject: Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

All of these plans are over concreting never to return land. The housing allocation should be 70% AFFORDABLE HOUSING and not the derisory figures being stated. By affordable housing the £27000 average wage in Fareham and surrounds should be the benchmark.

--

Sent from myMail for Android

Respondent: Mrs Caroline Dinenage MP (307-371147)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

My final concerns within the Revised Publication is in relation to policies HP4, HP5 and HP6, specifically when they are linked to DS1. I can foresee that it is possible that a series of sites could come forward whereby the cumulative impact would not be sufficiently assessed as they would be speculative sites becoming available on a piecemeal manner.

What modification(s) is necessary to make the Revised Pub...

See previous response.

How would the modification(s) you propose make the Revise...

See previous response.

Your suggested revised wording of any policy or text:

See previous response.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Sent by email to: consultation@fareham.gov.uk

30/07/2021

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the revised Fareham Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the revisions to the Local Plan published last year. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Strategic Policy H1: Housing Provision

The policy is unsound as it is not sufficiently flexible as required by paragraph 11 of the NPPF.

Housing needs

2. It is pleasing to see the Council act quickly to the announcement from the Government that they intended to continue with the standard method based on the 2014-based population projections. We would agree with the Council's assessment using the standard method and support the inclusion of an additional 900 homes to help address some of the unmet needs in neighbouring areas.

Housing Supply

3. Before submitting the plan, the Council must ensure the evidence base supporting this local plan includes a delivery trajectory for each allocated site. This will allow both representors and the Inspectors appointed to examine the local plan the necessary evidence to fully scrutinise the Council's delivery expectations. At present SHELAA sets out the sites that will come forward, but we could not find any evidence as to when each site will come forward. This is particularly important with regard to assessing the Council's five-year housing land supply estimates and whether or not the sites expected to come forward in the first five years are deliverable. We therefore reserve the right to comment on such evidence as part



of the examination in public if necessary. In the absence of this piece of evidence some broad concerns regarding housing supply are set out below.

4. In terms of overall supply, the Council's evidence outlines that there is sufficient land identified to deliver 10,594 new homes between 2021 and 2037. This is an 11% buffer between needs and supply. Whilst the HBF agree that there is a need for a buffer in overall supply, we would suggest that a larger buffer is needed to ensure that needs are met in full. When examining the degree to which supply should exceed minimum requirement to ensure needs are met consideration needs to be given to the degree to which the Council are reliant on strategic sites. The greater the reliance on one or more strategic scale sites to meet needs means that more flexibility should include in supply to ensure delays in the delivery of these sites do not compromise the deliverability of the plan. The HBF is supportive of the strategic allocations that have been included in this local plan which provide opportunities to meet development needs well into the future. However, their scale and complexity does mean that timescales for delivery can slip and as such there can be a risk of the housing requirement not being met without a more substantial buffer in supply being provided.
5. In considering the speed at which sites can come forward it is helpful to examine the Lichfield report Start to Finish¹. The latest edition of this report outlines not only the timescales it takes for larger sites to commence and the rate at which such sites deliver new homes but also the variability between sites. With regard to when the first home will be delivered figure 4 from the report shows that the average planning approval period for those sites of 2,000 or more units in the study was 6.1 years with 2.3 years between approval and first delivery. However, this is an average with some sites delivering more quickly and some being considerable slower to move through the planning process. Similarly build out rates vary significantly. Table 4 and Figure 8 of Start to Finish show that sites of more than 2,000 homes deliver on average 160 units per annum with average delivery ranging from 50 dpa to around 300 dpa. It is therefore important to recognise that there is potential for delivery on the larger sites allocated by the Council to vary considerably. The NPPF establishes in paragraph 11 that local plans should be sufficiently flexible to adapt to rapid change and at present we do not consider the 10% buffer being proposed provides the necessary degree of flexibility required.
6. In order to provide the necessary flexibility required by the NPPF the HBF considers a 20% buffer between the housing requirement and expected supply over the plan period. This level of additional planned supply above the requirement would ensure that there is sufficient scope within the plan to take account of any unexpected delays in delivery whilst avoiding the need for the plan to be updated. In particular it is important to ensure supply in the early years of the plan remains flexible and can take account of any delays so we suggest more smaller sites are allocated that will come forward in the first five years of the plan.

¹ Start to Finish (Second Edition) Lichfields (2020) <https://lichfields.uk/content/insights/start-to-finish>

HP5: Provision of Affordable housing

This policy is unsound as it is inconsistent with national policy.

7. Firstly, we welcome recognition in paragraph 5.33 that, in line with the viability evidence, this policy will not apply to housing for older people. However, rather than make this statement in the supporting text we would suggest that it is set out in policy to ensure it is given the necessary weight in decision making.
8. Secondly, the Council will need to consider whether it would be appropriate to include the requirement that 25% of affordable homes are delivered as First Homes in this policy. Whilst the Written Ministerial Statement and PPG set out the transitional arrangements that do not require TWBC to include the 25% First Home requirement in their affordable housing policy PPG does state at paragraph 70-019 that inspector may wish to consider at the examination of a local plan whether an early update of the plan would be appropriate to take account of this change to national policy. Rather than include an early review of the local plan to amend policy H3 we would suggest that the requirement is included prior to the plan being submitted for examination.
9. Finally, we continue to consider the policy requirement regarding affordable home ownership to be inconsistent with paragraph 64 of the NPPF. This paragraph expects 10% of all homes on major development involving housing provision to be available for affordable home ownership, however at present still only requires 10% of all affordable housing to be available for affordable home ownership. This inconsistency with national policy should be amended.

Conclusion

10. We hope these representations are of assistance in taking the plan forward. As stated in our previous representations we would like to participate in the hearings in order to ensure the views of our members are reflected in these discussions.

Yours faithfully



Mark Behrendt MRTPI
Planning Manager – Local Plans
Home Builders Federation



White, Lauren

Subject: FW: Local Plan Consultation

From: Chris Moore [REDACTED]
Sent: 27 June 2021 15:26
To: Consultation <Consultation@fareham.gov.uk>
Subject: Local Plan Consultation

Hi,

I was trying to make some comments on the local plan but there is no "Comment on Plan" button.

Also the Downloadable Form won't download when you click on it.

The main comments I have about local housing provision are that although provision is made for "Affordable Housing" There never seems to be any provision made for "Bungalows" in any new development.

We live in Whiteley in a conventional 4 bedroom house. There are only 2 of us and are beginning to find the stairs more difficult. We would like to move to a 2 or 3 bed bungalow in the same area, but there are none and none seem to be envisaged, in any of the new developments in Whiteley North or elsewhere.

We also think that Rookery Avenue should be opened to through traffic, as per the original plans for Whiteley. Therefore as there is a proposal to build 6 houses on Rookery Avenue, could this not be increased and get the developer to join up the missing link on Rookery Avenue. This would reduce the amount of traffic on Yew Tree Drive and past the school, making it safer for the school children, many of whom walk to and from the school via Yew Tree Drive.

Kind regards
Mr Christopher Moore

[REDACTED]

Respondent: Mr R A K Murphy (297-71932)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

A presentation rather than a consultation was announced. persons without internet were disenfranchised much of the previous plans are only available on the internet. the overriding requirement to provide green space has a shortfall in this ward and requires upgrading , rather than concreting over . The planning departments assertions that these have been addressed does not hold water.

What modification(s) is necessary to make the Revised Pub...

A full list of all of the local plan sites together with a list of sites owned by the council. in one place and available in hard copy to persons who cabnnot to travel to town hall. a presentation is not the same as a consultation

How would the modification(s) you propose make the Revise...

The revised local plan has not been notified to all residents and so is fatally flawed.

Your suggested revised wording of any policy or text:

All wording using " affordable housing" to be replaced by : " social housing for rent by persons on FBC waiting list"

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

The presentation is notable for its ommissions and as such is inconsistent with the principles it claims to be addressing. Many solutions dreamed up in the 1970s whic are of no use in 2023.

28 July 2021

Delivered by email

The Consultation Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

Ref: RESS3014

Dear Sir / Madam

REPRESENTATIONS TO FAREHAM REVISED PUBLICATION LOCAL PLAN 2037

These representations to the Revised Publication Version of the Fareham Local Plan 2037 are made on behalf of Reside Developments Ltd ('Reside') in relation to the land they control at Funtley. This includes the site to the south of Funtley Road ('Funtley South') which is the focus of these representations and is identified as a proposed allocation under policy HA10.

This Revised Publication Version of the Local Plan has been published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, is fundamentally based upon the previous Regulation 19 consultation version published in November 2020, with a number of amendments incorporated. The principal changes relate to the increase in housing need that has come about through the government's U-turn on changing the standard methodology.

Background

The Funtley South site was initially proposed as an allocation with an indicative capacity of 55 dwellings within the Draft Local Plan during the consultation held in 2017. In addition to residential development, Policy HA10 also showed a substantial area of new open space to the south of the site between the developable area and the M27 motorway.

Since then, a number of planning applications have been made in relation to this site, (detailed in full at Appendix 1); notably:

- Outline planning permission was granted in September 2020 (ref. P/18/0067/OA) for residential Development of up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works.

6th Floor North
2 Charlotte Place
Southampton
SO14 0TB

T 023 8072 4888 turley.co.uk

- Full planning permission granted in October 2018 (ref. P/18/0066/CU) for a change of use of an area of land containing the Public Open Space Allocation and an additional parcel of land to the east to form a new Community Park.

Since these approvals, two further applications were submitted on 6th October 2020, both of which are currently under consideration:

- Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 self or custom build plots, community building or local shop (use class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings. (Ref: P/20/1168/OA)
- Change of use of land from equestrian/paddock to community park following demolition of existing buildings. (Ref: P/20/1166/CU)

Reside welcomes the continued allocation of this site for housing. However, the thrust of our representation is that the Revised Publication Version Local Plan continues to under-allocate housing on land south of Funtley Road by persisting to limit the allocation to 55 dwellings, when it has been clearly evidenced consistently by Reside that the site can sustainably deliver a higher quantum of housing and therefore assist in meeting Fareham's housing needs within the first five years of the plan period and provide flexibility in the plan.

A higher number of dwellings can be delivered on-site, by appropriately increasing the density of the proposal within the proposed HA10 allocation boundary (still not exceeding 32dph), while still providing significant benefits, including a large community park. This proposal is detailed in the two live planning applications - P/20/1168/OA and P/20/1166/CU.

Conversely, no evidence has been produced or has been forthcoming following multiple requests to support the council's view that this site is sensitive in landscape. This goes to the heart of the council's allocation of this site for 55 homes, whereby without evidence supporting the supposed sensitivity, a higher number of dwellings can be achieved.

Reside has undertaken a site-specific LVIA, which has demonstrated that the site is not overly sensitive in landscape terms and can accommodate a higher number of dwellings. This work has been used to support the current planning application for 125 homes and has not been shown to be incorrect.

We have previously submitted representations on behalf of Reside to the Publication Local Plan in December 2020, the Local Plan Supplement in February 2020, the Local Plan Issues and Options consultation in the summer of 2019, as well as earlier consultation on the Draft Local Plan in 2017. The continual identification of this site has been supported, however evidence provided by Reside in response to these consultations, as well as ongoing discussions in relation to our live planning applications, clearly demonstrates that the Funtley South site is capable of accommodating additional dwellings to meet the housing need without any adverse impacts to character or landscape. It remains disappointing that the Revised Publication Version has not acknowledged or reflected these previous submissions it is unclear if they have even informed the emerging Local Plan and this most recent Revised Publication Version.

REPRESENTATIONS

Strategic Policy H1: Housing Provision

We welcome the changes to Strategic Policy H1 so that it now makes provision for sufficient housing to meet local needs, based on the standard methodology figure of 541 dpa for Fareham Borough.

The Revised Publication Version sets out that this higher housing requirement will be principally met through:

- Allocation of three new edge of settlement sites totalling nearly 2,000 dwellings; and
- Approximately 650 new homes in the town centre.

When you also take into account that Welborne is expected to deliver 3,610 of the plan's housing provision, it is clear that there is a heavy reliance on these large and complicated sites. It has been well-evidenced that these sites have long lead-in times and can take a number of years to come forward through the planning process. While these large and complicated sites may make a significant contribution over the plan period, there are unlikely to be significant completions in the short term. The Lichfields report 'Start to Finish' (Feb 2020) highlights factors which influence delivery timescales and build-out rates, concluding that maintaining housing land supply throughout the plan period *"is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver."* Policy H1 is unsound because it will not be effective in delivering housing to meet the council's needs over the early years of the plan period.

The council is well aware of the risks associated with reliance on large sites, particularly those that are at an early stage in the planning process. For example, Welborne has been in the planning system for over a decade, yet no housing has yet been delivered. Furthermore, the recently amended NPPF states at paragraph 22 that where large scale developments such as new settlements form part of the strategy, policies should be set within a vision that looks ahead at least 30 years to take into account the timescale for delivery. The Revised Publication Plan will need to be amended to reflect this update to national policy.

Fareham Borough Council cannot demonstrate a five year supply of deliverable housing land and the February 2021 Housing Delivery Test results confirm that the council only delivered 79% of the homes that were needed during the period. We would therefore urge the council to consider alternative sites which could deliver in the short to medium term and particularly within the first five years of the plan period. Our client's site, Land south of Funtley Road, provides the opportunity to deliver a higher quantum of housing than that proposed in emerging allocation policy HA10, and this could be delivered within the first five years of the plan. We set out our justification for this below. Such a proposal would make clear best-use of the site and one that already has a planning permission and is a proposed allocation negating the need to use other greenfield sites.

Housing Allocation Policy HA10: Funtley Road South

This policy proposes to allocate 5.74ha of land at Funtley Road South for 55 dwellings, clearly indicating that the council considers the site to be a sustainable location for residential development, and this is supported by the Sustainability Appraisal. The granting of planning permission for 55 dwellings on site further demonstrates this. However, we have consistently put forward, to both the Planning Policy and Development Management Teams, the view that the site has potential to deliver a higher quantum of housing than policy HA10 allows for. This view is supported by a wide range of evidence which we have submitted to the council through the current live planning application (P/20/1168/OA) and previous representations. It would appear that no account of this evidence during the preparation of the latest

Revised Publication Local Plan as the policy remains unchanged from the previous version and no justification is given by the council. We note that there still remains no specific evidence base to underpin the low number proposed in the draft allocation, nor to support the council's opinion that this site is sensitive in landscape terms, despite our repeated requests.

Landscape

During discussions on the planning application, it has become apparent that the landscape impact of the proposal is a key concern for the council. The application is supported by a Landscape and Visual Appraisal (Appendix 5), which concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits. The council appointed an external Landscape Consultant to review the proposal and supporting evidence, who initially provided advice, which was later accepted to have been prepared without the benefit of a site visit and contain errors. Nonetheless, my client took account of the concerns that were raised and submitted a revised Parameter Plan which illustrates a reduced extent of the developable area, so that it is fully contained within the proposed site allocation boundary of policy HA10. A Supplementary Landscape Consultation response has been provided whereby the Landscape Consultant concludes on the potential for increase development capacity:

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

It is notable that this consultation response has not yet been published on the council's online planning application register alongside other consultee responses, despite being dated 4th May. We have therefore appended it to this representation at Appendix 2, to ensure that the Planning Policy Team have the most up to date landscape evidence available to them. This evidence provides a clear mandate that the Funtley South site could be allocated for a higher quantum of development without unacceptable landscape and visual harm.

Efficient Use of Land

Paragraph 117 of the NPPF requires planning policies to encourage the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraphs 122 and 123 set out policy on achieving appropriate densities. They state that *"Planning policies and decisions should support development that makes efficient use of land,"* and *"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site."*

Policy HA10 is not consistent with national policy in this regard as it does not make most efficient use of land. As stated in our representations to previous Local Plan consultations, we consider the council is not acting correctly as well as missing an opportunity by not making additional use of proposed allocation at Funtley Road South to address the Borough's housing need. In addition, it is missing an opportunity to protect actual sensitive areas of the borough from potential development.

Summary on Site Capacity

We contend that the indicative yield should be amended to 125 dwellings. The live planning application P/20/1168/OA provides the evidence to justify this, as summarised below:

- The Illustrative Masterplan demonstrates how the development of up to 125 dwellings, community building or local shop with associated infrastructure, new community park, landscaping and access, could be accommodated within the proposed allocation site in a sustainable way (Appendix 4).
- The Landscape and Visual Appraisal (Appendix 5) concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits, and the council’s Landscape Consultant has agreed that that it may be possible to accommodate a greater number than the current consent (i.e. 55 dwellings) without unacceptable landscape and visual harm.
- The Ecological Assessment demonstrates that there are no adverse effects on any designated sites or protected species resulting from a development of 125 dwellings and also sets out appropriate mitigation and enhancement measures. The concerns of the council’s Ecologist have been fully addressed through the application and Natural England have welcomed the proposed measures to protect and enhance the woodland.
- The scheme is supported by appropriate nitrate mitigation measures to ensure there are no adverse effects on the integrity of European Protected Sites as a result of increased nitrates discharged into the Solent.
- The Transport Assessment concludes that the proposed development is considered to be acceptable in transport policy terms and meets with national and local policy criteria. The assessment work undertaken has indicated that there would be no demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. The Travel Plan includes a range of measures to maximise sustainable transport opportunities. Off-site contributions are being negotiated.
- All other reports and supporting documentation, including in relation to trees, flood risk, contamination, noise, sustainability, utilities, and archaeology demonstrate that the site can accommodate 125 dwellings.

HA10 Policy Requirements

Policy HA10 sets out 11 site-specific requirements (a-k). It is frustrating to see that no amendments have been made to these criteria, despite the fact we identified a number of them are not sound in our previous representations to the Publication Local Plan (December 2020). For the avoidance of doubt, we repeat these concerns here, thereby providing the council with a further opportunity to address the soundness of this policy.

<p>a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and</p>	<p>Unsound, for the reasons set out above.</p>
<p>c) Building heights are limited to a maximum of 2 storeys; and</p>	<p>Unsound as this is not justified by evidence. This is better determined at the detailed planning application (reserved matters) stage. Policy D1 will provide an adequate framework to ensure</p>

	building heights are acceptable. This criterion should be deleted.
e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and	Unsound as this is not justified or effective. It is not clear what is meant by a vehicular loop road. Specifically, the Highway Authority only want a single point of access and egress. The requirement for pedestrian and cycle permeability across and through the site is supported.
j) The site is identified as a mineral safeguarded site (brick clay is likely to underlay site). A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan (2013); and	The site benefits from an extant outline permission. No such conditions are required under that consent, or were requested during the determination. This requirement is therefore not considered necessary or reasonable, and should be deleted.

We would very much welcome the opportunity to work with the council to address these concerns and amend the criteria where possible, and therefore would wish to attend the Examination hearings.

Strategic Policy DS2: Development in Strategic Gaps

Policy DS2 seeks to introduce a new strategic gap in the vicinity of our clients' interests, without justification. We have previously made representations on the proposed Strategic Gap designation which is illustrated on the Policies Map, which have not been addressed.

Policy DS2 describes the 'Meon Gap' as between Fareham / Stubbington and the Western Wards, however the area in question does not form part of the Meon Gap and is actually located between Fareham and Funtley. There is no real opportunity for the merging of the two locations, as there is a natural split already provided by the M27, which is not capable of being breached.

The Policies Map illustrates that the proposed allocation HA10 lies outside of the strategic gap, however this does not fully reflect the boundary of Reside's proposal as per the live planning application P/20/1168/OA, where the application site's southern edge falls within the area proposed as Strategic Gap under policy DS2. Since our previous representations, the proposal has been revised to ensure the extent of the developable area falls within the proposed allocation boundary of HA10, nonetheless, we remain concerned about the soundness of the proposed 'Meon Gap.'

The Council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for this boundary and merely states that *"Wrapping the gap boundary tightly around the settlement (and future approved development), would allow Funtley to expand moderately, but still retain its separate identity and not become contiguous with North Fareham."* The evidence base appears to entirely ignore the detailed submission made in our previous representations. We therefore resubmit these with this submission at Appendix 3.

We submit that there is no need for the identification of a new strategic gap in this locality. The evidence base does not support it, and having considered the site against the adopted Landscape Character Assessment and policy context, there is no reason to conclude that the site has any elevated landscape status or importance above the rest of the surrounding landscape within the proposed Strategic Gap. Moreover, there is no extant designation such as public open space that would elevate the status in terms of local community association.

The site's intrinsic character in a landscape sense does not preclude development, the nature of which could incorporate elements of the landscape into a sensitively designed scheme.

Were the Council to continue to seek to impose a new Strategic Gap in this location, and not withstanding our strong submissions against this approach, we would request amending the Strategic Gap boundary to reflect the site boundary of the live application P/20/1168/OA. In addition, a community park is proposed and would provide any security the council would need. This would ensure that the aims of policy DS2 are achieved as it would allow Funtley to expand moderately, but also retain its own identity and it would not coalesce with North Fareham. This would be guaranteed by the provision of the community park proposed through application P/20/1166/CU. This will be transferred to the council, so there is no need to designate that area as Strategic Gap.

We note that additional allocations are proposed within the Strategic Gap between Fareham and Stubbington (HA54 and HA55 together propose over 1,400 dwellings) and would therefore urge the council to carefully consider the contribution that site HA10 could make to delivering housing without compromising the Meon Gap.

Strategic Policy DS3: Landscape

DS3 allows for development in areas of special landscape quality only where the landscape will be protected and enhanced. The Policies Map shows the proposed area of special landscape quality as following the boundary of the proposed allocation, and in the same way as the strategic gap designation, this does not correspond with the boundary of our client's site as per the live planning application P/20/1168/OA. The site's southern edge falls within the proposed Area of Special Landscape Quality 4 (ASLQ 4) Meon Valley under policy DS3.

We submitted a Technical Note in relation to the proposed Meon Valley ASLQ alongside our representations to the Fareham Local Plan Supplement in February 2020 and again to the Publication Version in December 2020. This is reattached at Appendix 3. It supports our objection to the boundary of ASLQ 4 Meon Valley taking in land to the east of the disused railway known as the Deviation Line.

The council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for inclusion of this land in ASLQ 4. In describing the special landscape qualities of the Meon Valley, the report emphasises the southern part of the proposed designation; *"The area has high scenic quality and topographic and visual unity, particularly in the lower reaches."* The report notes that the *"Major road and rail corridors pass through the upper section, but much of the area retains a sense of seclusion."* This area has its tranquillity impacted by the M27 to the south and the active Eastleigh to Fareham Railway line to the east.

It is important the ASLQ boundaries do not incorporate areas that could form allocations, as it could unduly restrict developable areas and affect housing supply numbers. ASLQ 4 around Funtley does not seem to relate to those in the LDA 2017 report, nor the current Local Plan. Given the complete lack of evidence supporting the boundary currently drawn, the boundary for the Meon Valley ASLQ should be delineated by the Deviation Line to the west of Funtley, rather than cross over it.

The area affected is largely proposed for a community park under application P/20/1166/CU and therefore can make a significant contribution to the landscape throughout the plan period; however, there is no justification for it being included within the ASLQ boundary as it stands. Any such designation must be robust, clearly defined and supported by evidence. As currently drafted, it is not, and therefore it is unsound as it is not justified.

HP5: Provision of Affordable Housing

In addition to the comments we made previously, we would draw the council's attention to the recent Written Ministerial Statement (24th May 2021) and associated changes to the Planning Practice Guidance with regard to First Homes. While the Local Plan can benefit from the transitional arrangements, it would be helpful for the council to provide clarity through policy HP5.

Other Policies

In December 2020, we submitted representations on a number of other policies within the Publication Local Plan, which have not been addressed in this version, and therefore our representations on these policies still stand:

- HP1: New Residential Development
- HP4: Five Year Housing Land Supply
- HP5: Provision of Affordable Housing
- HP9: Self and Custom Build Homes
- NE2: Biodiversity Net Gain
- NE8: Air Quality

CONCLUSION

As currently drafted we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, for the following reasons:

- The boundaries of the proposed Strategic Gap and Area of Special Landscape Quality are not justified;
- The proposed allocation policy HA10 is not fully justified because it does not take into account the reasonable alternative of a delivering a higher number of dwellings; and
- A number of the specific policy requirements are not justified or effective

Funtley South is a sustainable and deliverable site in its own right, but also has synergy with the key strategic site at Welborne, were this to come forward. The Funtley South site was previously identified in the Draft Local Plan as having an indicative capacity of 55 dwellings. The allocation of the site and its recent planning permission clearly demonstrates the residential proposals for the site represents sustainable development, there are no constraints that would preclude this development at the higher number of dwellings and the site is deliverable in the short term.

Evidence provided by Reside demonstrates the site is capable of comfortably accommodating more dwellings without any adverse impacts to character or landscape. This can be achieved through a combination of a minor 0.4ha increase in the developable area and an increase in density (to match that surrounding the area). Funtley South can therefore do even more to help the Council meet its increased housing requirements and we would of course be pleased to provide any further information to the Council, if so required, with regards to this matter.

We would like to participate in the Examination hearings so that a full discussion can be held on these matters.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and Examination.

Yours faithfully



Alison Young
Senior Planner



Appendix 1: Planning Applications on Land South of Funtley Road

Application Reference	Description	Status
P/20/1168/OA	Outline Application To Provide Up To 125 One, Two, Three And Four-Bedroom Dwellings Including 6 Self Or Custom Build Plots, Community Building Or Local Shop (Use Class E & F.2) With Associated Infrastructure, New Community Park, Landscaping And Access, Following Demolition Of Existing Buildings.	Submitted 6 th October 2020 Under consideration
P/20/1166/CU	Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings	Submitted 6 th October 2020. Under consideration
P/20/0809/FP	Installation Of Haul Road (Retrospective)	Approved 9 th November 2020
P/19/0290/FP	Provision of a Permissive Footpath Link and New Surfacing from Funtley Road over the M27 Motorway Connecting to Footpath Public Right Of Way 91A and associated Bridge Improvement Works.	Approved 20/06/2019
P/18/0066/CU	Change of Use of Land from Equestrian/Paddock to Community Park Following Demolition of Existing Buildings.	Approved 12/10/2018.
P/18/0067/OA	Outline application for residential Development of up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works.	Approved 02/09/20.
P/17/1539/EA	Request For Screening Opinion Under The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 For Proposed Residential Development Of Up To 55 Dwellings, Community Building, New Country Park And Associated Landscaping & Infrastructure on Land To The South Of Funtley Road, Funtley.	January 2018. No Environmental Statement Required.

Appendix 2: Supplementary Landscape Consultation Response for Application P/20/1168/OA Land South of Funtley Road

**FAREHAM BOROUGH COUNCIL: LAND SOUTH OF FUNTLEY ROAD, FUNTLEY
APPLICATION REF: P/20/1168/OA**

SUPPLEMENTARY LANDSCAPE CONSULTATION RESPONSE

Introduction

This is a supplementary note to my original Landscape Consultation Response prepared on 3rd March 2021. It has been prepared in response to the Further Landscape Response prepared by Turley Associates on behalf of the Applicant, dated 26th March 2021.

In the Further Landscape Response, concern was raised that I had not visited the site in the preparation of my original report, and one factual issue was highlighted.

I have subsequently visited the site and its wider landscape setting prior to the preparation of this supplementary document, and photographs of my visit are presented throughout this note at key points.

Since the preparation of my original Landscape Consultation Response, the Applicant has also submitted a revised Parameter Plan, which adjusts the extent of built development to fit within the boundary of the emerging HA10 housing allocation within the draft Local Plan.

This supplementary note therefore seeks to respond to these points.

Errata

The Further Landscape Response correctly points out an error within my original Landscape Consultation Response, that the southern boundary of the proposed development was in fact located 40m to the south of the consented scheme as opposed to the 100m suggested in my report.

The following section of the Further Landscape Response goes on to state in the next paragraph, however, that the gradient of the slope becomes more pronounced at the 30m contour. I would question with this point, as an inspection of the Ordnance Survey mapping for the area, reproduced as Figure 1 below, shows the gradient to uniformly rise above the 25m contour (shown more darkly on the map), and this was confirmed by my site observations.

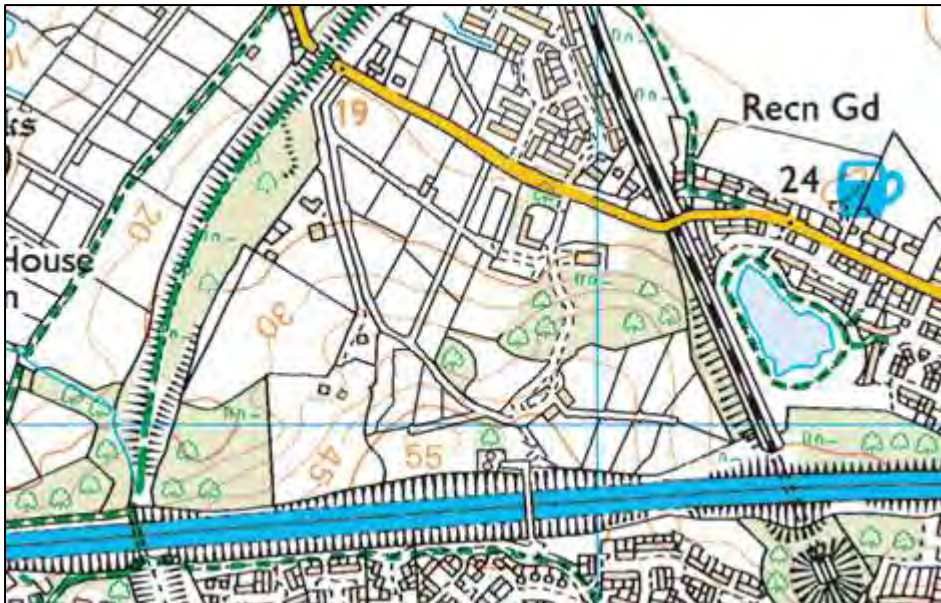


Figure 1: Extract of Ordnance Survey Explorer Map showing contour alignment

Site Observations

My survey of the site itself reinforced my opinion of its character and composition as set out in my original Landscape Consultation Response.

In particular, I examined the topography of the site and determined that it is relatively level between Funtley Road and the 25m contour, which is mostly located a short distance to the south of the access track that runs through the site between paddocks in a north-west to south-east direction, although the contour begins to bear southwards at the western end of the site, as shown on Figure 1 above and Plates 1 and 2 below. It therefore remains my opinion that any development should generally only extend as far as the 25m contour to avoid unacceptable landscape impacts.



Plate 1: View across the site from Funtley Road showing the land rising beyond the track in the centre of the Site

In terms of the site's visual environment, my survey confirmed that panoramic views are available from the upper (southern) parts of the site, where public open space is proposed. These views extend across the tributary valley form in which the site is located, towards the forested western slopes of the Meon Valley and the rising arable land to the east of Knowle, as illustrated by Plate 2 below.



Plate 2: View across the site close to the permissive path entrance in the south, illustrating views across the Meon Valley. The site can also be seen to rise to the left of the track that bisects it.

Filtered views of the site from the Deviation Line and its associated public bridleway are intermittently available from the bridge over Funtley Road, and the stretch that extends northwards to the former junction with the current main line railway as illustrated by Plate 3 below. The length of the Deviation Line that runs directly to the west of the site is separated by woodland, to the extent that views of the site are largely unavailable.



Plate 3: Filtered view across the site from Deviation Line (Public Bridleway 084/515/1) at bridge over Funtley Road.

To the north of the site, views of the rising land are available from Funtley Meadow, an area of open amenity grassland owned by the Council and subject to permissive public access. From this location, framed views along the axis of the 'Funtley Triangle' are available, terminating at a wooded horizon provided by the combination of Great Beamond Coppice and the southern site boundary as illustrated by Plate 4 below. These views have not been recognised within the Applicant's submissions to date.



Plate 4: Framed view of the site looking south across Funtley Meadow. The site is located to the right of the pylon, with Great Beamond Coppice to the left.

My survey of the landscape surrounding the site also revealed views of the site from Public Footpaths 084/86/2 (Fareham Parish) and 251/15/1 (Wickham Parish), which are located on the rising agricultural land to the north of Funtley. These long-distance views further emphasise the importance of restricting development to the lower slopes, as shown on Plate 5 below. These views have not been considered within the Applicant's submissions to date.



Plate 5: Filtered view towards the site from Public Footpath 251/15/1 on facing valley slopes

Revised Parameter Plan

Since the preparation of my original Landscape Consultation Response, the Applicant has submitted a revised Parameter Plan, which addresses some of the concerns set out in my original document.

Most notably, the extent of the developable area within the scheme has been reduced, by adjusting the southern boundary to fall within the area of the proposed HA10 housing allocation within the emerging Local Plan. In comparison to the Parameter Plan submitted by the Applicant for the existing planning permission, this still extends an estimated 30m further to the south and west (upslope) in the western part of the scheme, however.

In addition, a small amount of the 'landscape buffer' on the western part of the scheme has been altered to developable land.

Potential for Increased Development Capacity

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

In terms of additional information, it would be helpful to understand the implications of the Applicant's revised development boundary upon the site's landscape setting and visual envelope, since this still differs from the original application. To this end, I would recommend that the Applicant supplies the following wireframe visualisations, produced in line with the latest Landscape Institute guidance:

- From the permissive path as it enters the southern part of the proposed public open space;
- From the northern end of Funtley Meadow;
- From Funtley Road looking east from the junction with Honey Lane, illustrating the proposed set-back from the public highway; and
- From Public Footpath 251/15/1 illustrating the likely effect upon the facing valley slopes.

In terms of positive design measures to reduce the anticipated development impact, it may be possible to build at a higher density in the northern part of the scheme, reflective of the existing and emerging development on the northern side of Funtley Road, but it will be essential that the southern built edge is of low density. I recommend a 'feathered edge' of single storey dwellings on this boundary, separated to allow some visual permeability between structures, with individual properties aligned towards the park to present a positive and active frontage. This will reduce the interception of views by the most elevated dwellings and will encourage a positive relationship between the village edge and peri-urban open space.

With regard to the north-south aligned open space corridors that have been retained through the scheme, the former and revised Parameter Plans for the development both show these to be approximately parallel. Whilst the eastern corridor would experience views of the open upper valley slopes, the western corridor is aligned towards an existing property and is unlikely to serve the original landscape-led purpose of these corridors, which is to preserve a relationship between Funtley Road and the elevated land to the south. I therefore recommend that the western corridor be realigned to a similar alignment to that within the original masterplan, to maintain the connection between Funtley Road and the point at which users of the permissive path enter the site.

Conclusion

Since visiting the site, my interpretation of its character has not changed, although I now have a greater appreciation of its topographic character. I have also identified two publicly accessible viewpoints within the wider landscape to the north that I consider to be important, but which have not been considered within the Applicant's submissions, either for the previous 55-unit scheme or the current 125-unit scheme.

The Applicant has adjusted their Parameter Plan to retain built development within the boundary of the proposed HA10 housing allocation, which is a positive measure, although this still exceeds the extent of development within the currently consented scheme.

I remain of the opinion that a scheme of up to 125 dwellings is not appropriate in this village edge location, although having visited the site, I consider that it may be possible for the revised site boundary to accommodate a greater number than the current consent without unacceptable landscape and visual harm. This would be dependent upon the submission of a set of wireframe views to demonstrate the extent of visibility within the wider landscape, and also the commitment to a small number of positive design measures to seek to minimise landscape harm, as current policy requires.

Ian Dudley BSc(Hons) MICFor CEnv CMLI
4th May 2021

Appendix 3: Technical Note re Proposed Meon Valley Area of Special Landscape Significance



REPRESENTATIONS TO FAREHAM
LOCAL PLAN 2036 SUPPLEMENT
CONSULTATION

Technical Note re proposed Meon
Valley Area of Special Landscape
Quality (ASLQ)

February 2020

Rummey *design*

r.
reside



Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

Introduction

This Technical Note is prepared in support of representations to the Fareham Local Plan 2036 Supplement consultation and is made on behalf of Reside Developments Ltd (Reside) in relation to the land they control at Funtley. This includes the site to the south of Funtley Road (Funtley South) which is the focus of these representations and is identified as a proposed allocation.

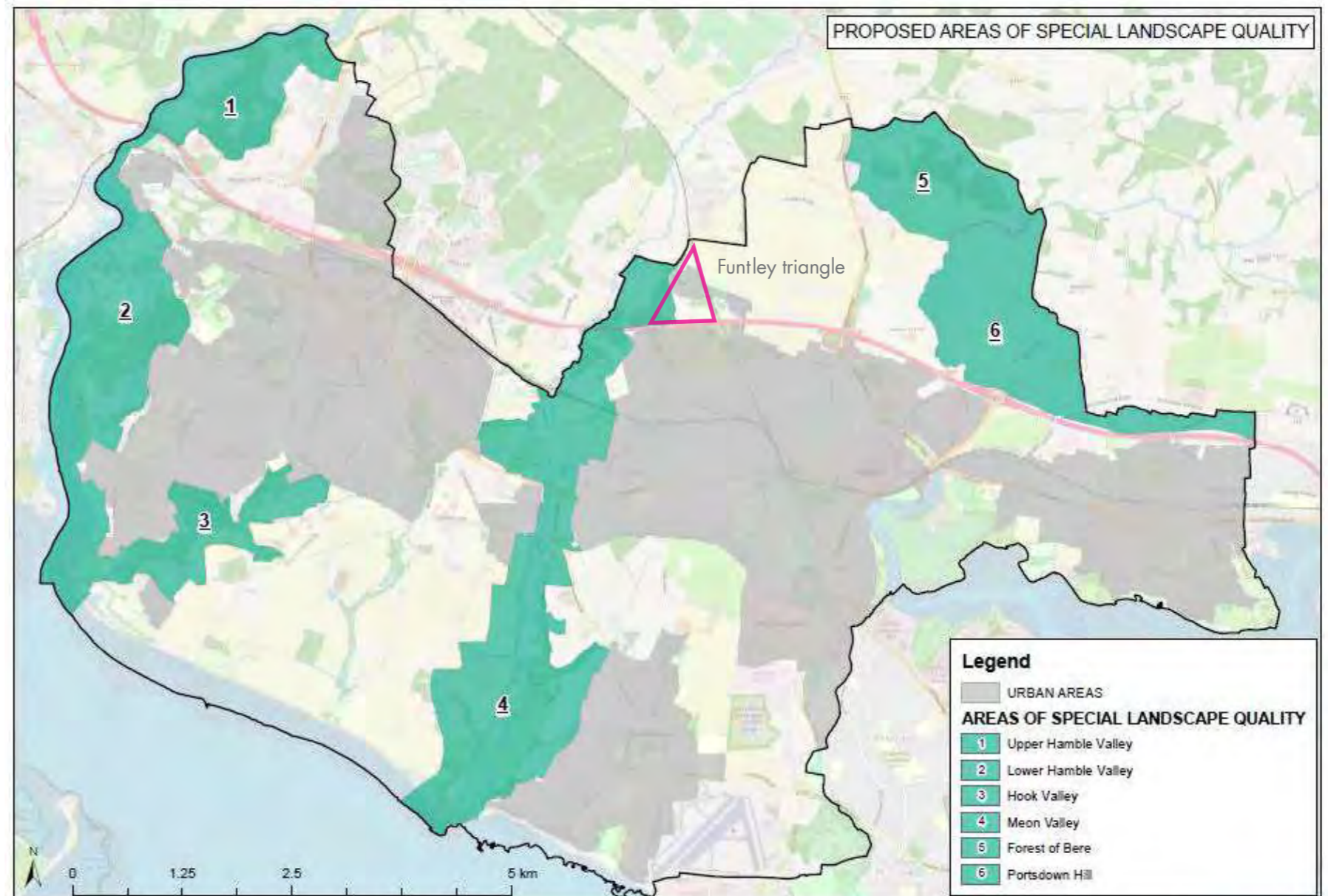
Fareham Borough Local Plan to 2036 proposes an Area of Special Landscape Quality (ASLQ) in the Meon Valley, along with other river valleys and Portsdown Hill. The policy states that there will be a presumption against major development in such areas unless it can be demonstrated that the quality and distinctiveness of the landscape will be conserved. The Meon Valley is also a Strategic Gap and the ASLQ will offer an additional level of protection, although the policies would now differentiate between the need to retain settlement identity and conserve landscape character.

Figure 4.2 in the FBC consultation document identifies indicative proposed Areas of Special Landscape Quality to be protected through Policy NEXX: Landscape. However, whilst this proposed policy is intended to guide development in such areas, there is no definition on what merits an area being included in an ASLQ, other than that it has been identified as a 'valued landscape' in consultation. It would be reasonable to assume that the ASLQ would be underpinned by Landscape Character Assessment evidence, the latest version of which is LDA Design's Fareham Landscape Assessment, 2017.

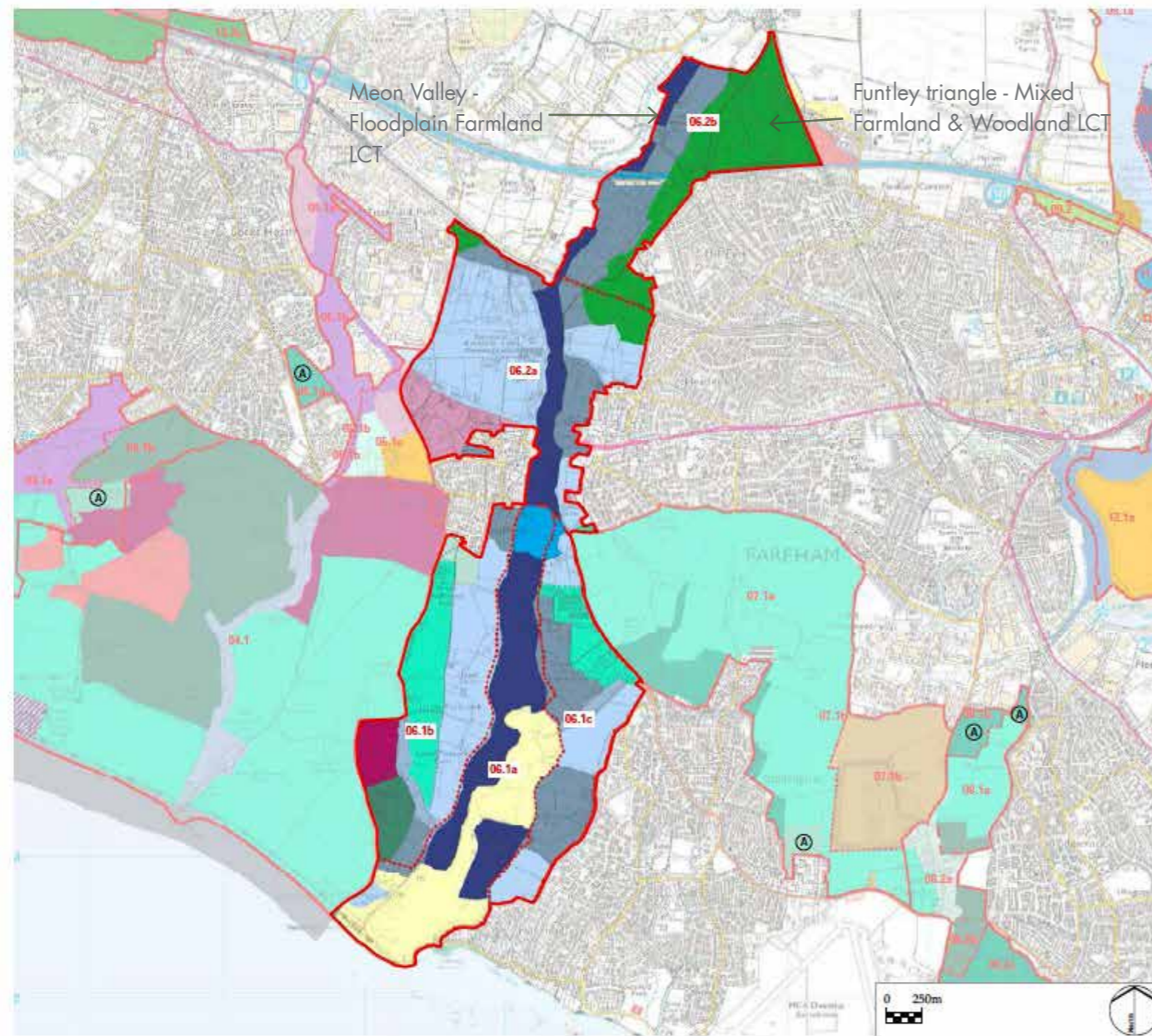
The assessment notes that in Fareham Borough it is the chalklands, coastal plains, river valleys and coast that provide the broad framework for the complex and distinctive landscape character within the Borough. We would agree that these broad 'framework' landscapes shape the character of the Borough and that, where they have special qualities and high sensitivity, these should be conserved. However it is important to define the extent of these areas in a robust manner.

The mapping of the Upper Meon Valley ASLQ in relation to the Funtley triangle, which lies at the northern end of the Borough is however unclear, due to the low resolution of the indicative map. The ASLQ appears to include some land to the east of the disused railway (known as the Deviation Line) in the area south of Funtley Road, an area already proposed for housing allocation. We propose that the ASLQ should extend only to the Deviation Line for the reasons set out below.

Figure 4.2. Proposed Areas of Special Landscape Quality



Area 4 represents the indicative proposed Meon valley ASLQ (reproduced from FBC Local plan 2036 supplement). The proposed Meon Valley ASLQ appears to extend into the Funtley 'triangle' which is a fringe landscape and does not share the special landscape qualities or character of the Meon Valley to the west



LEGEND

- Landscape Character Area
- Local Landscape Character Area
- Local Landscape Character Area Subdivision

Landscape Types

- | | |
|---|------------------------------------|
| Mixed Farmland & Woodland: Small Scale | Small Scale Enclosed Valley |
| Horticulture & Smallholdings: Small Scale | Open Floodplain Farmland |
| Horticulture & Smallholdings: Large Scale | Enclosed Floodplain Farmland |
| Open Coastal Plain: Weak Structure | Marsh, Reedswamp & Brackish Lagoon |
| Open Coastal Plain: Strong Structure | Enclosed Valley Side |
| Open Coastal Plain: Fringe Character | Open Valley Side |

LCA6 Meon Valley Landscape Character Area (LCA) and detailed Landscape Character Types (reproduced from LDA Landscape Assessment report). This map clearly distinguishes between the Meon Valley Floodplain Farmland LCTs and the Mixed Farmland and Woodland LCT that includes the Funtley triangle, to the east. The character transition appears to be to the west of the railway line and includes the woodland associated with the railway within the Mixed Farmland & Woodland LCT. The railway also physically and visually separates the valley from the fringe land to the east.

Fareham Borough Council's evidence

The Borough of Fareham has a complex landscape consisting of mixed rural valleys, coastal plain, farmland and woodland and extensive built-up areas, as well as the M27 motorway and railway lines which cross the Borough. The most recent Landscape Assessment undertaken by LDA Design, and published in 2017, recognises the intrinsic character and distinctiveness of the relatively undeveloped areas of the Borough. It would be expected that this would be the evidence base for the proposed ASLQs, since these are based on landscape character and its key qualities and sensitivity. It is stated that the ASLQs will not include any development allocations.

The proposed extent of the Meon Valley ASLQ, the upper reaches of which lie to the west of the Funtley Road triangle, is stated to be based on the landscape types (LCT) defined within the original county-wide landscape assessment produced by Hampshire County Council in 1993. The assessment identified ten detailed, rural landscape types within Fareham Borough and this formed the basis for the initial landscape characterisation and the subsequent update in the LDA Design 2017 Fareham Landscape Assessment.

This assessment clearly differentiates between the *'Mixed Farmland and Woodland: small scale'* LCT, which includes the Funtley 'triangle' up to and including the wooded Deviation Line to the west, and the landscape types in the Meon valley which include both *'Open and Enclosed Floodplain Farmland'* LCTs. The Borough Landscape Assessment notes that the Mixed Farmland and Woodland LCTs vary in scale from large to small scale and describes the 'fringe' character of the Mixed Farmland and Woodland along the M27 corridor (p40). The M27 corridor defines the southern edge of the Funtley triangle.

The Fareham Landscape Assessment further defines a number of Landscape Character Areas (LCAs), which consist of several landscape types to produce identifiable areas of landscape of consistent character. The Meon Valley (LCA6) is further subdivided into Lower and Upper Meon Valley since its characteristics, influences and function vary significantly between the upper, more tightly contained, inland reaches and the wider, lower, river valley which traverses the coastal plain.

The proposed Meon Valley ASLQ boundary appears to include only selected areas of LCA6 consisting of all or parts of a number of different landscape character types. This is presumably based on a recognition that the landscape quality varies significantly within the LCA, although how the ASLQ boundary has been defined is not explained.

The character variance is highlighted in the Fareham Landscape Assessment. Whilst including the area around Funtley within the Meon Valley LCA6 it specifically notes that part of the Upper Meon valley (LCA 06.2b) on the eastern valley sides are *'typically subdivided into paddocks for horse grazing, bounded by open fences and containing various shelters and small-scale structures. In themselves these have a somewhat scruffy, fringe character'*. The assessment also recognises the role that extensive woodland plays in integrating these fringe uses.

The assessment also specifically refers to the existing housing along Funtley Road as a *'rather anomalous area of recent residential development off the Funtley Road in the northern tip of Area 06.2b. Lying on the opposite side of the railway this has little visual connection to the settlement of Funtley and is out of character with the surrounding landscape'*.

In summarising the development opportunities in the LCA it also notes that there is an opportunity to develop pockets of residential development, such as off Funtley Road, as long as these can be sensitively integrated into the landscape.

FBCs own evidence base clearly implies that the Funtley triangle is suitable for sensitive development and does not exhibit the landscape qualities or visual connection to the Meon Valley that might warrant its inclusion in the ASLQ.

The proposed indicative boundary, on this basis appears to be arbitrary and does not reflect Fareham's Landscape Character and sensitivity assessment.

Landscape of the Meon Valley

In considering the special qualities of the Meon Valley its northern extents within the Borough consists of a tightly enclosed valley landscape of open and enclosed floodplain farmland, contained by well-wooded margins and topography, as detailed in the Fareham Landscape Assessment, 2017.

The photos below show the qualities of the Meon Valley floodplain landscape in its upper reaches in Fareham. It is clear that these riverine landscapes which help to shape the Borough are of high sensitivity and have the qualities that would support their inclusion in an 'Area of Special Landscape Quality' as well as providing an important separating element between settlements.

The enclosure and separation of the Meon Valley, to the west of Funtley, is reinforced by the man-made, embanked Deviation Line, which visually and physically separates the two distinctly different character types.



photo reproduced from Fareham Landscape Assessment, 2017 (LDA Design)

Landscape of the Funtley Triangle

In contrast to the Meon Valley, the Funtley Triangle, as confirmed in the Fareham Landscape Assessment, is strongly influenced by the loss of landscape features, with hedgerows being replaced by horse paddock fencing, the presence of stables, sheds, hardstanding and catteries etc. In addition the housing development along Funtley Road and in the west of the area, as well as the railway and M27 corridor have given this landscape an 'urban fringe' character with lower sensitivity to further change. These are not the qualities that would merit inclusion in an 'Area of Special Landscape Quality'.

The Funtley triangle is entirely separate from the Meon Valley to the west of the Deviation Line as illustrated by the bottom photograph.



Paddock fencing, stables, sheds, hardstanding, housing development, noise, street lighting etc. all contribute to the urban fringe character of the Funtley triangle

Supporting evidence

The Landscape and Visual Appraisal (LVA) prepared by Fabrik in 2018 and submitted with Reside's Funtley South planning application (which has a resolution to approve, subject to completion of a S106 agreement) also supports the view that the landscape character sensitivity of the area in the Funtley triangle has been influenced by a number of detractors including adjacent urban development, road and railway noise and its land use for paddocks, resulting in loss of landscape features. The LVA assessed the local landscape character as having low to medium sensitivity for this reason.

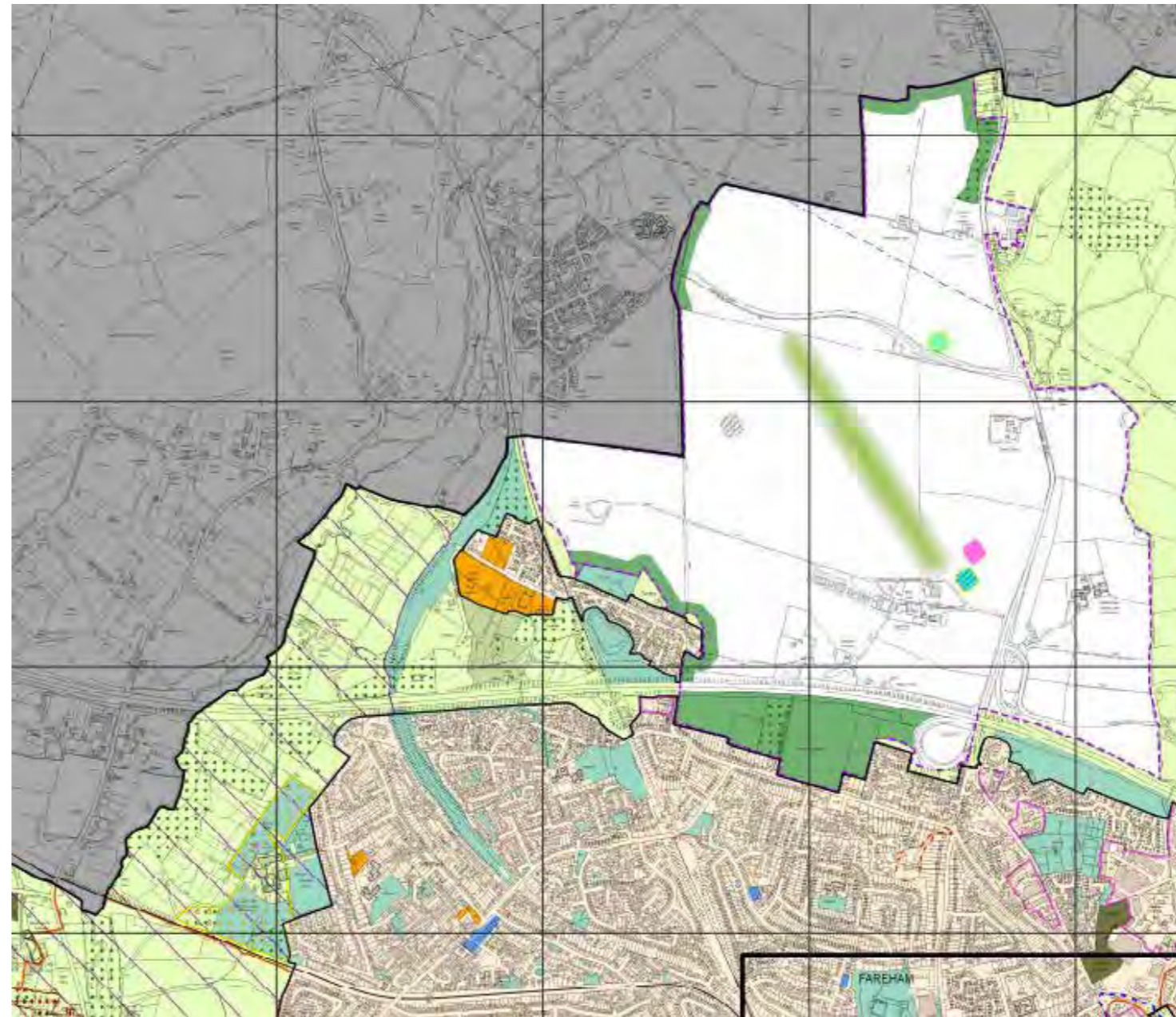
The LVA visual assessment also assessed a range of public viewpoints, both short and long distance, including several within the Meon Valley to the west. The LVA concluded that there is no visual connection between the site and the Meon Valley, due to the Deviation Line and its wooded margins, which provide significant physical and visual screening and separation.

Conclusion

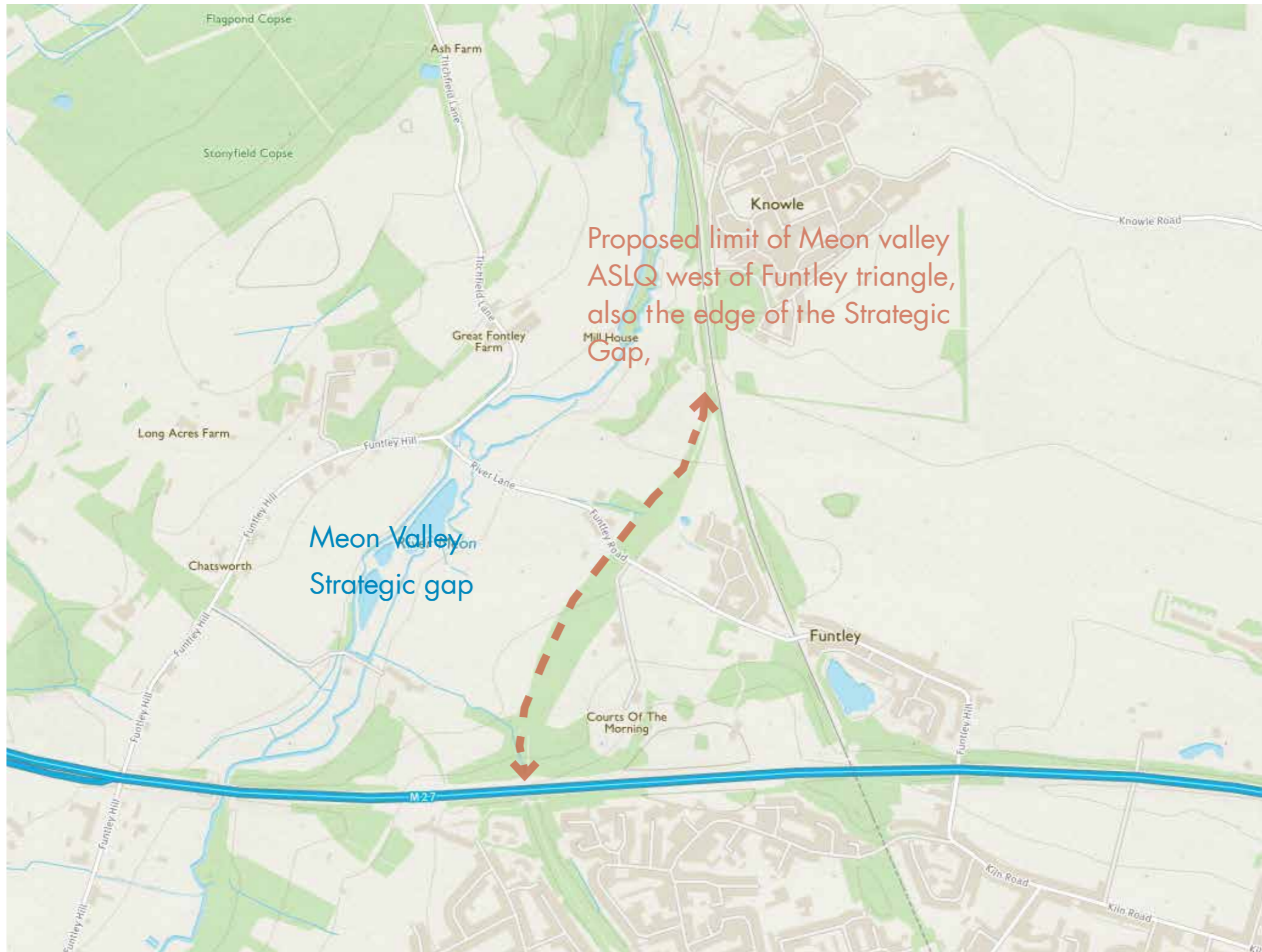
In defining the Meon Valley ASLQ it is important for unambiguous policy that there is a defensible boundary, based on robust evidence. Hampshire County Council and FBC's more recent detailed assessment of landscape character types shows that the embanked Deviation Line encloses the Meon Valley and marks the landscape character transition from the low lying river valley farmland associated with the course of the Meon river, to the small scale wooded farmland to the east, with its 'urban fringe' influences. In the Funtley triangle, character is particularly compromised by a number of suburban, horsiculture and perceptual influences (primarily noise arising from the railway and M27). Visually the embanked railway and the associated woodland, which separates the character types, also forms the edge of the Meon Valley to the west preventing intervisibility and so reinforcing the Meon valley's function as a Strategic Gap. The Deviation Line and associated woodland is covered by an open space designation on the draft policies map protecting its recreational and landscape value.

FBC's own evidence base, together with other studies carried out in relation to the Funtley South planning application by Reside's landscape consultants, show that the eastern boundary of the Meon valley ASLQ should be defined by the Deviation Line and that there is no logical reason, based on landscape and visual evidence, that this should be breached and include land within the Funtley triangle.


Therefore we propose that the boundary of the Meon Valley ASLQ should be defined by the Deviation line, as shown on the plan opposite, coinciding with the Strategic Gap, rather extending to an arbitrary location within the Funtley triangle to the east. This is readily defensible with respect to its landscape character and qualities and the visual enclosure that the man-made Deviation line affords to the Meon Valley.



FBC Local Plan draft policies map in the northern extent of the Borough showing allocations at Funtley North and South and the Deviation Line included as an open space designation. The Meon Valley Strategic Gap lies to the west of the Deviation Line



The proposed limit of the Meon Valley ASLQ lies at the character transition between character types and open space designation along the disused Deviation Line (now a bridleway), west of the Funtley triangle



Rummey design

South Park Studios, South Park
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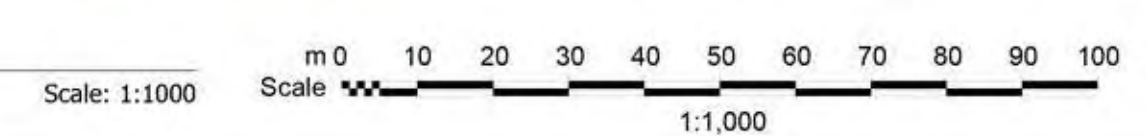
Appendix 4: Illustrative Masterplan (2021)

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1 Plan View



P2	17.03.21	DO/RR	Planning issue
P1	25.09.20	DO/RR	Planning issue
REV	DATE	DRAWN/CHECKED	DESCRIPTION
STATUS			
PLANNING ISSUE			
PROJECT			
RD173 Funtley Road, Fareham			
DRAWING			
Illustrative masterplan			
DATE	DRAWN/CHECKED	SCALE	PROJECT NO.
02.09/20	DO/RR	1:1000	RD1731-F3-1100
			REVISION NO.
			P2

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Appendix 5: Landscape and Visual Appraisal Addendum (2020)

reside.

Land South of Funtley Road, Funtley

LVA Addendum

r.



Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

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Funtley triangle is enclosed by substantial treebelts and topography so is visually discrete. The landscape character has been eroded by suburban development and urban fringe uses including horse paddocks and associated structures, lighting and motorway noise....

Introduction

Funtley South lies within the Funtley triangle north of Fareham and the M27 motorway and is contained by the well-wooded Deviation Line to the west, which separates it physically and visually from the Meon Valley. The main railway contains the eastern edge and separates Funtley North and South from the historic heart of Funtley village and the consented Welborne Garden Village (c.6000 homes) to the north-east of Funtley Village.

In September 2020, Fareham Borough Council granted outline consent for demolition of the existing buildings and construction of 55 dwellings (including 3 custom-build homes) community building incorporating a local shop, access and associated landscaping, infrastructure and development works at the site. The principle of housing on this site has therefore been established.

The application was supported by a Landscape and Visual Appraisal (LVA) prepared by Fabrik Chartered Landscape Architects dated January 2018. The LVA prepared by Fabrik in 2018 and referred to in this Addendum document is found at Appendix i. The comprehensive LVA assessed the potential landscape and visual impacts of the previously approved scheme.

This addendum report analyses where the proposed scheme for up to 125 houses and a Community Park has changed, the landscape-led rationale for the revised scheme, (which is more fully described in the DAS), and then assesses how this has affected the conclusions of the Landscape and Visual Appraisal. This report draws conclusions as to the likely landscape and visual implications associated with the revised development proposals and any mitigation measures that might be required to minimise impacts or optimise the benefits with respect to landscape character and visual amenity.

The existing LVA prepared by Fabrik Ltd (Jan 2018), which was submitted with the consented planning application P/18/0067/OA, sets out the landscape policies relevant to the site and describes the baseline conditions of the site and its surrounding context. The LVA also provides a comprehensive visual study identifying potential visual receptors both within the Funtley triangle and areas beyond this, including public footpaths and roads.

The baseline conditions have not changed from that described in this report except that detailed permission has been granted for housing at Funtley North (23 dwellings) opposite the site and Funtley South has outline consent for up to 55 houses. In addition Welborne Garden Village has also received Resolution to grant by Members for c.6000 dwellings, currently negotiating S106 Agreement.

Representations were made in February 2020, as part of the consultation process on the emerging Local Plan to 2035, concerning the potential inclusion of a small area of the Funtley triangle within the Meon valley Area of Special Landscape Quality (ASLQ). These representations are contained within Rummey Design's Technical Note re proposed Meon Valley ASLQ (Rummey Design Feb 2020) and clearly sets out the reasons why the ASLQ should be defined by the Deviation Line, which lies to the west of Funtley triangle, and exclude any areas within Funtley triangle.

Landscape character

The landscape character baseline, as outlined within the LVA, recognises the existing urban influences within the Funtley triangle that affect landscape character. The LVA also recognises that the equestrian uses on site have changed and degraded the character of the farmland landscape, concluding that the landscape character sensitivity and value is Low to Medium.

Visual receptors

The LVA identified and assessed visual amenity and views from a wide range of visual receptors both within the Funtley triangle and across the wider area from publicly accessible locations. The viewpoints clearly illustrate the range of potential views towards the site and show that it is well-contained within the immediate vegetation cover and topography that encloses the triangle. Notably the rising topography to the south encloses the site and prevents any views southwards. The Deviation Line to the west is embanked separating the site from any views from the Meon valley, whilst vegetation along the main railway encloses views to the north and east.

The visual impact assessment informed the development proposals confirming that development should be confined to the lower, less visible slopes, that landscape features should be retained and that the higher, southern parts of the site should be retained to provide public open space.

Assessment of landscape and visual effects

The assessment concludes that the proposed development would not noticeably alter the landscape character at National, County or Borough level.

At worst it assesses a Moderate-major negative effect on the landscape character at site level, where development is proposed due to the change of use from equestrian fields to residential development. It predicts that there are potential benefits to landscape character in the long term.

With respect to visual effects the assessment predicts that the only negative effects on views are likely to be experienced by residents along Funtley Road/Stage Way/Roebuck Avenue and Honey Lane but that these can be mitigated through planting. It is worth noting that there is only one property that has views into the site on Honey Lane due to a gap in vegetation and that many properties within the residential development areas to the north have vegetation or built form screening views from ground floor windows. These are considered, in best practice guidance, to be to be more important than those from upstairs bedrooms.

No notable effects are predicted on views and visual amenity from public footpaths except for a short section of bridleway on the Deviation Line where there could be glimpsed views into the site in winter. However the appraisal acknowledges that planting on the western edge of the site would mitigate this change.

Overall no widespread landscape and visual effects are predicted and those negative effects that are predicted on the immediate context and at site level are assessed as being able to be effectively mitigated.

The LVA recognises that the development would be well contained within the existing landscape framework and that all important landscape features are retained.

The LVA also concludes that there is an opportunity to secure the long term management of the site, Ancient Woodland and Green Infrastructure as well as providing publicly accessible open space where none exists at present.

The existing LVA does not specifically analyse historic pattern through mapping, which helps to understand the evolution of the landscape and how, by taking this into account, development can more effectively be integrated into the landscape and bring about greater landscape benefits.

Mapping shows the former brickworks and clay pits in the area which, together with the railway, have shaped its character. The 1963 map shows that the Deviation Line has added to the enclosure and isolation of the triangle with the claypits north of Funtley Road becoming the site of an abattoir. Residential areas now occupy this site together with much of the other land north of Funtley Road. The M27 has also had a significant impact cutting an east-west swathe across the landscape, severing the triangle from Fareham North and further isolating it.

Extensive areas of coppice woodland are evident in late Victorian times with a notable field pattern of hedgerows linking the wooded horizons on the upper slopes to the valley bottom. These compartmentalised the landscape and connected landscape features.

The hedgerows have been lost in the latter part of the 20th century and are now only marked by a few isolated trees. The coppice woodland has been lost and fragmented since Victorian times, although the remaining woodland areas and tree groups still give the impression of wooded horizons.

Small paddocks are now defined by a proliferation of post and rail fencing, which, together with hard surfaced areas, stables, large barns and other clutter have eroded the rural character.

Restoring the historic pattern in green fingers to integrate development and reconnect the valley landscape with the wooded horizons has been one of the key landscape drivers for the revised layout reflected, on the illustrative masterplan by green links and rural edge treatments, which structure the neighbourhoods and provide significant amenity value.



1859 The hamlet of Funtley is next to the railway line with adjacent rectangular field patterns and extensive coppice woodland in the surrounding areas.



1898 coppice woodland is a dominant feature with smaller fields on Funtley South. Brickworks and claypits occupy part of Funtley north



1963 coppice woodland is now fragmented, an abattoir lies north of Funtley Road & the Deviation Line severs the triangle from the Meon valley



2020 the M27 cuts an east-west swathe across the ridge so that Funtley triangle is now isolated on all sides.

development proposal



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1 Plan View

P1	30.09.20	00/00	Planning Issue
PLANNING ISSUE			
RD173 Funtley Road, Fareham			
Illustrative masterplan			
DATE	DATE/DESCRIPTION	SCALE	PROJECT NO.
02/09/20		1:1000	RD1731-F31100
			P1

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Masterplanning Urban Design Landscaping Architecture

development proposal

The development is to provide for up to 125 dwellings, community building incorporating a local shop with associated infrastructure, new Community Park, landscaping and access as shown on the Illustrative Masterplan opposite.

The site is set within an undulating landscape where the dominant feature is the topography and its wooded horizons which are characteristic. This mature landscape effectively unifies the landscape and helps contain development, where it has occurred. The site itself contributes to the wooded horizons with remnant coppice woodland on the higher ground in the south.

Other significant landscape features on the site include areas of ancient replanted woodland in Great Beamond Coppice, treebelts and mature trees. The proposed development ensures that these key landscape features are retained and enhanced. The smaller scale field pattern that once compartmentalised the site (now only indicated by a few remnant trees) once linked the wooded horizons to the valley floor.

This pattern will be reinstated through the proposed north-south green links which will incorporate the remaining trees and provide access routes, SuDS, biodiversity corridors and new native tree and shrub planting, as well as species-diverse grasslands.

An interconnected network of footpath and cycle routes will link the site to Fareham North to the south and the Meon valley trail and wider countryside to the north, also allowing existing and new communities to access the Community Park located on the higher slopes south of the residential development. This area benefits from panoramic views northwards towards the South Downs and Meon Valley, which will now become accessible to the community.

The Community Park will provide significant areas of open space for informal recreation, with habitats enhanced through management and planting.

The landscape will be managed as part of the development adding to its amenity, biodiversity, recreational, educational and landscape value. Management regimes that might be considered could include traditional methods such as coppicing of woodland and diversification of meadows through green haying or grazing.

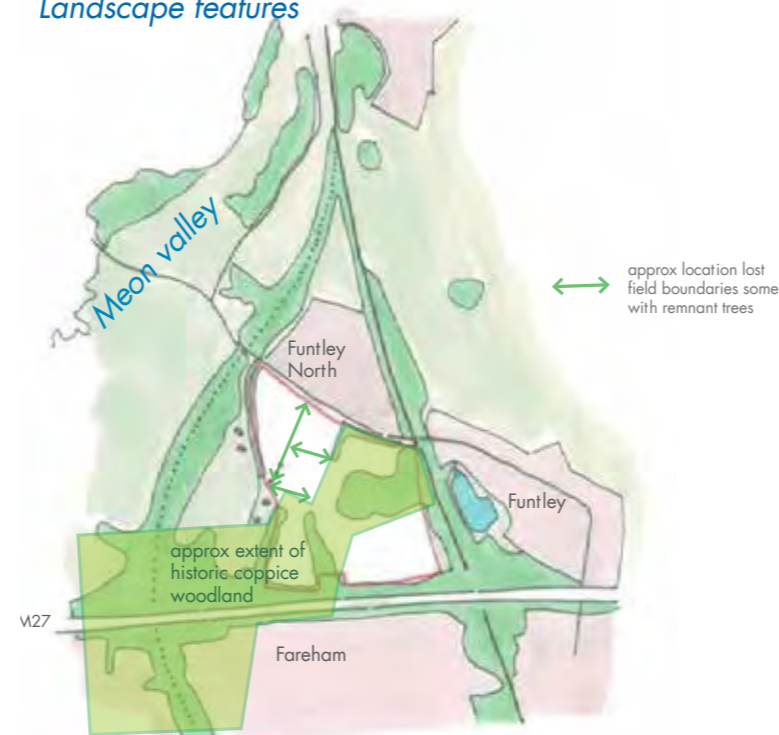
The character of Funtley Road frontage will be designed to reflect the essence of other Meon valley village frontages helping to connect the existing and new communities but also providing a locally distinctive setting within which to integrate development.

Visibility & Views



concentrate development in less visible areas on lower slopes, in valley and areas contained by vegetation. Community open space in areas with wider views maintaining and celebrating key panoramas to wooded horizons ...

Landscape features



historic features such as the north-south hedgerows and interconnected coppice woodland were present into the 20th century but have now been significantly reduced in area or lost. These connected the upper slopes to the valley floor. The repaired landscape structure can bring back some of these features and provide context and sense of place for development, integrating it into its setting ...

Landscape character



reconnect the site with the wider landscape and Meon valley reinforcing the wooded horizons; soften character transition of built development through density gradients within a repaired landscape pattern ...

landscape & visual implications of development proposal



preliminary aerial view from the north looking towards Fareham

— — — — —> wooded horizon reinforced

• • • —> multifunctional green links reinstate smaller scale historic field pattern

landscape & visual implications of development proposal

The landscape character of Funtley South, which has been affected by adjacent residential development and uses such as a cattery, equestrian activities, stables, vehicle parking, noise from the M27, etc is best described as urban fringe. The urban influences will increase when Welborne Garden village is constructed, to the north-east.

The landscape led approach to the scheme is based on the retention of key landscape features including the replanted Ancient Woodland, the habitats of value within the site and the need to effect landscape restoration to restore the landscape pattern and character which has been eroded. The enhanced landscape will also provide the setting for the proposed development so that it integrates into the site. The enhanced setting will also help mitigate any impacts on visual amenity for local residents that face the site at present from the residential area to the north. Additional benefits are likely to include enhanced recreational opportunities including those provided by the proposed Community Park as well as better connectivity both with Fareham North and the footpath network, including the Meon Trail within the wider countryside.

Landscape impacts

The potential landscape effects have been assessed at site level, at Borough level LCA and also at County and National character area level. Landscape effects are also assessed on landscape features.

The arboricultural impact assessment confirms that all significant trees are to be retained and protected. The proposal allows for replanting within the greenlinks, reinstating smaller scale landscape compartments for development, based on historic pattern. These also physically and visually connect the wooded slopes and horizons with the valley floor. Additional planting around the rural edge of the site will enhance the existing landscape structure. New and existing vegetation will be managed as part of the development. The effect on landscape features is assessed as beneficial.

The landscape character of the site has been eroded through past uses. The proposed development, although over a slightly increased area compared to the previous proposal, is still located on the lower, less visible slopes and its edges have been carefully defined to relate to the topography and slopes for reasons of visibility and landscape character. The form of development also responds more closely to the landscape pattern, based on studies of its historic evolution.

The effect on landscape character of the proposed development at site level was previously assessed as a Moderate-Major negative effect on the landscape character at site level, where development is proposed due to the change of use from equestrian fields to residential development.

Whilst we would agree that this is a significant change we reiterate that the character of the site and indeed the entire Funtley triangle has been affected by changing uses over a long period with the effect that coppice woodland and field boundaries have been lost and replaced with fencing, sheds, and other buildings. Non-native planting has also been introduced, especially around the existing buildings near the entrance and the general visual amenity that the site provides has declined. In addition there has been little management of the key landscape features such as the woodlands and remaining field trees, which can be expected to decline further without intervention.

The site has been deemed suitable for limited residential development in both published landscape characterisation studies and by the Council, in granting planning permission for 55 houses. A well-designed, landscape-led residential development which respects the character and restores lost features is not necessarily negative, and in this case is positive, particularly in the longer term. Whilst the short term effects on landscape character may be Moderate adverse, the long term effect on landscape character is likely to be Minor adverse at worst with the potential to be beneficial. This could stop the century long decline in landscape structure and produce an appropriate and enhanced setting leading to a stronger landscape framework maturing into the 21st and 22nd centuries.

Visual impacts

We agree with the previous LVA assessment that the site is well enclosed so that the visual effects are likely to be restricted to receptors within the residential areas in Funtley North and road users along Funtley Road.

The proposed development, whilst over a slightly increased area, is still located on the lower, less visible parts of the site and the landscape structure throughout the site is to be enhanced. In addition, rather than cutting the site off from Funtley Road the proposals seek to create a positive, locally distinctive Meon valley village ambience where built form, water and vegetation provide the frontage along Funtley Road. This will enhance the character on both sides of Funtley Road.

Whilst there will be a discernible change in views for residents to the north of Funtley Road, it is assessed that the impacts are likely to be minor to moderate adverse in the short term (mainly related to construction impacts) with the potential for long term benefits as the landscape matures and development is integrated.

Landscape improvements in the Community Park, including the removal of buildings on the upper slopes, new tree planting and enhanced management of both the existing and new vegetation and grasslands are assessed as beneficial to views and visual amenity. This change of use will also give public access so that the panoramic views from the upper parts of the site, which are currently not available to the general public, will be available to all users.

The effects of this renewed landscape structure, combined with the enhanced public footpath access, will produce an enhanced landscape for the public and wildlife alike well into the 21st and even 22nd centuries. This will arrest the continuing decline and fragmentation of the landscape and produce the opportunity for improved landscape management; this new landscape structure will be 're-purposed' as part of the shift from agricultural to residential and leisure landscapes with changing social, economic and environmental circumstances.

Appendix i

Landscape and Visual Appraisal
prepared by Fabrik, January 2018

reside.

Land south of Funtley Road, Funtley

Landscape and Visual Appraisal

r.

Project Title: Land South of Funtley Road, Funtley, Hampshire

Client: Reside Developments Ltd

Revision	Date	Revision Details	Prepared By	Checked By	Approved By
DRAFT	19/06/17	Internal review	CLB	SG/AS	SG/AS
00	12/07/17	Internal review	CLB	AS	AS
00	18/07/17	Issued to the client	CLB	AS	AS
01	27/07/17	Revised to suit client's comments and re-issue.	CLB	AS	AS
02	28/07/17	Minor amendments to suit client's comments and re-issue.	CLB	SG	SG
03	16/01/2018	Winter views included and amendments to reflect current scheme proposals - Internal review	LS/DL	AS	AS
04	17/01/2018	Client Review	DL	AS	AS
05	19/01/2018	Client / planner comments integrated	DL	AS	AS

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1. Introduction

1.1 Introduction

fabrik Chartered Landscape Architects have been appointed by Reside Developments Ltd to carry out a Landscape and Visual Appraisal (LVA) of the land to the south of Funtley Road, Funtley, Hampshire (the Application Site, refer to **Figure 1.1**) and its environs, in order to consider the likely physical and visual impacts arising as a result of the proposed development.

This LVA forms one of the suite of documents provided with the outline application. It sets out landscape policy and then goes on to describe the existing topography, land cover, vegetation, landscape features, landscape character and visual receptors of the local area in order to assess the landscape and visual effects of the proposed development which together inform the landscape character. The LVA also describes the baseline character and amenity of the identified visual receptors (considering the visual envelope, the different groups of people, places affected, the nature of the view and the visual amenity). This document describes the development proposals and then sets out a statement of landscape and visual effects.

This LVA should be read in conjunction with the suite of documents submitted with the outline application (all matters reserved except for access).

The methodology for the LVA is based on the 'Guidelines for Landscape and Visual Impact Assessment' (third edition) by the Landscape Institute and Institute of Environmental Management and Assessment (Routledge, 2013) and is set out at Appendix 1.

Where the terms 'Site' and 'Application Site' are used in this LVIA, these both refer to the land defined by the red line boundary shown in Figure 1.1; which is the subject of two separate planning applications:

1) Outline Application

Following demolition of existing buildings residential development of up to 55 dwellings (including 3 self-build homes) (Use Class C3), community building incorporating a local shop 250 sqm (Use Classes A1, A3, D1 & D2), accesses and associated landscaping, infrastructure and development works.

2) Change of Use

Change of use of land from equestrian/grazing to community park following demolition of existing buildings

1.2 Overview of Proposed Development

The proposed development comprises of 55 dwellings, a community building incorporating a local shop, with associated infrastructure, new community park, landscape planting and access. The Site area is 16.18 hectares (ha) and the Site is a proposed development allocation (ref. HA10) in the emerging Fareham Local Plan 2036.

1.3 Desktop Research and Study Area

The desktop survey carried out as part of the LVA included the review of previous proposals, Ordnance Survey maps, interactive maps, aerial photography, published landscape character assessment documents and planning policy. This was further verified through field work, to determine the potential zone of landscape and visual influence of the site and proposed development, including views requested by the Principal Planner of Fareham Borough Council on 25/05/2017.

The study area was found to generally extend to around 2.0km from the centre of the Site. Beyond this the landscape is visually divorced from the area by the intervening topography, vegetation and in places, built form. The LVA nevertheless considers the wider landscape, planning and designations context to the land within the Site.

1.4 Field Work

The field work was initially carried out on 07/06/17 and recorded the existing landscape elements within the Site; the contextual landscape elements; and identified a series of key visual receptors. The visual assessment element includes a photographic survey of the land within the Site taken from a series of representative key views, chosen to represent a range of public views, distances and directions within the study area. The photographic survey was updated to reflect winter views on 05/01/2018.

Viewpoints 15-19 were omitted from the winter photographic survey, since the summer views demonstrated such an extent of screening of the views (by vegetation and/or landform in the intervening areas), that it was considered that no significant visual change would occur in winter.

However, additional winter views were taken from the bridleway following the disused railway line west of the Site, since the lack of leaf cover in winter revealed glimpsed views to parts of the Site and nearby existing dwellings. Summer viewpoint 4 is represented by a viewpoint taken from within the Site, but standing very close to the low hedge at the boundary with the adjacent property (containing a dwelling at the southern end of Honey Lane).

While the summer and winter views show slight differences in the position of the viewpoint and focal lengths of camera lens used, there are otherwise, no material differences in the view.

1. Introduction

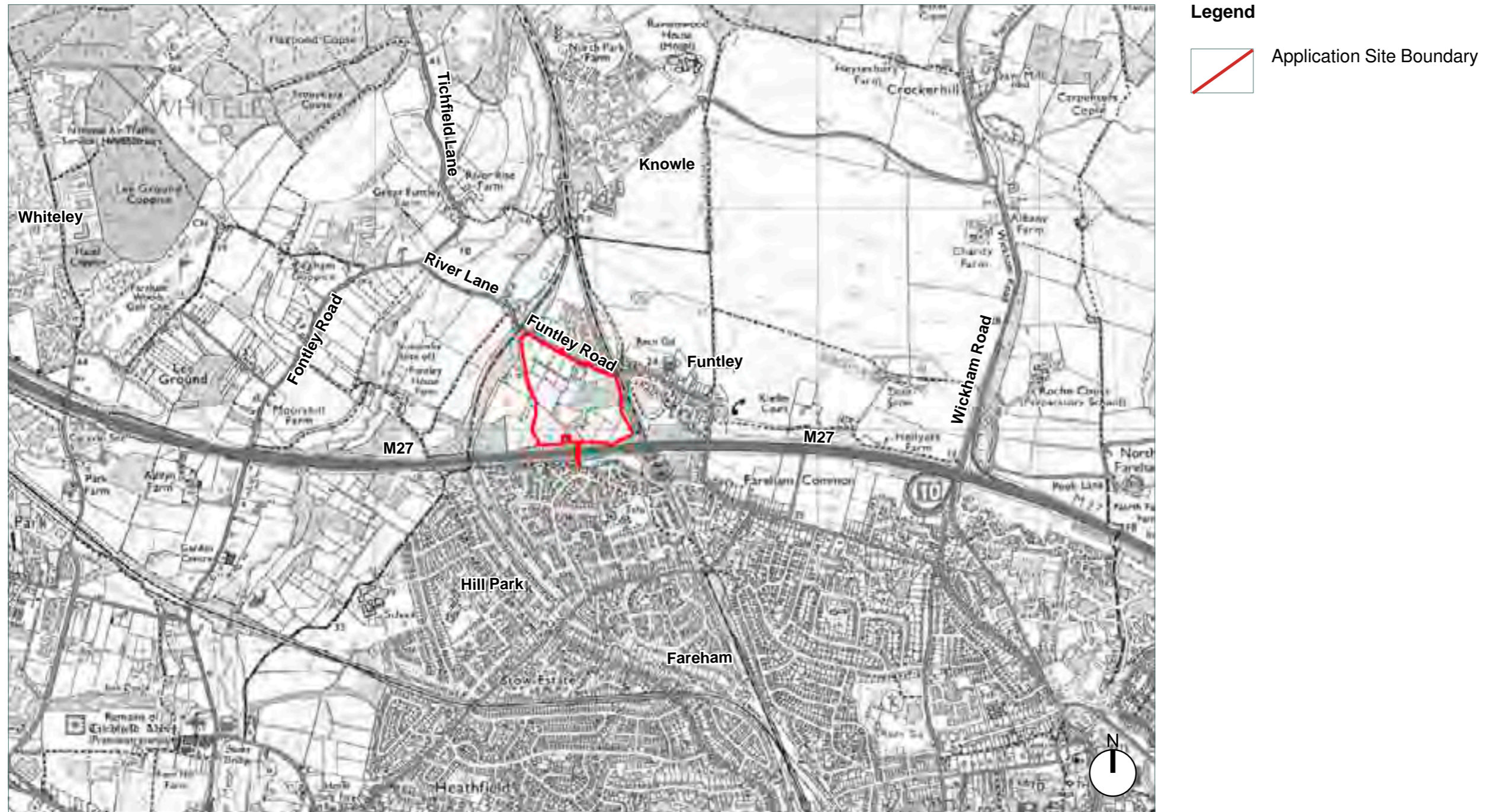


Figure 1.1 – Extract from Ordnance Survey Plan showing the Application Site location and boundary (fabrik, 2018)

2. Baseline Conditions

2.1 Landscape and Heritage Designation

The land within the Site lies wholly within the jurisdiction of Fareham Borough Council and is located within the landscape designation of Area Outside of Defined Urban Settlement Boundary. The area within the north-western part of the Site is designated as Existing Open Space in the Fareham Core Strategy (Adopted August 2011).

Within the Study Area, there are a number of Listed Buildings, Scheduled Ancient Monuments, Ancient Woodlands and Historic Parks and Gardens. The Scheduled Ancient Monument of Tichfield Abbey and Fishponds with a group of Grade II Listed Building of Abbey Cottage, Fisherman's Arms, Place House Cottage and Garden are situated along Mill Lane to the south west of the Application Site. There are no Listed Buildings which abut the Application Site or which have intervisibility with the Application Site.

The South Downs National Park (SDNP) is located approximately 3.7km to north east of the Application Site (and therefore outside of the 3km radius of the study area). This was further verified through field survey work to determine that views of the Application Site are truncated from the SDNP due to intervening topography, built form and vegetation (refer to the visual baseline on Pages 45 and 47).

The Grade II Listed buildings of Church of St Francis is located approximately 510m along Funtley Road to the east of the Application Site. A Scheduled Ancient Monument (the Site of Funtley Iron Works) together with a group of Grade II Listed buildings (including Ironmaster's House and Funtley House) are situated approximately 500m to the south west of Application Site along Ironmill Lane.

The Application Site contains Great Beamond Coppice, an Ancient Re-planted Woodland. This woodland, together with the tree blocks within central northern and south-western sections of the Application Site, are designated as a Site of Importance of Nature Conservation (SINC) and are also covered by a Tree preservation Order (TPO). Another Ancient Woodland of Hookhouse Coppice is also located approximately 200m to the south west of Application Site.

There are no other landscape or heritage designations within nor adjacent to the Application Site.

The above designations are shown on **Figures 2.1 and 2.2** on the following pages.

Land to the east of Funtley is designated for a new settlement known as Welborne. Settlement buffers are proposed in key locations, including along the eastern edge of Funtley.

2.2 National Landscape Policy

The National Planning Policy Framework (NPPF) (March 2012) seeks the presumption in favour of sustainable development. The following issues and policies are pertinent to this LVA.

Section 7 sets out the requirements of good design. Paragraph 56 states that: *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."*

Paragraph 57 goes on to state that: *"It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces..."*

Paragraph 58 looks to ensure that developments:

- *"will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

- *create safe and accessible environments...; and*
- *are visually attractive as a result of good architecture and appropriate landscaping."*

Furthermore, Paragraph 65 states that: *"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."*

Section 8 of the NPPF deals with 'Promoting healthy communities' and seeks to achieve:

- *"Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mix-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."*

Section 10 deals with climate change. Paragraph 96 sets out that development should take into account the landform, layout, building orientation, massing and landscaping to minimise energy consumption. Furthermore, Paragraph 99 states that: *"... When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure."*

2. Baseline Conditions

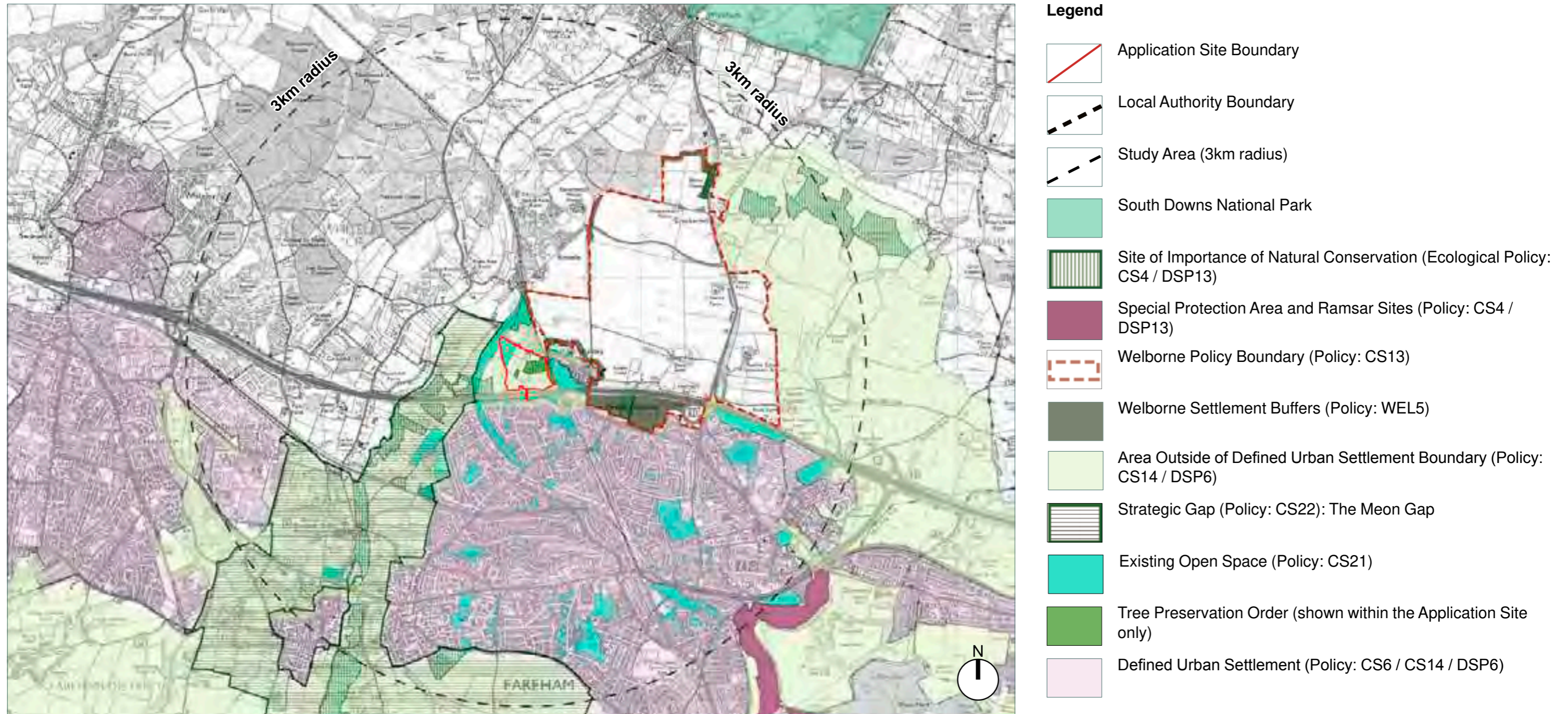


Figure 2.1 – Plan illustrating landscape and ecological designations as shown on the Fareham Borough Council 2015 Adopted Local Plan Proposals Map (fabrik, 2018)

2. Baseline Conditions

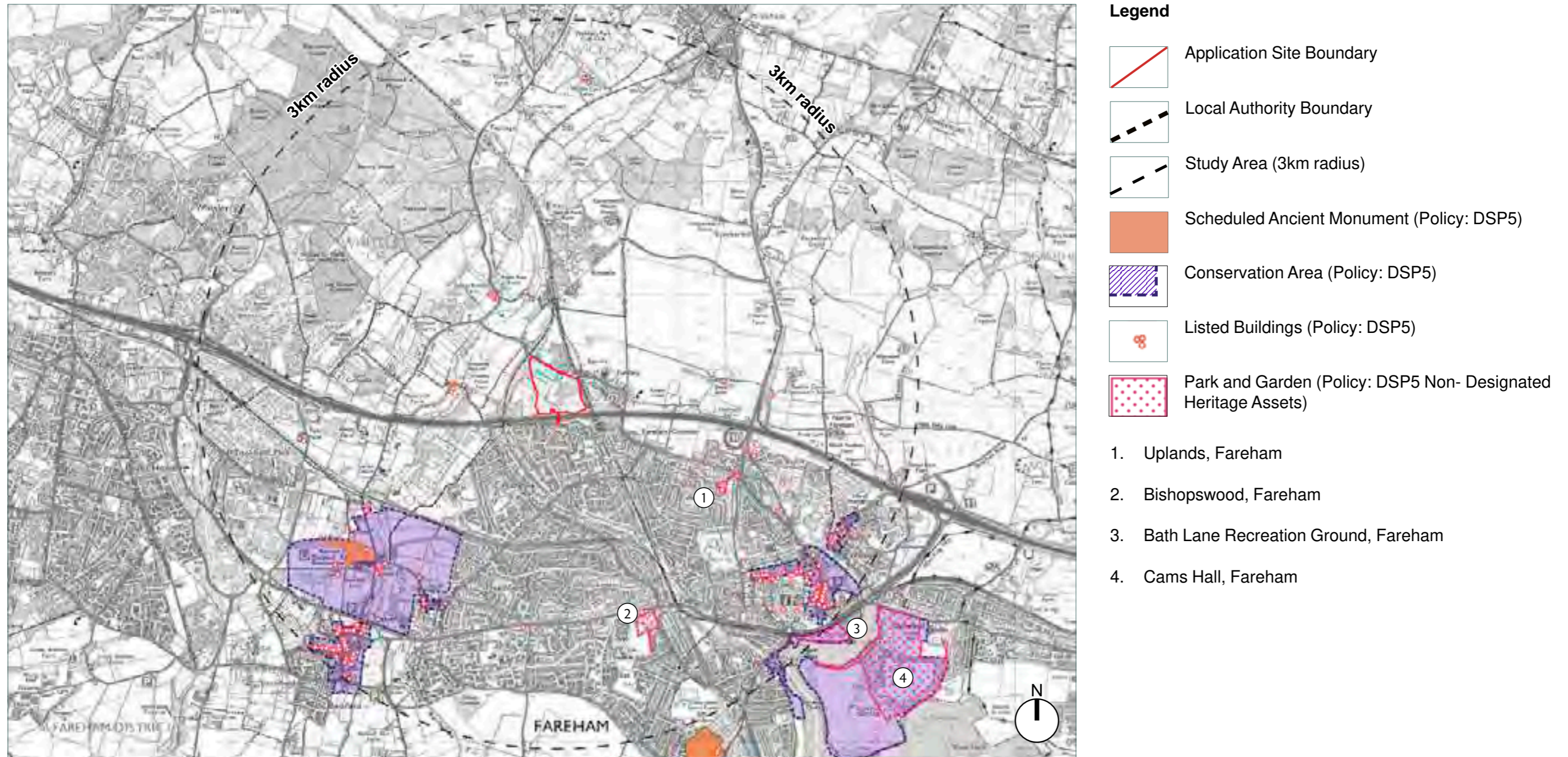


Figure 2.2 – Plan illustrating heritage assets within the 3km study area (fabrik, 2018)

2. Baseline Conditions

2.2 National Landscape Policy (continued)

Conserving and enhancing the natural environment is the topic of Section 11. Paragraph 109 states that: *“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity.”*

Paragraph 115 goes on to state that: *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

The Application Site does not lie within or form part of the setting to a valued landscape.

National Planning Practice Guidance - NPPG (March 14)

The NPPG is now supported by the on-line resource Planning Policy Guidance (PPG). There are a number of sections that relate to this LVA as set out below.

The PPG sets out guidance on Design at section ID 26 (updated on 6 March 2014) and the elements to be considered to achieve good design. Paragraph 001 under this section states that: *“The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.*

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use - over the long as well as the short term.”

Paragraph 002 states that: *“Good design should:*

- *ensure that development can deliver a wide range of planning objectives*
- *enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being address the need for different uses sympathetically.”*

Paragraph 004 goes on to state that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

Paragraph 007 states that planning should promote local character (including landscape setting) - states:

“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

When thinking about new development the site’s land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.

Paragraph 009 relative to greenspaces and public places - includes the following:

“Development should promote public spaces and routes that are attractive, accessible, safe, uncluttered and work effectively for all users – including families, disabled people and elderly people. A system of open and green spaces that respect natural features and are easily accessible can be a valuable local resource and helps create successful places. A high quality landscape, including trees and semi-natural habitats where appropriate, makes an important contribution to the quality of an area.”

Landscape is a sub section under Section ID 8 on the Natural Environment (updated on 6 March 2014). Paragraph 001 on landscape character states that: *“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes, but also the wider countryside.*

Where appropriate, landscape character assessments should be prepared to complement Natural England’s National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making.”

Under the biodiversity, ecosystems and green infrastructure section, paragraph 015 on green infrastructure defined this as: *“... a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, street trees, allotments and private gardens.”*

2. Baseline Conditions

2.3 Local Landscape Policy

Introduction

The Fareham Borough Council is undergoing the process of producing a new Local Plan to reflect new housing and employment needs within the borough up to 2036. Before the emerging local plan is adopted by the Council, the policies within the Fareham Local Development Framework, Core Strategy (Adopted August 2011) form the principal documents within the Local Plan.

Current Policy: Fareham Local Development Framework, Core Strategy (Adopted August 2011)

Within the Adopted Core Strategy, the Council has set out strategic objectives to reflect the national policies, as well as to monitor and deliver a sustainable community within the borough.

The following objectives are pertinent to this LVA.

Strategic Objective SO1 aims to: *“To deliver the South Hampshire Strategy in a sustainable way, focussing development in Fareham, the Strategic Development Area north of Fareham and the Western Wards.”*

Strategic Objective SO8 aims to: *“To deliver a new sustainable settlement to the north of Fareham, creating 6,500-7,500 homes, up to 90,750 sq.m employment floorspace, a new district centre and other supporting retail and community provision.”* This relates to the Welborne settlement proposed to the east of Funtley.

SO10 states that the Local Authority wishes to: *“...manage, maintain and improve the built and natural environment to deliver quality places, through high quality design sustainability and maintenance standards, taking into account the character and setting of existing settlements and neighbourhoods and seeking safe environments which help to reduce crime and the fear of crime.”*

Whilst SO11 is concerned with green infrastructure, aiming to: *“... protect and enhance access to green infrastructure, the countryside,*

coast and historic environment whilst protecting sensitive habitats or historic features from recreational pressure, and protect the separate identity of settlements, including through the designation of strategic gaps.”

In terms of development proposals and designations, the following policies are pertinent to this LVA.

Policy CS4 relates to the green infrastructure within the borough and states: *“Habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland, the coast and trees will be protected ...”* The policy goes on and states: *“Development Proposals will be permitted where Green Infrastructure provision in accordance with the Green Infrastructure Strategy has been integrated within the development where this is appropriate. Development proposals will provide for appropriate access to green space for informal recreation to avoid adverse impacts from recreation and other impacts on European 31 and Ramsar sites and on nationally and locally important sites.”*

Within the Core Strategy and the proposal map, the Welborne Policy Boundary is within the close distance to the Application Site to the north-east (refer to Figure 2.1). This future development allocates up to 6,000 dwellings with associated transportation links, green infrastructure and open spaces. The relevant Policy is CS13 North of Fareham Strategic Development Area and states that: *“Permission will be granted for the development of a Strategic Development Area to the north of Fareham following the adoption of an Area Action Plan and the preparation of a comprehensive masterplan for the development. The development will include provision for between 6,500- 7,500 dwellings, unless it is found that this level of housing cannot be delivered without adversely affecting the integrity of protected European conservation sites. If any potential adverse effects cannot be avoided or adequately mitigated, the level and scale of development would need to be reduced accordingly to ensure that there are no adverse effects on the integrity of any European sites. The development will also provide supporting environmental, social and physical infrastructure, retail and employment floorspace to both support the development and to contribute towards meeting*

the development objectives of the South Hampshire Sub-Region. The new community will aim to be as self-contained as possible, whilst complementing and supporting the established town centre of Fareham and adjoining settlements.”

Policy CS14 refers to Development outside the defined settlement boundary, stating: *“Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.”*

Policy CS17 is concerned with High Quality Design, with focus on landscape and stating: *“All development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed to:*

- *respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials;*
- *provide continuity of built form, a sense of enclosure with active frontages to the street and safety of the public realm;*
- *provide green infrastructure, including landscaping, open spaces, greenways and trees within the public realm...”*

The policy relating to the Protection and Provision of Open Spaces, CS21 states: *“The Borough Council will safeguard and enhance existing open spaces and establish networks of Green Infrastructure to add value to their wildlife and recreational functions. Development which would result in the loss of or reduce the recreational value of open space, including public and private playing fields, allotments and informal open space will not be permitted, unless it is of poor quality, under-used, or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size.”*

Policy CS22 deals with developments within Strategic Gaps and states: *“Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or*

2. Baseline Conditions

2.3 Local Landscape Policy (continued)

cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap)...

Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

The Local Plan Part 2 reinforces the Core Strategy's policies relating to the natural environment. Paragraph 4.1 summarises: *"The Natural Environment is a key asset of the Borough, which provides a significant contribution to the quality of life of residents and visitors. It not only provides a natural, green setting for the Borough's settlement, but is also important for recreation and leisure uses as well as supporting the Borough's biodiversity including internationally important habitats for wildlife. The Plan is important in establishing the right balance between planning for growth and protecting the natural environment."*

Policy DSP40 Housing Allocations includes the following, which is of relevance to the proposed development site:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing and supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*

iv. It can be demonstrated that the proposal is deliverable in the short term; and

v. The proposal would not have any unacceptable environmental, amenity or traffic implications."

Policy DSP2 concerns with any environmental impact of new developments to the existing development and wider landscape, and go on stating: *"Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour)...."*

Policy DSP5 relates to any developments affecting the setting of historical assets and states: *"Designated and non-designated heritage assets are an irreplaceable resource that will be conserved in a manner appropriate to their significance, to be enjoyed for their contribution to the quality of life of this and future generations. The wider social, cultural, economic and environmental benefits of their conservation will also be taken into account in decision making...."* The policy goes on and state: *"...The Council will conserve Scheduled Monuments, and archaeological sites that are demonstrably of national significance, by supporting proposals that sustain and where appropriate enhance their heritage significance. Proposals that unacceptably harm their heritage significance, including their setting, will not be permitted."*

Non-designated heritage assets including locally listed buildings, historic parks and gardens, and sites of archaeological importance will be protected from development that would unacceptably harm their Architectural and historic interest, and/or setting taking account of their significance.

Policy DSP6 relates to the Core Strategy CS14 on Development Outside of the Defined Urban Settlement Boundaries and states: *"There will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map)....A change of use of land outside of the defined urban settlement boundary to residential garden will only be permitted where:*

i. It is in keeping with the character, scale and appearance of the surrounding area; and

ii. It will not detract from the existing landscape; and

iii. It respects views into and out of the site."

Policy DSP13 relates to the impact of new development on the nature conservation areas within the borough and states: *"Development may be permitted where it can be demonstrated that;*

i. designated sites and sites of nature conservation value are protected and where appropriate enhanced;

ii. protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;

iii. where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and

iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Proposals resulting in detrimental impacts to the above shall only be granted where the planning authority is satisfied that (this section of the policy should not be applied to impacts on SPA designated sites which are subject to stricter protection tests as set out in The Conservation of Species and Habitats Regulations (as amended) 2010);

i. Impacts are outweighed by the need for, and benefits of, the development; and

ii. Adverse impacts can be minimised and provision is made for mitigation and, where necessary, compensation for those impacts is provided.

Enhancements that contribute to local habitat restoration and creation initiatives as set out in the Hampshire Biodiversity Action Plan (or other similar relevant document) will be supported."

2. Baseline Conditions

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016

In terms of public open space, outdoor sport and children's play equipment, Appendix B sets out that for developments of between 50-299 dwellings, 1.5ha per 1000 population is to be provided for parks and amenity open space. No sport provision is required for this scale of development. In terms of play provision, for developments between 50-199 dwellings, a LEAP is required.

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version)

Figure 2.3 on the following page illustrates the proposed amendments to the policies map. **Figure 2.4** shows the development allocation plan from Appendix G of the emerging local plan. The Application Site is proposed for residential development and new open space. Land to the north is also proposed as a residential allocation. Extracts of the policies relative to landscape matters are set out below:

Policy HA10 sets out the requirements of the proposed allocation, with a capacity for 55 dwellings and states that: "Planning permission will be granted provided that detailed proposals accord with the policies in the Local Plan and meet the following site specific requirements:

- a) The quantum of housing proposed shall be broadly consistent with the indicative site capacity; and
- b) Primary highway access shall be from Funtley Road; and
- c) Building heights are limited to a maximum of 2 storeys; and
- d) Safe pedestrian and cycle crossing points across Funtley Road and connectivity with the existing footpath/bridleway network in the vicinity of the site and eastwards towards the centre of Funtley village in order to maximise connectivity to nearby facilities and services; and

- e) The creation of a vehicular loop road on the site, allowing for pedestrians and cycle permeability across the site; and
- f) Proposals shall take account of the site's landscape context by incorporating view corridors from Funtley Road through to the public open space allocation to the south of the residential allocation (as illustratively shown in Appendix G). The view corridors should form part of the on-site open space and should incorporate pedestrian and cycle links, whilst vehicular crossing links should be limited; and
- g) A 15m buffer shall be incorporated between development and the Great Beamond Coppice SINC to the east of the site; and
- i) The provision of a building / buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents; and
- j) Proposals shall either provide directly, or provide financial contribution towards the delivery (and maintenance where deemed necessary) of the following infrastructure, in line with the Council's Planning Obligations SPD:
 - Public open space on and off-site (as illustratively shown in Appendix G) (in line with the Council's Planning Obligations SPD); and
 - a Local Area of Play (LEAP) on-site (in line with the Council's Planning Obligations SPD).

In light of the landscape setting, this development allocation is required to take a looser, less dense approach, applying a density of around 20 dwellings per hectare (dph). In light of the rural setting, significant natural landscaping should be incorporated, so that proposals are assimilated into the landscape. Part of this assimilation includes the incorporation of view corridors, between Funtley Road and the open space south of the site, which are required to maintain visual and physical connections through the site.

Additionally, the delivery of the community uses building and public open space are critical elements in making the development

acceptable, by providing additional assets for both the existing and new community. The community building envisaged is one that is multi-functional and flexible to allow for a range of small-scale community uses, whilst the proposed public open space should be more informal in nature, to take account of and strengthen the landscape setting.

Appendix F is a visual demonstration of the suggested approach to development in this location, taking account of the approach detailed above."

The other pertinent policies of the Local Plan, relative to landscape and visual matters are:

Policy CF6: Provision and Protection of Open Space, which states that: "Proposals for new residential development will be required to provide open space to meet the needs of new residents in accordance with the thresholds and requirements set out in the Council's Planning Obligations SPD.

Proposals seeking to develop on open space will not be permitted unless it can be clearly demonstrated that:

- a) The open space is surplus to local requirements and will not be needed in the long-term following a robust assessment; and
- b) Replacement provision will be at least equivalent or better in terms of quantity, quality and accessibility and there will be no overall negative impact on the provision of open space; or
- c) The development is for alternative recreational provision, which meets locally identified needs and clearly outweighs the loss of the original open space; or
- d) The loss of open space is replaced by a scheme which delivers high quality community, educational or health benefits and clearly outweighs the scale of the net loss of open space."

2. Baseline Conditions

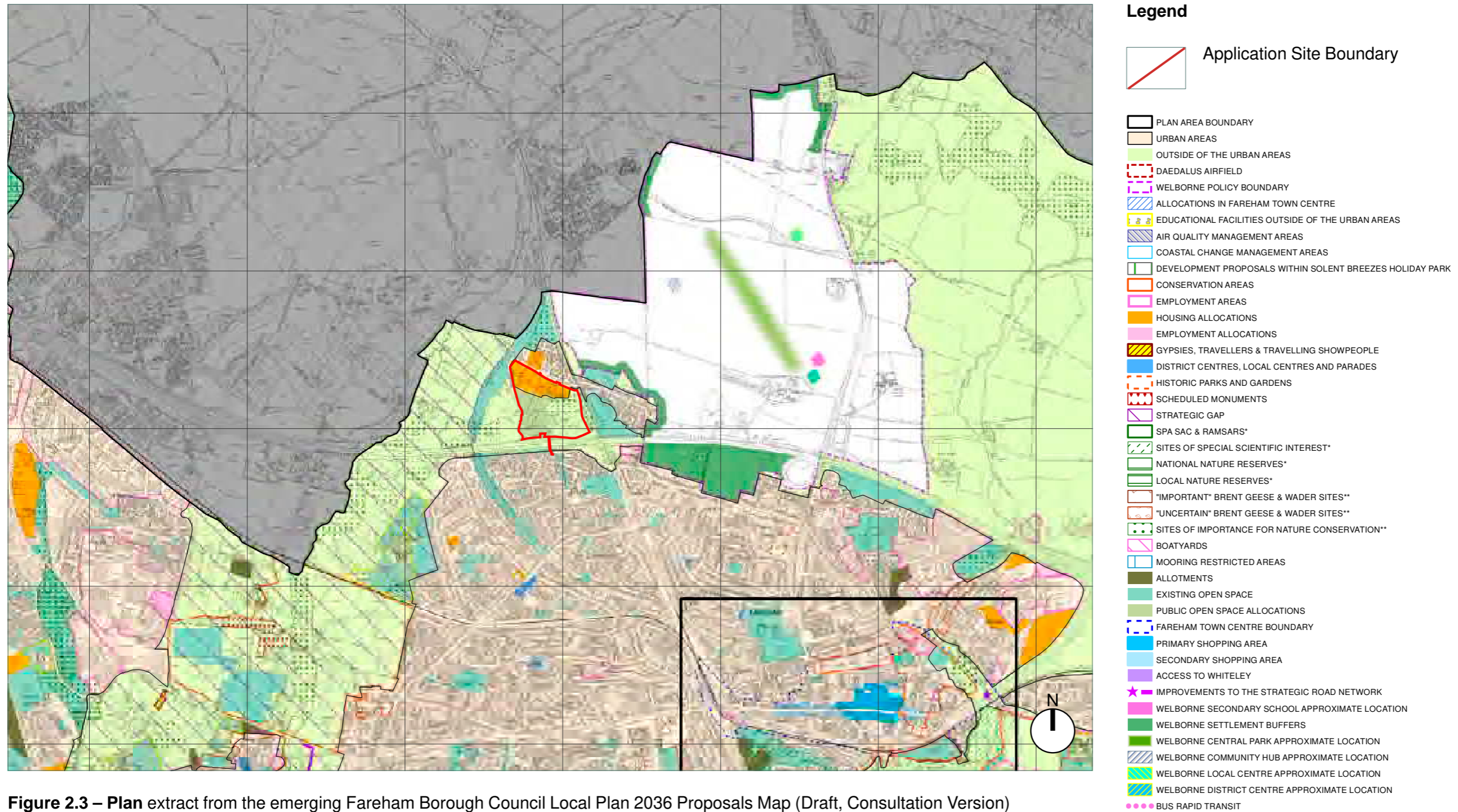


Figure 2.3 – Plan extract from the emerging Fareham Borough Council Local Plan 2036 Proposals Map (Draft, Consultation Version)

2. Baseline Conditions

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version) Continued

Policy NE1 deals with Landscape and states that: *“Development for all major applications will be permitted only where it can be demonstrated, through a robust landscape assessment that the proposals satisfy the specific development criteria contained within the Council’s Landscape Sensitivity Assessment for the character area in which the development is located.*

Development proposals must respect, enhance and not have severe adverse impacts on the character or function of the landscape that may be affected, with particular regard to:

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape’s role as part of the existing Green Infrastructure network;*
- e) The local character and setting of buildings and settlements;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough’s rivers and coastline, which should be safeguarded.*

Major development proposals shall include a comprehensive landscaping mitigation and enhancement scheme to ensure that the development is able to successfully integrate with the landscape and surroundings. The landscaping scheme shall be proportionate to the scale and nature of the development proposed and shall be in accordance with the enhancement opportunities specified in the

Council’s Landscape Sensitivity Assessment.”

Policy D1 is the topic for High Quality Design, setting out that all development proposals and spaces are to be of high quality, based on principles of urban design and sustainability to help create quality places. It includes the following:

“Development proposals will be permitted where they:

- a) Respond positively to and be respectful of key characteristics of the area, including heritage assets, landscape, trees and landscape features, scale, spaciousness, form and the use of external materials;...*

In all instances proposals shall have regard to the adopted Borough Design Guidance SPD.”

In addition to the allocation pertaining to the Site, land to the north of Funtley Road (Funtley Road North Site HA18) is subject to an allocation for around 23 dwellings on land around 0.96ha in size (see Figure 2.4).

2. Baseline Conditions

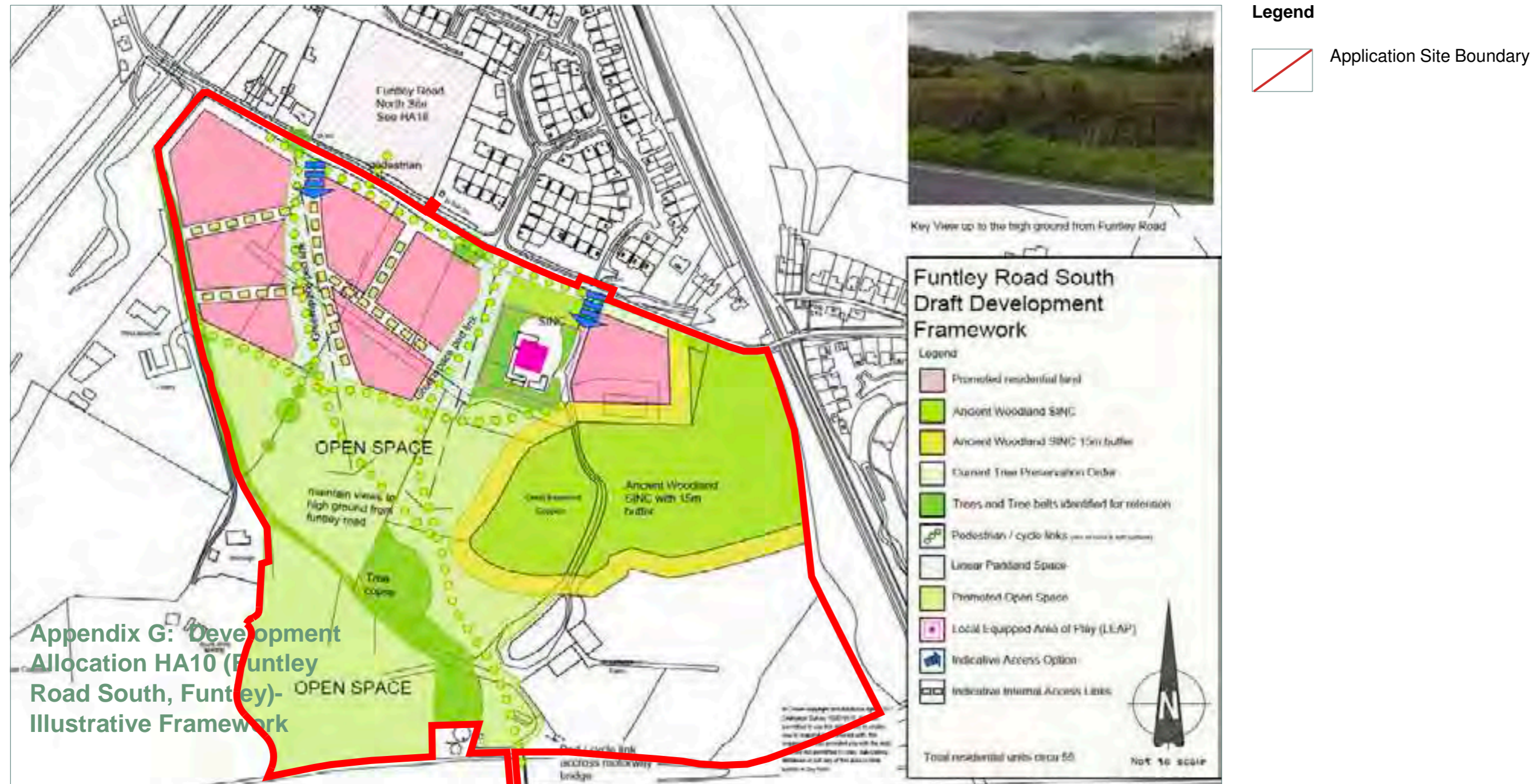


Figure 2.4 – Plan illustrating Development Allocation HA10 from the emerging Fareham Borough Council Local Plan 2036 (Draft Consultation Version)

2. Baseline Conditions

2.4 Introduction

The following paragraphs describe the landscape receptors firstly at contextual level and secondly at Application Site level.

2.5 Topographic Context

The topography of the study area is illustrated on the plan opposite in **Figure 2.5**.

Within the northern part of the study area, two major ridgelines predominately run in a broadly east to west orientation and stretch across the northern and north-eastern section of the study area. The heights are varied and reach approximately 50m AOD to Sager's Down located to the north west of the village of Knowle.

The River Meon runs in a north-east to south-west direction across the central part of the study area. It creates a large area of valley floor between the major settlement of Fareham and smaller suburb communities and villages to the west of the study area. To the east of the study area, the eastern section of the M27 motorway with the easternmost part of Fareham sits on the valley floor, which is formed by the Wallington River to the east of the study area.

The Application Site sits on the south-western fringe of Funtley village. The southern part of the Application Site lies on a ridgeline reaching approximately 55m AOD. The topography then falls towards Honey Lane to the west and Funtley Road to the north.

The value of this landscape receptor is assessed as ranging from **Low - Medium**.

2. Baseline Conditions

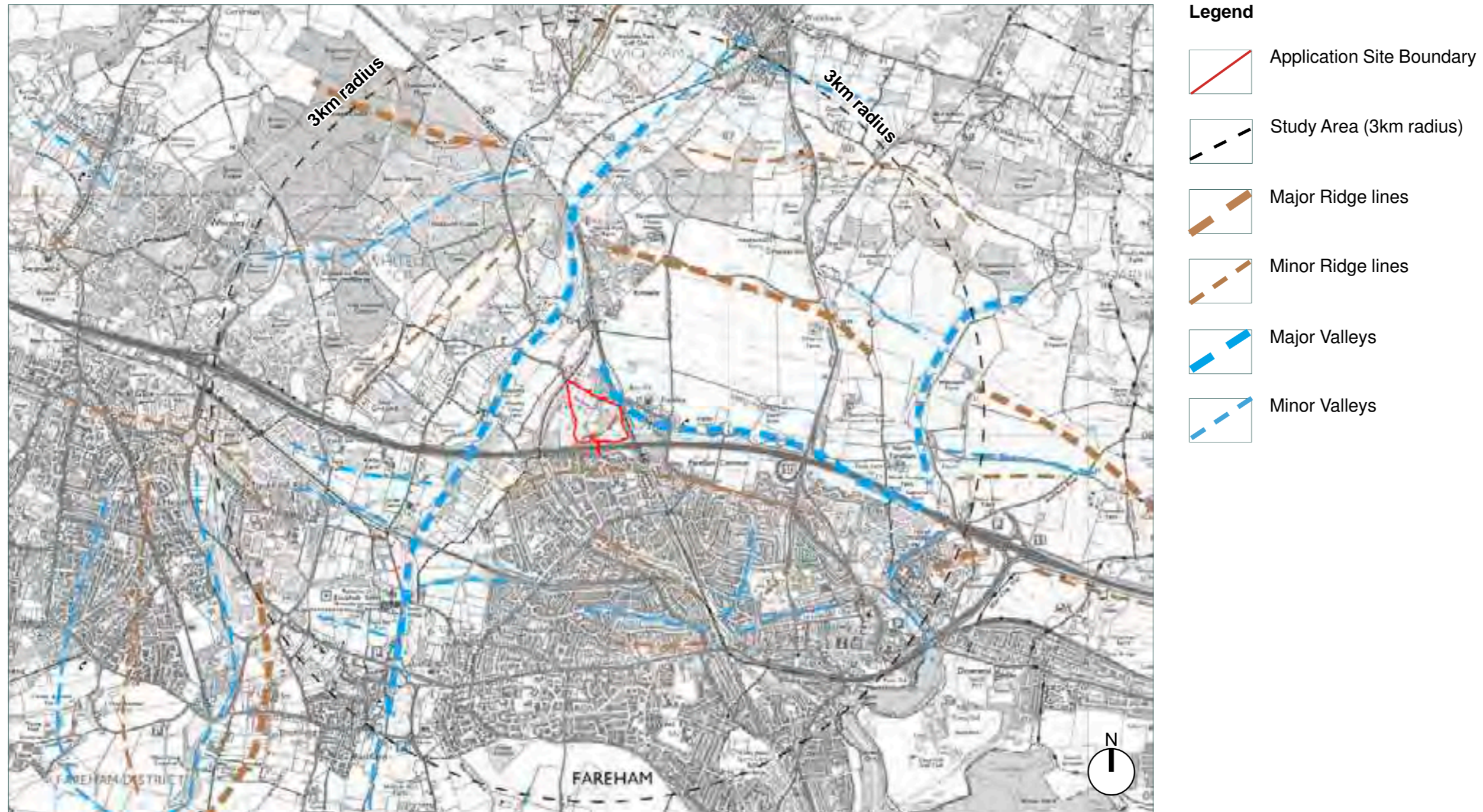


Figure 2.5 – Plan illustrating Topography and Drainage (fabrik, 2018)

2. Baseline Conditions

2.6 Contextual Landscape Elements

Broad Land Use and Land Cover:

Land cover across the northern part of study area is predominantly agricultural. A number of woodlands within the study area are either Ancient or Re-planted Woodlands. The Ancient Re-planted Woodland of Great Beamond Coppice is located within the north-eastern section of the Application Site.

The Great Beamond Coppice and the tree blocks within central northern and south-western section of the Application Site are also designated as Site of Importance for Nature Conservation (SINC) and are covered by a Tree Preservation Order (TPO).

Field patterns within the study area are predominantly of small to medium scale and bounded by dense hedgerows, trees and enclosed rural lanes. The settlement of Fareham and its associated suburban areas dominates the southern part of the study area, whilst the village of Knowle is located to the north east of the Application Site. A number of smaller settlements and farmsteads are also scattered across the study area.

There are a series of locally designated Historic Park and Gardens present within the study area. Uplands is located approximately 1.5km to the south east of the Application Site, whilst the Bishopswood is located approximately 1.9km to the south east.

Additionally, the Scheduled Ancient Monument of Funtley Iron Works, with a group of Grade II Listed buildings including Ironmaster's House and Funtley House, are situated approximately 500m to the south west of the Application Site along the Ironmill Lane.

The value of this landscape receptor are assessed as ranging from **Low - Medium**.

2. Baseline Conditions



Figure 2.6 – Plan illustrating land use within the study area (fabrik, 2018).

2. Baseline Conditions

2.7 Contextual Public Rights of Way

A series of public footpaths, bridleways with long distance trails are present across the study area.

Public footpaths 85, 513a, 513b, 513c and 513d traverse the landscape to the north east of the Application Site and provide connectivity between Lakeside, Funtley Road and Totsome Cottage to the north. Bridleway 515 to the north west of the Application Site connects Funtley Road and Mayles Lane to the north-west, over the M27 to the south west. To the south of the Application Site footpath 91 runs in a north west - south east direction along the M27 and creates the connection between bridleway 82 to the west, Red Barn Lane and Highlands Road to the south east.

The long distance walk of Allan King Way is located at the south-eastern edge of the study area, approximately 3.63km to the south east of the Application Site. This route provides the connection between the eastern fringe of Fareham to the wider landscape via Paradise Lane to the north east and Downend Road to the south east.

The value of these landscape receptors are assessed as ranging from **Medium - High**.

2. Baseline Conditions

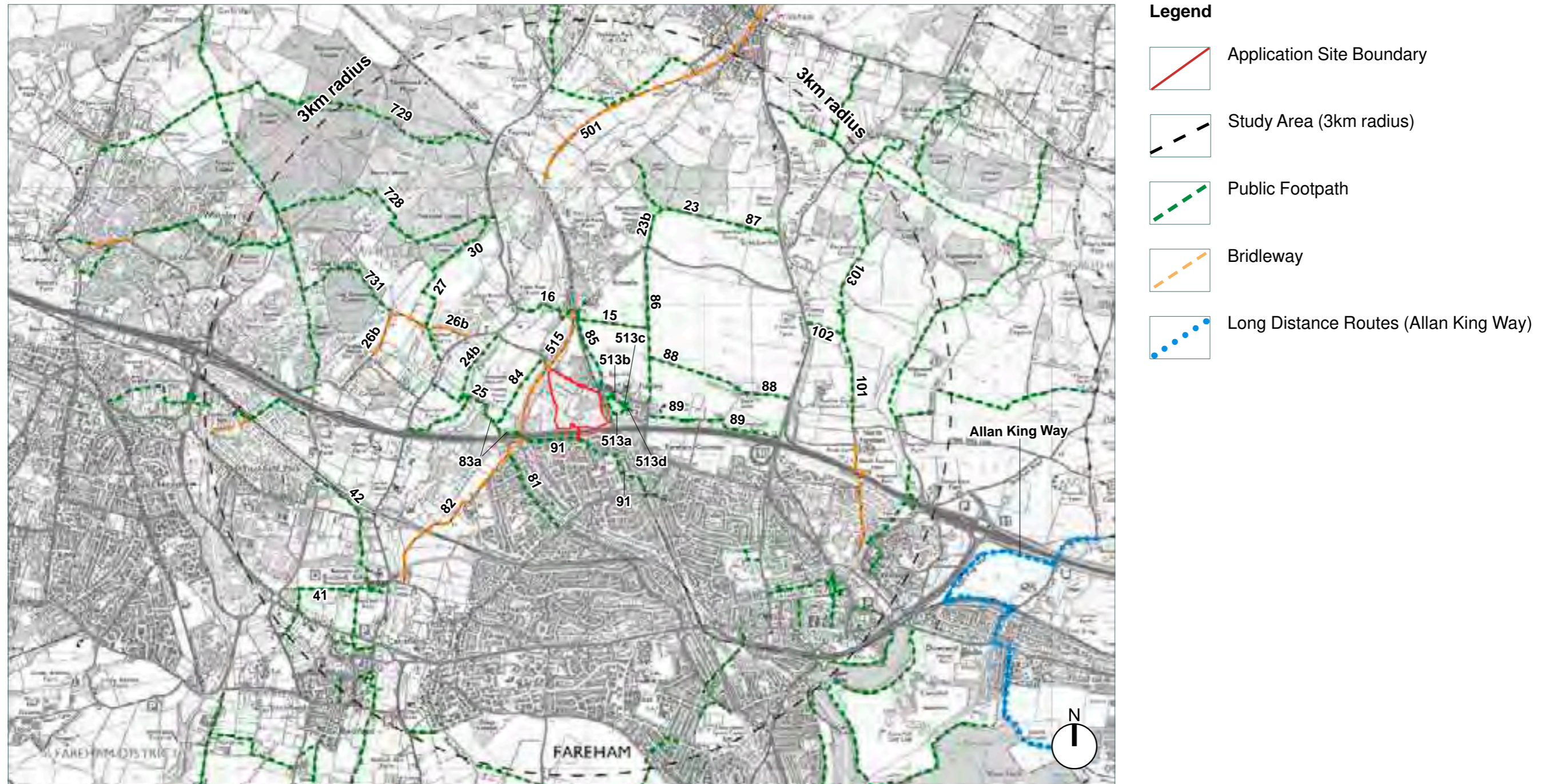


Figure 2.7 – Plan illustrating public rights of way and long distant routes within the study area (fabrik, 2018).

2. Baseline Conditions

2.8 Contextual Movement Corridors

The M27 motorway is the major transport link crossing the study area in an east - west orientation immediately south of the Application Site. The A32 (Wickham Road) and A27 are the primary links from the M27 into Wickham to the north and Portchester to the east.

The secondary and tertiary roads provide connections between Fareham and smaller villages such as Funtley and Knowle. Within the immediate setting of the Application Site, Funtley Road runs along the northern boundary and connects to Tichfield Lane to the north and Kiln Road to the south.

The nearest mainline railway station to the Site is approximately 2km away in Fareham to the south-east. It provides train connections to London Waterloo, Portsmouth and Southampton.

The value of the movement corridors as a receptor are assessed as ranging from **Low - Medium**.

2. Baseline Conditions

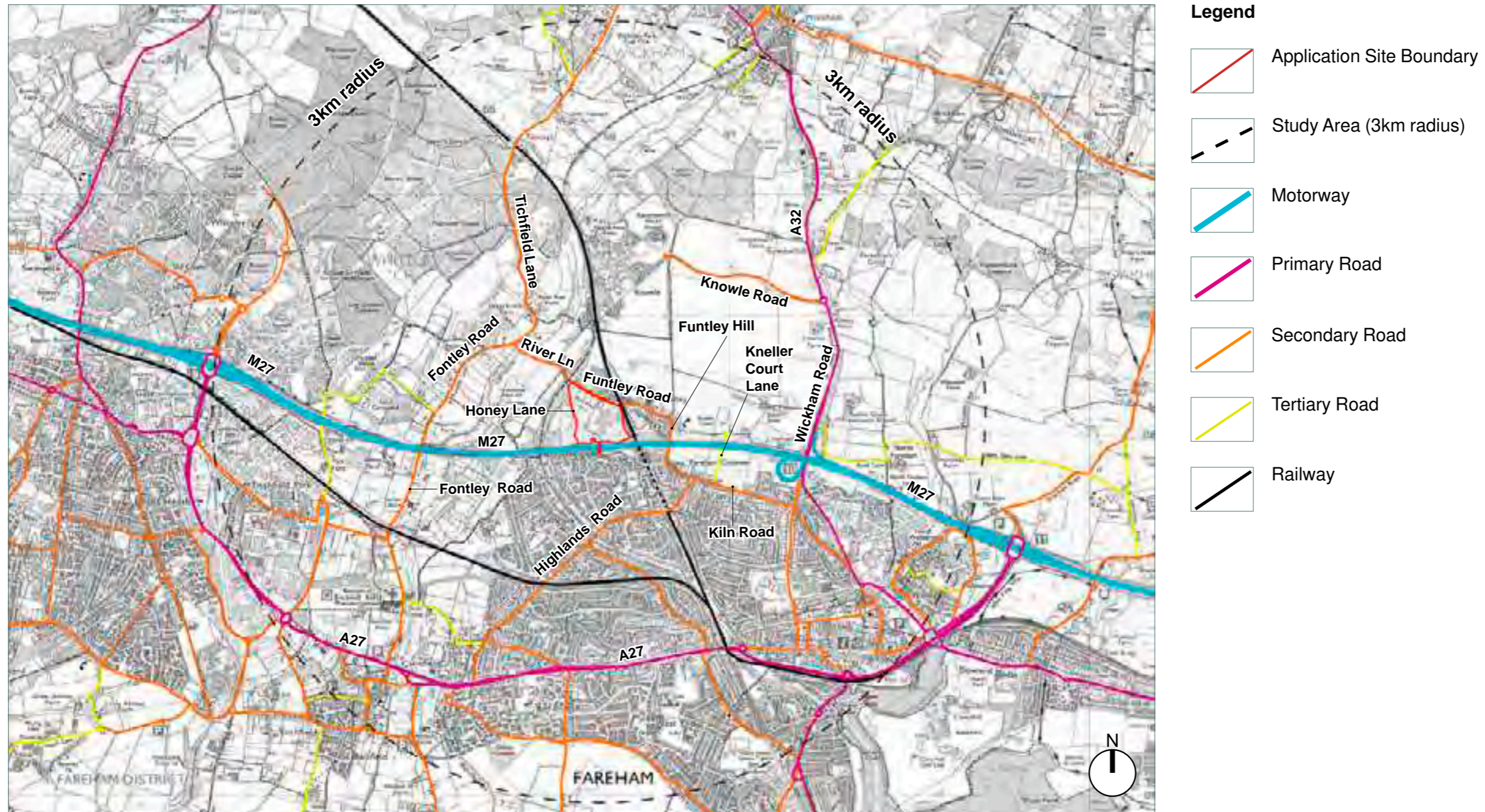


Figure 2.8 – Plan showing transportation links and road network within the study area (fabrik, 2018).

2. Baseline Conditions

2.9 Landscape Character Context

Introduction

The term 'landscape' commonly refers to the view or appearance of the land as perceived by people. Landscape applies to any natural, rural, urban, peri-urban areas, in land, water and seascape areas.

Landscape character is the combination of both natural / physical, cultural / social and perceptual / aesthetic influences, which give rise to a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse and which define the 'sense of place'. The landscape is not therefore simply a visual phenomenon.

The following sections set out the landscape character framework of the study area from the national and regional level through to county and district scale based upon existing character assessments undertaken by Natural England, Hampshire County Council and Fareham Borough Council.

National Landscape Character Assessment

The general character of the English countryside has been described at a national level in the Natural England publications 'National Character Area Profiles'. The Application Site is located in National Character Area 128: South Hampshire Lowlands (2014). Refer to **Figure 2.9**.

The summary of the landscape character related to the study area is described below:

"The South Hampshire Lowlands National Character Area (NCA) is a low lying plain between the chalk hills of the Hampshire and South Downs and Southampton Water. Its highest point is an outlying chalk ridge – Portsdown Hill – but the bedrock geology is mostly open marine, estuarine and freshwater Tertiary deposits. The NCA

is dominated by the city and port of Southampton and its adjoining towns and suburbs – 29 per cent of the area is urban. In the more rural areas, it is a mixture of farmland, particularly pasture, and woodland.

Some 18 per cent of the land cover of the NCA is woodland, of which almost half is designated ancient woodland, a legacy of the Forest of Bere, a Royal Hunting Forest that once covered the area. Today the most significant blocks of woodland are West Walk near Wickham, Botley Wood at Swanwick and Ampfield Wood near Romsey.

The NCA is drained by several rivers: the lower reaches of the Test and Itchen, the source and headwaters of the Hamble and the middle section of the Meon....."

The key characteristics pertinent to the study area are described as:

- *"Low-lying, undulating plain abutting the chalk downs to the north... Soils over much of the area are heavy and clayey with localised pockets of more freely draining soils on higher land.*
- *Fast-flowing chalk rivers in wide, open valleys with watermeadows and riparian vegetation that provide valuable wildlife habitats...*
- *Well-wooded farmed landscape (particularly to the east of Southampton), characterised by ancient woodland such as Botley Wood and West Walk.....*
- *Mixed agricultural landscape dominated by pasture with small pockets of horticulture and arable.*
- *An intimate and enclosed field pattern with many small and irregular fields generally bounded by mixed-species hedgerows or woodland.*
- *In parts, a very urban NCA dominated by the city and port of Southampton and other large towns such as Waterlooville and*

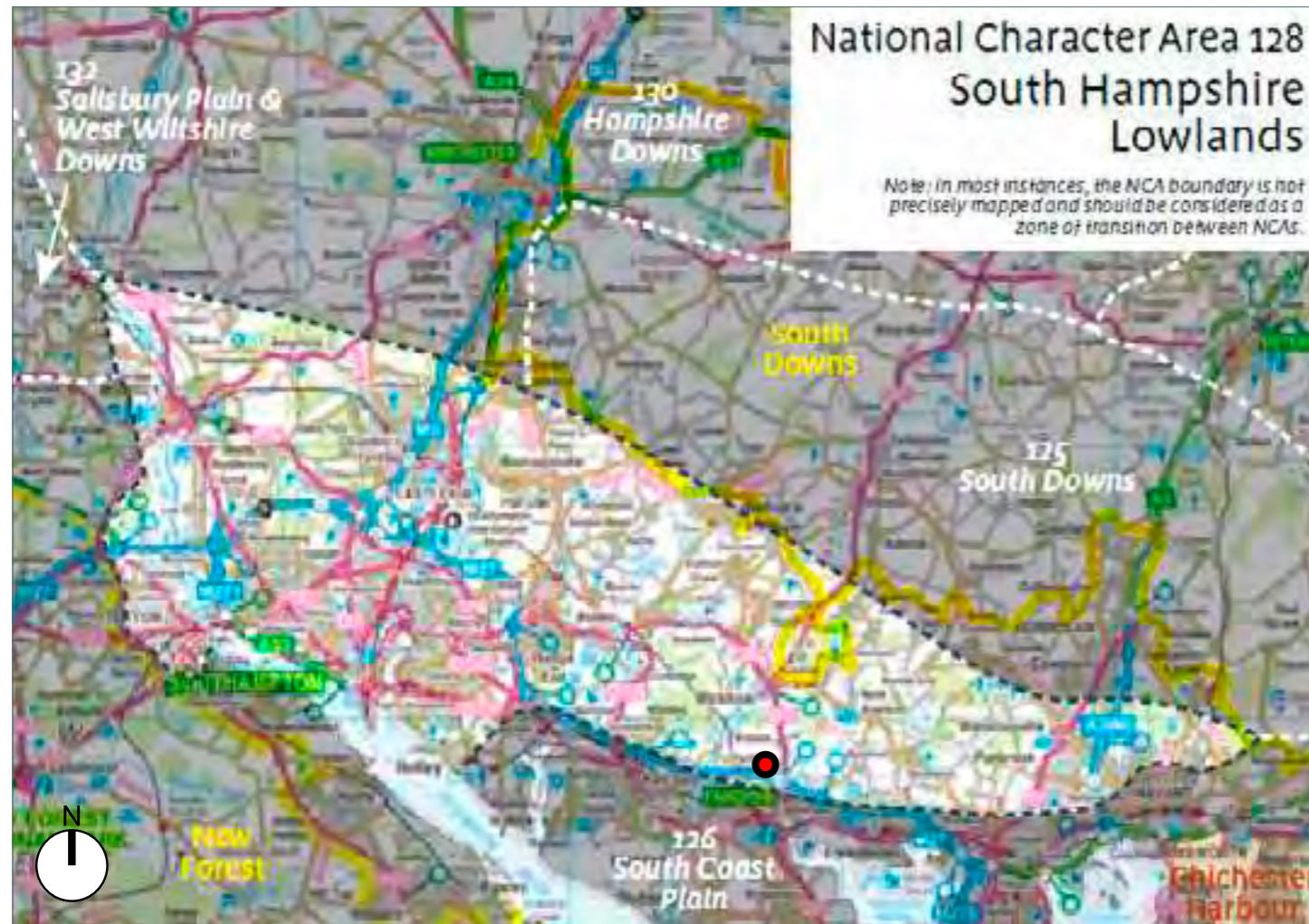
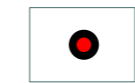
Havant. The more rural hinterland is characterised by small, loosely clustered or dispersed settlements, intermixed with isolated farmsteads.

- *Fragmented by major transport links, including the M3 to London and the M27 to Portsmouth which cross the NCA.*

The Site is partly typical of the description for the NCA, forming part of farmland at the fringe of a major urban area. The context to the Site also includes major transport links, as well as dispersed settlements and a wider more rural agricultural landscape.

The value of this landscape receptor is assessed as ranging from **Low - High**.

2. Baseline Conditions

**Legend**

Approximate Location of the Application Site

Figure 2.9 – Extract from National Landscape Character Area Map (Natural England, 2014)

2. Baseline Conditions

2.9 Landscape Character Context (continued)

County Landscape Character Assessment - 3E: Meon Valley

Within the Hampshire County Council Integrated Landscape Character Assessment (May 2012), the Application Site falls within LCA 3E: Meon Valley character area. Refer to **Figures 2.10 and 2.11**. The key characteristics pertinent to the study area as described as:

- *“A fairly narrow major river valley with a relatively narrow valley floor, which passes through downland, lowland mosaic and coastal plain landscapes.*
- *Southern valley sides are indented by dry valleys and scarp faces in the downland section.*
- *Increasing proportion of grazing and improved grassland land on the valley sides from the downland to the lowland landscapes.*
- *Woodland is common on the steeper slopes and is a particular feature where the Meon passes through the lowland mosaic and coastal plain landscapes.*
- *Major communication links follow close above the valley floor, eg A32, B3334 and the disused Meon Valley railway (now a recreational route).*
- *Extensive informal enclosure field patterns and significant water meadow (fairly simple layout) survive in the downs section while assarts and formal parliamentary enclosures dominate the lowland mosaic section.*
- *Strong pattern of nucleated settlements within the valley at strategic river crossing points with relatively little 20th century expansion.*

The physical character and land use related to the study area sets out that:

“... The Meon Valley can be divided into upper, middle and lower reaches associated with changing geology and landform of the downs, lowland clay and coastal plain respectively...”

The middle section (Soberton Heath to just north of Titchfield Abbey) is characterised by the presence of waterlogged soils associated with London clay. Sandier lighter soils do occur in association with the Wittering formation either side of the Meon around Wickham. The valley sides are generally a shallower gradient than in the downland setting and the valley width is narrower. Improved grassland and dairying predominate and there is a greater presence of semi and unimproved grassland on the valley bottom and woodland cover on the sides...”

The experience and perceptual character related to the study area is summarised as one where: *“The Meon Valley is full of contrasts and diversity. The downland section and lower reaches of the coastal section tend to be open landscapes whilst the opposite is true of the section in the lowland mosaic landscape. The course of the Meon valley is very distinct when viewed from the surrounding downland, appearing deceptively wooded in comparison to the surrounding chalk landscape. The river valley channel is rarely glimpsed amongst the heavily wooded landscapes in the lowland mosaic landscape.*

There are numerous opportunities for public access along and through the Meon Valley, including sections of several long distance routes such as the Wayfarer’s Walk, Monarch’s Way, South Downs Way and Solent Way. There is also a disused single rail track which linked Fareham, Wickham and Alton which today provides a popular, relatively flat multi user route.

The valley landscape has largely resisted expansion from adjoining urban areas and has remained relatively unchanged in recent times. As a result there is a strong sense of ruralness, seclusion, and

intimate landscape character and lack of development where the valley cuts through the south Hampshire clay lowlands. In the section where the A32 runs through the valley it is generally less tranquil than the surrounding downland landscape....”

The ‘Biodiversity Character’ is summarised as: *“... Beyond specific designations this landscape character area comprises improved grassland and arable land with patches of unimproved and semi-improved grassland (neutral or calcareous) and are often associated with the river, suggestive of water meadows. Woodlands form discrete patches within this landscape, ranging in size and type there are broadleaved woodlands, mixed plantations and parkland, some limited coniferous plantation and active coppice with standards. Ancient woodland is very limited in this landscape...”*

The Site is partly typical of the description for the county LCA, forming part of a valley that contains grazing land and woodland, with a nearby disused railway and public rights of way. The immediate Site context includes areas of relatively recent development and this and the Site is subject to some noise intrusion from the M27.

The value of this landscape receptor is assessed as ranging from **Low - High**.

2. Baseline Conditions

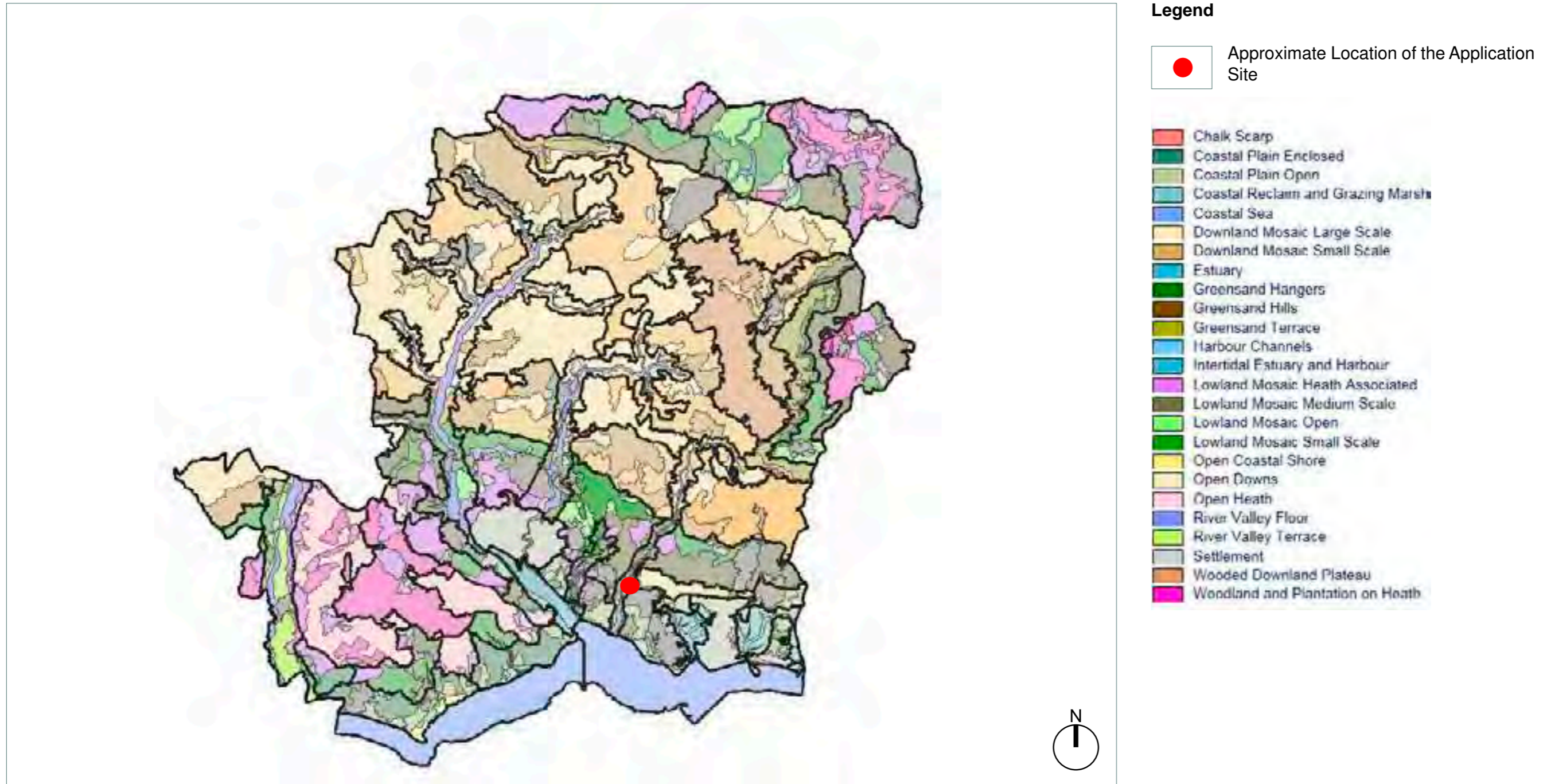


Figure 2.10 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape types

2. Baseline Conditions

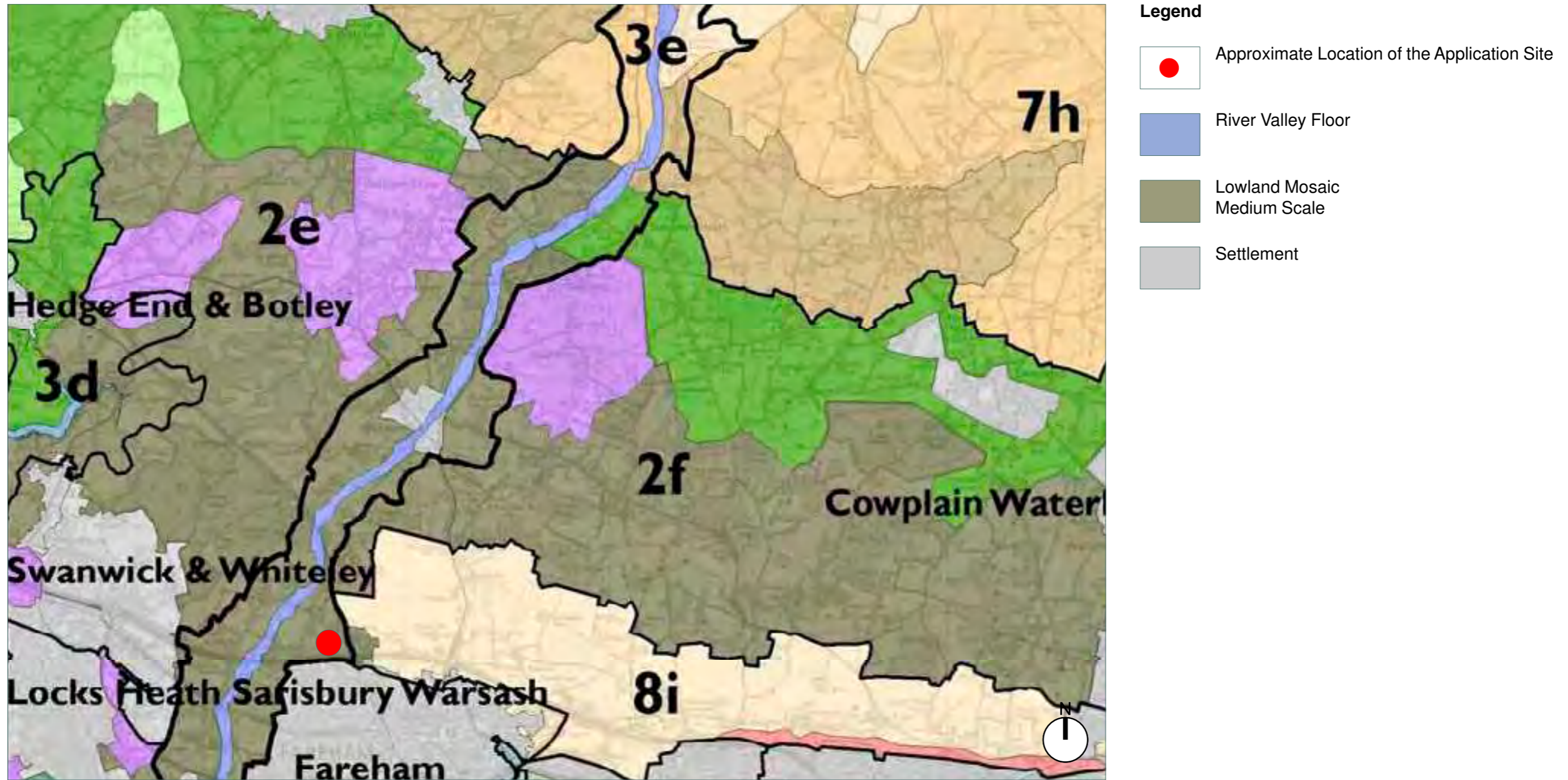


Figure 2.11 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape character areas.

2. Baseline Conditions

2.9 Landscape Character Context (continued)

Local Level

Current Fareham Borough Landscape Assessment (May 1997)

This borough wide landscape character Assessment was carried out by Scott Wilson Resource Consultants for Fareham Borough Council in 1996 and covers both rural and urban areas.

Landscape Characters

Within Fareham Borough the assessment subdivides the landscape into 35 character areas (refer to **Figure 2.12**).

The Application Site is located entirely within the Landscape Character Area 6: Meon Valley. The character area is summarised as an area where:

“The Meon Valley character area embraces the whole length of the valley within the Borough, from Funtley in the north to the coast at Titchfield Haven. Although the immediate floor and valley sides are quite narrow in places, the character area embraces a wider swathe of landscape on either side of the valley that broadly defines the extent of open countryside within the corridor between the urban edges of Stubbington, Hill Head and Fareham to the east and Titchfield Village and Titchfield Park to the west.”

The following key characteristics are pertinent to the Application Site and its environs:

- *“a relatively gentle but distinctive valley landform, running through the Borough from Funtley in the north to the coast at Hill Head; Frequent woodland blocks;*
- *distinct valley floor characterised by small-scale pasture and variable cover of trees (typically willow and alder) in the narrower, upper reaches and broadening into open floodplain pasture and*

complex of wetland communities to the south at Titchfield Haven, where the natural qualities of the valley and maritime influences are most strongly evident; Small copses add to wooded character;

- *restricted vehicular access to the valley floor resulting in a generally quiet and intimate character in the northern and southern sections of the valley, making it attractive for quiet recreation and for wildlife;*
- *a mosaic of open farmland (part of the wider coastal plain farmland), minor wooded valleys and smaller, enclosed pastures bordering the valley to the south of Titchfield, the latter helping to buffer the intrusion of adjacent urban development and fringe farmland to the east on the setting of Titchfield Haven;*
- *a more fragmented character and stronger influences of urban development and roads within the central section of the valley, resulting in some damage to the integrity of the valley form and a more suburban character;*
- *garden centre and horticultural activity around Titchfield Abbey which detract from the setting of the historic Abbey and associated buildings (a Conservation Area);*
- *dense mosaic of wooded farmland mainly to the north of the railway which provides an intimate, rural context for the river valley, but with localised intrusion of the M27 motorway bridge.”*

In terms of enhancement opportunities, the assessment at para 4.27 states that: “... the Meon Valley is comparatively unspoilt and of a high quality but it is affected by roads, commercial horticultural activities and urban intrusions, particularly the central section. The emphasis should be to protect the important landscape and ecological resources of the river corridor, mitigate the effects of intrusive activities and undertake measures to reinforce the river valley character and strengthen its overall integrity.”

The priorities for enhancement, relative to the Application Site include:

- *“to protect the important landscape, ecological and historical resources... the pastoral character and features of the valley floor, the complex of wooded farmland...”*
- *to protect the overall integrity of the valley system from further fragmentation;*
- *to resist changes that would have an adverse impact on the rural character of the valley;*
- *to reduce the impact of roads, urban edges and horticultural development, possibly through new planting.”*

2. Baseline Conditions

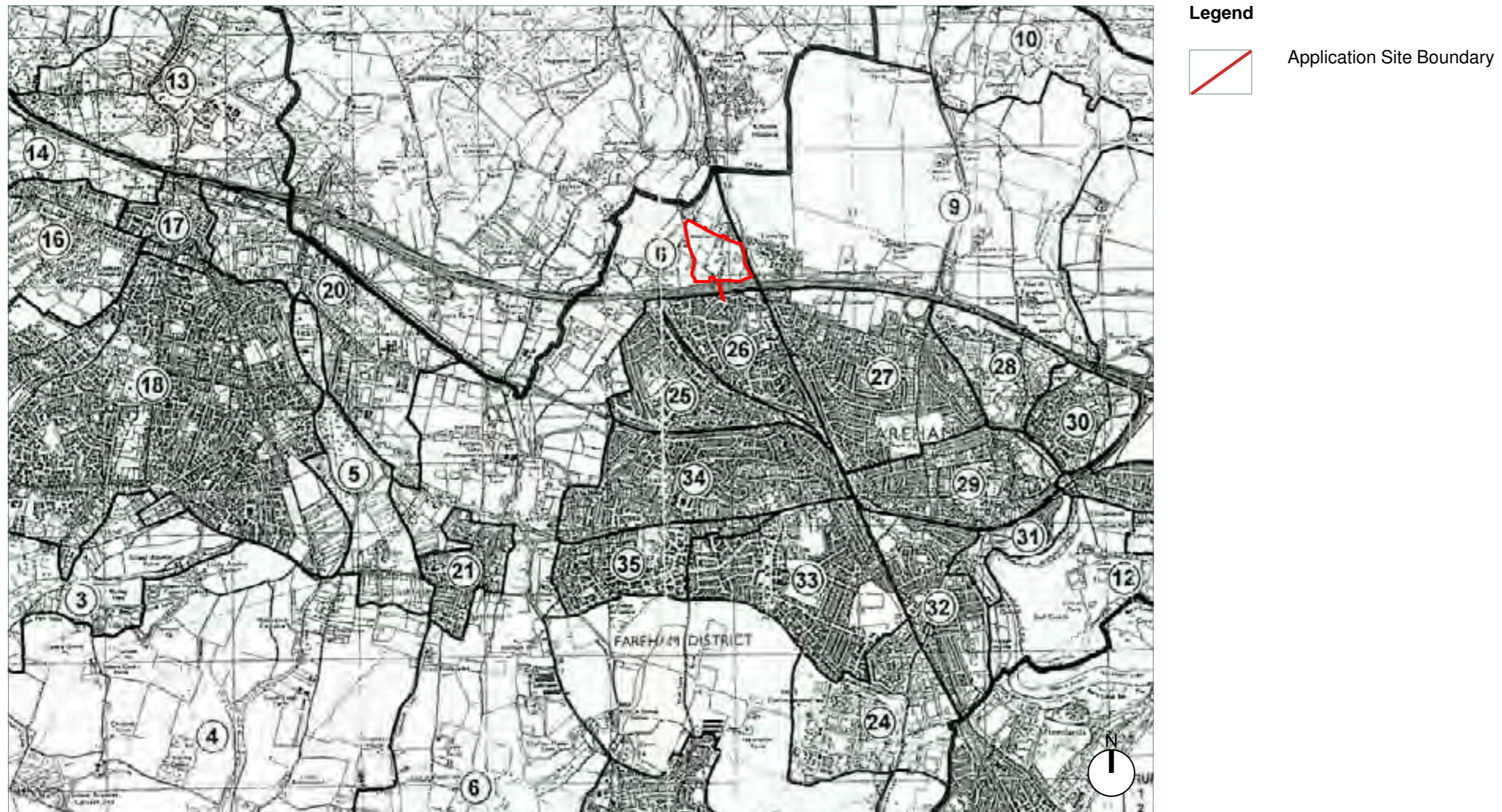


Figure 2.12 – Extract from Fareham Borough Landscape Character Assessment (May 1996) illustrating character areas.

2. Baseline Conditions

2.9 Landscape Character Context (continued)

Landscape Assessment (August 2017) Evidence Base to the Fareham Borough Council Local Plan 2036

As part of the evidence base to the emerging Local Plan, the Landscape Character Assessment has been updated. Part 1 includes the character assessment, with a landscape Sensitivity Assessment at Part 2.

In the updated assessment, the Application Site continues to be located in LCA 6: Meon Valley and within the Mixed Farmland and Woodland: Small Scale landscape type. The following extract is pertinent to the Application Site:

“The Meon Valley character area embraces the whole length of the valley within the Borough, from Funtley in the north to the coast at Titchfield Haven. Although the immediate floor and valley sides are quite narrow in places, the character area embraces a wider swathe of landscape on either side of the valley that broadly defines the extent of open countryside within the corridor between the urban edges of Stubbington, Hill Head and Fareham to the east and Titchfield Village and Titchfield Park to the west.

The Meon Valley is characterised by:

- A relatively gentle but distinctive valley landform, running through the Borough from Funtley in the north to the coast at Hill Head;
- Distinct valley floor characterised by small-scale pasture and variable cover of trees (typically willow and alder) in the narrower, upper reaches and broadening into open floodplain pasture and complex of wetland communities to the south at Titchfield Haven...;
- A mosaic of open farmland (part of the wider coastal plain farmland), minor wooded valleys and smaller, enclosed pastures...;

- A more fragmented character and stronger influences of urban development and roads within the central section of the valley, resulting in some damage to the integrity of the valley form and a more suburban character;
- Dense mosaic of wooded farmland mainly to the north of the railway which provides an intimate, rural context for the river valley, but with localised intrusion of the M27 motorway bridge.”

In Part 2 of the LCA, in the Sensitivity Assessment, the Application Site lies within Area 6.2 and sub section b, which is described as where: *“...built development also screens public views in from the edge of the Fareham urban boundary to the east.... The motorway cutting and railway corridors prevent views into the northern part of this area from the edge of Fareham and from the main village of Funtley. Wider views from the countryside areas to the north-west of this area are also screened by extensive vegetation cover and intervening landform, road and rail corridors etc...*

Within the area, there are no views from the motorway or rail corridors that cross the valley, and views from much of the road network within the area (including Southampton Road, Segensworth Road and Titchfield Road), are also substantially screened by roadside vegetation or buildings, with only very occasional glimpses. There are, however, some more open views through or over the roadside hedgerows into the river floodplain from Mill Lane, the lower part of Fishers Hill and from Bridge Street, which forms the southern boundary, and from Funtley Road and River Lane in the north.

The main views of the area are obtained from the extensive public rights of way network that runs through the valley landscape... Further routes run parallel to the railway embankment that divides areas 6.2a and 6.2b, and along the valley sides and disused railway line in the vicinity of Funtley to the north. These routes are generally well connected, and offer an appreciation of the various landscape, ecological and historic features within the valley and an opportunity to experience its unspoilt qualities and underlying sense of seclusion. Overall the quality and value of the available views and visual amenity is high, although affected in places by the influence of built

development or unsightly land uses....

The main people who could potentially be affected by changes in views would therefore be local residents, users of the PRow network within the valley... and users of the local road network within the area itself.”

In terms of Visual Sensitivity and Development Potential, the assessment identifies that: *“There are a few small pockets of land which are enclosed by strong hedgerows or vegetation an less visible, and/or lie within areas where views are already affected by built development or intrusive/ unsightly land uses (e.g. small pockets of undeveloped land within existing residential areas off the Funtley Road...) In all cases, any development would need to be small scale and sensitively integrated within the existing or new vegetation structure to avoid adverse visual impacts. Measures to improve the quality of views through the removal of intrusive or unsightly features... should be encouraged.”*

The assessment identifies the following relative to the Contribution to Green Infrastructure Network: *“This area makes a significant contribution to green infrastructure, particularly in respect of the riparian habitats and extensive areas of semi-natural woodland and tree cover within the river corridor (designated as SINC)s which are valuable ecological and landscape features. It also makes a significant contribution through the network of public rights of way that provide access for quiet recreation and appreciation of landscape, ecological and heritage assets... Crucially, this network provides both cross-valley links with the surrounding urban areas and links along the valley to the north and south. In addition to the PRow network, the area includes a few areas of publicly accessible open space, including a recreation ground to the north of the Southampton Road near Titchfield and playing fields, woodlands and the corridor of a disused railway line in the northern part of the area. The Meon Valley*

2.9 Landscape Character Context (continued)

Landscape Assessment (August 2017) Evidence Base to the

2. Baseline Conditions

Fareham Borough Council Local Plan 2036

is identified in the PUSH GI strategy as a 'sub-regional scale blue corridor' and project C6 of the strategy applies to the Upper Meon Valley and seeks "to conserve and enhance this area to ensure continued contribution to sense of place, climate change adaptation, providing open space close to urban areas for recreation and tourism".

The Fareham GI Strategy 2014 proposes a number of GI enhancement projects across the area, the majority of which form part of larger "borough wide" projects that will enhance the area's contribution to the wider GI network. These include:" (relevant to the local area and the Application Site)

"BW6 – General programme for the improvement/ repair of bridges within the rights of way network to ensure the continuation of high quality access to the countryside.

BW10 – Project to create a circular walking route encompassing the Meon Valley Trail, Shipwright's Way and South Down's Way, linking these existing routes together while enhancing their connectivity with the settlements of Fareham and Titchfield and the wider PRow network.

BW13 – Same as the PUSH Project C6 which applies to the whole of the Meon Valley LCA.

In terms of Sensitivity and Development Potential relative to GI the assessment states that: "Existing GI assets (e.g. the mosaic of riparian, grassland and woodland habitats as well as existing PRow and areas with public access) should be protected and, where possible, enhanced to maximise their ecological, landscape and amenity value, and development that would adversely affect them should be avoided. The emphasis in this area is more on making further improvements to the existing access and habitat links along the valley to the north and south, and the GI infrastructure within the urban areas to the east and west."

The conclusions of the study for the 6.2 area are set out under a sub-section, Development Criteria and Enhancement Opportunities. Those aspects pertinent to the Application Site state that: "This is an

area of high overall sensitivity, particularly in respect of the character and quality of the landscape resource, the abundance of valued landscape, ecological and heritage features across a large proportion of the area, its role in preventing the coalescence of settlements and maintaining their distinctive separate identities and landscape settings, and its significant contribution to green infrastructure, particularly in respect of ecological and landscape assets and the extensive network of public rights of way and access routes within the area.

This wide range of sensitivities mean that development potential is highly constrained across the entire valley landscape and any significant development is likely to have unacceptable impacts upon one or more of the area's important attributes. The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas, e.g. off the Funtley Road..., as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.

In order to protect and enhance the character and quality of landscape resources, views and visual amenity, urban character and green infrastructure, development proposals would need to:

- Protect and enhance features of recognised landscape, ecological, heritage or amenity value within the area as a whole, and the extensive network of public rights of way and other access routes within the valley...
- Protect and enhance the existing cover of woodland, trees, hedgerows and other mature vegetation along field boundaries, watercourses and roadsides, to maximise its screening, landscape and wildlife potential;
- Maintain the essentially secluded, rural and unspoilt countryside character of the valley landscape, and the local lanes and access routes within the area, avoiding intrusive or inappropriate urban styles of lighting, signage, paving etc. and other intrusive features;
- Be of a small-scale and located only in places where it can be carefully integrated within well-treed, strongly enclosed plots

of land in association with existing development, fits within the existing field pattern and is of a similar character and scale to similar built development within the locality;

- Maintain and enhance the function and quality of the existing GI network (in accordance with the PUSH and Fareham GI strategies) and take advantage of opportunities to strengthen and extend access and habitat links within the area, in particular with other parts of the Meon Valley and the urban areas on either side of the valley;
- Provide enhancement of the valley landscape... through removal or mitigation of intrusive or unsightly features, and restoration of field boundaries and other landscape features within 'denuded' or degraded landscapes (e.g. areas used for horse grazing or horticulture with a weak hedgerow structure and 'fringe' characteristics)."

The Site is largely typical of the description for the borough LCA, forming part of a valley with pasture, open farmland, urban development and areas of woodland. The M27 motorway results in some intrusion, and this, and the woodland and landform limit views. As described by the LCA, the Site forms a pocket of land that is enclosed by vegetation and is already somewhat affected by existing residential areas off Funtley Road. Vegetation within the Site is also important to the green infrastructure network of the character area. Significant development is inappropriate but small pockets of development such as off Funtley Road may be accommodated if of a similar scale or character to other dwellings.

The value of the landscape character area are assessed as being Low - **Medium**.

2. Baseline Conditions

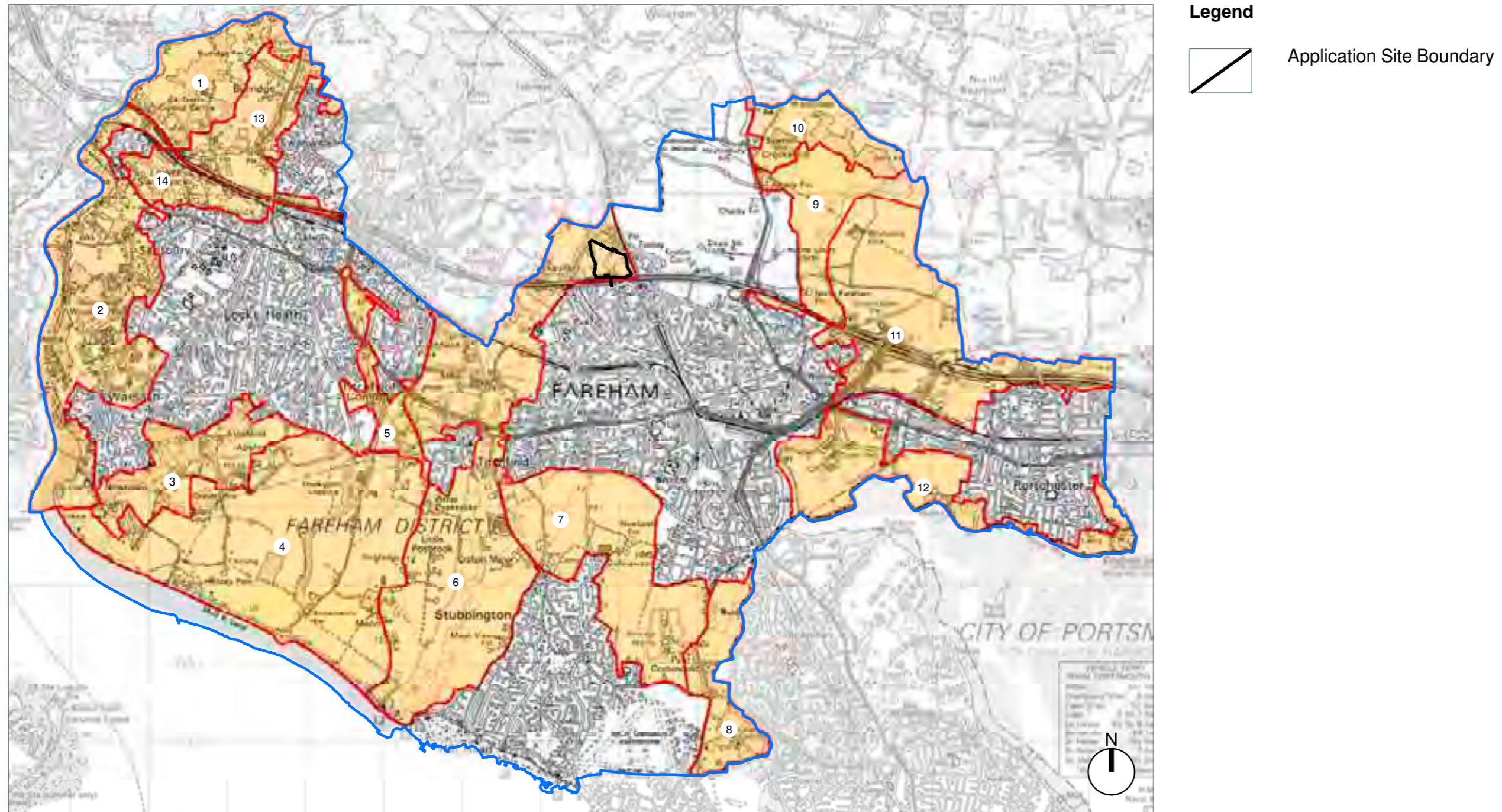


Figure 2.13 – Extract from Fareham Borough Landscape Character Assessment (2017) illustrating character areas.

2. Baseline Conditions

Table 2.1 Summary of Contextual Landscape Receptors and Value

Landscape Receptors	Value
Heritage Assets	Medium
Topography	Low - Medium
Land Use	Low - Medium
Transport Links	Low - Medium
Public Rights of Way	Medium - High
Landscape Character	
National	Low - High
County	Low - High
Local	Low - Medium

2. Baseline Conditions

2.10 Existing Landscape Conditions at Site Level

Figure 2.14 illustrates the existing landscape elements within the Application Site.

Landscape Designations

The Application Site lies wholly in an Area Outside of the Defined Urban Settlement. The north-western section of the Application Site is designated as Existing Open Space. However, the emerging local plan proposes deletion of this existing open space and the incorporation of the site within the Funtley settlement boundary.

Great Beamond Coppice in the eastern part of the Application Site is an Ancient Re-planted Woodland, which together with the tree blocks within central northern and south-western sections of the Application Site are also designated as a SINC and are covered by a TPO.

Heritage Assets

There are no heritage designations on or adjacent to the Application Site, nor does it sit within or adjoin a Conversation Area.

Within the context to the Site is the Grade II Listed buildings of the Church of St Francis (to the east on Funtley Road). A Scheduled Ancient Monument, the site of Funtley Iron Works together with a group of Grade II Listed buildings including Ironmaster's House and Funtley House are situated approximately 500m to the south west of Application Site, along the Ironmill Lane.

As such, at the site level, the value of this receptor is **Low**.

Topography

The Application Site lies on a north east facing slope with the localised steep ridgeline forming the southern boundary. The landform reaches approximately 52.98m AOD in the south west corner and falls towards a low point of approximately 18.77m AOD to the north-western corner of the Site.

The landform around the existing stables and built form within the north-eastern and southern part of the Application Site have been modified and where there is a level change of approximately 2m.

The value of this landscape receptor is assessed as **Medium** overall.

Land Use and Vegetation

The Application Site lies on the south-western fringe of the village of Funtley and is bound by Funtley Road to the north, Honey Lane to the west (and the elevated disused railway beyond) and the M27 to the south. There is currently no public access into the Site from the M27 and the footbridge. The Application Site is currently accessed from Funtley Road (opposite Stag Way).

The land use within the Application Site is predominantly pasture land (at the time of the assessment used as horse paddocks) bound by in the main by fencing comprising of timber post and rail, with additional wire in places. Woodland or hedgerows form some external and all external boundaries. There are also fences at the outer boundaries, within the vegetation. Access to the paddock is provided via a series of informal, mainly grassed private routes with the Site. Some hard surfacing occurs along the main access drive and parts of two tracks running west of this.

Small areas within the Application Site have been historically used as brick pit and brick yard. These have been restored back to agricultural use with imported clean soil and proposed planting following by the approval of the reinstatement scheme in April 2003 (Application Reference: P/03/0253/MW).

Great Beamond Coppice, alongside the other informal tree groups and treebelts form significant landscape features of the Application Site.

The value of this landscape receptor is assessed as **Medium** overall.

Landscape Character

The landscape character of the Application Site is described as consisting predominantly of a series of pasture fields with agricultural built form and associated hardstanding. The mature boundary vegetation and Great Beamond Coppice frames the fields and together with the landform, provides significant visual enclosure to the Application Site from the wider landscape.

The immediate setting to the Application Site comprises the predominantly two storey dwellings of Funtley to the north; the M27 motorway and the urban fringe of Fareham to the south; a combination of fields and dwellings to the west which is contained from the wider landscape by the mature tree belt associated with the elevated disused railway line; and to the east by the railway line in cutting and associated vegetation.

The northern section of the Application Site is therefore already influenced by the existing residential edges and is of a typical semi-enclosed character, consistent with the western edge of Funtley.

As set out under the published landscape character assessment section above, the Site is largely typical of the defined borough character area within which it lies.

The value of this landscape receptor is assessed as **Medium**.

Public Rights of Way

There are no public rights of ways located within or along the Site. However, the bridleway 515 (former railway line) is located in close proximity (approximately 38m) to the north-western part of the Site.

The value of this landscape receptor is therefore assessed as **Low**.

2. Baseline Conditions



Figure 2.14 – Plan showing the existing landscape conditions within the Site (fabrik, 2018)

2. Baseline Conditions

Table 2.2 Summary of Landscape Receptors and Value within Site

Landscape Receptors	Value
Landscape Character	Medium
Heritage Assets	Low
Topography	Medium
Land Use and Vegetation	Medium
Landscape Character	Medium
Public Rights of Way	Low

2. Baseline Conditions

2.11 Internal Visual Survey

A visual inspection of the Application Site was conducted on 7th June 2017. A winter visual appraisal was carried out on 5th January 2018.

Figure 2.15 on the following page illustrates the location of the internal photographic viewpoints to the Site. Photos 1- 15 which follow, illustrate the existing Application Site conditions. Photos 14A and 15A are taken from slightly different positions to the summer photos. Photo 13A is taken from inside the Site, adjacent to the boundary, representing a winter view that is similar to summer external viewpoint 4.

While the summer and winter views show slight differences in the position of the viewpoint and focal lengths of camera lens used, there are otherwise, no material differences in the view.

2. Baseline Conditions



Figure 2.15 – Plan illustrating locations of internal photographs within the Site (fabrik, 2018)

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site

Summer Views



Photograph – Viewpoint S1

View looking south from Funtley Road towards the northern portion of the Application Site. The existing tarmac access road is visible centrally within this view. The access road is lined by mature trees and established vegetation, which largely obscures views into the internal ground plane of the Site.



Photograph – Viewpoint S3

View looking north towards the northern Site boundary from the north-eastern part of the Application Site. The existing pasture grassland dominates this view with topography sloping towards the northern boundary. The mature tree belt lines along the north-eastern boundary obscure views out of the Application Site from this location.



Photograph – Viewpoint S2

View looking south west across the eastern portion of the Application Site from north-eastern corner. The existing pasture land dominates the foreground with topography rising towards the south. The existing built form is apparent in the middle distance with the Ancient Re-planted Woodland of Great Beamond Coppice evident in the distance. Views out to the east, west and south are obscured by the intervening mature boundary vegetation and landform.



Photograph – Viewpoint S4

View looking west towards the western boundary of the Application Site. The existing hardstanding forms the foreground of this view, interspersed with existing stable units in the middle distance. The existing mature trees and vegetation are apparent behind the existing stable blocks and obscure views out to the west from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site

Winter Views



Photograph – Viewpoint S1 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S2 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S3 Winter View
There is slightly increased visibility towards vehicles on Funtley Road and of dwellings to the north of the Site, in winter.



Photograph – Viewpoint S4 Winter View
There is little change to the visibility across the Site in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S5
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground, set on rising ground. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S6
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground with topography rising to meet the southern and south-western Site boundaries in the distance. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S7
View looking south west across paddocks within the south-eastern section of the Application Site. The existing pasture grassland dominates the foreground with topography rising towards the ridgeline in the middle distance. The existing vegetation is apparent in the distance, however, glimpsed views of the roofline of the existing residential built form along Lechlade Gardens (south of the M27) are apparent from this location.



Photograph – Viewpoint S8
View looking west across paddocks within the south-eastern part of the Application Site. The existing grass path and pasture grassland dominates this view with topography gently rising to meet the existing barns in the distance. The existing mature vegetation along the southern part of the Application Site and Great Beamond Coppice is evident in the distance and along with topography, obscures views out to the west and south from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S5 - Winter View
 Visibility across the Site remains largely the same in winter.



Photograph – Viewpoint S6 - Winter View
 Visibility across the Site remains largely the same in winter, albeit there is slightly increased visibility of the property along Honey Lane. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.



Photograph – Viewpoint S7 - Winter View
 Visibility across the Site remains largely the same in winter. There is however, slightly increased visibility of existing dwellings south of the M27, without leaf cover to vegetation.



Photograph – Viewpoint S8 - Winter View
 Visibility across the Site remains largely the same in winter. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S9

View looking east across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates the foreground with the landform falling towards the mature tree line in the middle distance. The existing mature vegetation along the south east section of the Application Site is apparent in the distance and obscures the majority of views out to the east and south. However, glimpsed views of rooflines of the existing residential built form within Funtley beyond the site, are apparent in the distance.



Photograph – Viewpoint S10

View looking north east within the central part of the Application Site. The existing understorey vegetation dominates the foreground with mature trees along the internal field boundaries. The existing topography slopes towards the north with views of Great Beamond Coppice apparent in the middle distance. Due to the existing landform, the roofline of existing residential built form along Funtley Road and Roebuck Avenue are apparent in the distance. Glimpsed views of an existing 3 storey built form within neighbouring village of Knowle are also evident in the far distance, through gaps within the existing boundary vegetation and landform.



Photograph – Viewpoint S11

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with topography rising to meet the field boundary. Existing vegetation along the western boundary and trees to the east are apparent and with landform, limits views out to the west and east. However, glimpsed views of a wider elevated landscape are evident in the distance to the north.



Photograph – Viewpoint S12

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with the existing topography falling steeply towards the north. An existing tree line to the east is evident in the distance and obscures views out to the east from this location. However, views of wider landscape to the north are evident with existing built form along Funtley Road visible due to existing landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S9 - Winter View
There is slightly increased visibility beyond the Site, including of dwellings within Funtley, in winter.



Photograph – Viewpoint S10 - Winter View
The photo is taken standing slightly closer to the fenceline than in summer. The lack of leaf cover allows increased visibility across the Site and to existing dwellings within Funtley and within Knowle village.



Photograph – Viewpoint S11 - Winter View
The viewing position is from a slightly higher point, allowing views across the Application Site as it slopes down to the north, and of existing properties just north of the Site, the disused railway line to the west, and wider elevated landscape beyond the built form at Funtley. Parts of built form at Knowle village and pylons form part of the scene to the north.



Photograph – Viewpoint S12 - Winter View
There is slightly increased visibility within the Site in winter, with glimpses of the barns in the south-eastern part area. The glimpses of Funtley and Knowle village (to left, beyond edge of photo) remain in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S13

View looking north east across paddocks within the western part of the Application Site. The existing pasture grassland dominates this view with topography falling steeply towards the northern boundary. Partial views of hardstanding within the northern part of the Application Site are evident in the distance to the north east. Due to the existing topography, views of wider landscape beyond the Application Site are evident with existing built form along Funtley Road and Roebuck Avenue apparent from this location.



Photograph – Viewpoint S14

View looking east across paddocks within the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards to east and south west. The existing vegetation along northern boundary of the Application Site is visible with views of Great Beamond Coppice evident in the distance. Views out to east and south are obscured by the dense vegetation within Application Site. However, views of roof and upper storey of existing two storey built form along western part of Funtley Road are apparent through gaps within vegetation and landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

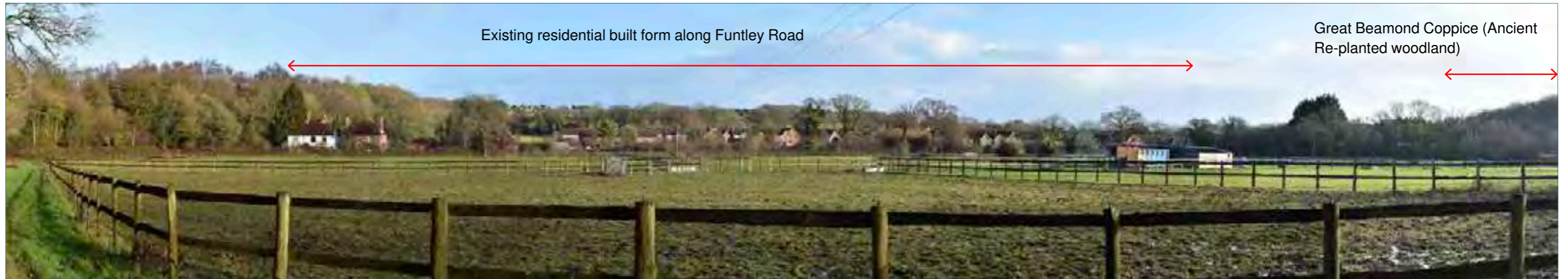
Winter Views



Photograph – Viewpoint S13 Winter View
In winter, the reduced leaf cover reveals more of the existing built form to the north of the Site.



Photograph – Viewpoint S14A Winter View
The viewpoint is taken from the access path south of the paddock from which summer view 14 was taken. In winter, there is slightly increased visibility of existing built form at Funtley to the north of the Site.



Photograph – Viewpoint S13A additional Winter View
View looking north to north-east from the south-western edge of the Site, by the boundary hedge which separates the Site from the existing property at the southern end of Honey Lane. This photo also provides a winter equivalent of external viewpoint 4. Existing built form at Funtley and further north of the village is visible beyond the Site. Existing outbuildings and part of Great Beamond Coppice are visible to the right in the photo.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer and Winter Views



Photograph – Viewpoint S15

View looking south east across paddocks from the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards the south. The existing vegetation along the western Application Site boundary is visible with views of Great Beamond Coppice evident in the distance. The dense vegetation within the Application Site obscures views out to the west and south.



Photograph – Viewpoint S15A Winter View

The viewpoint is taken from the access path north of the paddock from which summer view 15 was taken. The landform and dense vegetation within the Site and at its boundaries mean that visibility beyond the Site remains similar in winter. There is a very limited glimpse of the roof of the building at the south end of Honey Lane (adjacent to the Site) and of the roof of a vehicle parked within its curtilage.

3. Visual Baseline Conditions and Sensitivities

3.1 Introduction

The extent to which the internal ground plane and vegetation associated with the Application Site are visible from the surrounding landscape is based on grading degrees of visibility. It is determined from a visual inspection of the land within the Site and its context from roads, public rights of way and properties.

Seasonal change in existing evergreen and deciduous plant material will affect the available views. Typically views will be different through the seasons with a greater sense of enclosure in the summer months when deciduous trees are in leaf.

The plans that follow show the actual visual summary of the Application Site from the immediate environs. The photographs 1-19 then describe each of these views.

No winter views were taken for photo viewpoints 15-19 due to the significant level of visual screening by vegetation and in places, by landform.

3.2 Visual Appraisal

The plans on the following pages (Figures 3.1 and 3.2) illustrate the visual summary of the land within the Application Site from the surrounding landscape.

Views of the internal ground plane and vegetation of the Application Site are limited to the immediate local landscape due to the undulating topography and intervening layers of vegetation and built form.

Residential Receptors

Views from residential receptors are limited to those located in close proximity to the Site along the Funtley Road, Roebuck Avenue, Stag Way and Honey Lane. Refer to photographs 4 - 8.

There is slightly increased visibility of the Site in winter, in particular for properties along the south sides of Funtley Road which have windows facing in the direction of the Site.

The value of the residential receptors is judged to be **medium**.

Historic Receptors

There are no views from the Listed Buildings and Scheduled Ancient Monument located in the study area - along the Ironmill Lane and Skylark Meadows within Skylark Golf and Country Club. Refer to photographs 11 and 19. There is no significant change in the visibility in winter, and these receptors are not considered as part of the visual impact appraisal.

Transport Corridors

There are open and partial views of the internal ground plane and landscape features of the Application Site from Funtley Road, Roebuck Avenue and southern section of Honey Lane. Views are only from those parts of these roads in close proximity to the Site. Views from the wider road network are truncated. Refer to photographs 4 - 8.

There are slightly increased views into the Site in winter from Funtley Road and Roebuck Avenue, without leaf cover. Views from Honey Lane remain largely obscured except for two sections to the north and south where there is a gap in the vegetation (north) and a low hedge (south) at the boundary with the Site.

The value of the transport corridors is judged to be **low**.

Public Rights of Way

The majority of receptors from the public rights of ways within the local, middle distance and wider landscape are truncated due to intervening topography, vegetation and built form. Refer to photographs 1, 2, 11 - 19.

In winter, from viewpoint 2 (path around the lake by Lakeside) within Funtley, there are increased glimpses through the vegetation along the railway embankments. As the ground plane of the Site is not discernible, it is not possible to distinguish any vegetation within the Site from the general dense vegetation visible around the railway line from this location.

Reduced leaf cover to vegetation along the disused railway line to the west of the Site (Bridleway 515) allows glimpses through to the ground plane of the Site, but only from positions in close proximity to the crossing over Funtley Road (photographs 12A and 14A). In these views, existing built form at Funtley is also visible.

The highest part of the Site to the south, around the existing telecommunications mast is visible as a part of panoramic views looking back to Funtley village from two Public Rights of Way to the east - see photographs 9 and 10 (from Footpaths 88 and 89 respectively).

From viewpoint 9 in winter, the ground plane of a small part of the south-eastern part of the Site, the telecomms mast and nearby existing barns are visible, together with Great Beamond Coppice and other boundary vegetation within the south eastern area of the Site.

From viewpoint 10 in winter, the upper part of the mast, barns and small part of the Copse are visible above existing dwellings and vegetation at the edge of Funtley. The ground plane of the Site is obscured, even in winter.

No extensive views across the ground plane of the Site are available from these locations.

The existing southern boundary vegetation is visible from the M27 footbridge to the immediate south (photograph 3) however, this vegetation in turn obscures internal views of the land within the Application Site.

The value of the users of the public rights of way is judged to be **medium**.

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3. Visual Baseline Conditions and Sensitivities

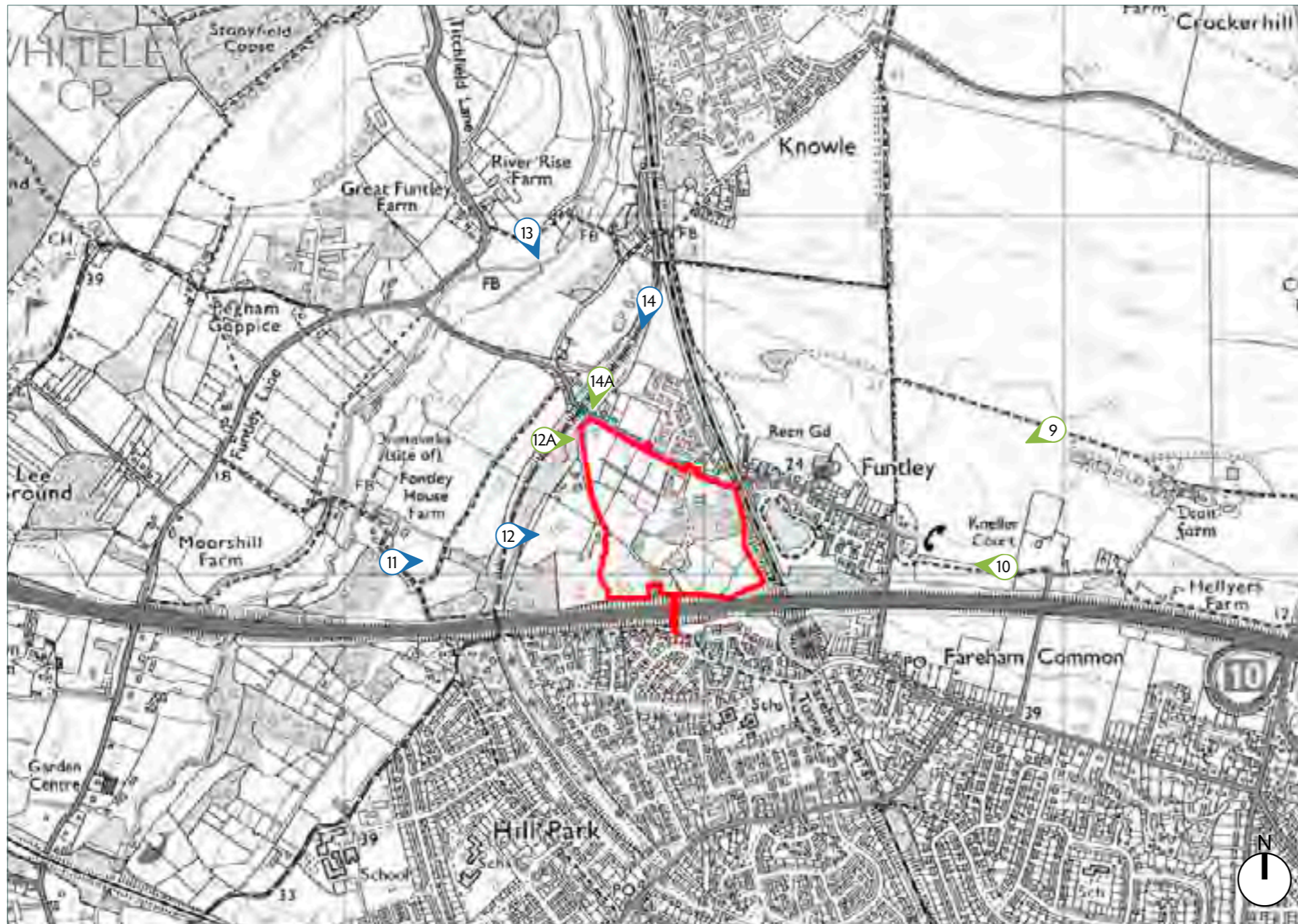






Figure 3.1 – Location Plan showing Visual Summary from the local area (fabrik, 2018)

Legend

-  Application Site Boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the Site or open view of part of the Site).
-  Location of Photographic viewpoint – Partial View (A view of the Site which forms a small part of the wider panorama, or where views are filtered between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the Site are obscured by the intervening built form and / or vegetation, or is difficult to perceive).

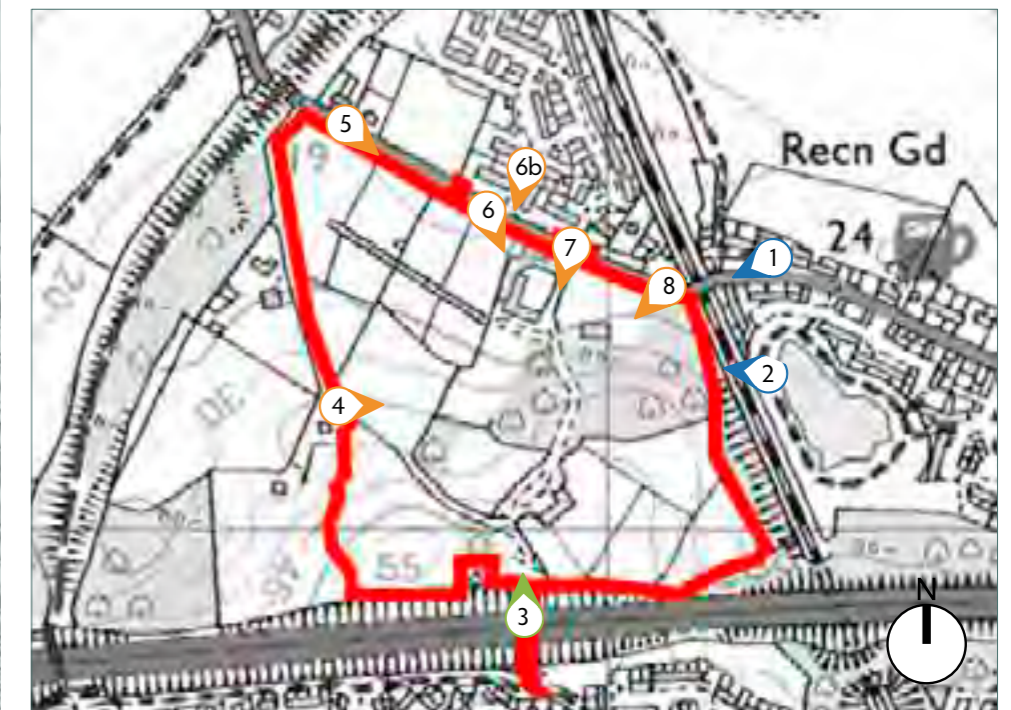


Figure 3.2 – Location Plan showing Visual Summary in close proximity to the Site (fabrik, 2017)

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 1

View looking south west towards the Application Site from the eastern section of Funtley Lane (Footpath 85). The existing residential built form along Funtley Lane dominates this view with mature hedgerow forming a vegetated edge along this part of the lane. Glimpsed views of the top section of Great Beamond Coppice along the north-eastern edge of the Application Site is apparent. Views of the internal ground plane within the Application Site are truncated.



Photograph – Viewpoint 2

View looking west towards the Application Site from an informal footpath at the edge of the lake to the south west of Lakeside (south of Funtley Road). Mature trees and vegetation dominate this view and forms a green corridor along the path. The intervening vegetation, which includes that alongside the live railway (right, truncates any views of the internal ground plane within the Application Site from this location).



Photograph – Viewpoint 3

View looking north towards the Application Site from the footbridge to the south of the Application Site over the M27. The footbridge and the mature tree belt planted along the motorway edge dominates this view. Partial views of the existing mature trees and vegetation along the southern Application Site are evident behind the existing vegetation that lines the motorway. Views into other areas across the Application Site are truncated by the intervening vegetation and topography from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 1 Winter View

The photo is taken from a position standing slightly further west along Funtley Lane (due to the presence of a large vehicle on the road). However, in winter, there is no significant change in the visibility of the Site in winter from any section of this lane.



Photograph – Viewpoint 2 Winter View

There is no significant change in the visibility of the Site in winter.



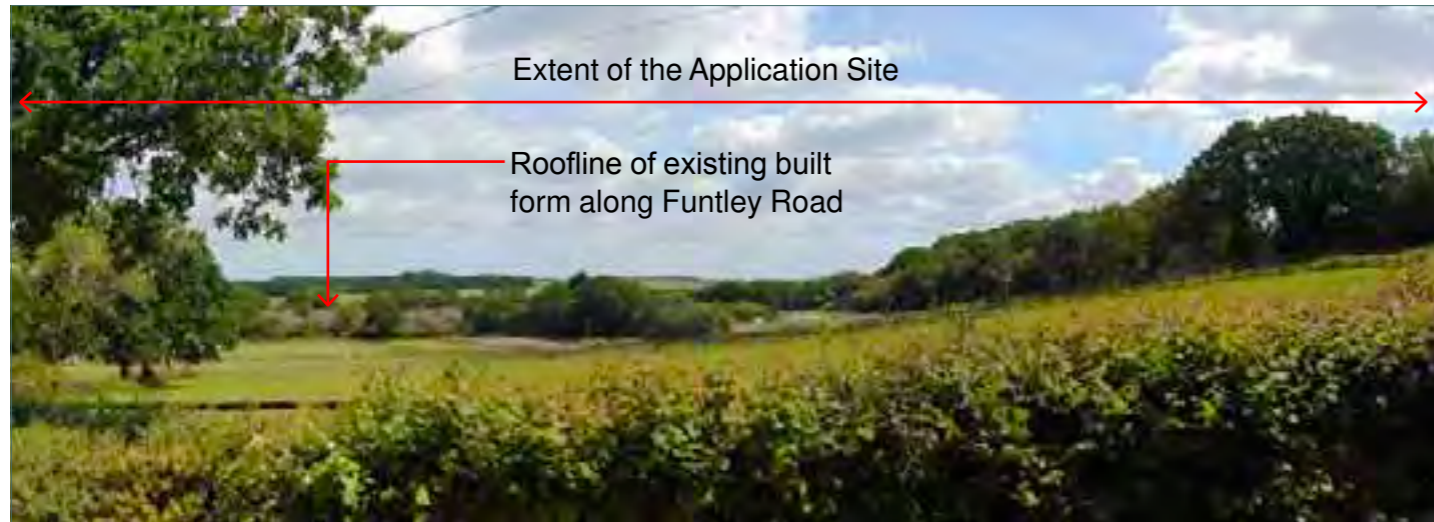
Photograph – Viewpoint 3 Winter View

There is no significant change in the visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

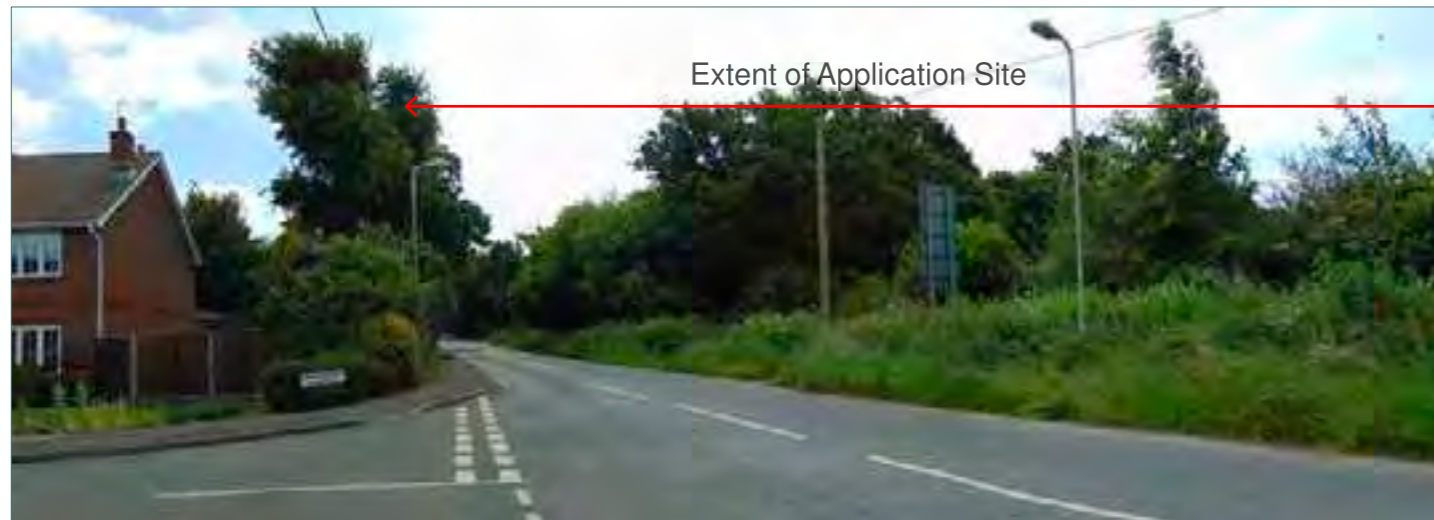
Summer Views



Photograph – Viewpoint 4
View looking east towards the Application Site from the existing hardstanding area associated with the private dwelling ‘Bramleigh’ located on Honey Lane. The existing boundary vegetation and pasture grassland within the Application Site dominates the view. Open view of the internal plane, boundary vegetation and the Great Beamond Coppice are apparent from this location.



Photograph – Viewpoint 5
View looking south east towards the Application Site from Funtley Road (by properties just east of the disused railway bridge). Views of existing residential built form along Funtley Road dominate the foreground with mature trees and vegetation along the northern Application Site boundary apparent. Views of the internal ground plane within the Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6
View looking south east towards the Application Site from the junction of Roebuck Avenue and Funtley Road. Views of existing residential built form around the entrance of Roebuck Avenue and mature trees and vegetation along the northern Site are apparent. Views of the internal ground plane within the Application Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6b
View looking south east towards the Application Site from Roebuck Avenue. The residential built form with its associated private garden along Roebuck Avenue dominates this view with the topography within the Application Site rising towards the local ridgeline. Open views of the central part within the Application Site occur, funnelled along the road with mature vegetation evident in the distance. Views into other areas within the Application Site are truncated by intervening vegetation, topography and built form from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views

Note: For the winter photo relating to Viewpoint 4 (taken from curtilage to Bramleigh), refer to internal winter viewpoint 13A (above) which is taken from the Site-side of the hedge at the boundary with the property Bramleigh.



Photograph – Viewpoint 5 Winter View
 In winter, the ground plane of the Site becomes apparent without leaf cover to the northern boundary vegetation.



Photograph – Viewpoint 6 Winter View
 There is little change in the visibility of the Site in winter.



Photograph – Viewpoint 6b Winter View
 There is slightly increased visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 7
View looking south west towards the Application Site from the junction of Stag Way and Funtley Road. Views of mature trees and boundary vegetation along the northern Site boundary dominate this view and form a green corridor along Funtley Road. Views of the existing access road and entrance gate within the Application Site are apparent. Views of the ground plane within the Application Site are, however, truncated by the intervening vegetation.



Photograph – Viewpoint 8
View looking south west towards the Application Site from Funtley Road. Views of mature boundary vegetation and tree planting along the northern boundary of the Application Site dominate this view and form a green corridor along Funtley Road. Views of the internal ground plane of the Application Site are in turn truncated due to intervening boundary vegetation.



Photograph – Viewpoint 9
View looking south west towards the Application Site from Footpath 88. Open views of arable land dominate the foreground. The existing settlement of Funtley is evident in the distance with the topography rising sharply towards the ridgeline to the south west. Partial views of the mature vegetation along the southern boundary of the Application Site are evident. Glimpsed views of small sections of existing pasture grassland and the roof section of the existing built form within the southern section of the Application Site are also apparent in the far distance. Views of other parts within the Application Site are truncated due to intervening vegetation and landform.



Photograph – Viewpoint 10
View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 7 Winter View
There is slightly increased visibility into the Site in winter.



Photograph – Viewpoint 8 Winter View
There are glimpses of the ground plane of the Site in winter without leaf cover.



Photograph – Viewpoint 9 Winter View
There is slightly increased visibility of the south-eastern part of the Site in winter - existing vegetation (including Great Beamond Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.



Photograph – Viewpoint 10 Winter View
There is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



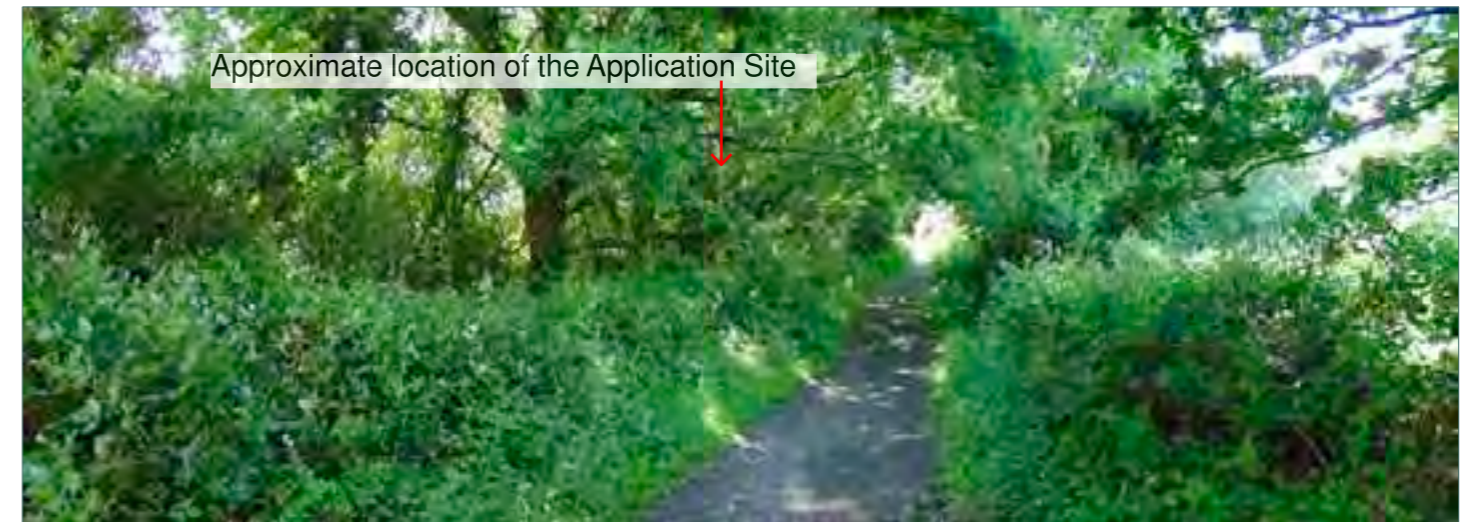
Photograph – Viewpoint 11
View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster’s House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form.



Photograph – Viewpoint 12
View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location.



Photograph – Viewpoint 13
View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location.



Photograph – Viewpoint 14
View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 11 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 12 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 13 Winter View
There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.

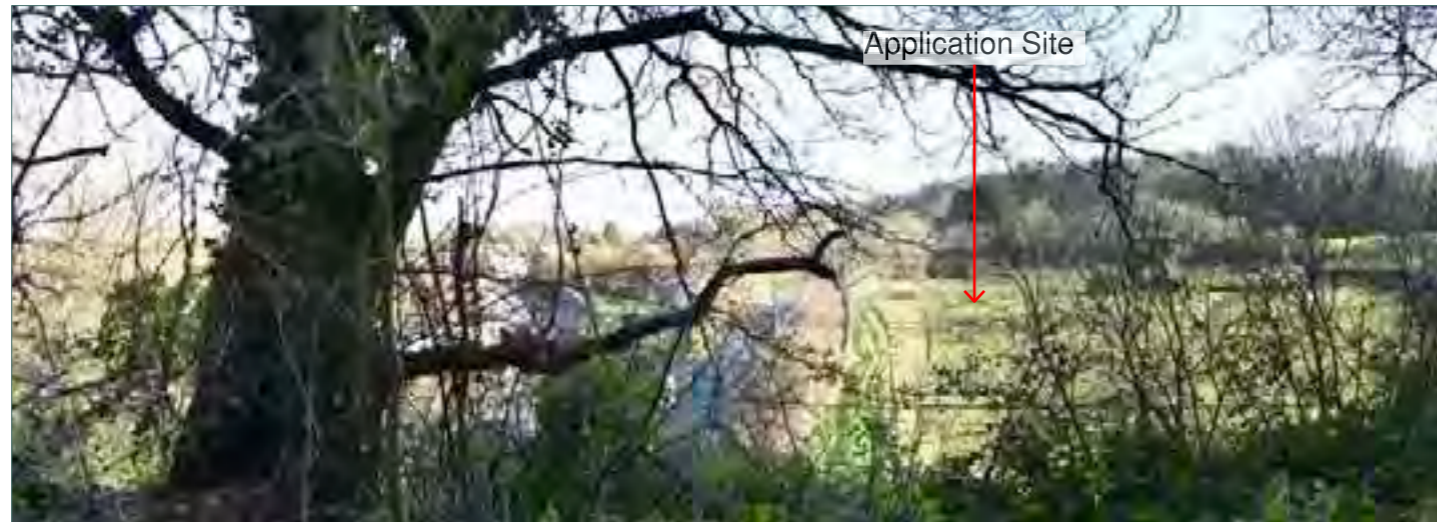


Photograph – Viewpoint 14 Winter View
There are no views towards the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Additional Winter Views



Photograph – Viewpoint 12A Additional Winter View

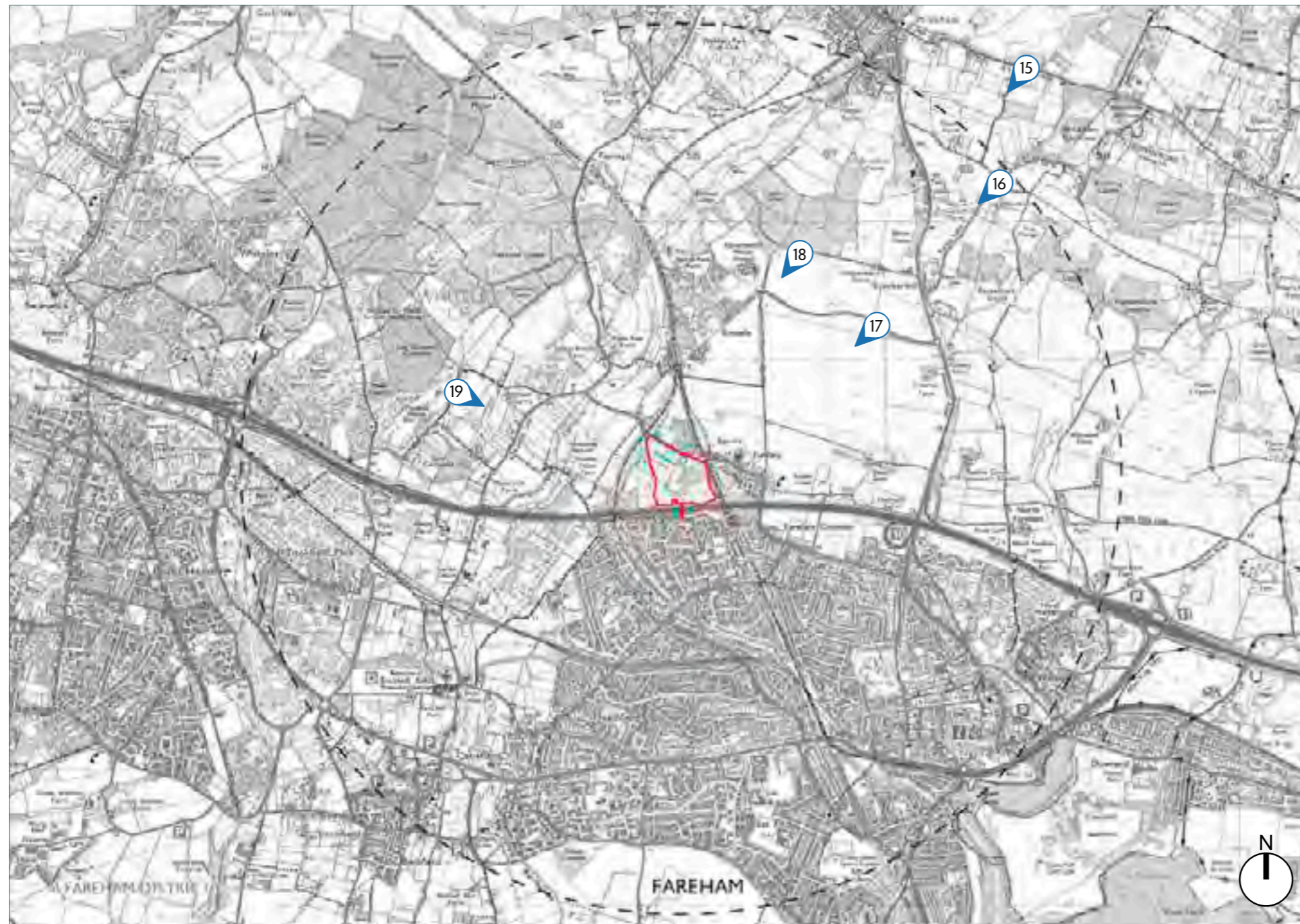
Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.



Photograph – Viewpoint 14A Additional Winter View

Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the western part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.

3. Visual Baseline Conditions and Sensitivities



Legend





-  Application Site Boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the Site or open view of part of the Site).
-  Location of Photographic viewpoint – Partial View (A view of the Site which forms a small part of the wider panorama, or where views are filtered between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the Site are obscured by the intervening built form and / or vegetation, or is difficult to perceive).

Figure 3.3 – Location Plan showing Visual Summary from the wider area (fabrik, 2018)

3. Visual Baseline Conditions and Sensitivities

3.4 Visual Appraisal from the Wider Study Area

Summer Views



Photograph – Viewpoint 15

View looking south west towards the Application Site from Footpath 11 adjacent to Wickham Road (southern boundary of South Downs National Park). Views of existing mature vegetation along either side of the footpath dominates this view and obscures any views towards the Application Site from this location.



Photograph – Viewpoint 16

View looking south west towards the Application Site from the junction of Footpath 10 (Castle Farm Lane) and Forest Lane. Mature trees and vegetation along the lane dominate this view and create a green corridor along the lane. Views of the Application Site are wholly truncated by the intervening vegetation and topography.



Photograph – Viewpoint 17

View looking south west towards the Application Site from the cycle and footpath along the eastern section of Knowle Road. The cycle / footpath is apparent centrally within this view with mature hedgerows and vegetation evident on either side of the path. Due to intervening vegetation, views of the Application Site are wholly truncated from this location.



Photograph – Viewpoint 18

View looking south west towards the Application Site from Footpath 23b located along the southern part of Aylesbury Copse. Views of arable fields dominate this view with topography gently sloping towards the west. The existing tree belt to the south of Knowle Road is apparent in the distance from this location. Any views of the Application Site are truncated due to intervening topography and vegetation.

3. Visual Baseline Conditions and Sensitivities

3.4 Visual Appraisal from the Wider Study Area

Summer Views



Photograph – Viewpoint 19

View looking south east towards the Application Site from Bridleway 26b located in close proximity to a barn 20 metres south of Lee Ground (Grade II Listed Building) and Skylark Golf and Country Club. Mature trees and vegetation define the localised field boundaries and create a green corridor along the bridleway. Views of the Application Site are wholly truncated by the intervening vegetation and land form.

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within the Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
1	Public footpath 85	Residential; Transient receptors on foot and bike and vehicle.	The internal ground plane within the Application Site is truncated from this location. However, the glimpsed view of top section of Great Beamond Coppice along the north-eastern is evident from this location.	View looking south west towards the Application Site from the eastern section of Funtley Lane (Footpath 85). The existing residential built form along Funtley Lane dominates this view with mature hedgerow forming a vegetated edge along this part of the lane. Glimpsed views of the top section of Great Beamond Coppice along the north-eastern edge of the Application Site is apparent. Views of the internal ground plane within the Application Site are truncated. There is no significant change in the visibility of the Site in winter.	Approximately 20m AOD	Approximately 174m	Medium - Low
2	Existing Open Space	Transient receptors on foot	The internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking west towards the Application Site from an informal footpath at the edge of the lake to the south west of Lakeside (south of Funtley Road). Mature trees and vegetation dominate this view and forms a green corridor along the path. The intervening vegetation, which includes that alongside the live railway (right, truncates any views of the internal ground plane within the Application Site from this location). There is no significant change in the visibility of the Site in winter.	Approximately 20m AOD	Approximately 122m	Medium
3	Area Outside of Defined Urban Settlement Boundary	Transient receptors on foot	The internal ground plane within the Application Site is truncated from this location. However, partial views of the existing tree and vegetation across the southern section of the Application Site are evident from this location.	View looking north towards the Application Site from the footbridge to the south of the Application Site over the M27. The footbridge and the mature tree belt planted along the motorway edge dominates this view. Partial views of the existing mature trees and vegetation along the southern Application Site are evident behind the existing vegetation that lines the motorway. Views into other areas across the Application Site are truncated by the intervening vegetation and topography from this location. There is no significant change in the visibility of the Site in winter.	Approximately 50m AOD	Approximately 285m	Medium - Low

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within the Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
4	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot and vehicle.	Open views of existing vegetation and built form within the Application Site occur from this location. Open views of existing boundary vegetation, built form and ground plane of the Application Site are visible from this location	View looking east towards the Application Site from the existing hardstanding area associated with the private dwelling 'Bramleigh' located on Honey Lane. The existing boundary vegetation and pasture grassland within the Application Site dominates the view. Open view of the internal plane, boundary vegetation and the Great Beamond Coppice are apparent from this location. For the winter view see Site Internal Viewpoint 13A, which is taken from the Site-side of the hedge at the boundary with the property. Existing built form at Funtley and further north of the village is visible beyond the Site. Existing outbuildings and part of Great Beamond Coppice are visible to the right in the photo.	Approximately 35m AOD	Approximately 176m	Medium
5	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot and bike and vehicle.	Open views of existing boundary vegetation associated the Application Site occur from this location.	View looking south east towards the Application Site from Funtley Road (by properties just east of the disused railway bridge). Views of existing residential built form along Funtley Road dominate the foreground with mature trees and vegetation along the northern Application Site boundary apparent. Views of the internal ground plane within the Site are truncated due to intervening boundary vegetation. In winter, the ground plane of the Site becomes apparent without leaf cover to the northern boundary vegetation.	Approximately 18m AOD	Approximately 230m	Medium
6	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot and bike and vehicle.	Open views of existing mature tree and vegetation along the northern boundary of the Application Site occur from this location.	View looking south east towards the Application Site from the junction of Roebuck Avenue and Funtley Road. Views of existing residential built form around the entrance of Roebuck Avenue and mature trees and vegetation along the northern Site are apparent. Views of the internal ground plane within the Application Site are truncated due to intervening boundary vegetation. There is little change in the visibility of the Site in winter.	Approximately 19m AOD	Approximately 22m	Medium

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within the Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
6b	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot and bike and vehicle.	Open views of central part of internal ground plane within the Application Site occur with mature vegetation evident in the distance.	View looking south east towards the Application Site from Roebuck Avenue. The residential built form with its associated private garden along Roebuck Avenue dominates this view with the topography within the Application Site rising towards the local ridgeline. Open views of the central part within the Application Site occur, funnelled along the road with mature vegetation evident in the distance. Views into other areas within the Application Site are truncated by intervening vegetation, topography and built form from this location. There is slightly increased visibility of the Site in winter.	Approximately 20m AOD	Approximately 59m	Medium
7	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot, bike and vehicle.	Open views of existing mature tree and vegetation and the entrance access road along northern boundary of the Application Site occur. A small section of the existing northern boundary vegetation within the Application Site occur, evident in the middle distance.	View looking south west towards the Application Site from the junction of Stag Way and Funtley Road. Views of mature trees and boundary vegetation along the northern Site boundary dominate this view and form a green corridor along Funtley Road. Views of the existing access road and entrance gate within the Application Site are apparent. Views of the ground plane within the Application Site are, however, truncated by the intervening vegetation. There is slightly increased visibility into the Site in winter.	Approximately 20m AOD	Approximately 8m	Medium
8	Area Outside of Defined Urban Settlement Boundary	Residential; Transient receptors on foot, bike and vehicle.	Open views of existing mature tree and vegetation along north-eastern boundary of the Application Site occur from this location.	View looking south west towards the Application Site from Funtley Road. Views of mature boundary vegetation and tree planting along the northern boundary of the Application Site dominate this view and form a green corridor along Funtley Road. Views of the internal ground plane of the Application Site are in turn truncated due to intervening boundary vegetation. There are glimpses of the ground plane of the Site in winter without leaf cover.	Approximately 23m AOD	Approximately 60m	Medium

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
9	Welborne Policy Boundary	Transient receptors on foot.	Glimpsed views of small section of existing pasture grassland and the roof section of the existing built form within southern section of the Application Site occur set within the wider panorama.	<p>View looking south west towards the Application Site from Footpath 88. Open views of arable land dominate the foreground. The existing settlement of Funtley is evident in the distance with the topography rising sharply towards the ridgeline to the south west. Partial views of the mature vegetation along the southern boundary of the Application Site are evident. Glimpsed views of small sections of existing pasture grassland and the roof section of the existing built form within the southern section of the Application Site are also apparent in the far distance. Views of other parts within the Application Site are truncated due to intervening vegetation and landform</p> <p>There is slightly increased visibility of the south-eastern part of the Site in winter - existing vegetation (including Great Beamond Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 23m AOD	Approximately 940m	Medium
10	Welborne Policy Boundary	Transient receptors on foot.	Glimpsed views of the top section of existing mobile mast adjacent to southern boundary of the Application Site occur with existing mature boundary vegetation evident, set within the wider panorama.	<p>View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.</p> <p>In winter, there is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 840m AOD	Approximately 15m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
11	Area Outside of Defined Urban Settlement Boundary; Strategic Gap	Transient receptors on foot, bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster's House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form. . There are no views towards the Site in winter.	Approximately 15m AOD	Approximately 540m	High
12 and 12A	Existing Open Space	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location, including in winter. From 12A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.	Approximately 30m AOD	Approximately 240m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
13	Outside of Fareham Borough Council's local policy boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location..</p> <p>There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.</p>	Approximately 15m AOD	Approximately 745m	High
14 and 14A	Existing Open Space; Public bridleway 515	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated, including in winter.</p> <p>From 14A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the westerns part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.</p>	Approximately 25m AOD	Approximately 488m	High
15	Outside of Fareham Borough Council's local boundary, but is adjacent southern boundary of South Downs National (along Wickham Road)	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from Footpath 11 adjacent to Wickham Road (southern boundary of South Downs National Park). Views of existing mature vegetation along either side of the footpath dominates this view and obscures any views towards the Application Site from this location.	Approximately 45m AOD	Approximately 3.74km m	Medium - High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
16	Area Outside of Defined Urban Settlement Boundary; Public footpath 10	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the junction of Footpath 10 (Castle Farm Lane) and Forest Lane. Mature trees and vegetation along the lane dominate this view and create a green corridor along the lane. Views of the Application Site are wholly truncated by the intervening vegetation and topography.	Approximately 55m AOD	Approximately 3km	Medium - High
17	Welborne Policy Boundary	Transient receptors on foot and bike.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the cycle and footpath along the eastern section of Knowle Road. The cycle / footpath is apparent centrally within this view with mature hedgerows and vegetation evident on either side of the path. Due to intervening vegetation, views of the Application Site are wholly truncated from this location.	Approximately 45m AOD	Approximately 1.62km	Medium
18	Welborne Policy Boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site truncated from this location.	View looking south west towards the Application Site from Footpath 23b located along the southern part of Aylesbury Copse. Views of arable fields dominate this view with topography gently sloping towards the west. The existing tree belt to the south of Knowle Road is apparent in the distance from this location. Any views of the Application Site are truncated due to intervening topography and vegetation.	Approximately 42m AOD	Approximately 1.74km	Medium - High
19	Public bridleway 26b; in close proximity of Barn 20m south of Lee Ground (Grade II Listed Building) and Skylark Golf & Country Club	Transient receptors on foot and horseback.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south east towards the Application Site from Bridleway 26b located in close proximity to a barn 20 metres south of Lee Ground (Grade II Listed Building) and Skylark Golf and Country Club. Mature trees and vegetation define the localised field boundaries and create a green corridor along the bridleway. Views of the Application Site are wholly truncated by the intervening vegetation and land form.	Approximately 35m AOD	Approximately 1.72km	Medium - High

4. Landscape Constraints and Opportunities

4.1 Introduction

The following landscape elements form a series of constraints and opportunities that will inform future development proposals:

4.2 Constraints

- The Ancient Woodland is to be retained and protected by a 15m buffer, with no development within this zone.
- Existing tree groups designed as SINC and TPO within the Site are to be retained and protected.
- Retention of the majority of the existing hedgerows along the ownership boundaries, with limited removal required to facilitate safe access into and out of the Site.
- The rooting zones and canopies of existing trees and hedges to be retained would be protected during construction works in accordance with the recommendations of the project arboriculturist and ecologist.
- While land within north-eastern part of the Site is designated as open space within the Core Strategy (adopted August 2011) in fact this is privately owned pasture land used for horse keeping and is not currently accessible to the public. The area is also proposed for deletion in the emerging local plan. The proposed development explores options to relocate this elsewhere within the Site, so that development within this less sensitive location near to the road and existing settlement may be developed.
- The existing topography within the northern section of the ownership is gently sloping towards Funtley Road. However, the undulating topography then rises sharply from the central part of the Site to meet the southern western boundary, and then falls again towards the south-eastern boundary. This restricts development to the area of land in the vicinity of Funtley Road.
- Timber pylons carrying overhead wires within the north-western part of the Site may be undergrounded where practicable.

- Due to the existing land form and close proximity to the neighbouring residential built form, there are a number of open views of the boundary vegetation, or views of the internal ground plane within the Site evident from neighbouring houses and the transient receptors in vehicles / on foot using Funtley Road and Honey Lane.

4.3 Opportunities

- Existing access into the Site (opposite Stag Way) to be retained and enhanced for vehicular and pedestrian access into the future development parcels.
- Bus route along Funtley Road passing by the Site.
- Large mature trees surrounding and within the Site present an opportunity to create a mature, well-established green structure.
- The potential to create green buffers with the opportunity for additional tree planting around future development parcels to provide an improved green settlement edge.
- To create a positive interface with the landscape where development parcels front the green infrastructure.
- Potential to create areas of public open space with pedestrian links within the development and to the wider landscape beyond. This may include opening up access to the bridge crossing over the M27.
- Potential to create a well-designed, discrete and accessible urban extension to Funtley and Fareham, rounding off the settlement, which is well contained by the existing boundary vegetation and topography of the Site.
- Land within the Site historically subject to excavation has been since reinstated back to agricultural use (as discussed in section 2.10). Therefore this land does not pose a constraint to development in terms of further excavation.

4. Landscape Constraints and Opportunities

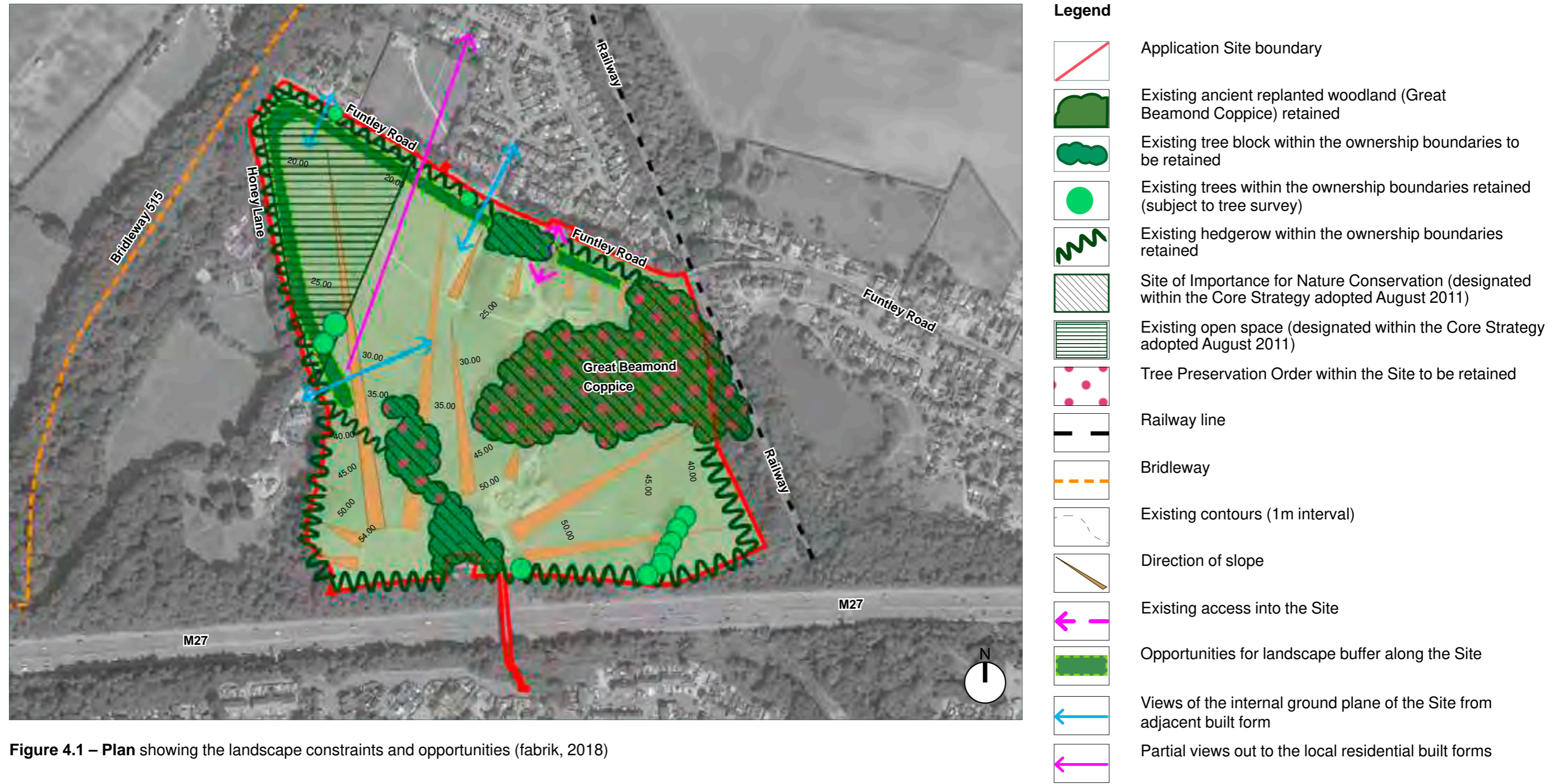


Figure 4.1 – Plan showing the landscape constraints and opportunities (fabrik, 2018)

5. Illustrative Proposed Development Parameters

5.1 Landscape Development Parameters

The landscape development parameters illustrated on **Figure 5.1** have been prepared by considering the landscape features of the Site and other areas within the Site along with landscape policy, landscape character and the visual constraints associated with the local landscape.

The parameters therefore seek to:

- Locate the development parcels on the lower slopes of the Site to the north to minimise cut and fill as well as in-keeping within the local residential character of Funtley and the northern fringe of Fareham.
- Minimise the visual impact of the future development by providing landscape buffer planting along the development boundaries.
- Maintain and enhance the existing landscape features of the Site by retaining, where possible, existing trees and supplementing with additional trees, woodland and hedgerow planting.
- Make use of the existing access to the Site for access to the proposed development, and provide replacement and enhancement planting within this area. A secondary emergency access from Funtley Road may also be required to the north-west of this.
- Where appropriate, contribute to an improved ecological value of the Site through the incorporation of native species within the landscape planting and grassland proposals.
- Make use of any sustainable drainage features to integrate a more diverse range of plant species, suited to temporary flooding.
- Provide public open space within the development and to the south. Incorporate pedestrian links to serve the new residents and the wider community within Funtley and Fareham. This would provide an alternative option to the existing designated open space within the north-western part of the Site (Core Strategy 2011). Pedestrian links may extend to the south through the opening up of the M27 footbridge.

5. Illustrative Proposed Development Parameters



Figure 5.1 – Plan showing the illustrative landscape development parameters (fabrik, 2018)

6. Appraisal of Landscape and Visual Effects

6.1 Effects on Heritage Assets

The Site does not contain nor is adjacent to any heritage assets (such as Listed Building, Scheduled Ancient Monument and Conservation Areas). Therefore, there will be no change to the character of the landscape around these assets, and no views towards the proposed development are predicted from them (**neutral** effect).

6.2 Effects on Topography

Study area topography:

There will be no physical change to the existing topography across the wider study area since the changes will occur at Site and immediate Site level only.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level is **neutral**.

Site topography:

The proposed development parcels have been carefully located on the lower slopes within northern part of the Site. Some limited regrading where the Site meets the public highway may be required to facilitate ease of access for all. There may be some localised modifications to the existing landform within the proposed development parcels, to facilitate access and to form effective development platforms. In addition, localised excavations would be made to create sustainable drainage features. It is expected that suitable excavated material would be retained on Site and reused in the open spaces where grassed areas and planting are proposed. Care would be taken to avoid impacts on the rooting zones of existing vegetation. Any inert spoil excavated may be suitable for reuse within areas of proposed hardstanding, subject to confirmation by the project engineer.

The value is medium; susceptibility is low - medium; and sensitivity is low - medium. The magnitude of change would be low - medium. Therefore, the effects on this receptor is likely to result in **minor - moderate** adverse effects at the construction phase. Since no

further earthworks would occur beyond the construction stage, the operational phase effects on the Site topography would be **neutral**.

6.3 Effects on Land Use

Study area land use:

Farmland

At wider landscape level, there will be no direct change to the wider arable and pasture lands across the study area as the proposed changed to the existing land use will occur at Site level only. Furthermore, existing areas of farmland are largely separated from the Site by existing settlement, the existing and disused railway lines and mature vegetation.

During construction, there may be some views of construction plant / structures from elevated areas of private farmland north of Funtley, up to Knowle village (indirect effect). During operation, there may be some partial views of the upper elements of the built form (namely rooflines) from this private farmland, seen in context with existing built form within the valley through which Funtley Road passes. Any views of open and planted land south of the proposed development would remain. This is also an indirect effect and no direct changes to these farmed areas would occur.

Settlement and transport corridors

The Site forms a context and setting to a small part of the existing Funtley village and a short section of Funtley Road. This would change through the introduction of built development within the northern part of the Site. This would result in a limited change to the settlement pattern and character of the road corridor by extending built form to the south of Funtley Road. A broad context of open, unbuilt land would remain to the south of the proposed built area. In addition, longer views towards the elevated land within the southern parts of the Site from existing built areas and of the canopy of mature trees and woodland in these parts of the Site, are likely to be maintained. The road corridor would become more enclosed by built form, albeit this is proposed to be set well back from the existing Site boundary hedge, incorporating open space, sustainable drainage

features and additional planting.

The settlement pattern of Fareham would remain unchanged, and there would be no change to the pattern of roads around the Site or wider study area.

Open spaces

There would also be no physical change to existing open spaces across the study area, including that at Lakeside to the east of the Site.

Appraisal of study area land use effects

The value of the land use at study area level is low - medium; susceptibility is low; and sensitivity is low - medium. The magnitude of change would be low - medium, with the greatest level of change experienced by those land uses within very close proximity to the Site (Funtley Road and a part of Funtley village). A number of areas would experience no change (Fareham and rural landscapes east and west of the Site). Limited indirect visual change may be experienced from farmland further north of Funtley up to Knowle village. Therefore, the effect on land use at the study area level would be at worst, **minor** negative, with the effects being very localised to the Site.

The many areas of mitigation planting associated with the proposed development would reduce the effects to at worst **minor** negative to **neutral** in the long term (year 15). Other positive benefits are predicted through the creation of new public open spaces that would be accessible to both existing and new residents.

There would therefore be a **neutral** effect to the settlement pattern of Fareham, existing open spaces and the existing transportation network.

6. Appraisal of Landscape and Visual Effects

6.3 Effects on Land Use (continued)

Site land use:

The areas within the Site would be permanently changed from privately owned pasture land to a residential development. The new uses would include associated green infrastructure incorporating, retained vegetation and woodland; new trees and boundary buffer planting; planting throughout the built areas; sustainable drainage features and a series green, open spaces within the built area and to the south of it.

The Site lies entirely within the landscape designation of Area Outside Of Defined Urban Settlement within the Core Strategy (adopted August 2011) and a part of the Site to the north-west is designated as existing open space within the Core Strategy. The latter is not currently accessible to the public and the land is within private ownership for equestrian uses.

The changes to incorporate a built development and new publicly accessible open spaces within these areas is consistent with Local Plan Part 2 Policy DSP40 Housing Allocations, and with emerging the emerging Local Plan 2036, which allocates the Site for residential development. In addition, the supporting Landscape Assessment update (part of the evidence base to the Plan) indicates that small scale and sensitively integrated development may be appropriate in this location, given the existing residential areas of Funtley Road.

At enabling construction stage, the existing uses of the Site would change, particularly in the areas proposed for built development and new access. However, change would be limited within the proposed open spaces of the community park to the south, except for the creation of new paths, and implementation of green infrastructure such as sustainable drainage, new grasslands and planting.

The construction site would gradually change to a built development, with associated landscape planting. The built element, while wholly changing land use, would only occur in a part of the Site to the north. The proposed community park would retain a largely open character to land to the south, and would incorporate new paths for walkers. This park, together with further linear greenspaces and an open

space incorporating play features, would be provide facilities for use by new and existing residents.

The value of the land use at Site level is medium; the susceptibility is medium - high; and sensitivity is medium - high. The magnitude of change would be medium - high at the enabling, construction and early years operational stages. Therefore, as with any greenfield site, the level of effects would be **moderate - major** negative, arising principally from the introduction of built form to the paddocks. In addition, the provision of publicly accessible open spaces would result in a **minor - moderate** positive effect from completion of development (Year 1).

By Year 15, mitigation planting would further temper the effects on the Site land use, so that at worst, **minor** negative effects are predicted. The positive effects of the open spaces would remain, while the many new areas of planting within the Site, and management of existing vegetation are also expected to give rise to positive effects (see para. 6.4).

6.4 Effects on Existing Vegetation

Study area vegetation:

There are expected to be no physical changes to the existing vegetation across the wider study area since the changes are proposed at Site level only. Existing vegetation along the north side of Funtley Road is not expected to be affected by the provision of new access into the Site.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the vegetation at the study area level is **neutral**.

Site vegetation:

The Great Beamond Coppice, the existing tree groups near the existing access entrance and the tree blocks within the south-western part of the Site are designated as Sites of Importance for Nature Conservation in the Core Strategy. The mature vegetation and trees within these areas are to be retained and protected during

the construction works, with careful consideration given to the recommendations of the project ecologist and arboriculturist.

The proposed development would protect and retain the Ancient Replanted Woodland of Great Beamond Coppice and majority of mature trees and boundary vegetation within the Site. A 15m buffer would be retained to the Coppice.

There is expected to be some loss of existing trees and boundary vegetation within the Site to accommodate the proposed development parcels and access roads. A part of this includes dense, ornamental conifers of limited value to landscape character. Further arboricultural works may be undertaken to other vegetation within the wider Site area, if deemed necessary by the relevant professional for health and safety reasons, to remove any dead, dying, diseased or dangerous parts of the retained vegetation.

The value of the vegetation at Site level is medium; susceptibility is medium; and sensitivity is medium. The magnitude of change arising from the limited necessary vegetation loss at enabling / construction stage is predicted to be medium, giving rise to at worst, **moderate** negative effects. However these effects would be localised to the northern part of the Site where built form is proposed.

Effects on the majority of the vegetation within the Site are expected to be **neutral** or potentially positive, where management of vegetation would ensure its retention and longevity.

There is ample opportunity within and around the proposed built area and proposed community park, for replacement and additional tree, hedge, shrub and other planting, including landscape buffer planting, making use of species appropriate to the space, position and function. This would mitigate for and improve, the visual and landscape effects of the vegetation removal required to facilitate effective development.

Further details are set out in the Design and Access Statement (DAS) accompanying the planning application.

6. Appraisal of Landscape and Visual Effects

6.4 Effects on Existing Vegetation (continued)

The planting would be implemented during the construction stage with the effects in place by Year 1 of the operational stage. The low magnitude of change would give rise to **minor** positive effects. The positive effects of this planting on the landscape assets of the Site, and views within and towards the built area, would further increase over time, as this matures. The effect on the Site vegetation by Year 15 would therefore be **moderate** positive.

6.5 Effects on Public Rights of Way

Study area public rights of way:

There would be no physical change to the existing public rights of way network during construction or operation. Visual effects are considered separately.

The value is medium - high; susceptibility is low; and sensitivity is medium. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level during construction and operation is **neutral**.

There are opportunities to provide pedestrian connections between the proposed development and existing Bridleway 515 (along the disused railway line) to the immediate west. It may also be possible to open up a connection to Fareham via the footbridge over the M27 to the immediate south of the Site. This in turn could facilitate access by existing residents in this location to the open space and rights of way network north of the motorway.

As such, at the operational stage, the magnitude of change is predicted to be low, with effects the effects being **minor - moderate** positive in Years 1 and 15.

6.6 Effects on Landscape Character

National and county landscape character:

There would be **negligible** effects to the landscape character at national character level (NCA128 South Hampshire Lowlands) and county character level (LCA 3E Meon Valley). This is because the limited scale of the proposed development, and relatively high level of physical and visual enclosure of the Site, would result in changes that occur principally at the Site, and immediate local level.

There would be no change to the Portsdown Hill chalk ridge or Meon River described at NCA level, and the proposed development would form a very small part of NCA128 that is described as being dominated by large towns and with fragmentation by major transport links including the M27.

At county level, the proposed development would not affect the recreational route along the disused railway line to the west, and would retain a significant area of unbuilt land to the south, separating it from the motorway and Fareham settlement. Vegetation within the Site would be retained and protected as far as is practicable and potential adverse effects on the SINC's and Ancient Replanted woodland within the Site have been designed out of the development proposals.

The value of the national and district character varies from low - high; susceptibility is low; and sensitivity is low - medium. The magnitude of change would be negligible, and therefore the effects would be **negligible**.

Borough and Site landscape character:

At Fareham Borough level, the Site lies within LCA 6: Meon Valley. While the Site comprises of pasture land, it is nonetheless subject to the nearby influences of relatively recent built form at Funtley, the live railway to the east and M27 and Fareham urban fringe to the south. The proposed development would form a limited addition to this existing built context.

The proposed development is set out to closely follow the parameters for the Site allocation set out in the emerging Local Plan. Thus, there would be built form in the northerly, lower lying and more level parts of the Site, forming a limited extension to the existing Funtley village. Like the existing residential development north of Funtley Road, development would be set back to allow a leafy green and spacious character to be retained along the road. Development is not proposed on the steep slopes or high ground of the Site.

In accordance with the LCA, the proposal protects the important landscape features of the Site - the steeply sloping landforms, unbuilt skyline, mature vegetation and openness to the south; while proposing to integrate many new areas of planting, including in association with new sustainable drainage features.

Development would, like the existing village, be kept to the relatively low lying part of the valley within which it lies, limiting the potential for widespread visual effects.

The proposed built form would respond to the positive aspects of existing built form both north of Funtley village and within the wider settled areas. A generous network of green infrastructure and open spaces are proposed. Further details are set out in the DAS accompanying the planning application.

The value of the borough character varies from low - medium; susceptibility is medium; and sensitivity is low - medium. The magnitude of change would be medium - high at the Site level only, reducing to negligible - low with distance across LCA6 from the Site. Therefore, the effects would be at worst, **moderate - major** negative for the parts of the Site proposed for built development at the construction and operational stage (Year 1). This is due to the change in character from semi-enclosed pasture fields to a residential development.

The changes beyond the proposed built area, would be at worst, **minor - moderate** negative (Year 1) for those areas immediately around the proposed built area - the existing village to the north and open land retained to the south - due to changes to the context and setting of these areas.

6. Appraisal of Landscape and Visual Effects

6.6 Effects on Landscape Character (continued)

However, further afield, the effects would be at worst, **minor** or **negligible**, due to the physical and visual separation of the Site from most of the area of Fareham borough LCA 6: Meon Valley.

As the planting associated with the green infrastructure areas matures through time, the landscape and visual effects would improve, so that at Site level, these are expected to be no greater than **minor** negative (on a clear day in winter) and at best, **minor - moderate** positive (Year 15) due to the additional physical enclosure, landscape integration and visual softening and screening provided by the proposed planting. In turn, the effects on the parts of the character area surrounding the Site would also be further tempered in the medium to long terms.

6.7 Effects on Visual Receptors

Residential Receptors

The residential receptors that will experience the most direct and proximate views of the construction site and emerging built development would be occupants of the few dwellings to the north side of Funtley Road, just east of the railway Bridge (Viewpoint 5).

Some additional residents along the north side of Funtley Road would also experience direct views, albeit with filtering of views through tall vegetation along both sides of Funtley Road - see Viewpoints 6, S13A, and winter views S3 and 7. This vegetation becomes more of a screen in summer views (with leaf cover). However, parts of this may require removal to facilitate access into the Site from Funtley Road and the built development, which in turn, may further increase visibility into the Site in the short term.

Further visual receptors along Roebuck Avenue and Stag Way may experience some partial and oblique views of the construction site and emerging built form where the roads themselves allow visibility toward parts of the Site - see Viewpoints 6b and 7 (winter view). The

Site boundary vegetation provides a greater level of visual screening to some views in summer. As above, some loss of vegetation may be required to facilitate access into the Site and the development itself, which may further increase visibility into the Site in the short term.

In all of these views, construction hoardings may partially obscure views.

There would also be oblique and more distant views of the construction site and emerging built development from the property (Bramleigh) at the south end of Honey Lane, due to its position on elevated ground and the relatively low level hedge at the boundary with the Site (Viewpoints S5, S6 and S13A, and summer Viewpoint 4). The views would be in context with existing views towards built form north of Funtley Road. While built form would be brought forward in the view, existing longer distance views towards the lower Downs, part of Knowle village and other built areas to the north of Funtley would be largely retained.

The completed development and newly implemented planting would create a new element in these views, replacing part of existing views of pasture fields. The areas of the Site remaining unbuilt would appear as a park with new areas of planting.

The value of the residential receptors is medium; susceptibility is medium - high; and sensitivity is medium - high. The magnitude of change at the construction and Year 1 operational stage would be medium - high, and therefore the effects would be at worst, **moderate - major** negative (Year 1), for the relatively limited number of residents with potential views towards the proposed development. The many areas of mitigation planting would contribute to some visual softening of the built areas in the early years. However in the mid to long terms this is predicted to create a significant amount of visual softening and screening, and therefore a bettering of the visual effects. Thus by Year 15, the effects are predicted to reduce to at worst, **minor** negative (the greater effects being on a clear day in winter).

Views from the dwelling at the south end of Honey Lane would retain long views out to the distant countryside to the north, albeit beyond additional areas of built form and planting within the valley. Views from dwellings to the north side of Funtley Road are likely to retain some partial views of the higher, southern parts of the Site, as a backdrop to the built form in the foreground.

Receptors using Roads

The views would be very similar to those described for the residential receptors above, and therefore includes parts of Funtley Road, Honey Lane, Roebuck Avenue and Stag Way (see Viewpoints 4-7, 8 and S13A). In all cases, the views would be transitory and Site hoardings may partly screen views.

Views from the western part of Funtley Road are likely to be more open due to the more limited nature of existing vegetation here, albeit the necessary vegetation removal to facilitate access and development to the east may also increase visibility into the Site in the short term.

Views from Honey Lane are rather more limited by existing vegetation at the boundary with the Site, even in winter. Visibility is mainly from two gaps in this vegetation at the north and south ends of the lane.

The value of the receptors using the roads is low; susceptibility is low; and sensitivity is low. The magnitude of change at the construction and Year 1 operational stage would be medium - high, and therefore the effects would be at worst, **minor - moderate** negative (Year 1). The setback of development from the roads edging the Site and landscape buffer planting would contribute to mitigating effects in the short to medium terms. By year 15, the landscape buffers would provide more robust visual softening and screening, reducing the effects to at worst, **minor** negative.

6. Appraisal of Landscape and Visual Effects

6.7 Effects on Visual Receptors (continued)

Receptors using Public Rights of Way and M27 footbridge

There is a slight possibility that users of Public Footpaths 88 and 89 to the east of Funtley (Viewpoints 9 and) may be aware of tall construction plant within the Site, should this be required to facilitate development. There may also be some awareness of works to provide the proposed community park in the south-eastern part of the Site. Any potential views to the construction site would be distant and form part of a wide panorama that includes parts of Funtley, the telecommunications mast on the Site and pylons carrying overhead wires, as well as farmland and vegetation in the intervening areas. The construction effects are therefore predicted to be **negligible**.

Due to the landform of the Site and vegetation and built form in the intervening areas, no notable views of the proposed development or associated proposed community park are predicted from these two footpaths. The operational effects are therefore predicted to be **neutral**.

From Public Bridleway 515 to the immediate west of the Site, walkers and equestrians in the vicinity of the bridge crossing over Funtley Road are likely to gain glimpsed views of the construction site and emerging built form. Views would be filtered by existing vegetation along the disused railway embankment and less apparent from the section north of Funtley Road than from that to the south - see winter Viewpoints 12A and 14A. By the operational stage, these glimpses would be replaced by a completed development, seen in context with existing partial views through the vegetation of existing dwellings north of Funtley Road.

The value of the receptors using Bridleway 515 is medium; susceptibility is medium; and sensitivity is medium. The magnitude of change at the construction and Year 1 operational stage would be medium, and therefore the effects would be at worst, **moderate** negative (Year 1). The setback of development from the western and

northern edges of the Site and landscape buffer planting here and to the south would contribute to mitigating effects in the short to medium terms. By year 15, the landscape buffers would provide more robust visual softening and screening, reducing the effects to at worst, **minor** negative. In summer, views to the proposed development are likely to be less evident as existing vegetation would reduce visibility towards the Site.

From the bridge crossing over the M27, there is little opportunity for views into the Site and no notable views of the construction phase for the southern community park are proposed. The land proposed for the built development would not be visible either during or following construction. Therefore effects are judged to be **minor** for this receptor.

Discounted Visual Receptors

No views during construction or operation are predicted from the following middle distance and wider area locations as the views are truncated by landform, vegetation and / or built form: Viewpoints 1 and 2 - Funtley Lane and Lakeside; summer Viewpoints 12 and 14 from Bridleway 515, to the west; and more distant Viewpoints 11, 13 and 19 (from the west / north-west) and 15 - 18 (from the north-east). No views towards the Site were identified from the South Downs National Park.

7. Policy Compliance

7.1 Emerging Fareham Local Plan 2036 (Draft Consultation Version)

The proposed development is consistent with the Development Allocation for the Site (Policy HA10), set out in the emerging Fareham Local Plan 2036 (see Figure 2.4). It confines the proposed development to the northern parts of the Site; and creates new public open space in the form of parkland with paths to the south. It respects a 15m buffer to Great Beamond Coppice and protects the majority of the existing vegetation within and bounding the Site. The proposal creates new public open space with play elements in the north, incorporating existing vegetation designated as a SINC. The proposed open spaces more than compensate for the loss of the existing designated open space land within the Site (which is not currently accessible to the public).

Access is proposed to be taken from Funtley Road, making use of the existing access track into the Site. Green corridors, buffers and spaces are integral to the proposed built and green infrastructure areas. Sustainable drainage features are proposed, potentially contributing to the biodiversity and landscape value of the Site. View corridors would be retained between development blocks, allowing views towards the undeveloped southern slopes from Funtley Road to be retained. In accordance with emerging Policy CF6, the open space provision would more than compensate for the change of use of the existing open space designation with the Site (which is not currently accessible to the public).

A total of 55No dwellings are proposed in accordance with the Site allocation. The built form would respect the positive aspects of existing settlement character, and further details on this, and the proposed landscape mitigation are set out in the DAS. Community facilities and pedestrian and cycle links to surrounding areas to the north, south, west and east are also proposed (Policy D1).

The setbacks of the proposed development from the Site boundaries to the north and west, and proposals for landscape buffers with many new areas of planting here and to the south, would create a significant landscape framework that together with the retained

vegetation would contribute to effective landscape integration of the built areas.

In turn, this planting, as well as planting within the built areas would contribute to meaningful visual softening and partial screening of the development from surrounding built areas, while partial views of the higher, undeveloped slopes of the Site would be retained. This is consistent with the aims of the policy.

The confinement of the proposed built area to the existing, developed valley floor (through which Funtley Road runs) would limit the extent to which the proposals would impact on the character of the Site and wider surrounding landscape (Policies NE1 and D1). This is because this part of the Site already benefits from a high degree of landscape and visual containment, by surrounding landform (including railway embankments), built form and existing mature and dense vegetation. The higher slopes of the Site, which are intervisible with elevated farmland north of Funtley and up to Knowle village, would remain undeveloped and additional planting is proposed in these locations.

7.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

In terms of section 7 of the NPPF and NPPG section ID 26 relating to design, the proposed development seeks to provide attractive, high quality and inclusive design; with a strong sense of place, that is integrated with and respectful to the character and pattern of the local area. The proposed provision of a community building, community park and public open space with play areas provide opportunities for social interaction and active lifestyles. The built areas would be developed on the basis of perimeter blocks with good natural surveillance to all public areas. Adaptability and efficiency of the built environment would be important considerations. The proposed development carefully considers the topography of the Site and potential impact on views in the layout and form of the built areas.

In accordance with sections 8 (healthy communities) and 10 (climate change) of the NPPF, the areas of green and blue infrastructure would support action to combat effects of climate change through

provision of shading, water attenuation, and carbon absorption. Consistent with section 10 of the NPPF. Regarding NPPF section 11 (natural environment) the proposals protect the undulating landform of the Site and the majority of the existing vegetation, and seek to improve the biodiversity of the Site by creating further diversity to the range of planting and grassland types within it.

In accordance with NPPG Paragraphs 009 and 015 the proposed development promotes green infrastructure including a number of open and green public spaces; it respects natural features, and promotes a high quality landscape with many areas of planting that contributes to the quality of the local area. By placing development in the lower parts of the Site, and in association with existing built form, the wider landscapes of the Site would be maintained as open, while there would be negligible impact on surrounding areas (NPPG section ID 8).

7.3 Fareham Local Development Framework, Core Strategy (Adopted August 2011)

In turn, these proposals for the Site are consistent with the Fareham Core Strategy (2011) Strategic Objectives SO10 (to manage, maintain and improve the built and natural environment to deliver quality places, taking into account the character and setting of existing settlements); SO11 (to protect sensitive habitats and maintain separate settlement identity); as well as Policy CS4 (protection of habitats important to biodiversity and provision of accessible green space for informal recreation); Policy CS14 (to protect countryside from adverse effects on landscape, character and function arising from development); Policy C17 (to create high quality development that adheres to good urban design and sustainability principles, that is respectful of landscape, scale, form and spaciousness, and that includes greenways and trees within the public realm); Policy CS21 (to seek to provide alternative, and better public open space provision to replace the designated area of open space within the Site); and, Policy CS22 (the proposal does not affect the Strategic Gap located west of the disused railway line).

7. Policy Compliance

7.4 Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

Referring to the Fareham Borough Local Plan Part 2 (2015), the proposed development:

- Seeks to mitigate and improve any potential impacts on neighbouring development and adjoining land, through respectful layout and provision of a robust landscape framework (In accordance with Policies DSP2 and DSP40);
- Does not adversely affect heritage assets (In accordance with Policies DSP5 and DSP40);
- Lies outside of the Defined Urban Settlement Boundary, but is located close to and would be in keeping with the character, scale and appearance of surrounding areas; is sited and designed to integrate with the existing settlement and prevent detracting from existing landscape; and is laid out to respect views into and out of the Site and to the elevated land to the south (In accordance with Policies DSP6 and DSP40);
- Protects designated nature conservation sites and provides additional planting within or around these; provides a wide range of new grassland, herbaceous, aquatic, shrub, hedge and tree planting, including native species and species supporting potential habitat creation, nectar and pollen provision; and retains the majority of the existing vegetation on the Site, providing a number of new landscape buffers and other areas of planting, as well as sustainable drainage ponds that would contribute to maintaining and reinforcing the biodiversity network (In accordance with Policies DSP13 and DSP40); and
- Does not adversely affect a Strategic Gap (In accordance with Policy DSP40).

In terms of the Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016, the proposed development provides a village green integrating play features to the north; and a community park to the south. In total, over 53% of the Site area (8.62ha out of 16.18ha) would remain undeveloped, for use as open spaces and for green and blue infrastructure.

7.5 Landscape Character

In accordance with Statement of Opportunity 1 (SEO1) set out in the profile for **National Character Area 128: South Hampshire Lowlands**, the proposed development promotes creative and effective sustainable development, including a well-connected network of high-quality greenspace, which would benefit local communities, protect local distinctiveness, encourage public understanding and enjoyment of the natural environment, and help to mitigate the impacts of climate change.

In addition, in accordance with SEO2, the proposed development would protect, manage and enhance the area's historic well-wooded character – including its ancient semi-natural woodlands and hedgerows – to link and strengthen habitats for wildlife, and improve recreational opportunities.

There is also opportunity, in accordance with SEO3 to diversify the grassland habitats with the Site, providing recreational opportunities and potential improved biodiversity.

In accordance with the opportunities for **Hampshire County Landscape Character Area 3E: Meon Valley**, the proposed development:

- Keeps development within the valley bottom and avoids building on the slopes and elevated parts of the Site;
- Retains the majority of the existing vegetated boundary structure to the Site;
- Provides many areas of green infrastructure with retained and new planting; and
- Creates potential pedestrian / cycle links to existing settlements and public rights of way.

In accordance with the priorities for enhancement for **Fareham Borough Landscape Character Area 6: Meon Valley**, the proposed development:

- Protects important landscape and ecological resources, woodland and the slopes and ridge of the Site, which form part of the valley within which it lies;
- Creates a development that is limited in extent and which relates well to the existing Funtley village, maintaining an informal, rural character to the southern parts of the Site (community park);
- Provides opportunity to remove unsightly features from the Site;
- Sets development away from the Site boundaries, providing space to reinforce existing boundary vegetation with additional landscape buffers, that protect the character of the nearby roads and settlement. Where vegetation removal is required to facilitate safe access and egress from the Site, this would be minimised as far as possible, with new planting provided within the Site, outside of visibility splays; and
- Reinforces the retained green infrastructure network with many new areas of planting, including as part of the sustainable drainage strategy.

8. Summary and Conclusions

8.1 Summary of the baseline conditions

The Site is located at south-western edge of Funtley village in Hampshire and is bound by Funtley Road to the north and Honey Lane to the west.

The Site lies wholly within the landscape designation of 'Areas outside of Defined Urban Settlement' as defined in the proposal map of the Fareham Borough Core Strategy (adopted August 2011), whilst the area within north-western part of the Site is also designated as 'Existing Open Space' albeit this is not currently accessible to the public. The Ancient Woodland of Great Beamond Coppice is also located within the north east of the Site.

The Great Beamond Coppice is designated as a Site of Importance for Nature Conservation together with the existing tree groups located near the existing access entrance along the northern boundary and south-western boundary as shown on Figures 2.1 and 4.1. There are no other landscape designations within the Site. The Site is also subject to the influences of the nearby M27 motorway, settlement at Funtley village and the live railway to the east; with the addition of a telecommunications mast and timber poles carrying overhead lines within the Site. Therefore, the existing Site is considered to have a medium landscape value overall.

The Site is allocated for residential units in the emerging Fareham Local Plan 2036, subject to Policy HA10. In addition, the updated Borough Landscape Assessment (part of the Local Plan evidence base) indicates that small scale and sensitively integrated development could be accommodated in this location. The development allocation would remove the open space designation within the Site, albeit other existing policy provision seeks the provision of alternative or better uses. Several new, publicly accessible open spaces are therefore included as part of the scheme proposals.

Across the study area, there are a number of heritage assets comprising of Listed Buildings, Scheduled Ancient Monuments and local non-designated heritage asset Historic Parks and Gardens. There are no heritage assets located within or adjacent to the Site and none would be affected by the proposed development.

Views of the Site from the wider landscape (including the South Downs National Park) are truncated due to the undulating landform and intervening vegetation, whilst open and partial views of the internal ground plane and vegetation within and along the Site are apparent from the receptors located within close proximity of the Site - along parts of Funtley Road, Stag Way, Roebuck Avenue, Honey Lane; along part of Bridleway 515 to the west, near the bridge crossing over Funtley Road; and from parts of Public Footpaths 88 and 89 to the east of Funtley.

8.2 Summary of the landscape effects

The proposed development within the Site would not noticeably alter the landscape character at the national or county levels as discussed in this LVIA (**negligible** effects).

It is predicted that there would be, at worst, a **moderate - major** negative effect on land use landscape character at Site level - that is, the parts of the Site proposed for built development, due to the change in character from semi-enclosed pasture fields. Beyond this built area, the effects on the character of the wider Site and immediate context is predicted to be at worst, **minor - moderate** negative, but on the wider Borough character area, effects would be no greater than **negligible** or **minor**. Nevertheless, the proposed development is sited in close proximity to existing settlement and would not affect separate settlement identity or gaps.

Some modifications to landform would be required within the Site to provide safe access into, out of and within the proposed development, and to provide effective development platforms. The more steeply sloping and elevated parts of the Site would not be built on, with localised ground modelling only required to construct new pedestrian and cycle paths.

The effect on the Site landform is predicted to be at worst, **minor - moderate** negative at the construction stage only. Vegetation removal within the Site would be limited to that essential to facilitate effective development, to provide a safe area for new residents, or for other arboricultural or ecological reasons as identified by the relevant project specialists. The effects are predicted to be at worst, **moderate** negative at the construction stage, albeit these effects would be largely localised to the area proposed for built form.

The proposed development would, from the outset, be contained within an existing landscape framework of retained and protected mature hedges, trees, tree belts and woodland. There would also be retained open land (for community park uses) to the south. The proposed village green open space to the north would include play facilities and incorporate the retained SINC.

As the many areas of proposed landscape mitigation planting mature, the short term negative effects on land use and landscape character identified above would improve considerably with time, further reinforcing landscape integration, visual softening and partial screening.

Thus the effects on Site character and the immediate context would reduce by Year 15 to at worst **minor** negative (a clear day in winter) to at best **minor - moderate** positive, due to the ongoing positive management of the existing vegetation within the Site, and reinforcement of this with an additional robust network of varied landscape planting, diverse grasslands and planting associated with the proposed sustainable drainage features.

The many new areas of planting proposed would replace vegetation lost, while providing a considerable additional resource to the Site. Therefore, the effect on the Site vegetation is predicted to be **minor** positive in Year 1 and **moderate** positive by Year 15 when this is maturing.

8. Summary and Conclusions

8.2 Summary of the landscape effects (continued)

In terms of land use and the designated open space area of the Site, the provision of a total of 8.62ha of new publicly accessible open space with the proposed development is predicted to give rise to **minor - moderate** positive effects from Year 1 of operation. This would mean that over 53% of the total Site area of 16.18ha) would remain undeveloped and semi-rural in character.

Furthermore, the potential to provide pedestrian and cycle links to existing settlement north of Funtley Road, to Bridleway 515 to the west, and to Fareham to the south (by opening up the bridge link over the M27), the proposed development is predicted to give rise to **minor - moderate** positive effects on the public rights of way network from Year 1.

8.3 Summary of the visual effects

Regarding visual effects, the most noticeable visual change arising from the proposed development would be for the road users of Funtley Road and residents along the north side of the road, including a few residents of Stag Way and Roebuck Avenue. The views would be direct and in close range of the Site, albeit some views would be partly filtered by existing boundary vegetation.

Residents of Bramleigh at the south end of Honey Lane would have more distant and elevated views to the proposed development, seen in context with existing development at Funtley, and the farmland, and built areas including part of Knowle village to the north of Funtley. While development would be brought forward in these views, overall, the character and amenity of the panoramic views would be retained.

The construction and Year 1 operational effects are predicted to be at worst, **moderate - major** negative for residents along Funtley Road / Stage Way / Roebuck Avenue / Honey Lane; and **minor - moderate** negative for the transient receptors using Funtley Road. The mitigation planting associated with the built development would reduce these visual effects to at worst, **minor** negative for Funtley

Road residents and road users by Year 15. The scheme proposes to retain views beyond the built area to the elevated and more open higher ground within the community park to the south.

No notable visual effects are predicted from Public Footpaths 88 and 89 to the east of Funtley, due to the limited areas of the Site visible, and screening by landform, built form at Funtley and vegetation in the intervening areas.

From Bridleway 515 to the west, some partial views and glimpses of the proposed development would be seen beyond existing vegetation along the embankments of the disused railway line. These views would be in context with partial views and glimpses of existing built form to the north of the Site, and would be in context with retained semi-open parkland with additional planting south of the built area. The Year 1 effects are predicted to be at worst, **moderate** negative, and only from a short section of the Bridleway in the vicinity of the bridge crossing over Funtley Road. By Year 15, the softening and enclosing effect of mitigation planting is predicted to reduce the visual effects to at worst, **minor** negative. There would be no views of the development from most sections of the Bridleway due to physical and visual separation by dense vegetation in the intervening areas.

8.3 Conclusions

It is considered that the proposed development, which is subject to an allocation in the emerging Fareham Local Plan 2036, would represent a relatively limited and logical extension to an existing settlement. No widespread landscape or visual effects are predicted, and those effects predicted to occur at a Site and immediate site context level can be effectively mitigated and compensated for. The proposed development also offers opportunity for long term management of the Site and its mature vegetation (including Ancient Replanted Woodland); and provision of an additional robust structure of green infrastructure incorporating a diverse range of planting and grasslands, including within the areas of sustainable drainage. There would be the provision of a considerable area of new publicly accessible open space. The development is proposed to

be well connected to existing settlement and public rights of way. In conclusion, therefore, with careful consideration of the constraints and opportunities of the Site, an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits.

Appendix 1 – fabrik LVA Methodology

A1.1 Introduction

The methodology employed in carrying out an LVA or LVA with an impact statement of the Site, is drawn from the Landscape Institute and the Institute of Environmental Management and Assessment's "Guidelines for Landscape and Visual Impact Assessment" (GLVIA) Third Edition (Routledge 2013).

The term landscape is defined as an area perceived by people, whose character is the result of the action and interaction of nature and / or human factors. It results from the way that different components of our environment – both natural and cultural / historical interact together and are perceived by us. The term does not mean just special, valued or designated landscapes and it does not only apply to the countryside. The definition of landscape can be classified as:

- All types of rural landscape, from high mountains and wild countryside to urban fringe farmland (rural landscapes);
- Marine and coastal landscapes (seascapes); and
- The landscape of villages, towns and cities (townscapes).

An LVA with an impact statement provides a description of the baseline conditions and sets out how the study area and site appears, or would appear, prior to the proposed development. The baseline assessment is then used to predict the landscape and visual impacts arising from the proposed development. The assessment of impact is carried out as part of the iterative design process in order to build in mitigation measures to reduce the impacts as much as possible. The impact assessment will identify and assess effects during the construction and operational stages of the proposed development.

A1.2 Summary Overview of LVA Methodology

The LVA baseline assessment describes:

- Each of the landscape elements which then collectively inform landscape character for the contextual area to the site and the site itself;
- The character, amenity and degree of openness of the view from a range of visual receptors (either transient, serial or static views);
- The current baseline scenarios;
- The value of each of the landscape and visual receptors.

Landscape effects derive from changes in either direct or in-direct changes to the physical landscape, which may give rise to changes to the individual landscape components which in turn effects the landscape character and potentially changes how the landscape is experienced and valued.

Visual effects relate to the changes that arise in the composition, character and amenity of the view as a result of changes to the landscape elements.

The assessment of effects therefore systematically:

- Combines the value of the receptor with the susceptibility to the proposed change to determine the sensitivity of the receptor;
- Combines the size, scale, geographic extent, duration of the proposals and its reversibility in order to understand the magnitude of the proposal.
- Combines the sensitivity of the each of the receptors and the magnitude of effect to determine the significance of the effect.
- Presents the landscape and visual effects in a factual logical, well-reasoned and objective fashion.
- Indicates the measures proposed over and above those designed into the scheme to prevent/avoid, reduce, offset, remedy, compensate for the effects (mitigation measures) or which provide an overall landscape and visual enhancement;

- Sets out any assumptions considered throughout the assessment of effects.

Effects may be positive (beneficial) or negative (adverse) direct or indirect, residual, permanent or temporary short, medium or long term. They can also arise at different scales (national, regional, local or site level) and have different levels of significance (major, moderate, low, negligible or neutral / no change). The combination of the above factors influences the professional judgement and opinion on the significance of the landscape and visual effect.

The following sections sets out in more detail the assessment process employed.

A1.3 Establishing the Landscape Baseline

Desk and Field Studies: The initial step is to identify the existing landscape and visual resource in the vicinity of the proposed development – the baseline landscape and visual conditions. The purpose of baseline study is to record and analyse the existing landscape, in terms of its constituent elements, features, characteristics, geographic extent, historical and cultural associations, condition, the way the landscape is experienced and the value / importance of that particular landscape. The baseline assessment will also identify any potential changes likely to occur in the local landscape or townscape which will change the characteristics of either the site or its setting.

An desk study is carried out to establish the physical components of the local landscape and to broadly identify the boundaries of the study area. Ordnance survey (OS) maps and digital data is used to identify local features relating to topography/ drainage pattern, land cover, vegetation, built developments/settlement pattern, transport corridors/definitive public rights of way and any historic or prominent landscape features, which together combine to create a series of key characteristics and character areas. Vertical aerial photography will be used, to supplement the OS information. At this stage, any special designated landscapes (such as Areas of Outstanding Natural Beauty, National Parks, Green Belt, Conservation Areas, Listed Buildings, Areas of Special Character); heritage or ecological assets are identified. A review of information available in terms of any published historic landscape characterisation together with any other landscape / capacity / urban fringe and visual related studies is carried out at this stage.

Landscape character assessment, is the tool for classifying the landscape into distinct character areas or types, which share common features and characteristics. There is a well established methodology developed in the UK by the Countryside Agency and Scottish Natural Heritage in 2002, with further guidance published by Natural England in 2014. The national and regional level character assessments are often available in published documents, however the local / district or site levels may need to be set out

based on a combination of desk studies and field survey work. The character assessment will also identify environmental and landscape opportunities, recent changes, future trends and forces for change where they may be important in relation to the proposal, especially considering how the landscape appears, or would appear prior to the commencement of development. The condition of the landscape, i.e. the physical state of an individual area of landscape, is described as factually as possible. The assessment of landscape importance includes reference to policy or designations as an indicator of recognised value, including specific features or characteristics that justify the designation of the area. The value of that landscape by different stakeholders or user groups may also influence the baseline assessment.

If published local / site level landscape character assessments are not available, the landscape is to be classified into distinctive character areas and / or types, based on variations in landform, land cover, vegetation / settlement pattern, field pattern, enclosure, condition, value and etc. The classification will take into account any National, County/District and Parish level landscape character assessments.

These desk based studies are then used as a basis for verification in the field.

Judgements on the value of both the landscape and visual receptor are made at the baseline stage.

Landscape Value

Value is concerned with the relative value or importance that is attached to different landscapes. The baseline assessment considers any environmental, historical and cultural aspects, physical and visual components together with any statutory and non-statutory designations and takes into account other values to society, which may be expressed by the local community or consultees. These tables are considered a starting point for consideration in the field. The landscape designations are to be considered in terms of their ‘meaning’ to today’s context. The following table sets out the criteria

and definitions used in the baseline assessment to determine landscape value at the local or site level (in addition to condition / quality as set out on the previous page). Wherever possible information and opinions on landscape value is to be sought through discussions with consultees, stakeholders and user groups.

Table A1.1 sets out the criteria used to determine landscape condition / quality and value at the local or site level in the field.

Table A1.1 – Landscape Value Criteria

Criteria
<p>High (Very Good / Good Condition) International - National - Regional Scale</p> <ul style="list-style-type: none"> • Exceptional landscape with outstanding perceptual qualities. Very attractive, intact, natural, scenic, rare, wild and tranquil. The landscape may include World Heritage Sites, National Parks, Areas of Outstanding Natural Beauty or Heritage Coast or key elements/features within them; together with any non-statutory designations. Alternatively, the landscape may be un-designated but is valued as set out in published landscape character assessments and which, for example, identify and artistic and literary connections which assist in informing the identify of a local area (such as ‘Constable Country’); • Recognisable landscape or townscape structure, characteristic patterns and combinations of landform and landcover are evident, resulting in a strong sense of place; • No or limited potential for substitution and which is susceptible to small changes; • A landscape that contains particular characteristics or elements important to the character of the area; • A valued landscape for recreational activity where the experience of the landscape is important; • Good condition with -appropriate management for land use and land cover, or with some scope to improve certain elements; • Distinct features worthy of conservation; • Unique sense of place; • No or limited detracting features.

Criteria
<p>Medium (Good - Ordinary Condition) Regional - Local Scale</p> <ul style="list-style-type: none"> • Ordinary landscape and perceptual qualities. The landscape may include local designations such as Special Landscape Areas, Areas of Great Landscape Value, Strategic or Local Gaps; or un-designated but value expressed through literature, historical and / or cultural associations; or through demonstrable use by the local community; together with any non-statutory designations. Alternatively, the landscape may be valued through the landscape character assessment approach. • Distinguishable landscape or townscape structure, with some characteristic patterns of landform and landcover; • Potential for substitution and tolerant of some change; • Typical, commonplace farmed landscape or a townscape with limited variety or distinctiveness; • A landscape which provides recreational activity where there are focused areas to experience the landscape qualities; • Scope to improve management; • Some dominant features worthy of conservation; • Some detracting features.
<p>Low (Ordinary - Poor Condition) Local /Site Scale</p> <ul style="list-style-type: none"> • Poor landscape and perceptual qualities. Generally un-designated. Certain individual landscape elements or features may be worthy of conservation and landscape either identified or would benefit from restoration or enhancement (such as local parks and open spaces). Alternatively, the landscape may be valued through the landscape character assessment approach. • Monotonous, weak, uniform or degraded landscape or townscape which has lost most of it's natural or built heritage features and where the landcover are often masked by land use; • Tolerant of substantial change; • A landscape which provides some recreational activities with limited focus on the landscape attributes; • Lack of management and intervention has resulted in degradation; • Frequent dominant detracting features; • Disturbed or derelict land requires treatment.

A1.4 Establishing in the Visual Baseline

Desk and Field Studies: The visual baseline will establish the area in which the site and the proposed development may be visible, the different groups of people who may experience the views, the places where they will be affected and the nature, character and amenity of those views.

The area of study for the Visual Assessment is determined through identifying the area from which the existing site and proposal may be visible (the Zone of Theoretical Visibility or ZTV). The baseline ZTV of the site is determined through either manual topographical analysis (a combination of desk and field based analysis which are considered appropriate for Landscape and Visual Appraisals and projects below the EIA threshold) or digital mapping based on bare earth modelling, (which do not take account of features such as vegetation or built form) constructing a map showing the area where the proposal may theoretically be visible. The extent of the mapping will depend on the type of proposal. The actual extent of visibility is checked in the field (both in the summer and winter months if the project timescales allow) to record the screening effect of buildings, walls, fences, trees, hedgerows and banks not identified in the initial bare ground mapping stage and to provide an accurate baseline assessment of visibility. Viewpoints within the ZTV should also be identified during the desk assessment, and the viewpoints used for photographs selected to demonstrate the relative visibility of the site (and any existing landscape and built forms). The selection of a range of key viewpoints will be based on the following criteria for determination in the field:

- The requirement to provide an even spread of representative, specific, illustrative or static / kinetic / sequential / transient viewpoints within the ZTV and around all sides of the Site.
- From locations which represent a range of near, middle and long distance views (although the most distant views may be discounted in the impact assessment if it is judged that visibility from this distance will be extremely limited).
- Views from sensitive receptors within designated, historic or cultural landscapes or heritage assets (such as from within World Heritage Sites; adjacent to Listed Buildings - and co-ordinated

with the heritage consultant - Areas of Outstanding Natural Beauty or Registered Parks and Gardens) key tourist locations and public vantage points (such as viewpoints identified on OS maps).

- The inclusion of strategic / important / designed views and vistas identified in published documents.

Views from the following are to be included in the visual assessment:

1. Individual private dwellings. These are to be collated as representative viewpoints as it may not be practical to visit all properties that might be affected.
2. Key public buildings, where relevant (e.g. libraries; hospitals, churches, community halls etc)
3. Transient views from public viewpoints, i.e. from roads, railway lines and public rights of way (including tourist or scenic routes and associated viewpoints);
4. Areas of open space, recreation grounds and visitor attractions; and
5. Places of employment, are to be included in the assessment where relevant.

A1.4 Establishing in the Visual Baseline (continued)

The final selection of the key viewpoints for inclusion in the LVA will be based proportionately in relation to the scale and nature of the development proposals and likely significant effects and in agreement with the LPA.

The visual assessment should record:

- The character and amenity of the view, including topographic, geological and drainage features, woodland, tree and hedgerow cover, land use, field boundaries, artefacts, access and rights of way, direction of view and potential seasonal screening effects will be noted, and any skyline elements or features.
- The type of view, whether panoramas, vistas or glimpses.

The baseline photographs are to be taken in accordance with the Landscape Institutes technical guidance on Photography and Photomontage in LVIA (Landscape Institute 2011). The extent of visibility of the range of receptors is based on a grading of degrees of visibility, from a visual inspection of the site and surrounding area. There will be a continuity of degree of visibility ranging from no view of the site to full open views. Views are recorded, even if views are truncated of the existing site, as the proposed development may be visible in these views. To indicate the degree of visibility of the site from any location three categories are used:

a) **Open View:**

An open, unobstructed and clear view of a significant proportion of the ground plane of the site; or its boundary elements; or a clear view of part of the site and its component elements in close proximity.

b) **Partial View:**

A view of part of the site, a filtered or glimpsed view of the site, or a distant view where the site is perceived as a small part of the wider view;

c) **Truncated View:**

No view of the site or the site is difficult to perceive.

Following the field survey (which should cover ideally both winter and summer views) the extent to which the site is visible from the surrounding area will be mapped. A Photographic Viewpoint Plan will be prepared to illustrate the representative, specific and illustrative views into / towards and within the Site (if publicly accessible) and the degree of visibility of the site noted. This Plan will be included in a Key Views document for agreement with the Local Planning Authority and any other statutory consultees as part of the consultation process. The visual assessment will include a series of annotated photographs, the location and extent of the site within the view together with identifying the character and amenity of the view, together with any specific elements or important component features such as landform, buildings or vegetation or detracting features which interrupt, filter or otherwise influence views. The photograph will also be annotated with the Value attributed to the receptor or group of receptors.

By the end of this stage of the combined landscape and visual site study, it will be possible to advise, in landscape and visual terms, on any specific mitigation measures required in terms of the developments preferred siting, layout and design.

Value of Visual Receptors

Judgements on the value attached the views experienced are based on the following criteria.

Table A1.2 – Value Attached to Views

Value	Criteria
High	Views from landscapes / viewpoints of national importance, or highly popular visitor attractions where the view forms an important part of the experience, or with important cultural associations. This may include residential receptors in Listed Buildings where the primary elevation of the dwelling is orientated to take advantage of a particular view (for example across a Registered Park and Garden or National Park).
Medium	Views from landscapes / viewpoints of regional / district importance or moderately popular visitor attractions where the view forms part of the experience, or with local cultural associations. This may include residential receptors where the primary elevation of the dwelling is orientated to take advantage of a particular view.
Low	Views from landscapes / viewpoints with no designation, not particularly important and with minimal or no cultural associations. This may include views from the rear elevation of residential properties.

Susceptibility of the Visual Receptor to the Proposed Change

The susceptibility to the proposed changes in views and visual amenity occur as a result of the occupation or activity of people experiencing the view and the extent to which their attention or interest may be focused on the views and the visual amenity they experience. The grouping of susceptibility of the visual receptors is set out later in this document.

A1.5 Predicting and Describing the Landscape and Visual Effects

An assessment of visual effect deals with the change on the character and amenity arising from the proposal on the range of visual receptors.

The assessment of effects aims to:

- Identify systematically and separately the likely landscape and visual effects of the development;
- Identify the components and elements of the landscape that are likely to be affected by the scheme;
- Identify interactions between the landscape receptors and the different components of the development at all its different stages (e.g. enabling, construction, operation, restoration etc);
- Indicate the secondary mitigation measures over and above those already designed into the scheme proposed to avoid, reduce, remedy or compensate for these effects;
- Estimate the magnitude of the effects as accurately as possible and considering this in relation to the sensitivity of the receptor; and
- Provide an assessment of the significance of these effects in a logical and well-reasoned fashion.

Having established the value of the landscape and visual receptor, the effects are then considered in relation to the magnitude of change, which includes the size / scale, geographical extent of the areas influenced and the duration and reversibility.

Wherever possible tables or matrixes will be used, linked with the illustrative plans, so that the landscape and visual effects are recorded and quantified in a systematic and logical manner. Consideration is given to the impacts on completion of development at Year 1 and at maturity (Year 15) (to represent short, medium and long term effects) so that the effects of the development after mitigation has matured are identified. Assumptions or limitations to the assessment will also be set out.

Effects will include the direct and/or indirect impacts of the development on individual landscape elements / features as well as the effect upon the general landscape character and visual receptors.

Landscape Susceptibility

Landscape susceptibility is evaluated by its ability to accommodate the proposed change (i.e. the degree to which the landscape is able to accommodate the **proposed** change without undue consequences for the maintenance of the baseline situation and / or the achievement of landscape planning policies and strategies) as set out in Table A1.2.

As part of the assessment of the landscape character and its component parts, conclusions will be drawn as to the overall susceptibility of the landscape / landscape elements and visual environment to the type of development proposed. Existing landscape capacity assessments may form a starting point for the refinement of the assessment of landscape susceptibility at the local and site level.

Table A1.3 – Landscape Susceptibility Criteria

Susceptibility	Criteria
High	A landscape or townscape particularly susceptible to the proposed change, which would result in significant negative effects on landscape character, value, features or individual elements.
Medium	A landscape or townscape capable of accepting some of the proposed change with some negative effects on landscape character, value, features or elements.
Low	A landscape or townscape capable of accommodating the proposed change without significant negative effects on landscape character, value, features or elements.

Landscape Sensitivity

The assessment of landscape sensitivity is then combined through a judgement on the value attributed to that landscape receptor / component and the susceptibility of the landscape receptor to the proposed change using the following matrix.

Table A1.4 - Landscape Sensitivity

		Landscape Receptor Susceptibility		
		High	Medium	Low
Landscape Value	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Medium - Low
	Low	Medium	Medium - Low	Low - Negligible

Visual Susceptibility

The susceptibility of the different types of people to the changes proposed is based on the occupation of the activity of the viewer at a given location; and the extent to which the persons attention or interest may be focussed on a view, considering the visual character and amenity experienced at a given view. The criteria used to assess the susceptibility of a visual receptor are summarised below.

Table A1.5 – Visual Susceptibility Criteria

Susceptibility	Criteria
High	People with particular interest in the view, with prolonged viewing opportunity, including: Residents where views contribute to the landscape setting enjoyed by the community; those engaged in outdoor recreation, such as those using public rights of way; views from within the designated landscapes and heritage assets where the views of the surroundings are an important contributor to the experience; travellers along scenic routes.
Medium	People with moderate interest in the view and their surroundings, including: Communities where the development results in changes in the landscape setting or value of views enjoyed by the community; people travelling through the landscape, where the appreciation of the view contributes to the enjoyment and quality of that journey; people engaged in outdoor recreation, where their appreciation of their surrounding and particular view is incidental to their enjoyment of that activity.
Low	People with momentary, or little interest in the view and their surroundings, including: People engaged in outdoor sport; People at their work place; Travellers where the view is fleeting or incidental to the journey.

Visual Sensitivity

The sensitivity of visual receptors in views is based on the professional judgement combining the value and susceptibility to change on that visual receptor.

Table A1.6 - Visual Sensitivity

		Visual Receptor Susceptibility		
		High	Medium	Low
Value of Visual Receptor	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Low
	Low	Medium	Low	Low - Negligible

A1.6 Magnitude of Effects

In determining the magnitude of landscape effects, this will consider:

1. Scale and size of the change in the landscape (considering the changes to individual components and the effect this has on contribution to landscape character; the degree to which aesthetic or perceptual aspects of the landscape are altered; whether the effect changes the key characteristics of the landscape);
2. Geographic extent over which the landscape effects will be experienced (effects limited to the site level; effects on the immediate setting; effects relating to the scale of the landscape type or character area; effects on a larger scale such as influencing several landscape character areas); and
3. The duration, permanence and reversibility of the proposal.

Similar to landscape effects, the magnitude of visual effects will consider:

1. Scale and size of the change to the view (considering loss or addition of features to the view and proportion of the view occupied by the proposed development; the degree of contrast or integration of any new landscape features or changes in the landscape and characteristics in terms of form, scale, mass, line, height, colour and texture; and the nature of the view of the proposed development relative to the time over which it will be experienced and whether views will be full, partial or glimpses).
2. Geographical extent (including the angle of the view; the distance of the viewpoint to the proposed development; and the extent of the area over which the changes would be visible).
3. The duration, permanence and reversibility of the proposal.

A1.7 Significance of Effects

The two principal criteria determining the significance of effects are the sensitivity of the receptor in relation to the magnitude of effect. A higher level of significance is generally attached to the magnitude of change on a sensitive receptor; for example, a low magnitude of change on highly sensitive receptor can be of greater significance than very high magnitude of change on low sensitivity receptor. Therefore, whilst the table opposite sets out a starting point for the assessment, it is important that a balanced and well reasoned professional judgement of these two criteria is provided and an explanation provided.

In order to develop thresholds of significance, both the sensitivity of receptors and the magnitude of change must be classified for both landscape receptors and visual receptors as set out in the tables below. Where landscape effects are judged to be adverse, additional mitigation or compensatory measures are to be considered. The significant landscape effects remaining after mitigation are then to be summarised as the residual effects.

Magnitude Elements					Overall Magnitude of Change
Size / Scale	Geographic Extent	Duration	Permanence	Reversibility	
Major	Wide or Local; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High
Major	Site Level; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High - Medium
Moderate	Local / Site Level; Direct or oblique, partial view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Medium - Low
Minor	Local / Site level; Oblique partial or glimpsed view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Low
Negligible	All of the above and a truncated view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Negligible

The criteria for each of the above is to be determined relative to the size and scale of the individual project applying professional judgement and opinion.

However, the following are typically used:

Size and Scale: relates to the combination of the following (and are linked to the descriptions set out under table A1.9):

- extent of existing landscape elements that will be lost (to proportion of the total extent that is lost) and the contribution that the element has to landscape character;
- the degree to which aesthetic or perceptual aspects of the landscape are altered (addition or removal of features and elements)
- whether the effect changes the key distinctive characteristics of the landscape;
- size and scale of change in the view with respect to the loss or addition of features in the view and changes to the composition, including the proportion of the view occupied by the proposed development;
- the degree of contrast or integration of any new features or changes in the townscape with the existing or remaining townscape or landscape elements and characteristic terms of form, scale, mass, line, height, colour and texture;
- the nature of the view of the proposed development, in terms of relative amount of time over which it will be experienced and whether views will be open, partial, glimpsed.

Geographic Extent: The geographic area over which the landscape effects will be felt relative to the proposal; and relative to visual receptors is to reflect the angle of the view; the distance of the viewpoint; the extent of the area over which the changes would be visible.

Duration, Permanence and Reversibility: These are separate but linked considerations and are project specific. For example, changes to a brownfield urban site could be reversible. Construction impacts are likely to be short term, temporary, but see the start of a permanent change. Operational effects are likely to be long term, permanent and either irreversible or reversible, depending on the nature of the project.

No change: If there is no change to the landscape or visual receptor then the overall magnitude of change will be **Neutral**.

A1.7 Significance of Effects (continued)

Effects will be described clearly and objectively, and the extent and duration of any negative / positive effects quantified, using four categories of effects, indicating a gradation from high to low.

Table A1.7 - Sensitivity and Magnitude of Effects

		Landscape and Visual Receptor Sensitivity		
		High	Medium	Low
Magnitude of Change	High	Major	Moderate to Major	Moderate
	Medium	Moderate to Major	Moderate	Minor - Moderate
	Low	Moderate to Major	Minor - Moderate	Minor
	Negligible	Negligible	Negligible	Negligible
	Neutral	Neutral	Neutral	Neutral

The degree of effect is graded on the following scale in relation to the significance criteria above:

Table A1.9 - Significance of Landscape and Visual Effects

Effect Significance	Criteria
Substantial negative / adverse effect	Where the proposals would cause the substantial or significant loss of key mature landscape elements and characteristic features / a significant deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Major negative / adverse effect	Where the proposals would cause the total loss of key mature landscape elements and characteristic features / a major deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Moderate negative / adverse effect	Where the proposals would cause the loss of some of the key landscape elements and / or particularly representative characteristic features / or introduce elements considered significantly uncharacteristic of the area; and a noticeable deterioration in the character and amenity of the view from the range of visual receptors.
Minor negative / adverse effect	Where the proposals would cause the loss of some landscape elements or characteristic features / introduce elements characteristic of the area; and a barely perceptible deterioration in the character and amenity of the view from the range of visual receptors.

Negligible	Where the proposals would have no discernible deterioration or improvement in the existing baseline situation in terms of landscape elements or view.
Neutral	Where the proposals would result in no change overall (resulting in no net improvement or adverse effect).
Minor positive / beneficial effect	Where the proposals would result in minor loss or alteration or improvement of the key elements and features / provide a small enhancement to the existing landscape elements or characteristic features; and cause a barely perceptible improvement in the existing view for the range of receptors.
Moderate positive / beneficial effect	Where the proposals would cause some enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Major positive / beneficial effect	Where the proposals would cause a major enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Substantial positive / beneficial effect	Where the proposals would cause a significant enhancement to the existing landscape elements or characteristic features / wholesale improvement in the character and amenity of the existing view from a range of visual receptors.

Effects assessed as being greater than moderate are considered to be a significant effect.

A1.8 Effects During Site Enabling and Construction

It is recognised that project characteristics and hence sources of effects, will vary through time. The initial effects arise from the site enabling and construction works. Sources of landscape and visual effects may include:

- The location of the site access and haulage routes;
- The origin and nature of materials stockpiles, stripping of material and cut and fill operations / disposal and construction compounds;
- The construction equipment and plant (and colour);
- The provision of utilities, including lighting and any temporary facilities;
- The scale, location and nature of any temporary parking areas and on-site accommodation;
- The measures for the temporary protection of existing features (such as vegetation, trees, ponds, etc) and any temporary screening (such as hoarding lines); and
- The programme of work and phasing of development.

A1.9 Effects During Operation (at Year 1)

At the operational stage, the sources of landscape and visual effects may include:

- The location, scale, height, mass and design of buildings in terms of elevational treatment; structures and processes, including any other features;
- Details of service arrangements such as storage areas or infrastructure elements and utilities and haulage routes;
- Access arrangements and traffic movements;
- Lighting;
- Car parking;
- The noise and movement of vehicles in terms of perceived effects on tranquillity;
- Visible plumes from chimneys;
- Signage and boundary treatments;
- Outdoor activities that may be visible;

- The operational landscape, including landform, structure planting, green infrastructure and hard landscape features;
- Land management operations and objectives; and
- The enhancement or restoration of any landscape resource of particular view.

A1.10 Mitigation and Compensatory Measures

The purpose of mitigation is to avoid, reduce and where possible, remedy or offset, any significant (major to minor) negative (adverse) effects on the landscape and visual receptors arising from the proposed development. Mitigation is thus not solely concerned with “damage limitation”, but may also consider measures that could compensate for unavoidable residual effects. Mitigation measures may be considered under three categories:

- Primary measures that intrinsically comprise part of the development design through an iterative process;
- Standard construction and operational management practices for avoiding and reducing environmental effects; and
- Secondary (or residual) measures designed to specifically address the remaining effects after the primary and standard construction practices have been incorporated.

If planting is required as part of the mitigation measures, it is proposed that areas of planting are introduced as part of the proposed development and the height of this planting will be considered as follows (dependent on plant specification and details of the scheme):

- Planting at completion / short term: 3-5 metres (dependent on plant specification).

Strategies to address likely negative (adverse) effects include:

- Prevention and avoidance of an impact by changing the form of development;
- Reduce impact by changing siting, location and form of development;

- Remediation of impact, e.g. by screen planting;
- Compensation of impact e.g. by replacing felled trees with new trees; and
- Enhancement e.g. creation of new landscape or habitat.

A1.11 Guidelines for Mitigation:

- Consultation with local community and special interest groups, if possible, on the proposed mitigation measures is important;
- Landscape mitigation measures should be designed to suit the existing landscape character and needs of the locality, respecting and building on local landscape distinctiveness and helping to address any relevant existing issues in the landscape;

Many mitigation measures, especially planting, are not immediately effective. Where planting is intended to provide a visual screen for the development, it may also be appropriate to assess residual effects for different periods of time, such as day of opening at Year 1.

- The proposed mitigation measures should identify and address specific landscape issues, objectives and performance standards for the establishment, management maintenance and monitoring of new landscape features.
- A programme of appropriate monitoring may be agreed with the regulatory authority, so that compliance and effectiveness can be readily monitored and evaluated.

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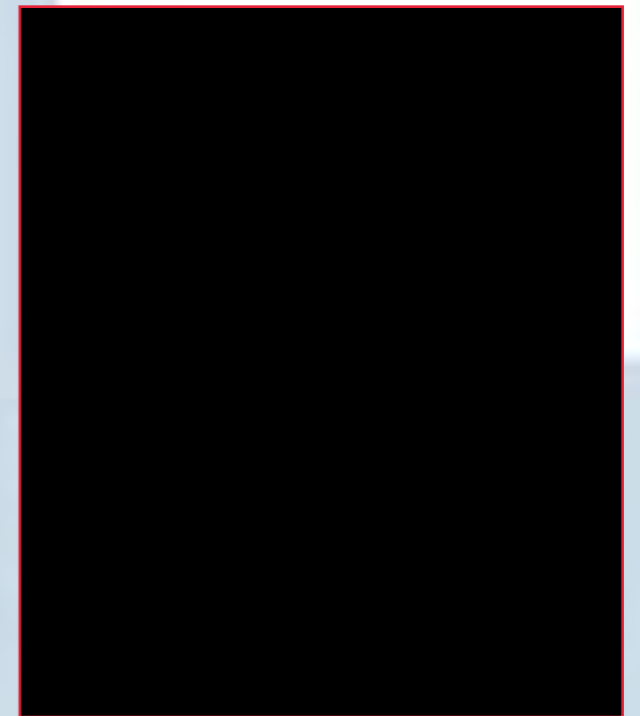
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Fareham Borough Council Local Plan 2037 Consultation July 2021

(Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012)

Consultation Response Pinks Hill,
Wallington

Prepared on behalf of Vistry Group Plc

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1.0 INTRODUCTION

- 1.1 This representation is prepared by Tetra Tech Planning on behalf of Vistry Group in response to the Fareham Revised Publication Local Plan 2037 consultation (July 2021) (“the plan”).
- 1.2 This representation follows various previous representations made during the preparation of the Fareham Borough Council (FBC) Local Plan¹. Our previous representations can be seen at Appendix 1. In addition, the site has previously been promoted through FBC’s Call for Sites and draft Local Plan Regulation 18 consultation and these previous representations remain valid.
- 1.3 Vistry Group was formed in January 2020 following the successful acquisition by Bovis Homes Group PLC from Galliford Try PLC of Linden Homes and their Partnership & Regeneration businesses. Vistry Partnerships is the Group’s affordable homes and regeneration specialist. Working in close partnership with housing associations, local authorities and government agencies, it is one of the UK’s leading providers of affordable housing and sustainable communities.
- 1.4 Vistry Group has a legal interest in the land to the east of Pinks Hill and south of Military Road, Wallington (“the site”), which is in single ownership and extends to approximately 5.3 hectares. In previous draft iterations of the plan, the site has been proposed by FBC for allocation for residential development, with an indicative capacity of 80 dwellings².
- 1.5 We thank FBC for providing the opportunity to comment on this latest version of the plan, which has been updated to meet the latest national housing delivery test. This representation considers the revised plan and evidence base, with particular focus on the proposed housing strategy over the plan period and the soundness of the plan.

¹ Representations made in December 2020, January 2020 and December 2017

² Policy HA8 of the FBC Draft Local Plan (2017)

2.0 LOCAL PLAN HOUSING STRATEGY

- 2.1 FBC approved on 10th June 2021 the Revised Publication Local Plan for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The publication of the plan followed various previous iterations, including major changes to the plan between 2018 – 2020 to accommodate changing housing requirements as a result of the Government’s shifting stance on the proposed method of calculating housing need.
- 2.2 In August 2020, the Government published a ‘Changes to the Current Planning System’ consultation paper. One of the proposals within this included changes to the standard method for assessing housing need (“the standard method”). The proposed change would have meant a decrease in Fareham’s identified housing need from that identified previously.
- 2.3 However, in December 2020, the Government confirmed that it did not propose to proceed with the changes to the standard method that were consulted on and instead will proceed with a reformed standard method which reflects the Government’s commitment to levelling up and enables regeneration and renewal of urban areas. As a result, this meant Fareham’s identified housing need increased once again. An ‘Indicative Local Housing Need (December 2020)’ table was also published by the Government which confirmed that the indicative local housing need for Fareham would be 514 (excluding any buffer that would need to be applied), albeit caveated to state that figures presented are based on data available at the date of publication.
- 2.4 FBC’s 5 Year Housing Land Supply (5YHLS) Position report to Planning Committee dated 17th February 2021 is FBC’s most recent position statement. This confirms that the housing need figure for Fareham using the standard method at that time was 508 dwellings per annum (dpa). In addition, the results of the latest Housing Delivery Test (January 2021) require FBC to apply a 20% buffer to its annual requirement as delivery has fallen to 79% of the requirement. Calculation of FBC’s 5YHLS position based on an annual housing requirement of 508 and a 20% buffer gives a projected position of 4.2 years. However, since the position report was published, the Government released new affordability ratios on 25th March 2021. For Fareham, this meant an increase from 508 to 540 dpa.
- 2.5 The plan states that the annual housing need is 541 per annum over the plan period (a total need of 8,656 over the 16-year plan period) Table 4.2 of the plan states that there is sufficient land to deliver 10,594 new dwellings over the plan period.
- 2.6 We are pleased to see, and support, FBC’s use of the adopted Standard Method for calculating housing need as the starting point for assessing the housing requirements of the Borough and are pleased that FBC is committed to meeting their objectively assessed need. However, there are a number of concerns in relation to the amount of housing planned for the Borough being insufficient and the strategy by which the housing is distributed.

Appropriate Buffer

- 2.7 Firstly, we suggest a larger buffer between the identified housing need and supply (at present, the plan demonstrates an 11% buffer) is needed to make sure the plan is flexible and robust enough to deliver the required amount of housing. FBC is reliant upon strategic sites to supply much of its housing requirement. Delays in the delivery of such sites are not uncommon, for example due to infrastructure delivery delays. The NPPF notes that “*small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly*”³. Therefore, a greater buffer, should be applied to provide increased robustness and flexibility to the plan so that delays in delivery of strategic sites do not compromise the deliverability of the plan. A buffer of circa 20% would seem more appropriate given the risks to housing delivery in the borough and the particular reliance on a single very large strategic site.

Affordable Housing

- 2.8 The Planning Practice Guidance (PPG) confirms that the standard method “*identifies a minimum annual housing need figure*”⁴. The plan notes that the PPG makes clear one of the reasons a higher figure could be adopted is if the need for affordable housing is greater than that likely to be delivered. The plan goes on to state that the Council’s affordable housing need will be met and so there is no further requirement for an adjustment of the need figures⁵.
- 2.9 However, Welborne Garden Village, which is proposed to provide a minimum of 30% affordable housing, has come to a standstill in terms of securing funding for proposed improvements to junction 10 of the M27. As a result of this funding issue, affordable housing provision may drop to 10% if junction improvements need increased funding from the Welborne development.
- 2.10 The plan notes that “*there is an acknowledged housing need, and affordability is an issue for first time buyers and household on low incomes who cannot access home ownership*”⁶. According to FBC’s Affordable Housing Strategy (2019), the need for affordable homes in the Borough is in the region of 3,000 households and the waiting list currently stands at around 1,000 households. It also estimates that at least a further 1,000 households are privately renting or sharing parental homes because young families are priced out of home ownership.
- 2.11 The plan should therefore take this into account when devising its housing need and consider adopting a higher figure and allocating more sites to allow for greater affordable housing provision across the Borough, particularly given the disproportionate affect even a slight reduction in affordable provision on Welborne would have on overall affordable housing delivery.

³ NPPF paragraph 69

⁴ Paragraph 002, reference ID: 2a-002-20190220

⁵ Paragraph 4.3

⁶ Paragraph 1.42

Trajectory

- 2.12 The housing trajectory at Appendix B of the plan shows a minus figure and under-delivery of 56 dwellings below the cumulative housing requirement in 2021/2022, with the loss forecast to be made up in the latter years of the plan period.
- 2.13 The trajectory of Welborne Garden Village, which is anticipated to account for approximately 40% of the supply for the plan period, also remains uncertain, not only due to the funding issue discussed above but also apparent delays in moving through the planning system. The Lichfields 'Start to Finish' Second Edition (February 2020) report looks at the evidence on the speed and rate of delivery housing sites across England and Wales (outside London). It states that for sites of 2000 or more dwellings, the average planning approval period is 6.1 years, with the planning to delivery period taking on average 2.3 years⁷.
- 2.14 Further amendments to the Outline permission are currently awaiting determination. If approved, further approval of reserved matters will need to be sought for most of the development. The latest 5YHLS Position report also predicts that 30 units will be delivered in 2022, with a further 180 predicted for delivery in 2023. This timescale is considered overly ambitious and highly unlikely, given the scheme's delayed position in the planning system and in the absence of any evidence to suggest a faster delivery than the 'average' identified in the 'Start to Finish' report.

New Housing Allocations

- 2.15 In terms of new housing allocations in this latest version of the plan, two proposed sites - HA54 (Land East of Crofton Cemetery and West of Peak Lane) and HA55 (Land South of Longfield Avenue) are within the proposed Strategic Gap. Policy DS2 relates to development in Strategic Gaps and states that "*development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinct nature of settlement characters*".
- 2.16 Supporting text to the policy explains that the reason for Strategic Gaps is to prevent coalescence of settlements and help maintain distinct community identity. The plan also states that "*retaining the open farmland gap between Fareham and Stubbington is critical in preventing the physical coalescence of these two settlements together with maintaining the sense of separation*⁸".
- 2.17 Allocating sites within the Strategic Gap therefore appears to be a contradictory approach to the purpose and designation of a Gap. If the proposed gap is justified, then before proposing new development within the gap, available and more suitable sites within the Borough, such as the land

⁷ Page 4, Figure 4

⁸ Paragraph 3.46

at Pinks Hill, should be allocated for development to avoid eroding, from the outset, the purported purposes of the gap.

Wider Unmet Housing Need

- 2.18 There is a significant unmet housing need across the South Hampshire region, particularly Portsmouth, which the plan states has written to FBC requesting a contribution of 1,000 dwellings to their unmet need. Havant Borough Council has confirmed it does not propose to meet any of Portsmouth's unmet need and the Push Spatial Position Statement (June 2016) states that *"there is a very constrained supply of land in Gosport, Havant and the Totton/Waterside area of New Forest and on the Isle of Wight, which limits the ability of these areas to meet their identified housing needs in full"*⁹
- 2.19 According to the Statement of Common Ground published by the Partnership for South Hampshire (PfSH) in September 2020, there is a housing shortfall of 10,750 between 2020 – 2036¹⁰.
- 2.20 The Fareham plan confirms that it is making provision for 900 homes to contribute towards the wider unmet need issue. PfSH has agreed that there is a need for its constituent authorities to work together and the NPPF makes clear that *"effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help determine...whether development needs that cannot be wholly met within a particular plan area can be met elsewhere"*¹¹.
- 2.21 Given there are suitable, available and achievable development sites in the borough being promoted by housebuilders, it is considered that FBC should be contributing further to this wider unmet need.

Summary

- 2.22 We are supportive of FBC's use of the adopted Standard Method for calculating housing need as the starting point for assessing the housing requirements of the Borough. It is however our contention that the housing strategy in its current form does not meet the needs of the borough or wider area and therefore the plan is not sound in its current form. To make it sound, it is evident that FBC need to allocate more sites for development to increase the housing buffer, better improve affordability in the borough and help meet the growing housing shortfall in the wider south Hampshire region.

⁹ Paragraph 5.28

¹⁰ Page 16, Table 4

¹¹ NPPF paragraph 26

3.0 DEVELOPMENT AT PINKS HILL

- 3.1 Over the years, various promotion documents have been submitted in respect of the site, demonstrating that it is sustainably located close to the urban area boundary and an existing employment area and is deliverable, achievable and suitable for development.
- 3.2 The site was also proposed for allocation in previous draft iterations of the plan under draft policy HA8, with its final appearance being in the draft iteration supplement published in January 2020. This demonstrates that FBC considered it a suitable site for development.

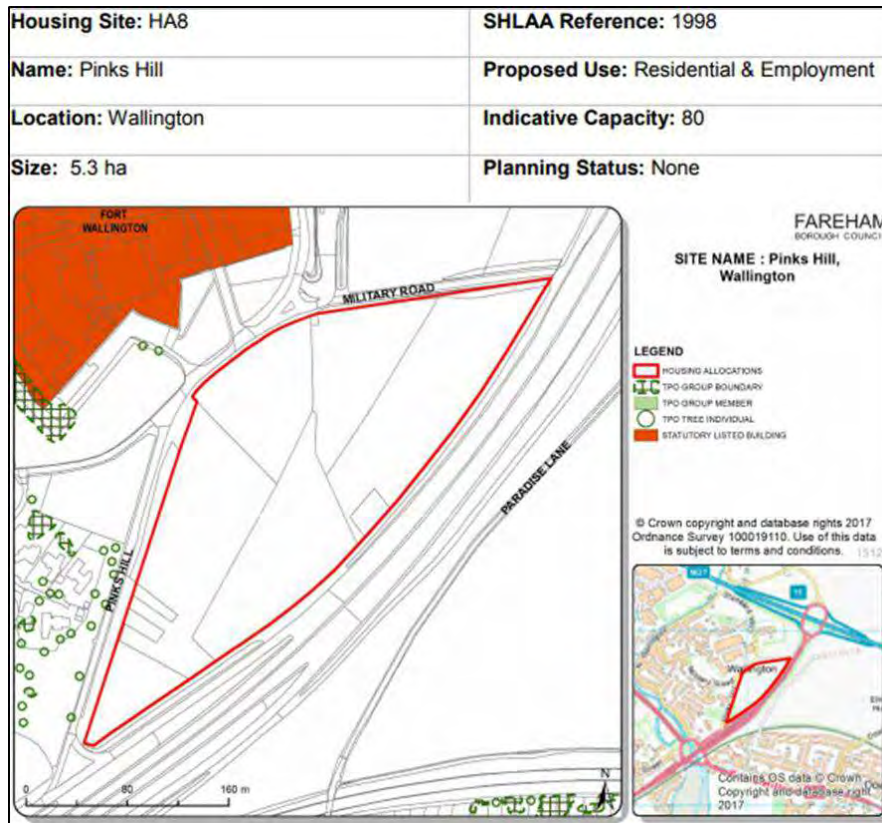


Figure 1 - Extract from Fareham Draft Local Plan (2017)

- 3.3 The revised Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) Sustainability Report (May 2021) still states that the site is selected as it is a suitable site with low landscape sensitivity.

Fareham Publication and Revised Publication Local Plans		
Rationale for Site Selection/Rejection		
ID	Name	Reasons for selection or rejection
1996	Land R/O 123 Bridge Road, Park Gate	Selected - site has planning permission
1998	Pinks Hill, Wallington	Selected - suitable site, low landscape sensitivity