

**Introduction:**

This statement is made on behalf of Sustainable Land PLC and the Hammond Family who have interests in land east of Newgate Lane and north of Gosport Road, Fareham. It is accompanied by two maps showing 'Constraints and Opportunities' and 'Strategic Gap'.

The potential for sustainable residential development in this area has been promoted through successive stages of Fareham Borough Council's Core Strategy and Development Sites and Policies Plan. The case for residential development east of Newgate Lane has been reinforced by Hampshire Council's confirmation of their preferred route for the re-alignment of Newgate Lane, which will fragment agricultural land holdings, and by further evidence of future housing requirements in the South Hampshire Strategic Housing Market Assessment (SHMA) of January 2014.

This statement addresses the Inspector's Questions 7.1, 7.3, 7.4 and 7.5 (in relation to Site 8 East of Newgate Lane (DREP405)). There are related statements on Issue 2 (Existing Settlements) and Issue 9 (Infrastructure). As the questions on Issue 7 are closely interrelated, this statement responds to them together.

**7.1 Bearing in mind the legal judgement referred to in my Question 1 to the Council (and the Council's response), is the Council's approach towards the identified housing requirement justified and in all other respects sound?**

**7.3 Is the Council's approach to housing provision justified? Are the elements in Table 4 relating to the projected housing supply based on proportionate evidence?**

**7.4 What is the status of the South Hampshire Strategy and how much weight should be attached to it?**

**7.5 Are the proposed housing allocations based on a sound assessment of land availability and delivery? Is there any evidence that any of the housing sites being proposed by the Council are not viable or deliverable? If it can be satisfactorily demonstrated that a proposed housing site is not sound, is there any evidence that would enable a conclusion to be drawn that the allocation of any of the suggested sites would be sound?**

The Inspector asked in Question 1 about the relevance of the High Court judgment in *Gladman v Wokingham Borough Council* (Case No: CO/1455/2014). In that specific case, Mr Justice Lewis concluded that the examining Inspector was not required in law to consider whether an objective assessment of housing need would show a need for additional housing when examining Wokingham's Managing Development Delivery Local Plan (MDD): a development plan document dealing with the allocation of sites based on an amount of housing proposed in an adopted Core Strategy.

In this case, it is necessary to consider:

- a) Whether the facts of the Fareham Development Sites and Policies Plan (DSP) are the same as those that applied to the Wokingham MDD and
- b) Whether there is a policy imperative to consider that the plan meets the full objectively assessed for housing, apart from questions of legal compliance.

In their advice to Fareham Borough Council, counsel commented (in paragraph 39) that the Fareham Development Sites and Policies Plan (DSP) does not simply apply the housing targets of the Core Strategy, but also seeks to up-rate housing requirements based on the October 2012 Update to the South Hampshire Strategy (paragraph 5.174) of the submission draft). Counsel advised (in paragraph 39 of their advice) that *'this raises a potential question as to whether the DSP should be viewed as a development plan document which in some respects supersedes the Core Strategy and itself determines the housing provision for the area.'*

Counsel advising Fareham Borough Council chose to conclude that the DSP does not seek to determine the housing provision for the area and its soundness is not therefore contingent on identifying the full, objectively assessed needs for market and affordable housing for the purposes of paragraph 47 of the NPPF. However, it is reasonable to take a different view. It is not possible in this statement to discuss all the legal points raised by the Inspector's Question 1 and related High Court judgments. However it is relevant to point out that:

- The housing target of the DSP is not simply taken from the Core Strategy;
- The South Hampshire Strategy is not part of the development plan and therefore;
- The DSP is introducing a new housing figure to the Development Plan/Local Plan,

from the South Hampshire Strategy as updated evidence;

- Further updated evidence is now available from the South Hampshire Housing Market Assessment (SHMA);
- The Core Strategy was adopted in August 2011 before publication of the NPPF;
- The NPPF (Annex 1) states that plans may need to be revised to take into account the policies of the NPPF and, in the current circumstances, the Core Strategy has due weight only according to its consistency with the NPPF;
- The Core Strategy's approach to housing requirements cannot be relied on to be NPPF-compliant;
- Although legislation makes provision for different kinds of development plan document (as discussed in paragraphs 61 ff of Mr Justice Lewis's judgement in *Gladman v Wokingham BC*), Government has made it clear (without reviewing the legislation) that it wants local planning authorities to move towards a single Local Plan.
- NPPF guidance on housing provision in Local Plans (for example in paragraphs, 14, 47 to 55 and 159) makes no distinction between the approaches to be taken in different kinds of Local Plan.

The question of legal compliance is relevant only in relation to a challenge to adoption of a Local Plan in the High Court. There is also no need to defer fulfilment of the policy requirement until a subsequent review, even though that approach may have been accepted by the Courts (*Grand Union Investments v Dacorum Borough Council*, [2014] EWHC 1894 (Admin)) and by recent additions to Planning Practice Guidance (paragraphs 8 and 27); suggesting that local plans may be found sound on the basis of a review within five years and may pass the test of soundness even if sites or locations are identified only for the next 10 years.

There are clear policy injunctions that Local Plans should be positively prepared and provide for objectively assessed housing needs. There is therefore a need to look at a wide range of development options and to weigh those against the scale of housing need (and the implications of failing to make adequate provision). It is not reasonable for the plan to restrict its provision to the Core Strategy target, as subsequently modified by the South Hampshire Strategy of October 2012. It should address strategic housing requirements in the light of the latest evidence.

Following the South Hampshire Strategy, Fareham Borough Council increased the

housing requirement for 2006 to 2026 in the DSP (excluding the Welborne Strategic Development Area/New Community) by 472: from 3,729 in Core Strategy Policy CS 2 to 4,201, as explained in Appendix G and in the Authority Monitoring Report (AMR) of February 2014. However the spatial strategy has not changed.

The South Hampshire Strategy set a housing target for 2011 to 2026 of 2,200 which, with completions of 2,001 from 2006 to 2011, implied a target of 4,201 for 2006 to 2026. The new target for South Hampshire for 2011 to 2026 was 55,600 which, when added to completions of 17,157 from 2006 to 2011, implied a target of 72,757 for 2006 to 2026.

Since the Core Strategy, there has been further evidence that housing numbers in the DSP Plan should be increased. The South Hampshire Strategic Housing Market Assessment (SHMA) shows, in Appendix V, Table 19, a forecast housing requirement for Fareham of 395 p.a. for 2011-2036, compared with the South Hampshire Strategy figure of 360 p.a. for 2011 to 2026. The SHMA assessment of annual housing needs 2011-36 is compared in the table below with the annual rate of provision proposed in the October 2012 South Hampshire Strategy for 2011-2026.

**Comparison of Annual Housing Requirements**

	Annual Average Rates of Housing Requirement/ Provision	
	South Hampshire Strategy 2012 (2011-2026)	South Hampshire SHMA 2014 (2011-2036)
East Hampshire (part)	70	85
Eastleigh	537	615
New community north of Fareham	147	
Fareham	360	395
Gosport	170	445
Havant	343	455
New Forest (part)		300
Portsmouth	607	775
Southampton	813	795
Test Valley (part)	197	155
Winchester (part)	413	140
Housing released by new student accommodation	50	
South Hampshire total	3,707	4,160

Sources: South Hampshire Strategy, October 2012 and GL Hearn, January 2014,

*South Hampshire Strategic Housing Market Assessment, Appendix V, Table 19*

There are caveats about District-level figures as a spatial strategy based on the SHMA remains to be developed. The spatial distribution of housing will be subject to the spatial strategy and could include new settlements or other allocations to serve more than one district. However, there is a striking contrast with Fareham Borough Council's downward trajectory of housing provision: a total strategic housing requirement of 252 p.a. from 2011 to 2016, and 123 to 126 p.a. after 2016. Another thing that stands out is the dramatic increase in the housing needs of Gosport.

When these figures are coupled with the tightly constrained boundaries of Gosport, there is a clear case for looking at inter-authority co-operation under the '*duty to co-operate*'. PUSH will no doubt be assisting with that role, but as Gosport is bounded by sea on 3 sides and has only one immediate neighbour, there is an overwhelming case for looking at the scope for an urban extension to Gosport within the neighbouring Borough of Fareham within the DSP, without needing to wait for a comprehensive review of the South Hampshire Strategy.

The sharply declining housing requirement assumed in the DSP Plan is highly unusual: 340 for 2006 to 2011; 252 for 2011 to 2016; and 123 to 126 for 2016 to 2026. It is difficult to reconcile this trajectory with the aim in paragraph 47 of the NPPF '*to boost significantly the supply of housing...*'

The AMR and Appendix G of the DSP Plan conclude that – measured against these declining targets – Fareham will be able to meet its 5-year housing requirement for 2013/14 to 2017/18, but will have deficits in its 5-year housing land supply in years 6 to 10 (-169) and years 11-15 (-100).

The Council reasons that past delivery, which exceeded requirements in the early years of the Core Strategy, balances under-supply in the last 10 years. However, that approach is not consistent with the National Planning Policy Framework's approach, which states that '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.*' On that basis the DSP Plan will be out of date by 2018. It is also difficult to understand how future under-achievement can be balanced by past over-achievement, unless there are significant numbers of homes remaining vacant for several years.

There is, in particular, a need for more large sites to deliver significant numbers of

affordable housing, especially as some of the larger sites have failed to deliver over several years. The Council states in paragraph 5.179 that *'to provide for flexibility in the housing supply it is important to identify additional housing land above what is required to meet the housing requirement for the Borough over the five year period.'* It also states, in paragraph 5.180 that *'small sites (fewer than five units) are an important source of Fareham's housing supply.'* However Hampshire County Council's data on housing completions shows that 80% of housing completions between 2006 and 2013 were on larger sites.

A further reason why the DSP Plan should increase housing provision lies in the 'Duty to Co-operate'. The South Hampshire SHMA draws attention to specific problems of limited housing land supply in Gosport because of its tight boundaries with sea on three sides and Fareham on the fourth side. The SHMA indicates a significant increase in future housing demand in Gosport, partly because of past rates of housing delivery that have included the release of MoD housing.

There is therefore a clear case for looking at the scope for an urban extension west of Gosport within the neighbouring Borough of Fareham, under the *'Duty to Co-operate'*, without waiting for a comprehensive review of the South Hampshire Strategy. There is an obvious location to the west of the Woodcot and Bridgemary areas of Gosport, on land to the east of Newgate Lane.

If the 'Duty to Co-operate' has not been applied to investigate the scope for meeting the housing needs of Gosport within neighbouring parts of Fareham, the DSP Plan cannot be sound as it fails the NPPF policy test and the separate statutory requirement.

Paragraphs 3.4 to 3.9 of the DSP claim that there are sufficient identified sites within the existing Defined Urban Settlement Boundaries (DUSBs) to meet the Borough's development requirements without making changes to DUSBs or the Strategic Gap. This claim is not justified in the light of the declining supply of housing land – below requirements – that is projected after Year 5 of the plan and the increasing housing requirements forecast by the South Hampshire Strategic Housing Market Assessment, especially when the housing needs and opportunities in Gosport are considered in accordance with the 'Duty to Co-operate'.

The DSP should therefore be modified to increase housing provision by at least 600; to include a new allocation for housing and related uses to the east of Newgate Lane; and to remove from the Strategic Gap an area between the urban area of Gosport and the existing alignment of Newgate Lane in conjunction with the re-alignment of Newgate

Lane that is planned by Hampshire County Council in conjunction with improvements to the Peel Common roundabout and a Stubbington Bypass. (The review of this and other areas of Strategic Gap is proposed in our Statement on Issue 2) Appended to this Statement, in response to the second part of Question 7.5 is a summary appraisal of land east of Newgate Lane that follows the format of Chapter 6 of the Council's Sustainability Appraisal, *Detailed Assessment of Preferred Sites*.

**APPENDIX: Summary Sustainability Appraisal of Land East of Newgate Lane**

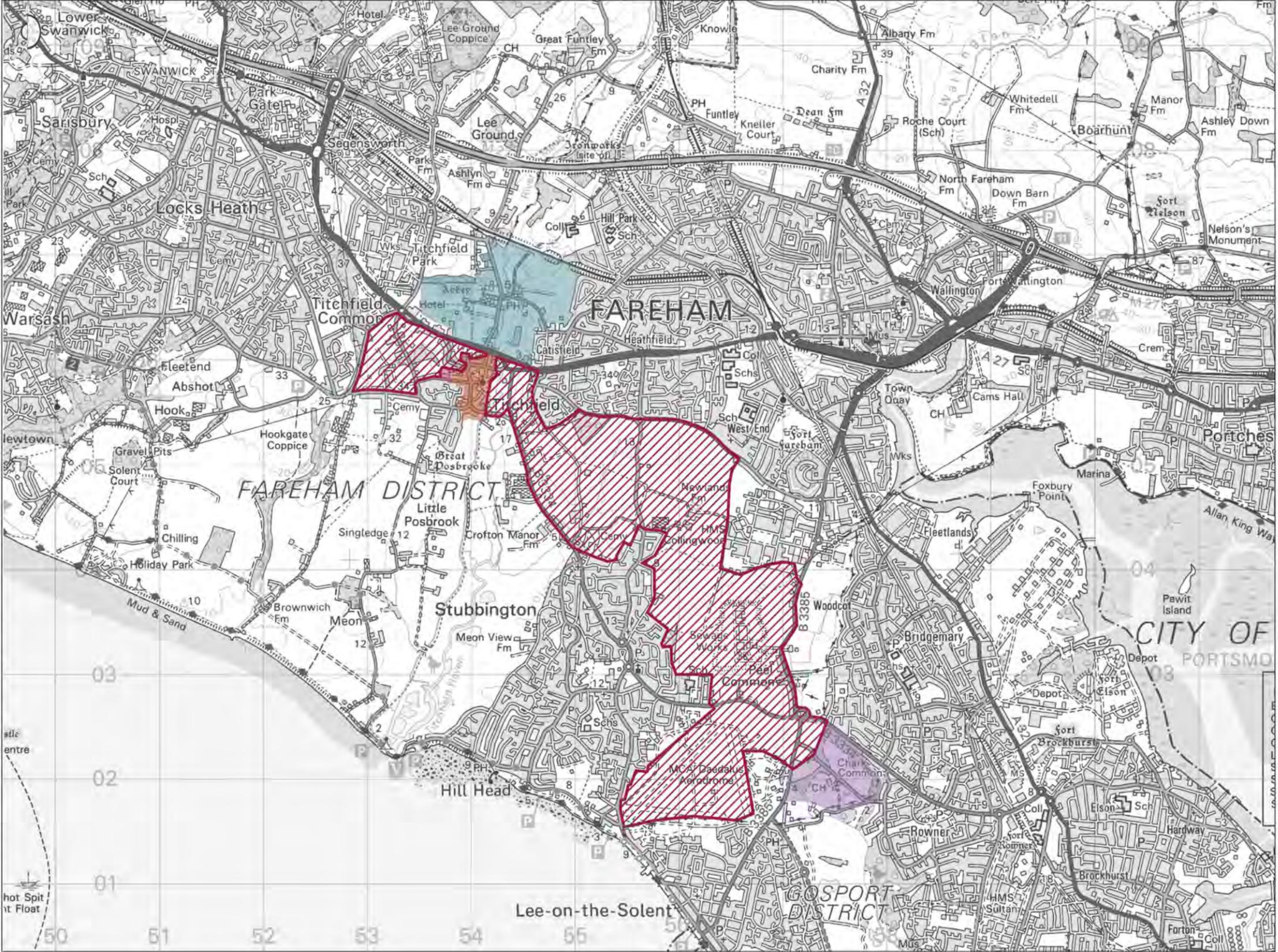
**Land to the East of Newgate Lane and North of Gosport Road, Fareham: omission site with the potential for c 600 dwellings**

SA	Objective	Description of Effect	Mitigation/supporting comments
1	To provide good quality and sustainable housing for all	This area is capable of accommodating up to about 600 dwellings and related uses, including public open space and landscaping on an area of about 32 ha (subject to design of the proposed Newgate Lane re-alignment and other detailed site investigations).	As a new residential neighbourhood, this area has the scope for links with the neighbouring Woodcot and Bridgemary areas of Gosport and to contribute to Gosport's local and strategic housing requirements.
2	To conserve and enhance built and cultural heritage	Development proposals will affect the setting of a small number of listed buildings and the village of Peel Common.	Landscape proposals can be designed as part of a comprehensive scheme to protect and enhance the setting of listed buildings and the village of Peel Common.
3	To conserve and enhance the character of the landscape	The site is not covered by any statutory environmental or landscape designations. The area is included in the Strategic Gap which is essentially a policy for settlement boundaries and separation rather than landscape quality and is not effective in this area.	Open space and landscaping can be incorporated in a comprehensive development; in ways that will maintain the essential character of the area.
4	To promote accessibility and encourage travel by sustainable means	The area is already accessible to Gosport and elsewhere via B3334 and B3385. Its accessibility will be improved substantially by the completion of works to improve Newgate Lane and the Peel Common roundabout, and by the proposed Stubbington Bypass. The area is within walking distance of the Bus Rapid Transit route and existing bus routes (8 per hour).	Part of this area is required to accommodate the proposed re-alignment of Newgate Lane. The area will also be able to provide sustainable transport links, including opportunities to extend existing footpath and cycleways north-south and east-west, including routes between Gosport, Stubbington, Lee-on-Solent and the Solent Enterprise Zone.

5	To minimise carbon emissions and promote adaptation to climate change	New dwellings will be developed to contemporary standards of sustainability in terms of embedded carbon and energy consumption. Tree cover will be maintained or increased by new planting. There will also be opportunities for sustainable transport solutions (see above), including good public transport, which will minimise carbon emissions. Shopping and other facilities, available locally in the Woodcot and Bridgemary areas of Gosport Speedfield Park, will also reduce the need for car journeys.	n/a
6	To minimise air, water, light and noise pollution	Unlikely to increase air, light or noise pollution significantly or more than development elsewhere. There are no known pollution hazards on site.	n/a
7	To conserve and enhance biodiversity	There is currently no evidence of protected habitats. The presence of protected species will be subject to full investigation and mitigation, if appropriate.	Impacts on protected species will be capable of mitigation within the area.
8	To conserve and manage natural resources (water, land minerals, agricultural land, materials)	The area is nominally a mix of Grades 3a and 3b agricultural land, although it will be subject to fragmentation and severance as a result of the proposed re-alignment of Newgate Lane, which will make it unviable for arable use. The site is entirely within Environment Agency Flood Zone 1.	Development of low-grade agricultural land that will be constrained by the Newgate Lane re-alignment will obviate the need to develop other greenfield sites with higher agricultural value or other natural resources.
9	To strengthen the local economy and provide accessible jobs available to residents of the borough	The area can accommodate housing that will be accessible to local employment in Gosport and the Solent Enterprise Zone (Daedalus). The Bus Rapid Transit system will assist with access to employment.	n/a

10	To create vital and viable new centres which complement existing centres	Residential development will support local shopping centres and other existing local facilities in the Woodcot and Bridgemary areas of Gosport. It will also be highly accessible to existing supermarkets in Speedfield Park, directly north of the site.	n/a
11	To create a healthy and safe community	The area is on the edge of an existing urban area. It will be able to accommodate public open space and some local facilities; and share existing and new local facilities with the neighbouring Woodcot and Bridgemary areas of Gosport.	n/a

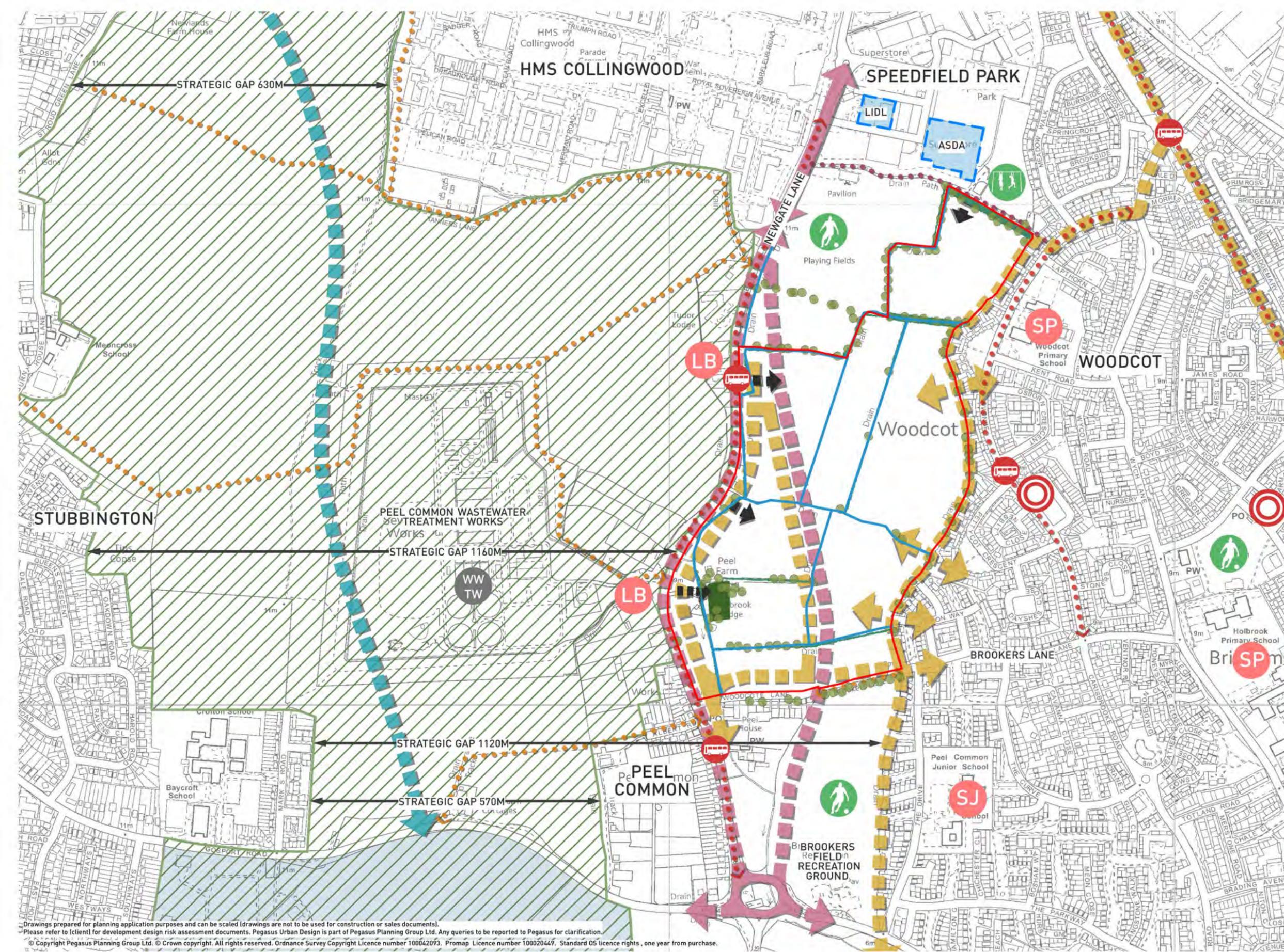
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- KEY**
-  STRATEGIC GAP
  -  SINC
  -  CONSERVATION AREA (TITCHFIELD ABBEY)
  -  CONSERVATION AREA (TITCHFIELD)

**NEWGATE LANE, FAREHAM, HAMPSHIRE - STRATEGIC GAP**





- KEY**
- SITE BOUNDARY (36.41 HA)
  - EXISTING LOCAL CENTRE
  - EXISTING PRIMARY SCHOOL
  - EXISTING JUNIOR SCHOOL
  - PEEL COMMON WASTE WATER TREATMENT WORKS
  - EXISTING SPORTS PITCHES
  - EXISTING EQUIPPED PLAY AREA
  - EXISTING BUS ROUTE/STOP
  - EXISTING CYCLE/FOOTPATH
  - EXISTING FOOTPATH
  - INDICATIVE POSITION OF EXISTING TREES & HEDGEROWS (SUBJECT TO TREE SURVEY)
  - EXISTING DRAINAGE DITCHES
  - MCA DAEDALUS AERODROME
  - DESIGNATED STRATEGIC GAP
  - PROPOSED VEHICULAR ACCESS (SUBJECT TO HIGHWAYS ADVICE)
  - OPPORTUNITY TO PROVIDE ATTRACTIVE PEDESTRIAN/CYCLE LINKS ACROSS SITE
  - COMMITTED NEWGATE LANE HIGHWAY IMPROVEMENTS (NORTHERN SECTION)
  - POTENTIAL NEWGATE LANE HIGHWAY IMPROVEMENTS (SOUTHERN SECTION)
  - STUBBINGTON BYPASS (OPTION B)
  - LISTED BUILDING
  - TRADITIONAL ORCHARD (PRIORITY HABITAT)
- NOTE**  
 CONTENT OF PLAN SUBJECT TO FULL INVESTIGATIONS INTO SITE ISSUES CONSTRAINTS

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## NEWGATE LANE, FAREHAM, HAMPSHIRE - CONSTRAINTS AND OPPORTUNITIES

