

From: Chevis, Mark [REDACTED]
Sent: 27 March 2015 16:26
To: Planning Policy
Subject: LP2 Main Modifications Consultations

Dear sir or madam,

Please see below our response to the consultation on the Main Modifications for the Local Plan Part 2 – Development Sites & Policies Plan (LP2) with specific regards to Main Modification DMM21.

The Inspector's Preliminary Findings Letter (DID-15) indicated that he had concerns with the level of flexibility in the Council's housing supply. He recommended that a Main Modification was required, in MM21, to increase the flexibility in the delivery of housing in order to make the Plan sound. The Council's proposed modification to address this identified shortcoming in the Plan is set out in DMM21 in the schedule of Main Modifications, with additional supporting text and added text at the end of Policy DSP40. The given reason behind the amendment, as stated in the schedule of Main Modifications, is *"to provide flexibility in the Council's approach to housing where the **Council is unable to demonstrate that it cannot meet five year housing land supply targets against the targets in the Core Strategy.**"*

The principle behind the amendments in DMM21 are supported, and the reasoning is considered justified given the need for the Plan to be future proof to deal with unforeseen circumstances, and any potential changes to housing requirements in the future. It provides a clear message that the justification for amendment DMM21 is related to the need to meet a 5 year land supply target. The wording of the supporting text is also, in the main, supported as again it specifically states that *"this potentially allows for additional sites to come forward, over and above the allocations in the Plan, where it can be proven that the **Council cannot demonstrate a five year land supply**".*

However, the following highlighted wording to DSP40 is considered unsound, and cannot be supported as currently written: *"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..."*. This wording, as written, fails to take account of the principle behind the amendment, which is to ensure that the Council can adapt where it cannot demonstrate a five year supply. By wording the Policy such that it is limited to only consider the requirements of the Core Strategy (excluding Welborne) no additional sites are ever likely to be required, even though the Council may be at serious risk of not being able to meet their "actual" five year land supply.

Persimmon Homes have two main objections to the wording of this modification as written; firstly the inclusion of the reference to the figures of the Core Strategy, and secondly the exclusion of Welborne. The inclusion of the reference to the figures in the Core Strategy, which are out of date and do constitute objectively assessed needs (OAN), means that this Policy does not reflect how applications will be dealt with in an appeal situation. At the recent appeal decision at Land at the Navigator, Lower Swanwick (Appeal Ref: APP/A1720/A/14/2220031) the Inspector concluded that the Core Strategy was not the right measure of whether the Council had a five year land supply. The appeal Inspector chose instead to apply the figures from the 2014 PUSH SHMA (395 dwellings per annum) as they were a better reflection of the OAN for Fareham Borough, stating *"I conclude that the 2014 South Hampshire SHMA appears to represent a respectable and credible picture of the OAN for housing in Fareham.* Whilst it is acknowledged that LP2 can legally be found sound without revisiting overall housing numbers, the Plan will most likely be considered out of date as soon as adopted unless it is useably future proofed to deal with the issue of OAN. Main modification DMM21 provides the opportunity to supply the necessary flexibility to deal with the inevitability of increased housing requirements through a solid criteria based policy which allows for suitable and sustainable housing sites, outside the urban area boundary, where a five year supply cannot be maintained. However, as currently worded the Policy provides no additional flexibility and will not be used for its intended purpose, so must still be considered to be unsound in this regard.

Secondly, the reference to Welborne in the Policy wording is a clear attempt to continue to "ring-fence" the housing numbers at Welborne, and to avoid the issue of under-delivery on that site. At the Navigator appeal, Fareham Borough Council sought to include Welborne in its five year land supply figures in order to demonstrate it could meet the OAN for the Borough. This approach was quashed by the Inspector due to concerns over delivery at Welborne, but it was clear that the Council considered Welborne an integral part of its housing supply, and that the Inspector gave it due weight accordingly. Given that Welborne is being used in appeal situations as part of the Council's supply position it seems irrational and unjustified to specifically exclude it in the revised wording of Policy DSP40.

To ensure Main Modification DMM21 provides the level of flexibility that will future proof the plan going forward, and will allow the Council to react to situations where they cannot truly demonstrate a five year supply of housing, it is recommended that reference to the Core Strategy and Welborne are removed from the revised wording of Policy DSP40. The amended Policy should read as follows, with proposed deletions struck through:

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...

The criteria listed in the revised wording to Policy DSP40 seem reasonable and should provide a reasonable basis on which to judge the merits of individual applications. For completeness the wording of the first two paragraphs of the new supporting text should also be amended to read:

“The Council is committed to delivering its ~~the housing needs 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 of both allocations and/or commitments. Therefore, further flexibility in the Council’s approach is provided in the final section of Policy DSP40: Housing Allocations. This potentially allows for additional sites to come forward, over and above the allocations in the Plan, where it can be proven that the Council cannot demonstrate a five year land supply ~~against the Core Strategy housing targets~~.”

In order to accord with Policy CS6 and CS14 of the Core Strategy, proposals for additional sites outside the urban area boundaries will be strictly controlled. Such proposals will only be considered if it is demonstrated through the Council’s monitoring, or other evidence, that the Council cannot meet its five year land supply target ~~against the housing requirements set out in the Core Strategy~~.”

In conclusion, Persimmon Homes are in support of the principle behind DMM21 and the need for the Plan to be future proofed to deal with the realities of assessing the Council’s five year land supply on. However, the specific references to the Core Strategy requirements, and the specific exclusion of Welborne, in the proposed modifications to DSP40 prevent the required level of flexibility from being achieved. This modification, therefore, fails to deal with the identified shortcomings identified in MM21 by the Inspector in his Preliminary Findings letter and the Plan must still be considered unsound in regards of flexibility in housing supply.

I would appreciate confirmation of receipt of this response.

Kind regards,

Mark Chevis
Strategic Planning Manager

Persimmon Homes
Park View House
100 Wickham Road
Fareham
Hampshire
PO16 7HT

Tel No: 01329 514315

www.persimmonhomes.com

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