

**Fareham Local Plan 2037
Revised**

**Examination Statement
Matter 4 – Housing Policies**

**Prepared by Ian Donohue BA
Hons MRTPI Lynne Evans BA
MA MRTPI MRICS and
Alice Drew
BSc (Hons) MSc MRTPI**



Prepared on behalf of Raymond Brown Rookery Properties

February 2022

F-376-3-LE

SOUTHERN PLANNING PRACTICE LTD

Registered Office: Youngs Yard, Churchfields, Twyford, Winchester, SO21 1NN
Tel: 01962 715770 Fax: 01962 715880 Email: info@southernplanning.co.uk Website: www.southernplanning.co.uk
Registered in England and Wales No. 3862030



<u>Contents:</u>	Page
1.0 INTRODUCTION	1
2.0 RESPONSE TO INSPECTOR'S QUESTIONS	2





1.0 **Introduction**

- 1.1 This Statement has been prepared by Southern Planning Practice Ltd on behalf of Raymond Brown Rookery Properties who own land at Rookery Farm, Botley Road, Swanwick which was allocated for residential development in the Supplement to the Draft Local Plan in January 2020; however it was subsequently removed as a proposed residential allocation from the Regulation 19 Submission version of the Local Plan.
- 1.2 It is pertinent to note that representations have been made on behalf of our client, Raymond Brown Rookery Properties throughout the preparation of the emerging Local Plan. Whilst this statement is not a duplication of the contents of representations previously submitted to the emerging Local Plan, this statement draws on previous responses where necessary.
- 1.3 This Statement is prepared in response to the Inspectors' Matters, Issues and Questions – Matter 4 – Housing Policies. In addition to this Statement, several other statements have been prepared in response to other matters being heard in the Local Plan Examination.
- 1.4 This Examination Statement focuses on the Housing Policies of the Local Plan and therefore provides responses to the relevant questions posed by the Inspector in Matter 4. In this regard the only policy where representations have been submitted is in respect of Policy HP4: Five Year Housing Land Supply.



2.0 Response to Inspector's Questions

Policy HP4 – Five Year Housing Land Supply

- 2.1 As set out in our earlier representations, it is considered helpful to include this policy to assist in the delivery of much needed housing, particularly where there is a shortfall in the five year housing land supply. The inclusion of this policy is therefore in principle firmly supported. Although Paragraph 11 and in particular paragraph 11 d set out similar provisions, it is helpful for the Local Plan to recognise the need to make provision for additional housing land when there is a lack of a five year housing land supply. In that regard the inclusion of the policy is positive and sets a presumption in favour of permission in accordance with the provisions of the NPPF.
- 2.2 The Policy follows on from Policy DSP40 of the adopted Development Sites and Policies Plan (2015) where the Inspector conducting the examination into that Plan found at paragraph 47 of his report into the soundness of that Plan:

Paragraph 14 of the NPPF refers to the need for local plans to incorporate sufficient flexibility to adapt to rapid change. Currently LP2, for example policy DSP40 on Housing Allocations and its supporting text, does not provide any indication of how the Council would respond in circumstances where the predicted level of housing delivery is not being achieved. Consequently it is proposed by the Council to strengthen this element of LP2 by explaining that in principle additional housing sites may come forward if it can be satisfactorily demonstrated that the Council does not have a five year land supply when assessed against the CS housing targets. New explanatory text is proposed and the policy would be modified to include the criteria against which any such proposal would be assessed. This is a pragmatic and positive way forward and will contribute to ensuring that LP2 is justified, effective and consistent with national policy. MM21 is therefore recommended.

However, there are concerns with the Policy as drafted which seeks to include unnecessary restrictions. Whilst it is acknowledged that the policy as drafted repeats largely the policy in the adopted Plan, this was considered some years ago and a review and an updating against current policies is required as part of this Examination.



Question 6. What is meant in part a) that a proposal should be relative in scale to the five-year housing land supply shortfall? Is the Policy effective?

- 2.3 It is not fully understood what criterion a) of Policy HP4 '*the proposal is relative in scale to the five-year housing land supply shortfall*' means. It is assumed that it means that, by way of example, if the shortfall were deemed to be 500, a scheme of 2,500 units would not be regarded as being relative in scale to the shortfall.
- 2.4 However, as per our representations to the previous draft Local Plan, we do not believe that wording is effective as it goes beyond the presumption in favour of sustainable development set out at paragraph 11 of the NPPF. In particular, the wording of Policy HP4 goes beyond 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.
- 2.5 Moreover, the NPPF is clear at paragraphs 11b), 35a), 61, 74 and elsewhere that the housing provisions should be seen as a minimum and therefore an over provision is not a negative factor but a positive factor in helping the Council to meet their housing requirements.
- 2.6 Furthermore, the NPPF clearly encourages an efficient use of land, for example at paragraph 124 and an artificial cap to meet an arbitrary figure would be counter to this guidance. It is therefore considered that this policy is overly restrictive and as currently prepared is unsound.
- 2.7 Criterion a) should therefore be deleted.

Question 7. The Framework in paragraph 119 seeks to make effective use of land making as much use as possible of previously developed land. Is the policy effective in this regard? Does it give too much emphasis to development outside the urban area?

- 2.8 As previously highlighted, we believe that the criteria need to be reassessed to accord with the NPPF, in particular Paragraph 119, and a criterion should be added to promote the re-use of brownfield sites before greenfield sites. The Council has indicated that it seeks to ensure a sustainable approach and this addition would strengthen that approach.



- 2.9 In order for Policy HP4, and the Local Plan to be pass the tests of soundness as required by Paragraph 35 of the NPPF, it must be ensured that a 'brownfield first' approach is taken by the Local Plan. It is known that there is suitable brownfield land available for residential development, such as land at Rookery Farm. Please also cross refer to the Statement submitted under Matter 2: Development Strategy.
- 2.8 The Inspector has also raised a question as to whether the policy gives too much emphasis to development outside of the urban area. Such an approach would not automatically give too much emphasis to development outside of the urban area; if the Council is unable to demonstrate a five year land supply then the Council must consider potential developments which would assist it in meeting its targets. A priority to brownfield sites would accord with the NPPF which seeks for brownfield sites to come forward first. The fact that a brownfield site may currently be outside of a defined urban area does not automatically mean that it would not provide a sustainable form of development.

Question 9. In part d) of the policy, is it clear to decision makers, developers and the community what is meant by 'short term'. Is this phrase necessary?

- 2.9 It is not clear what the phrase 'short term' in criterion d) of Policy HP4 implies. Paragraph 5.28 of the supporting text of policy HP4 sets out that *"If deemed necessary, the Council will include a planning condition to limit the commencement time to a year from the date of permission to ensure delivery in the short term."* However, the policy itself is not specific on the timescale for 'short term'. Any permission granted will automatically have a maximum time frame for implementation of between 3- 5 years and this time frame is often needed to allow for reserved matters and the clearance of conditions as well as site preparation prior to implementation. Any shorter time frame would be unreasonable and indeed potentially counter-productive to the aims of the policy to meet its five year housing land supply requirements.
- 2.10 It is therefore strongly recommended that criterion d) is deleted from the policy.

Summary



- 2.11 We would like to take this opportunity to reconfirm that as stated in our representations to the Local Plan, there is no objection in principle to and indeed support for the inclusion of Policy HP4 and development coming forward in the absence of a five-year housing land supply.
- 2.12 In terms of a revised wording for Policy HP4 we would make the following suggestions. It may be that the Inspector considers that all the criteria could be deleted and add an unnecessary layer of constraints to the objectives of the policy. In the event that the Inspector considers that the policy should retain criteria the following amendments are proposed.

Policy HP4: Five-Year Housing Land Supply

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, **will be permitted where they ~~meet all of~~ seek to respect** the following criteria:

- ~~a) The proposal is relative in scale to the five-year housing land supply shortfall;~~
- a) **The proposal relates to previously developed land, under-utilised land and buildings;**
- b) **The proposal is sustainably located ~~adjacent to~~, and well related to, the existing urban area boundaries, and can be integrated with the neighbouring settlement;**
- 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;**
- ~~d) — d) It can be demonstrated that the proposal is deliverable in the short term; and~~
- e) **The proposal would not have any unacceptable environmental, amenity or traffic implications.**

